



SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Thursday, September 17, 2009 at 9:00 am
Kimal Event Center
11184 Hughey-Kimal Drive, Venice, FL 34292

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

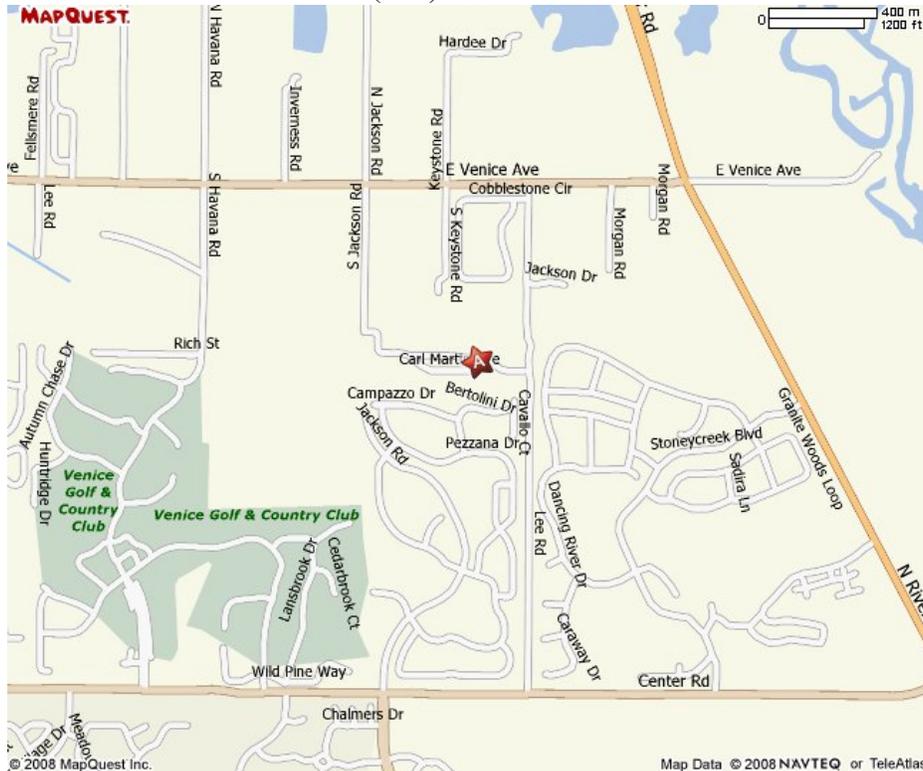
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NEXT MEETING DATE
October 15, 2009
Charlotte Harbor Event & Conference Center
“State of the Region Conference”

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

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

Driving Directions to Kimal Center
Kimal Design & Event Center
11184 Hughey-Kimal Drive
Venice, Florida 34292
(941) 483-5353



From North of Venice:

Take I-75 south to Exit 193, Jacaranda Blvd. West.

At the end of the exit, turn right on Jacaranda and travel south to Venice Ave. (stop light).

At Venice Ave., turn left and travel east to Jackson Rd.

At Jackson Rd., turn right and travel south until the road ends at Hughey-Kimal Dr.

At Hughey-Kimal Dr., turn left and travel west to the building on pilings over the water.

From South of Venice:

Take I-75 north to Exit 191, River Rd. West.

At the end of the exit, turn left on River Road and travel west to Venice Ave.

At Venice Ave., turn right and travel west to Jackson Rd. (dirt).

At Jackson Rd., turn left and travel south until the road ends at Hughey-Kimal Dr.

At Hughey-Kimal Dr., turn left and travel west to the building on pilings over the water.



Directions for Kimal EWP Design & Event Center

From Bradenton, Sarasota, Tampa, Clearwater or Orlando Areas

I-75 South

- Take Exit 193/Jacaranda (West)
- **Make right off exit** and go West on Jacaranda to Venice Avenue (Stop Light)
- **Make Left onto Venice Avenue**
- **Make a right onto Jackson Rd-**
 - “Unity Church” sign on your left-hand side of Jackson Road
- **Follow dirt road to end**
- **Make a left on Hughey-Kimal Drive**
 - (Sign with Kimal on it pointing left)
- Continue on Hughey-Kimal Drive to the **building on pilings over water** on left hand side

From West Palm, Naples, Fort Myers, Punta Gorda, Port Charlotte, North Port Areas

I-75 North

- **Take Exit 191/River Rd (West)**
- **Make a left off exit and** continue West on River Road approx. ¼ mile to 1st street Venice Avenue
- **Make right on Venice Avenue**
- **Make left onto Jackson Rd**
 - “Unity Church” sign on your right-hand side of Jackson Road
- **Follow dirt road to end**
- **Make a left on Hughey-Kimal Drive**
 - (Sign with Kimal on it pointing left)
- Continue on Hughey-Kimal Drive to the **building on pilings over water** on left hand side

With GPS

- Enter 2000 Carl Martin Drive Venice, Florida 34292 and see an area map, though not correct driving instructions to get into the Kimal Komplex.

11184 Hughey-Kimal Drive Venice, FL 34292

Event Center Info:

Main: (941) 483-5353 or (800) 979-KPEP (5737) Fax (941) 483-KFAX (5329)

E-mail: kimaleventcenter@kimallumber.com www.kimallumber.com

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

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Minutes

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 18, 2009**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **June 18, 2009** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chairman Jim Humphrey** called the meeting to order at **9:00 a.m.** **Commissioner Paul Beck** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilman Don McCormick, Commissioner Dick Loftus (for Commissioner Tricia Duffy), Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Councilman Charles Kiester, Mr. Bob Mulhere (10:05 a.m.)

Glades County: Commissioner Paul Beck

Hendry County: Commissioner Karson Turner

Lee County: Mayor Mick Denham, Commissioner Tammy Hall, Mayor Jim Humphrey, Mayor Jim Burch, Councilman John Spear, Ms. Laura Holquist, Mr. Paul Pass

Sarasota County: Commissioner Jon Thaxton, Commissioner Carolyn Mason, Councilman Ernie Zavodnyik, Commissioner Tom Jones

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Ms. Dianne Davies - SWFWMD, Ms. Tammie Nemecek - EDC of Collier County

MEMBERS ABSENT

Charlotte County: Commissioner Robert Skidmore, Ms. Andrea Messina

Collier County: Commissioner Frank Halas

Glades County: Councilman Michael Brantley, Dr. Edward Elkowitz, Commissioner Kenneth "Butch" Jones

Hendry County: Commissioner Tristan Chapman, Mayor Paul Puletti, Mr. Melvin Karau, Mayor Mali Chamness

Lee County: Commissioner Ray Judah, Councilman Tom Babcock

Sarasota County: Mr. David Farley, Mr. George Mazzarantani

Ex-Officio Membership: Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD

INTRODUCTIONS

Chairman Humphrey introduced the following new members: Mr. Paul Pass, Governor Appointee for Lee County and Mr. Bob Mulhere, Governor Appointee for Collier County. He also welcomed US Senator Nelson's Regional Director, Ms. Diana McGee and US Senator Mel Martinez's Regional Director, Mr. Chad McLeod.

AGENDA ITEM #1 AGENDA

Chairman Humphrey stated that he has a request from Mr. Dalton Moraes on behalf of the Southwest Florida Innovation Network to give a five minute presentation and will be added at the end of the agenda as Agenda Item #5(e) Regional Broadband Initiative.

Mr. LeBeau moved and Commissioner Turner seconded to add Agenda Item #5(e) Regional Broadband Initiative to the Council's June 18, 2009 Agenda. The motion carried unanimously.

AGENDA ITEM #2 MINUTES OF MAY 21, 2009

Commissioner Turner moved and Councilman Zavodnyik seconded to approve the minutes of May 21, 2009. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Chairman Humphrey pulled Consent Agenda Item #3(b) Financial Statement for May 31, 2009 for discussion purposes.

Mr. LeBeau pulled Consent Agenda Item #3(d) Harborview DRI - Request for Extension for discussion purposes.

Commissioner Hall moved and Commissioner Loftus seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(c) Florida Gulf Coast Technology & Research Park DRI - Request for Extension; Agenda Item #3(e) Alico Interchange Park DRI - Request for Extension; Agenda Item #3(f) Toll-Rattlesnake DRI - Request for Extension; Agenda Item #3(g) North Port Gardens DRI - Request for Extension; Agenda Item #3(h) Sandhill DRI - NOPC; Agenda Item #3(i) Victoria Estates DRI - NOPC; and Agenda Item #3(j) Hendry County Small Quantity Generator's (SQG's) Hazardous Waste Assessment, Notification, and Verification Program Agreement. The motion carried unanimously.

AGENDA ITEM #3(b)
Financial Statement for May 31, 2009

Chairman Humphrey asked Ms. Janice Yell of staff to give a clarification of why the financial statement shows a loss of \$55,000; however, it looks like for the year-to-date it is okay.

Ms. Yell explained that it runs quarterly, the beginning of the quarter the Council receives the assessments, monthly it may show a negative but overall the Council is stable.

Mr. Heatherington asked Ms. Yell to explain what staff has done to project out financially. Ms. Yell explained that in particular staff looked at the DRIs which are coming in less than what was projected to see if staff continued to work 40 hours until the end of the fiscal year (September 30th) and it was decided to cut three employees back hours and did eliminate one position.

Mr. Heatherington explained that it was mainly due to the Council's DCA funding where there were four rescissions with the trust fund and in addition to the reduction of the amount of work there was a reduction to the amount of money that could be charged to that item.

Ms. Holquist asked about the next year's budget. Ms. Yell explained that the next year's budget had already been approved and it was "bare bones" and will be amended accordingly. Mr. Heatherington explained that the DCA contract could be amended and that there are also grants that staff is aggressively going after for replacement income.

Vice Chairman Denham asked what the full cost for revenue is for the year. Ms. Yell explained it is low because of the Lee County MPO and the Charlotte Harbor National Estuary Program (CHNEP). Their budgets are multi-year and always appear very high. Vice Chairman Denham asked what the revenue forecast is for the year as compared to the budget. Ms. Yell explained that it will look a lot lower because of the MPO and CHNEP, but as far as hours the Council is on target.

**Vice Chairman Denham moved and Councilman McCormick seconded to accept the
Financial Statement for May 31, 2009. The motion carried unanimously.**

AGENDA ITEM #3(d)
Harborview DRI - Request for Extension

Mr. LeBeau asked how long has the extensions been going on. Mr. Utley of staff explained that there was a 45 day extension which Mr. Heatherington approved on January 14, 2008.

Mr. LeBeau noted that the property had been pulled off the tax rolls and placed under as raising livestock, so where is it going. Does staff charge for these extensions? Mr. Utley explained that staff does charge for their time for working on agenda items and other things necessary to keep the project moving forward.

Mr. Heatherington explained that the two year extension is part of SB360. Mr. Utley noted that the original project was approved back in 1989 and once Benderson acquired the parcel they filed the application for substantial deviation to change it from commercial/industrial to more residential.

Commissioner Hall moved and Commissioner Tom Jones seconded to approve the request for extension. The motion carried with Mr. LeBeau abstaining.

AGENDA ITEM #4(a)

Lower West Coast Watersheds Implementation Committee - Vice Chairman Mick Denham

Vice Chairman Denham gave a verbal report.

Councilman McCormick stated that the City of Punta Gorda had recently signed a contract for engineering services for major stormwater mitigation and he asked if what the committee is proposing going to have any implications that the city should be aware of. Vice Chairman Denham referred back to the stormwater resolution that the Council approved which addressed on how the developers would conduct stormwater control on their sites during construction.

Councilwoman Heitmann moved and Mayor Burch seconded to authorize Vice Chairman Denham to represent the Council in appearing before the SFWMD's Governing Board and other agencies pertaining to and in support of the program. The motion carried unanimously.

AGENDA ITEM #4(b)

Energy & Climate Committee - Mr. Ken Heatherington

Commissioner Thaxton who is the Chairman of the committee gave a brief report of the committee's activities as presented within the agenda packet.

Vice Chairman Denham stated that it was a very good meeting and he was in agreement with outcome of the committee's goals, mission and objective.

Commissioner Thaxton noted that there was also great participation from the private sector which helped the committee greatly.

Vice Chairman Denham stated that there are a series of meetings being held on Sanibel with various solar hot water heating contractors. There is a meeting scheduled for next week where the thought was that there would be a lot of local citizens attending which would represent various parts of the community to decide whether that was indeed the correct direction to go in.

Councilwoman Heitmann asked Vice Chairman Denham how he was moving forward with the small group. Vice Chairman Denham explained that there is the small group and also a representative from the community association, chamber of commerce, realtor group and groups that represent the citizens to discuss on whether we should move forward with the issue. We have also had discussions with local banks in regards to financing.

Mr. Heatherington explained that the committee's June meeting was cancelled and there has been some question on whether or not the committee will be meeting over July and August when the Council doesn't typically meet, he would be happy to entertain the committee during the months of June and July if they would like to meet again.

Commissioner Thaxton stated that he will be available during that time.

Vice Chairman Denham stated that he will also be available at that time.

Mr. Heatherington referred to the committee's goal which states "Reduce the Region's per capita carbon based energy consumption over the next five years . . ." He explained that the difficulty that he had with that was that under the committee's additional projects, Item #8 is Measure the Region's Carbon Footprint as the City of Naples has done and Lee County is doing and has spent a great deal of money looking at the CHG and how to measure that reduction in carbon based gases. It is something that the committee is going to have to deal with as well and how it is going to come up with a metric measurement to measure it over the next five years and if we are going to rely on what local governments are doing with making an inventory of green house gases in the region.

Councilman McCormick stated that energy involves electricity in a lot of forms and the reason that the legislature blocked a feed-n-tariff mechanism that would allow people to produce energy as Babcock Ranch was to get paid for feeding their system. He suggested notifying the local legislative delegation to understand that this is a real inhibitor to people making major investment in alternate energy in reducing our carbon footprint.

Ms. Nemecek stated that it is a big issue in Sarasota County.

Mr. Heatherington stated that the Energy Bill, HB1219, has been discussed with members of the legislative delegation and members of the Florida Chamber. The Utilities and Energy Legislative Committee did not move an energy bill this past session. That is why, it is important to note that legislation is listed as one of the key objectives of the Energy and Climate Committee for next year's session.

AGENDA ITEM #5(a)
Legislative Wrap-up - Mr. Ken Heatherington

Commissioner Coletta who is the Chairman of the Council's Legislative Committee gave a verbal report of the 2009 Session Overview which was written by Mr. Keith Arnold. He then referred the distributed handout entitled "Growth Bill Tramples on Local Government" which is a news article written by Commission Jon Thaxton.

Commissioner Thaxton explained that the reason that he wrote the article was that he was getting frustrated with the constant erosion of local home rule and the Florida Legislature. So he went ahead and took the risk of using SB360 as an example and SB360 is a risk because it could be argued that it actually provides more latitudes for local governments. But when the "wash is finally hung out to dry" SB360 really reduces local governments' home rule abilities in the long run. But more importantly, he felt certain that groups such as Hometown Democracy and anti-growth

movements were going to continue to latch onto these bad state growth management initiatives and say this is why we need to remove land use decisions from elected officials and put it into the hands of the voters. Last week Hometown Democracy published an article and the top feature was SB360, and they are going to get their signatures and it will be on the ballot. As the state continues at the behest of developers to take land use authority away from city commission chambers and county commission chambers and move it to Tallahassee, a hostile environment for public participation, you are going to see these citizen led initiatives be more and more successful.

Mayor Burch stated that the legislature this year, with the exception of Representative Aubuchon who feels did a good job, was a full frontal assault on local governments. One of his problems in SB360 is the flag carrier for the whole thing is that it provides latitude, but it also makes local governments pay and pay again for the latitude, so that is like a double edged sword. He then urged all the members that they need to contact their lobbyists and have them ready to lobby the legislature to undo what they have just done, because then otherwise the local governments will not be able to recover under the current legislation that was just passed.

Ms. Holquist gave an overview of a conference call organized with DCA's Secretary Tom Pelham regarding the affects of SB360 and it was discussed how it appears that it reduces Tallahassee's involvement. In the packet it states that Tallahassee is no longer going to oversee DRIs and proportionate fare share calculations for places in dense urban areas, but she does believe that local governments are going to have to take on those responsibilities.

Commissioner Thaxton explained that there is a difference between DCA and Florida Legislature. The Department of Community Affairs has functioned as well as it could to administer the growth policies since 1975 and then in 1985. It has been consistently the legislature that has undermined DCA with regards to growth management. The State has a State Comprehensive Plan that the legislature has done everything that they could over the last 20 years to inhibit its implementation; it is almost like the comprehensive plan doesn't exist.

Ms. Holquist stated that Mr. Pelham noted that one thing that the regulation does do is allow the RPCs to create the interlocal agreements and put in-place the transportation mechanisms which will give the Council more strength about making decisions on DRIs, because you could still have DRI review at the local level and assistance, but it would just have to be brought down to a regional level. One thing mentioned in the write-up from DCA that is true is that it is very confusing and how it is going to be implemented (SB360) and from the developers' side, also with Hometown Democracy so close, it is going to be quite disastrous for both sides.

Councilman Zavodnyik stated that with the potential of Governor Christ signing SB360 has huge consequences; he then asked who actually wrote SB360. Commissioner Thaxton replied that it probably came from Associated Industries of Florida.

Chairman Humphrey stated that from his perspective as Mayor of the City of Fort Myers, they have already started having issues associated with them just throwing in the language that they extend by two years in local development orders and permits and the definition of that.

Commissioner Coletta stated that there should be someone from the other side that can respond back to the Council and use the logic that they have of why they came up with the direction they did.

Mr. Heatherington reviewed the items contained within the agenda packet.

Chairman Humphrey stated that he agreed with Commissioner Coletta and would like to invite the local legislative delegation to the next Council meeting to discuss the issue.

Ms. Holquist noted that the way that she sees it going is elimination of DCA and also the DRI process, so we might want to think of the alternative.

Commissioner Thaxton stated that Ms. Holquist is correct and it all started with two or three goals in mind. Elimination of DCA, if you look at the history of SB360 and its evolution you will get a clear feeling of its intent, it is not about containing urban sprawl. It has nothing to do with giving local governments a better say, it just happens to be where they ended up this year. Remember, 4 or 5 years prior there was a move to totally get rid of RPCs and now there is talk about empowering the RPCs, so you have to question the intent of that also. He noted that what bothers him more than anything is the State's taking over of the mobility funding, doing away with impact fees and replacing impact fees with this mobility fund and funding roads out of documentary stamp tax money.

Mayor Burch stated that SB360 is simply a poorly written bill and he is assuming it was written in haste. He then said that he would like to see Commissioner Coletta's synopsis and that it is also a good idea to bring it back in September and also have all of the local jurisdictions take the packet back to their staff and figure out what is good about SB360 and bring it back to the September meeting.

Commissioner Hall stated that she would like to know how SB360 is going to affect the Council and its processes. She then stated to Mr. Heatherington that it would be helpful to know how SB360 is going affect the Council and its review process.

Vice Chairman Denham stated that he agrees with Commissioner Hall.

Commissioner Coletta stated that he would like to have an invitation sent out to the local legislative delegation inviting them to a Council meeting and at the end of the day he would hope that we would come up with some sort of stance that the Council would want to take in the upcoming legislative year.

Chairman Humphrey suggested that since Commissioner Coletta is the Chairman of the Council's Legislative Committee and Mr. Heatherington to arrange to have an item placed on the Council's September agenda to address the effects of SB360 on the Council and also invite the legislative delegation and perhaps allocate 45 minutes in the meeting for discussion.

Councilman Zavodnyik stated that he would like have a breakdown on the vote of SB360.

Commissioner Hall stated that she feels that before bringing the legislators before the Council the Council should layout a plan for change.

Commissioner Coletta suggested putting together a small working group to discuss the issue. The following members volunteered to participate on the working group:

- Commissioner Tammy Hall, Lee County BOCC
- Commissioner Jon Thaxton, Sarasota County BOCC
- Ms. Laura Holquist, Governor Appointee

Mr. Heatherington reviewed the other bills that passed the legislature.

Chairman Humphrey suggested inviting Mr. Keith Arnold to the Council's September meeting.

Commissioner Thaxton stated that it is very common to see the federal representatives at the Sarasota County BOCC meetings, US Senator Martinez, Buchanan, and Nelson virtually have someone at every place he goes, but he hardly sees any state representative at any place or meeting.

Commissioner Hall suggested that staff send out a request that either they or their staffs attend the September Council meeting.

AGENDA ITEM #5(b)
Council Retreat 2009 - Mr. Ken Heatherington

Mr. Heatherington stated that since the Council doesn't typically meet in July and August, but in August staff usually holds the Council's annual Retreat which reviews the Council's Strategic Plan's goals and objectives for the upcoming year. He was originally looking at holding the 2009 Retreat at the Barron House, but he was just informed that as of July 1st it will not be available. He then asked the Council if they would like to hold an annual retreat in August and are there any suggestions for a location.

Councilman Kiester stated that he feels that the Council should await the results of the action that the Council had just taken in Agenda Item #5(a) in regards to SB360.

Commissioner Coletta suggested holding the retreat immediately following the September meeting. Mr. Heatherington replied that it is a possibility, the Council meeting could be held in the meeting and then lunch could be held at the Snook Inn and also have the Retreat held there also.

Commissioner Coletta stated that he would not be available August 20th, he will be on vacation.

Ms. Holquist stated that she feels that the more times that the Council can get together and discuss the issues that the Council is currently facing is a good thing at this time and that she is very supportive of the retreat.

Mr. Mulhere stated that being a new member on the Council is would benefit him to be involved in the Council's Retreat.

Commissioner Hall suggested keeping the date as August 20th and then find a location.

Councilman McCormick suggested holding the retreat in Punta Gorda.

Commissioner Turner suggested holding the retreat at the Clewiston Inn.

Councilwoman Heitmann suggested going to Glades County and finding a location within Glades County and possibly taking a tour of the potential site for the Inland Port facility.

Commissioner Beck stated that it could be arranged and that there is a small conference facility at the North Lake Estates and there is also a nearby restaurant. He also noted that there is a local tour company that would be able to take the members out to the potential Inland Port sites.

AGENDA ITEM #5(c) Other Emerging Regional Issues

SR80 & US27 Letter

Mr. Heatherington reviewed the letter as presented in the agenda packet. He also noted that staff had a discussion regarding the federal stimulus funds with the Lee County MPO staff and it is outside of their “baily wick,” but looking at it as a regional type project and with the thought that SR80 may also look at some additional funding for the project to happen. Everyone agrees that the projects needs to happen but there is the problem with funding and there is the question on whether or not US Sugar will go through. The PD&E has already taken place the question is whether or not the construction dollars are available, regardless of the priorities. If the funds become available then the project can be moved up even further on the priority list.

Mr. Limbaugh stated that production readiness of SR80 is a concern for the TIGER funds and FDOT would have to be looking at a right-of-way phase because there is a need for right-of-way throughout the whole corridor.

Mr. Heatherington asked if it was part of the US Sugar deal. Mr. Limbaugh replied that only a portion of it was.

Commissioner Turner stated that he was very uncomfortable at the Big Cypress meeting because he viewed it as a day field trip for the members and he did not want to see the motion have any action taken at that time and he felt that he should have made a motion to table the original motion. As long as he can remember the widening of SR80 has been something that everyone has talked about in Hendry and Glades Counties, mostly within the Cities of Clewiston and LaBelle. He felt that at the meeting at Big Cypress there was a consensus in the room that the members wanted to support what we were asking of the Council; however, we thought it would’ve been better action to have a roundtable discussion with an agenda item, but that is not what happened it ended up with a 9-8 vote and both he and Mayor Puletti voted against it. The reason why he didn’t support the motion was because he obviously wants to see SR80 widened, but he doesn’t want any “rub” of any type what so ever.

Commissioner Turner asked Mr. Limbaugh what can be done to get the stakeholders at the table to see that the SR80 and US27 corridor, mainly the intersection that is nine miles outside of Clewiston moved forward. There is ½ million cubic yards of fill that that is less than of mile down the road that can be used for the project and funds that are ready to be pushed out the door. We are wanting to see action towards it, we have rearranged our federal list to make it the first priority and the four-laning (22 miles) of SR80 the second priority. He asked what needs to be done to get US Sugar at the table.

Mr. Limbaugh explained that FDOT has been working with the lobbyist(s) about getting those actions moved forward and talking with US Sugar and there is the concern about the ongoing purchase of the US Sugar property and how does FDOT get involved in the process without bogging it down. Commissioner Turner stated that he didn't accept that answer because he doesn't see how FDOT is going to stop the State of Florida from purchasing 72,000 acres which none is relevant. He doesn't feel that US Sugar would persuade any discussions about the intersection being improved, especially with the public outcry that they are receiving. This would be a flag ship for them to wave and say this is what we are doing to help everyone. The SFWMD has been a dream to work with as far as their relationship with Mayor Chamness and Commissioner McCarthy.

Mr. Limbaugh explained that FDOT has been working with the people who are conducting the surveys and the Department has already applied what is needed so it can be broken out into a single FDOT parcel as part of the overall deal. The proposed intersection improvements is a "T" interchange which is approximately \$29 million in round terms and it is not currently budgeted and with the \$120 million sweep of the FDOT Trust Fund it is not likely to happen any time soon. It is coming down to a money issue, the Department is very aware of the statistics of the crashes that have happened at that location and the Department has made some improvements to the intersection to address some of those issues, but some of it is driver error that can't be corrected. But there are plans in place and it is a high priority for the Department.

Mr. Pass stated that with the fires this spring and having I-75 closed, it exasperated the problem with SR80 and US27. He had an office in LaBelle on SR80 and the traffic increased significantly that it was worse than season traffic. The intersection of SR80 and US27 is a "train wreck" with the accidents that happen at that intersection. He agrees with Commissioner Turner that all of the stakeholders, including US Sugar, need to come to the table and make the proper improvements to that intersection. He also believes that Commissioner Tristan Chapman of Hendry County BOCC could make it happen sooner than later.

Chairman Humphrey asked what the next step is.

Mr. Limbaugh stated that FDOT had discussions with US Sugar previously, but recently it has only been go between to discuss the issue. FDOT is not really sure about the SFWMD purchase and how FDOT would obtain the property from SFWMD if it is not broke out in the beginning. It is a big issue and the Department is trying to work through it, but even if the right-of-way was donated it is going to come down to being \$29 million short of being constructed.

Mr. Heatherington stated that the letter was written as a priority from the Council and staff will work with FDOT and the local governments.

Chairman Humphrey stated that this issue needs to have some real close coordination because it would be a shame to complete the purchase without adequately addressing the right-of-way needs and having it all done together.

Mr. Pass noted that the project has been part of FDOT's SIS system for years and he feels that there is an opportunity to be proactive instead of reactive.

Chairman Humphrey suggested forming a committee to coordinate and work with the stakeholders and have some closer coordination on behalf of the Council.

Commissioner Turner volunteered.

Commissioner Hall moved and Mr. LeBeau seconded to appoint Commissioner Turner as the Council's representative to work closely with FDOT, SFWMD, US Sugar, and State of Florida to try to address the SR80 and US27 issues. The motion carried unanimously.

Chairman Humphrey asked Commissioner Turner to give the Council a status report in September.

Commissioner Turner stated that a statement was made that the FHREDI had the SR80 & US27 project as their third priority for transportation. He asked if the Council had such a list and if so, is there a ranking order. Mr. Heatherington replied no.

AGENDA ITEM #5(d)

County Administrators & City Managers Meeting Overview - Mr. Ken Heatherington

Mr. Heatherington stated that staff hosted a County Administrators and City Managers meeting on June 11th and it was a successful meeting. He noted that staff has been asked by Ms. Robin Singer to hold a quarterly Planning Directors meeting as well as County Administrators and City Managers meeting and according to Mr. Jim Ley of Sarasota County he would like to hold the next County Administrators and City Managers meeting in September.

AGENDA ITEM #5(e)

Regional Broadband Initiative

Mr. Dalton Moraes explained that he works for the Lee County BOCC in their Information Technology Department where he manages their network operations, but he is representing the Southwest Florida Innovation Network which is an initiative put together by the Bonita Springs Area Chamber of Commerce and is headed by Ms. Christine Ross. He then stated that he would like to give an overview of the Southwest Florida Innovation Network and its activities. The Network is focused on the regional collaboration for obtaining funds from the Broadband Stimulus Package. There is a \$7.2 billion package with \$4.7 billion provided by NTIA and \$2.5 billion managed by the USDA. The Network's goal is to identify projects and collaborative initiatives that can bring all of the regional projects together that will benefit by a broadband access to the internet.

Councilman Spear explained that he attended a meeting in March in Tallahassee with Ms. Ross and the bigger picture is that there is a bigger collaboration among all of the State's universities to develop a system of high speed internet and this looks like a great opportunity, especially with the current economic conditions. There is a huge amount of under utilized infrastructure out there waiting for assembly and connection.

Mr. Heatherington stated that irregardless of the success of obtaining stimulus funds, the regional collaboration of the IT network has been the biggest benefit.

Mr. Moraes explained that there is also a current collaboration between Lee County and Collier County School Board.

Mayor Burch asked if all of the local jurisdictions within the Southwest Region had been contacted. Mr. Moraes replied yes. Mayor Burch stated that the collaborative aspect and principle is good. The collaborative aspect of trying to obtain stimulus funds is a very smart way of doing it because it does take an effort in masses to achieve such an effort. Mr. Moraes explained that the way Ms. Ross has organized the effort is through several verticals to come together and have the projects brought together, because not only do you have \$7.2 billion available we also have to come up with at least 20 percent match, but grants can be used for the match and also current projects can be used.

AGENDA ITEM #6 PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #7 DIRECTOR'S COMMENTS

Mr. Heatherington announced that the May 21st Council meeting at the Big Cypress Indian Reservation was great success and he then noted that a collage was created with the pictures taken of that day and was on display in the room for everyone to see.

AGENDA ITEM #8 STATE AGENCIES COMMENTS/REPORTS

FDOT - Mr. Limbaugh stated that the Metro Parkway extension project that was originally estimated at \$60 million came in at \$29 million.

AGENDA ITEM #9 COUNCIL ATTORNEY'S COMMENTS

Counsel Donley stated that she had no comments at this time.

AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS

Commissioner Beck congratulated Commissioner Tuner on becoming Chairman of the Council's newest committee for the SR80 and US27 issue. He believes that it takes about 15 years for a project because there is five years for a study, five years for engineering, and 5 years to build, so if it was started today, we are still 15 years out. Glades and Hendry Counties are Areas of Critical Economic Concern and then there is the US Sugar buyout that is affecting everything within the area, so he said that applauds Commissioner Turner's efforts on this project because it has been an issue within Glades County for years.

Councilman McCormick stated that he is having a lot of problems with Chinese drywall within the City of Punta Gorda. There is a major condo complex that is going under due to Chinese drywall and it turning into an \$18 million disaster.

Mayor Burch stated that the City of Cape Coral is dealing with the same issues and is also working US Senator Nelson's office; it is a much coagulated process.

Mr. Mulhere stated that he wanted it noted for the record that he wasn't present for the consent agenda when action was taken for Consent Agenda Item #3(f) Toll-Rattlesnake DRI - Request for Extension.

Mr. LeBeau stated that he would like to know where the Chinese drywall is being taken, because there are two types of landfills. The one that Charlotte County owns is lined which doesn't concern him, but the one that they are going to take the drywall to is not lined and he is concerned with the effects to the groundwater. He also noted that Lee County is bringing their Chinese drywall to Charlotte County for disposal. Mr. Heatherington stated that staff will contact Mr. Iglehart of FDEP and have him respond to that question.

Commissioner Beck noted that Glades County has a double-lined C&D landfill and it also has cheaper rates.

Councilwoman Heitmann stated that she needed help from the members because FDEP is requiring removal of stormwater drains to the beaches before renourishment begins of any beach. She asked if any other local jurisdiction had come across such a request.

Commissioner Thaxton stated that Sarasota County doesn't have any outfalls, but recommended contacting Mr. Bruce St. Denis of Longboat Key.

Councilman Zavodnyik stated that there seems to be tension between the rural and urban interests and he feels that if the Council can be supportive of the SR80 and US27 project it would benefit the rural areas.

Mr. Pass gave a brief overview of his background.

Councilman Spear congratulated Mr. Pass on his appointment.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:10 a.m.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the June 12, 2009 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 35, Number 23.

_____ Agenda
_____ Item

3

Consent Agenda

3

3

CONSENT AGENDA

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

Approve the administrative action on the Clearinghouse Review items.

Agenda Item #3(b) – Financial Statements for June 30, 2009, July 31, 2009 & August 31, 2009

Approve the financial statements for June 30, 2009, July 31, 2009 and August 31, 2009 as presented.

Agenda Item #3(c) – SWFRPC Fixed Assets Removal

Review the attached list of surplus items to be disposed of and obtain final approval by Council in order to follow procedures in Computer Disposal Policy.

Agenda Item #3(d) – SWFRPC/DCA FY09/10 Annual Contract

Approve the Annual Agreement and authorize the Chairman to execute the contract.

Agenda Item #3(e) – Town of Big Cypress DRI – Request for Sufficiency Response Extension

Approve the request for extension.

Agenda Item #3(f) – Harborview DRI – Substantial Deviation Request for Extension

Approve the request for extension.

Agenda Item #3(g) – Florida Gulf Coast Technology & Research Park DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(h) – North Port Gardens DRI – Request for Extension

Approve the request for extension.

Agenda Item #3(i) – The Red Sox Stadium DRI – Pre-Application Questionnaire Checklist

Approve the pre-application questionnaire checklist as presented.

Agenda Item #3(j) – City of Cape Coral Comprehensive Plan Amendment (DCA 09-2)

Review and approve staff July comments. Authorize staff to forward comments to the Department of Community Affairs and City of Cape Coral, staff has attached the DCA August 3, 2009 Objections, Recommendations, and Comments (ORC) report for Council's review. Additionally, staff has attached an August 11, 2009 response letter from the City for Council's review. Council will be able to make additional comments on the proposed amendment during the adopting phase should it be necessary.

Agenda Item #3(k) Sarasota County Comprehensive Plan Amendment (DCA 09-D1)

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

Agenda Item #3(l) Jetport DRI – Substantial Deviation Request for Extension

Approve the request for extension.

RECOMMENDED ACTION: Approve consent agenda as presented.

9/2009

_____ Agenda
_____ Item

3a

Intergovernmental
Coordination & Review

3a

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 June 1, 2009 and ending August 31, 2009.

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.

09/2009

ICR Council - 2000/09

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2009-022	Mr. Rich Weingarten	Charlotte County Transit Dept.	Charlotte County	Charlotte County Transit - FTA 49 USC Section 5307 ARRA Grant Application.	FTA	\$2,082,226.00	Regionally Significant and Consistent
2009-023	Mr. Mark E. Schulte, Sr. VP	First Community Bank of SWF	Sarasota County	USDA B&I Loan for Aladdin Equipment Company in Sarasota, Florida.	USDA	\$5,000,000.00	Less Than Regionally Significant and Consistent
2009-024	Mrs. Lalai Hamric	Family Health Centers of Southwest	Region	Family Health Centers of Southwest Florida, Inc. - 2010 Application for Federal Assistance under the Bureau of Primary Health Care 330 Program, Service Area Competition (HRSA-10-011).	Health Resources & Services Admin.	\$25,760,358.00	Regionally Significant and Consistent
2009-025	Ms. Carmen Monroy	Lee County Transit	Lee County	Lee County Transit - FY 2009 Section 5309 Bus and Bus Facility Allocation - FL E-2009-BUSP-225 Bus Replacement for LeeTran Transit System FTA Grant Number FL-04-0080	FTA	\$475,000.00	Regionally Significant and Consistent
2009-026	Mr. Philip Paradise, Jr.	EDA, Atlanta Regional Office	Region	EDA - Disaster Resistance Planning and Recovery Program - 11.307 EDA's Economic Adjustment Assistance Program, August 1, 2009 to January 21, 2011	Economic Development	\$880,000.00	Regionally Significant and Consistent
2009-027	Dr. Volodymyr Smeryk	Diocese of Venice	Lee County	Diocese of Venice - Department of Housing and Urban Section 811/202 Funding - Supportive housing for the elderly, Pope John XXIII Manor Apartment Complex, Fort Myers, Lee County, Florida.			Regionally Significant and Consistent

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2009-028	Ms. Ada Rivera	USDA Rural Development	Hendry County	USDA Rural Development - Clewiston Day Program Renovation in Clewiston, Florida.			Less Than Regionally Significant and Consistent
2009-029	Mr. Phillip O. Ellis	Strategic analysis & Government	Region	Florida Power and Light 2009 Ten-Year Site Plan Review.			Regionally Significant and Consistent
2009-030	Mr. Kaz Melians	Florida Power & Light Company	Region	FPL Five-Year Plan for Locations of Electrical Substations.			Regionally Significant and Consistent
2009-032	Mr. Rick Evanchyk	Goodwill Industries of Southwest	Hendry County	Goodwill Industries of Southwest Florida - Supportive Housing for Persons with Disabilities - Ventura Place Apartments in Clewiston, Hendry County, Florida.	US Department of Housing and	\$1,900,000.00	Less Than Regionally Significant and Consistent
2009-033	Mr. Mark Schulz	Florida Department of Transportation	Sarasota County	FDOT - Advance Notification Revision for North Cattleman Road Extension - ETDM #11280 in Sarasota County, Florida.			Regionally Significant and Consistent
2009-034	Ms. Lauren Milligan	FDEP - Florida State Clearinghouse	Collier County	National Park Service - Big Cypress National Preserve - Addition - Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (Draft GMP/WA/ORV Plan/EIS) - Collier County, Florida.			Regionally Significant and Inconsistent



Southwest Florida Regional Planning Council

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

August 10, 2009

Ms. Lauren P. Milligan
 Department of Environmental Protection
 Florida State Clearinghouse
 3900 Commonwealth Boulevard, M.S. 47
 Tallahassee, Florida 32399-3000

**RE: United States Department of the Interior
 National Park Service
 Big Cypress National Preserve
 33100 Tamiami Trail E
 Ochopee, Florida 34141-1000**

**SAI#: FL200907154851C
 IC&R 2009-034**

Dear Ms. Milligan:

The staff of the Southwest Florida Regional Planning Council (SWFRPC) reviews various proposals, including Notifications of Intent, Preapplications, Permit Applications, Environmental Impact Statements and other activities that request determinations for compliance with regional Goals, Strategies, and Actions, as determined by the Strategic Regional Policy Plan, July 4, 2002. 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.

These designations determine Council staff procedure in regards to the reviewed project. The four designations are:

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 of regional importance, but will note certain concerns as part of its continued monitoring for cumulative impact within the noted goal area.

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 does not appear 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 above referenced document has been reviewed by this office and based on the information contained in the document, and on local knowledge, the SWFRPC has the following comments about this request:

This review is a request from the National Park Service concerning a General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement for the Big Cypress National Preserve Addition. Specifically, the request is to provide comments and a consistency finding dealing with the submitted plan, maps and narrative text that describes the current and potential actions related to the future management of the Big Cypress National Preserve Addition.

This *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement* presents four alternatives, including the NPS's preferred alternative, which provides for the future management of the Addition. The alternatives are based on the Preserve's purpose, significance, and special mandates, present different ways to manage resources and visitor use and improve facilities and infrastructure in the Addition. The four alternatives include the "no action" alternative (Alternative A), which presented a range of off-road vehicle opportunities, identified lands being considered for wilderness, and spoke to visitor facilities and experiences. In addition, the statement identified three "action" alternatives, including Alternative B, the preferred alternative, and Alternative F. Additional alternatives (Alternatives C, D, and E) and their actions were considered in the planning effort. However, these alternative and actions were dismissed from further detailed analysis by the NPS. These dismissed alternatives and actions were presented, along with the rationale for dismissing them in the "Alternatives, Including the Preferred Alternative" portion of the document. The preferred alternative identified in the submittal was developed from comments received throughout the planning process.

A summary of the proposed alternatives addressed in the *Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement* as follows:

- The **No-Action Alternative** describes a continuation of existing management and trends in the Addition areas. The Addition would remain closed to public recreational motorized vehicle use and motorized hunting would not be allowed. No wilderness areas would be proposed for specific designation.

- The **Alternative B** action would enable visitor participation in a wide variety of outdoor recreational experiences in the preserve. According to the submittal, about 48,919 acres of land would be proposed for a wilderness designation and up to 140 miles of sustainable ORV trails would be designated as part of the conceptual primary ORV trail network.
- The **Preferred Alternative** would provide for diverse front and back country recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. About 85,862 acres of land would be proposed for wilderness designations and up to 140 miles of sustainable ORV trails would be designated and phased in as part of the conceptual primary ORV trail network.
- The **Alternative F** would emphasize resource preservation, restoration, and research, while providing recreational opportunities with limited facilities and support. This alternative would maximize the amount of land proposed for a wilderness designation, about 111,601 acres. No public ORV use would be available under this alternative.

The Big Cypress National Preserve was authorized by an act of congress on October 11, 1974 (Public Law 93-440) and had a surrounding boundary that included 582,000 acres of land. The act was amended on April 29, 1988, when Congress passed the Big Cypress National Preserve Addition Act (Public Law 100-301). The amendment was known as the Addition Act because it expanded the size of the original preserve by about 147,000 acres. Since the enlargement of the preserve, the expansion area has been referred to as the Addition.

In 1991, the National Park Service (NPS) finalized the *General Management Plan* for the Preserve. That plan addressed only the original Preserve and contained no guidance for the Addition area.

The NPS began administration of the Addition in 1996. Since that time, the Addition has been closed to public recreational motorized use and hunting, with the only permitted public uses being pedestrian and bicycling access and camping.

To date, no comprehensive planning effort has been conducted for the Addition. A comprehensive resource based plan is obviously needed in order to more clearly define the Addition's resource conditions and identify the experiences that visitors can have in the Addition. The subject plan being provided by in the Preferred Alternative is intended to provide a much needed framework for the NPS managers to use when making decisions about how to best protect the Addition's natural resources, identify appropriate areas for visitor access facilities, and determine how the NPS will manage its operations in the Addition area.

Based on the information provided in the submittal, Council staff finds that this *General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental*

Impact Statement due to its magnitude and impacts on regional resources is Regionally Significant and Inconsistent with the Strategic Regional Policy Plan given that the alternatives analyses are incorrect due to the fact that it overestimates the benefits to the public and underestimates the adverse effects to the environment of the NPS Preferred Alternative. At the same time, it underestimates the benefits of Alternative F to the natural environment.

The following summary provides the Council staff review of the presented alternatives with both beneficial and adverse effects identified:

- **Alternative A:** No-Action Alternative (Describing the continuation of existing management and trends)

The no-action alternative describes a continuation of existing management and trends in the Addition and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. Under this alternative, the NPS would continue to manage the Addition as it is at this time. The Addition would remain closed to public recreational motorized use and motorized hunting, and only minor new construction would be authorized to accommodate visitor access, primarily for hiking and biking. Existing operations and visitor facilities would remain in place. Natural ecological processes would be allowed to occur, and restoration programs would be initiated where necessary. No wilderness would be proposed as a designation.

The key impacts of continuing existing management conditions and trends would include minor to moderate adverse localized impacts on surface water flow, moderate long-term adverse impacts on visitor use and experience, and minor to moderate impacts on NPS operations and management. No wilderness area would be proposed for designation.

The NPS staffing levels under the no-action alternative would continue to be the equivalent of 77 full-time staff members. This includes 6 employees in the superintendent's office, 10 in administration, 20 in maintenance, 12 in interpretation, 14 in resource management, and 15 in visitor and resource protection. An additional 21 employees work for the preserve's fire program, but these fulltime-equivalent employees are not accounted for in the staffing numbers because they would remain the same across all alternatives. Volunteers and partnerships would continue to be key contributors to NPS operations. The total costs associated with this alternative (annual operating costs) would be \$6.5 million.

- **Alternative B:** Expanded Visitor Access and Participation Alternative (Action would enable visitor participation in a wide variety of outdoor recreational experiences in the preserve.)

The concept for management of the Addition under this alternative would be to enable visitor participation in a wide variety of outdoor recreational experiences. It would maximize motorized access, provide the least amount of proposed wilderness, and develop limited new hiking-only trails. New visitor and operations facilities along the I-75 corridor would also be provided.

The key impacts of the implementation Alternative B would include moderate, long-term, adverse and widespread impacts on surface water flow and water quality, including interference with sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate to severe, adverse and potentially Addition-wide impacts on the introduction of know and new exotic / non-native plants and animals; long-term moderate to severe, adverse impacts on (likely to adversely affect) the Florida panther; long-term moderate to severe, adverse impacts on (likely to adversely affect) the Red-cockaded woodpecker; long-term minor to moderate, beneficial and adverse impacts on minor game species; long-term, moderate, beneficial and adverse Addition-wide impacts on wilderness resources and values; long-term moderate, beneficial and adverse impacts on visitor use and experience; and long-term, moderate, beneficial and adverse impacts on NPS operations and management. In addition, there can be expected to be localized terrain alteration and exposure of marl and sandy soils thereby creating rutted channels for more rapid water flow; significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear with the introduction of human waste, trash and other debris; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Wood Stork and other wading bird species; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Big Cypress Fox Squirrel; increased negative human-wildlife interactions resulting in management and complaint issues; and a potential for an increase in inappropriate public land use for dumping; marijuana grow operations, and resource harvesting of rare and endangered plant species.

Approximately, 48,919 acres of land would be proposed for wilderness area designation.

The NPS staffing level needed to implement Alternative B would be the equivalent of 93 full-time staff members (16 additional fulltime-equivalent employees or 17 positions, 15 permanent full-time employees and 2 half time temporary / seasonal employees). These 16 additional include 2 permanent interpreters, 2 seasonal interpreters, 4 maintenance workers, 5 law enforcement rangers, 2 visitors use assistants, 1 off-road vehicle (ORV) program manager, and 1 biological science technician. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of Alternative B, including projects that are planned for the near future or are underway, new construction, and no facility costs such as major resource plans and projects, are estimated at \$6.7 million. Annual operating Costs under this alternative would be \$7.9 million.

- **Preferred Alternative:** Expanded Visitor Participation and ORV Access Alternative (Action would provide diverse front and back country recreational opportunities.)

The Preferred Alternative would provide diverse front country and back country recreational opportunities, enhance day use and interpretive opportunities along road corridors, and enhance recreational opportunities with new facilities and services. This alternative would maximize ORV access, provide a moderate amount of wilderness, provide non-motorized trail opportunities and new camping opportunities, and develop a partnership approach to visitor orientation. New visitor and operations facilities along the I-75 corridor would also be provided.

Key impacts of implementing the preferred alternative would include moderate, long-term, adverse, and widespread impacts on surface water flow and water quality including interference with sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate to severe, adverse and potentially Addition-wide impacts on the introduction of known and new exotic / non-native plants and animals; long-term, moderate to severe, adverse impacts (likely to adversely affect) on the Florida Panther; long-term, moderate to severe, adverse impacts (likely to adversely affect) on the Red-cockaded Woodpecker population; long-term, minor to moderate, adverse impacts on major game species; long-term, moderate, beneficial and adverse Addition-wade impacts on wilderness resources and values; long-term, moderate, beneficial and adverse impacts on NPS operations and management. In addition, there can be expected to be localized terrain alteration and exposure of marl and sandy soils creating rutted channels for more rapid water flow; significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear; introduction of human waste, trash and other debris; long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Wood Stork and other wading bird species; long-term, moderate to severe, adverse impacts to (likely to adversely affect) the Big Cypress Fox Squirrel; increased negative human-wildlife interactions resulting in management and complain issues; and a potential for an increase in inappropriate public land use for dumping; marijuana grow operations; and resource harvesting of rare and endangered plants.

This alternative would increase the probability of unintentional and intentional (arson) wildfires with subsequent resources loses and endangerment and lose of vegetation, wildlife and human life.

Approximately 85,862 acres of land (65% of the Addition) would be proposed for wilderness area designation.

The NPS staffing level needed to implement the preferred alternative would be the equivalent of 93 full-time staff members (16 additional full-time equivalent employees or 17 positions) – 15 permanent full-time employees and 2 half-time

temporary / seasonal employees. These 16 additional employees include 2 permanent interpreters, 2 seasonal interpreters, 4 maintenance workers, 5 law enforcement rangers, 2 visitor use assistants, 1 ORV program manager, and 1 biological science technician. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of the Preferred Alternative, including projects that are planned for the near future or are underway, new construction, and no facility cost such as major resource plans and projects, are estimated at \$6.7 million. Annual operating cost under this alternative would be \$7.9 million.

- **Alternative F:** Resource Preservation Alternative (Action would emphasize preservation, restoration, and research.)

Alternative F would emphasize resource preservation, restoration, and research while providing recreational opportunities with limited facilities and support. This alternative would provide the maximum amount of wilderness, no ORV use, and minimal new facilities for visitor contact along the I-75 corridor.

The key impacts of implementing the Alternative F would include moderate, long-term, beneficial, and widespread impacts on surface water flow and water quality including maintenance of sheet flow dynamics of the natural Big Cypress Swamp landscape; long-term, moderate, beneficial and potentially Addition-wide impacts on the reduction of the introduction of known and new exotic / non-native plants and animals; long-term, moderate to significant, beneficial impacts on (likely to positively affect) the Florida Panther; long-term, moderate to significant, beneficial impacts on (likely to positively affect) the Red-cockaded Woodpecker population; long-term, minor to moderate, adverse impacts on major game species; long-term, moderate, beneficial and adverse Addition-wide impacts on wilderness resources and values; long-term, moderate, beneficial and adverse impacts on visitor use and experience; and long-term, moderate beneficial and adverse impacts on NPS operations and management.

In addition, this alternative will reduce localized terrain alteration and exposure of marl and sandy soils creating rutted channels for more rapid water flow, reduce significant long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Florida Black Bear; reduce introduction of human waste, trash and other debris; reduce long-term, moderate to severe adverse impacts on (likely to adversely affect) the Wood Stork and other wading birds species; reduce long-term, moderate to severe, adverse impacts on (likely to adversely affect) the Big Cypress Fox Squirrel; reduce increased negative human-wildlife interactions resulting in management and complaint issues; and reduce the potential for an increase in inappropriate public land use for dumping; marijuana grow operations; and resource harvesting of rare and endangered plants.

Approximately 111,601 acres of land (76% of the Addition) would be proposed for wilderness area designation.

NPS staffing level needed to implement Alternative F would be the equivalent of 7 full-time staff members (10 additional positions). These 10 additional positions (10 full-time employees) would include 2 permanent interpreters, 2 maintenance workers, 5 law enforcement rangers, and 1 visitor use assistant. Volunteers and partnerships would continue to be key contributors to NPS operations. One-time capital costs of Alternative F would projects that are planned for the near future or are underway, new construction, and facility costs such as major resource plans and projects, are estimate at \$4.9 million. Annual operating costs under this alternative would be \$7.5 million.

Based on the above analysis, Council staff finds that Alternative F best supports the regional Goals, Strategies, and Actions found in the Strategic Regional Policy Plan, while providing more wilderness area with fewer and less long-term, adverse impacts to the region's hydrology, plants and wildlife. In addition, Alternative F provides the benefits identified in the analysis at a lower capital and operational cost level.

As currently presented, Council staff finds that the Preferred Alternative as presented in the submittal will not provide acceptable benefit levels to the region, as described in the Council staff analysis and will not enhance the health, safety and welfare of the region's habitats and population and is therefore not consistent with the following Goals, Strategies, and Actions of the Strategic Regional Policy Plan's Natural Resources Element:

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 design and development principles that protect the Region's natural resources and provide for an improved quality of life.

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

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Goal 5: Effective resource management is maintained across the borders of sovereign public agencies.

Strategy: All plans concerning the same resource shall have as objectives the same results.

Action 4: The SWFRPC will promote state, regional and local agencies to consider lands identified as priority one habitat south of the Caloosahatchee River and areas formally designate as critical habitat for the Florida Panther to be incorporated in the agency's natural resource management programs and provide intergovernmental coordination for the implementation of management practices that, based on existing data, would be expected to result in maintaining habitat conditions for the panther.

Action 7: The SWFRPC will continue to coordinate with the entities of the South Florida Ecosystem Restoration Task Force Working Group in their restoration efforts.

Council staff finds that Alternative F is more protective of the natural resources of the region, including listed species, water quality and hydrology, and the public use functions that the Big Cypress National Preserve was originally established. Alternative F has the most area designated for wilderness area and appears to have the lowest carbon footprint and least green-house gas production both for the management plan and the amount of recreational use dependent on internal combustion engines.

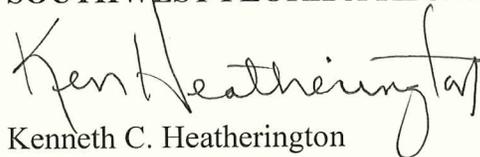
Council staff recommends that the Preferred Alternative and subsequently the Environmental Impact Statement should be rewritten with Alternative F as the Preferred Alternative because it will be the most cost effective (least costly), will minimize negative climate change factors, and will best protect the overall Big Cypress National Preserve, while allowing public uses that are appropriate to a significant national resource of this value, magnitude, and vulnerable nature.

Council also staff finds that no further review of the project will be necessary from Council unless unforeseen circumstances occur that change the overall request as presented.

Should you or any other party request that this finding to be reconsidered, please contact Nichole L. Gwinnett, IC&R Coordinator.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL



Kenneth C. Heatherington
Executive Director

KCH/DEC

_____ Agenda
_____ Item

3b

Financial Statements
For June 30, 2009,
July 31, 2009 &
August 31, 2009

3b

MONTHLY FINANCIAL CONTENTS
For the quarter ending August 31, 2009

	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.	
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.	

At the request of our auditors, we are also including a bank reconciliation for the current month and a general ledger reflecting our other bank balances.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
COMBINED BALANCE SHEET -
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS
August-09**

	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	\$ 180,708	\$ -	\$ -	\$ -	\$ 180,708
Investments	519,106	-	-	-	519,106
Receivables - grants and contracts	-	492,829	-	-	492,829
Receivables - other	-	-	-	-	-
Due from other funds	-	(83,804)	-	-	(83,804)
Other assets	992	-	-	-	992
Property and equipment, net	-	-	1,645,765	-	1,645,765
Amount to be provided for retirement of general long-term debt	-	-	-	1,346,635	1,346,635
TOTAL ASSETS AND OTHER DEBIT	\$ 700,806	\$ 409,025	\$ 1,645,765	\$ 1,346,635	\$ 4,102,230
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	\$ 20,422	\$ -	\$ -	\$ -	\$ 20,422
Retainage payable	41,213	-	-	-	41,213
Due to other governments	-	-	-	-	-
Due to other funds	(83,804)	-	-	-	(83,804)
Deferred revenue - grants and contracts	-	409,025	-	-	409,025
Accrued compensated absences	-	-	-	67,943	67,943
Notes payable	-	-	-	1,278,691	1,278,691
TOTAL LIABILITIES	(22,168)	409,025	-	1,346,635	1,733,492
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,645,765	-	1,645,765
Fund balance					
Reserved, designated	550,200	-	-	-	550,200
Unreserved, undesignated	172,773	-	-	-	172,773
TOTAL FUND EQUITY AND OTHER CREDIT	722,973	-	1,645,765	-	2,368,738
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	\$ 700,806	\$ 409,025	\$ 1,645,765	\$ 1,346,635	\$ 4,102,230

SWFRPC
Balance Sheet
August 31, 2009

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	79,757.34
Cash - Bank of America Max.		100,750.18
Cash - FL Local Gov't Pool		499,746.92
Cash - FL Gov't Pool-Fund B		19,359.24
Petty Cash		200.00
Accounts Receivable		307,173.97
Accounts Receivable-MPO		185,414.66
Bulk Mail Prepaid Postage		991.99
Amount t.b.p. for L.T.L.-Leave		67,943.06
Amount t.b.p. for L.T.Debt		1,278,691.47
		<hr/>
Total Current Assets		2,540,028.83
Property and Equipment		
Property, Furniture & Equip		1,987,254.53
Accumulated Depreciation		(341,489.94)
		<hr/>
Total Property and Equipment		1,645,764.59
		<hr/>
Total Assets	\$	<u>4,185,793.42</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	41,213.42
Deferred Income		408,785.02
Accrued Expenses		15,450.00
United way Payable		152.00
Accrued Annual Leave		67,943.06
Long Term Debt - Bank of Am.		1,278,691.47
ABM Watershed Sym.		4,640.00
LEPC Contintency Fund		180.44
		<hr/>
Total Current Liabilities		1,817,055.41
		<hr/>
Total Liabilities		1,817,055.41
Capital		
Fund Balance-Unrestricted		87,790.72
Fund Balance-Restricted		550,200.00
Fund Balance-Fixed Assests		1,645,764.59
Net Income		84,982.70
		<hr/>
Total Capital		2,368,738.01
		<hr/>
Total Liabilities & Capital	\$	<u>4,185,793.42</u>

SWFRPC
Income Statement
Compared with Budget
For the Eleven Months Ending August 31, 2009

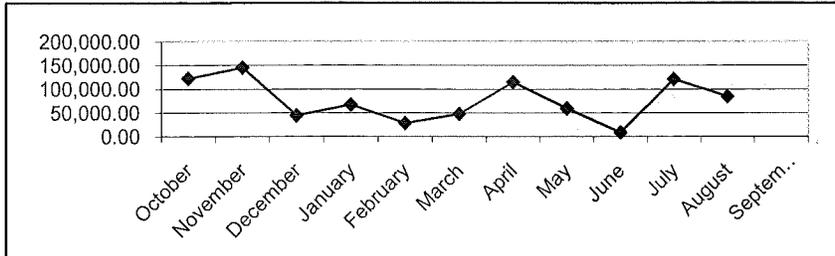
	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	292,088.82	388,780	3,192,780.92	4,665,356	68.44
Expenses					
Salaries Expense	128,744.70	146,417	1,516,676.73	1,757,000	86.32
FICA Expense	9,699.28	10,167	117,860.20	122,000	96.61
Retirement Expense	16,727.37	14,167	151,178.68	170,000	88.93
Health Insurance Expense	24,714.51	17,500	179,534.15	210,000	85.49
Unemployment Comp. Expense	0.00	0	826.54	0	0.00
Workers Comp. Expense	0.00	833	4,867.00	10,000	48.67
Grant/Consulting Expense	24,200.00	10,500	125,706.50	126,000	99.77
NEP-Contractual	5,534.29	51,952	319,319.29	623,418	51.22
MPO-Contractual	73,571.15	24,167	109,460.74	290,000	37.75
Audit Services Expense	0.00	4,167	45,686.00	50,000	91.37
Travel Expense	5,737.89	4,542	41,409.48	54,500	75.98
Telephone Expense	563.39	1,042	7,410.05	12,500	59.28
Postage / Shipping Expense	323.84	2,750	25,762.33	33,000	78.07
Storage Unit Rental	224.00	283	2,688.00	3,400	79.06
Equipment Rental Expense	405.85	2,933	28,816.75	35,200	81.87
Insurance Expense	0.00	2,917	29,479.96	35,000	84.23
Repair/Maint. Expense	3,980.37	2,083	22,480.23	25,000	89.92
Printing/Reproduction Expense	5,379.18	6,125	60,771.54	73,500	82.68
Utilities (Elec, Water, Gar)	2,320.64	2,083	21,307.73	25,000	85.23
Advertising/Legal Notices Exp	678.65	1,238	11,654.49	14,850	78.48
Other Misc. Expense	0.00	417	3,377.60	5,000	67.55
Office Supplies Expense	3,655.04	2,000	18,352.16	24,000	76.47
Computer Related Expense	1,680.22	5,250	60,338.07	63,000	95.77
Publication Expense	106.95	308	1,624.98	3,700	43.92
Prof. Develop./Dues Expense	2,128.00	3,292	31,141.75	39,500	78.84
Meetings/Events Expense	24.24	4,317	35,586.87	51,800	68.70
Capitol Outlay Expense	2,096.39	2,833	12,175.28	34,000	35.81
Capitol Outlay - Building	5,200.00	667	5,200.00	8,000	65.00
Long Term Debt	10,645.92	10,667	117,105.12	128,000	91.49
Reserve for Operations Expense	0.00	53,166	0.00	637,988	0.00
Total Expenses	328,341.87	388,780	3,107,798.22	4,665,356	66.61
Net Income	\$ (36,253.05)	0	\$ 84,982.70	\$ 0	0.00

As stated when submitting Annual Budget:
Both CHNEP and MPO are multi-year budgets - Therefore total budget may appear high
For annual RPC Budget vs. Actual only - see page 9

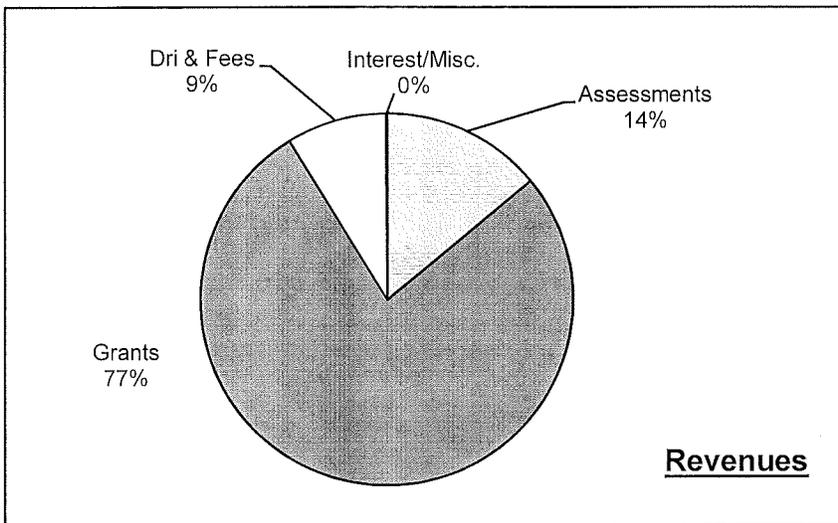
The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as in general operations. Included in these pages, as requested, are percentages for each line item and an overall percentage spent by the RPC, NEP, and MPO.

The overall percentage of the Budget spent is 77.17%
 The percentage of the RPC Budget spent is 95.45%
 The percentage of the MPO Budget spent is 64.77%
 The percentage of the NEP Budget spent is 67.28%

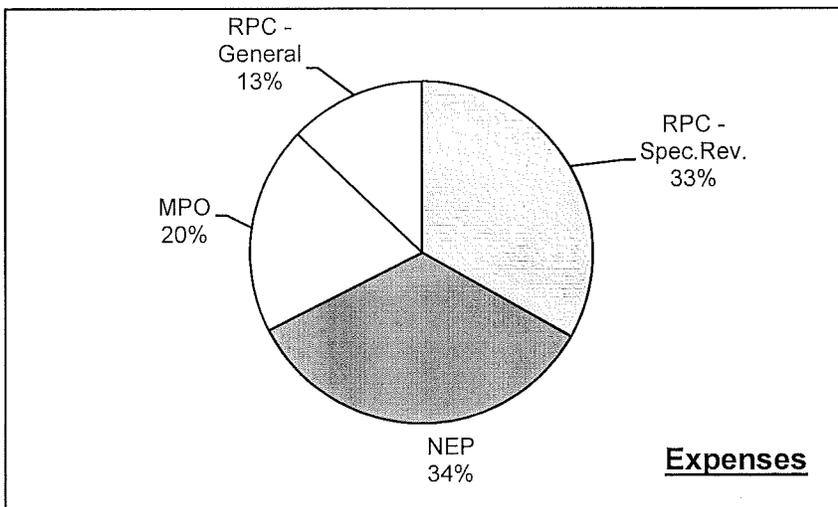
For the quarter ending August 31, 2009 **\$84,982** is our net income.



Net Income (unaudited)
 As can be seen in this graph, the net income moves in quarterly cycles.
 For the quarter ending August 31, 2009
 Total Revenues 3,192,781
 Total Expenses 3,107,798
 Net Income 84,983



Assessments	447,196
Grants	2,466,043
Dri & Fees	274,906
Interest/Misc.	4,635
Total	3,192,781



RPC - Spec.Rev.	1,030,422
NEP	1,067,923
MPO	610,455
RPC - General	398,999
Total	3,107,798

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

NEP:

Grant Revenue	387,818	
Printing		2,000
Office Supplies		2,000
Storage Space		400
NEP - Contractual		383,418

Increase Grant Revenue and Contractual/Storage/Supplies/Printing Expenses -
Per Lisa Beever - Mid-Year NEP Carry-over Amendment

RPC: -48,000 48,000

Travel	-5,000	
Telephone	-2,000	
Postage	-2,000	
Printing	-10,000	
Utilities	-5,000	
Office Supplies	-6,000	
Meetings/Events	-4,000	
Capital Outlay - Operations	-14,000	
Computer Related		7,000
Consulting		41,000

Transfer to cover consulting for ED Incubator and HMEP Grants
Transfer to cover computer costs under \$1,000

RPC-MPO-NEP Combined
Budget vs. Actual
For the quarter ending August 31, 2009

	Combined Actual	Combined Adopted Budget	Combined Amended Budget	Combined Total Amendments	Combined Amended Budget	Combined VARIABLE	83.33%	Combined Comments
Revenues								
Membership Dues	447,196	464,696	464,696	0	464,696	17,500	96.23%	
Federal/State/Local Grants	2,466,043	2,944,854	2,944,854	387,818	3,332,672	866,629	74.00%	
Dir/Monitoring Fees	274,906	200,000	200,000	0	200,000	-74,906	137.45%	
Interest And Miscellaneous	4,635	30,000	30,000	0	30,000	25,365	15.45%	
Carry Over Fund Balance		565,843	637,988	0	637,988			
Total Income	3,192,781	4,205,393	4,277,538	387,818	4,665,356	834,587		
Expenditures								
Direct:								
Salaries	1,516,677	1,757,000	1,757,000	0	1,757,000	240,323	86.32%	
FICA	117,860	122,000	122,000	0	122,000	4,140	96.61%	
Retirement	151,179	170,000	170,000	0	170,000	18,821	88.93%	
Health Insurance	179,534	210,000	210,000	0	210,000	30,466	85.49%	
Workers Compensation	5,694	10,000	10,000	0	10,000	4,306	56.94%	
Legal Fees	0	3,000	0	0	0	0		
Consultant Fees	125,707	40,000	85,000	41,000	126,000	294	99.77%	
NEP Contractual	319,319	255,200	240,000	383,418	623,418	304,099	51.22%	
MPO Contractual	109,461	290,000	290,000	0	290,000	180,539	37.75%	
Audit Fees	45,686	47,000	50,000	0	50,000	4,314	91.37%	
Travel	41,409	59,500	59,500	-5,000	54,500	13,091	75.98%	
Telephone	7,410	14,500	14,500	-2,000	12,500	5,090	59.28%	
Postage	25,762	30,000	35,000	-2,000	33,000	7,238	78.07%	
Storage Space Rental	2,688	3,000	3,000	400	3,400	712	79.06%	
Equipment Rental	28,817	40,000	35,200	0	35,200	6,383	81.87%	
Insurance	29,480	35,000	35,000	0	35,000	5,520	84.23%	
Repair/Maintenance	22,480	30,000	25,000	0	25,000	2,520	89.92%	
Printing/Reproduction	60,772	81,500	81,500	-8,000	73,500	12,728	82.68%	
Utilities (Elec. Gas, Water)	21,308	30,000	30,000	-5,000	25,000	3,692	85.23%	
Advertising	11,654	11,050	14,850	0	14,850	3,196	78.48%	
Other Miscellaneous	3,378	5,000	5,000	0	5,000	1,622	67.55%	
Office Supplies	18,352	28,000	28,000	-4,000	24,000	5,648	76.47%	
Computer Related Expenses	60,338	56,000	56,000	7,000	63,000	2,662	95.77%	
Publications	1,625	10,500	3,700	0	3,700	2,075	43.92%	
Professional Development	31,142	39,500	39,500	0	39,500	8,358	78.84%	
Meetings/Events	35,587	55,800	55,800	-4,000	51,800	16,213	68.70%	
Capital Outlay-Operations	12,175	48,000	48,000	-14,000	34,000	21,825	35.81%	
Capital Outlay-Building	5,200	30,000	8,000	0	8,000	2,800	65.00%	
Long Term Debt	117,105	128,000	128,000	0	128,000	10,895	91.49%	
Allocation of Fringe/Indirect		0	0	0	0	0		
Reserve for Operation Expense		565,843	637,988	0	637,988	637,988		
Total Cash Outlays	3,107,798	4,205,393	4,277,538	387,818	4,665,356	1,557,558	77.17%	
Net Income/(Loss)	84,982	0	0	0	0	0		

NEP
Budget vs. Actual
For the quarter ending August 31, 2009

	CHNEP Actual	CHNEP Adopted Budget	NEP Amended Budget	CHNEP Requested Amendments	CHNEP Amended Budget	CHNEP VARIABLE	83.33%	CHNEP Comments
Revenues								
Membership Dues		0	0		0	0		
Federal/State/Local Grants	1,067,923	1,199,550	1,199,550	387,818	1,587,368	519,445	67.28%	
Dir/Monitoring Fees		0	0		0	0		
Interest And Miscellaneous		0	0		0	0		
Carry Over Fund Balance		0	0		0	0		
Total Income	1,067,923	1,199,550	1,199,550	387,818	1,587,368	519,445		
Expenditures								
Direct:								
Salaries	265,144	395,000	395,000		395,000	129,856	67.12%	
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	319,319	255,200	240,000	383,418	623,418	304,099	51.22%	
MPO Contractual	0	0	0		0	0		
Audit Fees	0	0	0		0	0		
Travel	16,483	21,500	21,500		21,500	5,017	76.67%	
Telephone	341	1,500	1,500		1,500	1,159	22.70%	
Postage	22,485	10,000	25,000		25,000	2,515	89.94%	
Storage Space Rental	1,236	1,000	1,000	400	1,400	164	88.29%	
Equipment Rental	130	0	200		200	70	65.04%	
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	60,136	60,000	60,000	2,000	62,000	1,864	96.99%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	66	550	550		550	484	11.92%	
Other Miscellaneous	25	500	500		500	475	5.00%	
Office Supplies	4,735	3,000	3,000	2,000	5,000	265	94.70%	
Computer Related Expenses	2,751	4,000	4,000		4,000	1,249	68.78%	
Publications	63	500	500		500	437	12.60%	
Professional Development	910	8,000	8,000		8,000	7,090	11.38%	
Meetings/Events	24,718	33,800	33,800		33,800	9,082	73.13%	
Capital Outlay-Operations	1,278	15,000	15,000		15,000	13,722	8.52%	
Capital Outlay-Building	0	0	0		0	0		
Long Term Debt	0	0	0		0	0		
Allocation of Fringe/Indirect	348,104	390,000	390,000		390,000	41,896		
Reserve for Operation Expense								
Total Cash Outlays	1,067,923	1,199,550	1,199,550	387,818	1,587,368	519,445	67.28%	
Net Income/(Loss)								

MPO
Budget vs. Actual
For the quarter ending August 31, 2009

	MPO Actual	MPO Adopted Budget	MPO Amended Budget	MPO Requested Amendments	MPO Amended Budget	MPO VARIABLE	83.33%	MPO Comments
Revenues								
Membership Dues	0	0	0		0	0		
Federal/State/Local Grants	610,455	942,495	942,495		942,495	332,040	64.77%	
Dir/Monitoring Fees	0	0	0		0	0		
Interest And Miscellaneous	0	0	0		0	0		
Carry Over Fund Balance	0	0	0		0	0		
Total Income	610,455	942,495	942,495	0	942,495	332,040		
Expenditures								
Direct:								
Salaries	209,009	280,000	280,000		280,000	70,991	74.65%	
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	0	0	0		0	0		
MPO Contractual	109,461	290,000	290,000		290,000	180,539	37.75%	
Audit Fees	0	0	0		0	0		
Travel	3,839	8,000	8,000		8,000	4,161	47.99%	
Telephone	689	3,000	3,000		3,000	2,311	22.98%	
Postage	1,750	5,000	5,000		5,000	3,250	35.00%	
Storage Space Rental	0	0	0		0	0		
Equipment Rental	0	0	0		0	0		
Insurance	0	0	0		0	0		
Repair/Maintenance	0	0	0		0	0		
Printing/Reproduction	1,336	6,500	6,500		6,500	5,164	20.56%	
Utilities (Elec, Gas, Water)	0	0	0		0	0		
Advertising	7,248	7,500	7,500		7,500	252	96.64%	
Other Miscellaneous	28	500	500		500	472	5.60%	
Office Supplies	563	5,000	5,000		5,000	4,437	11.26%	
Computer Related Expenses	788	2,000	2,000		2,000	1,212	39.42%	
Publications	0	1,500	1,500		1,500	1,500	0.00%	
Professional Development	523	1,500	1,500		1,500	977	34.87%	
Meetings/Events	730	2,000	2,000		2,000	1,270	36.50%	
Capital Outlay-Operations	0	3,000	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	274,489	326,995	326,995		326,995	52,506		
Reserve for Operation Expense								
Total Cash Outlays	610,455	942,495	942,495	0	942,495	332,040	64.77%	
Net Income/(Loss)								

Regional Planning Council
Budget vs. Actual
For the quarter ending August 31, 2009

	Total RPC Actual	RPC Adopted Budget	RPC Amended Budget	RPC Requested Amendments	RPC Amended Budget	RPC Amended Budget	RPC VARIABLE	83.33%	RPC Comments
Revenues									
Membership Dues	447,196	464,696	464,696		464,696	464,696	17,500	96.23%	
Federal/State/Local Grants	787,666	802,809	802,809		802,809	802,809	15,143	98.11%	
Dir/Monitoring Fees	274,906	200,000	200,000		200,000	200,000	-74,906	137.45%	
Interest And Miscellaneous	4,635	30,000	30,000		30,000	30,000	25,365	15.45%	
Carry Over Fund Balance	565,843	565,843	637,988		637,988	637,988	637,988	0.00%	
Total Income	1,514,403	2,063,348	2,135,493	0	2,135,493	2,135,493	621,090		
Expenditures									
<u>Direct:</u>									
Salaries	1,042,524	1,082,000	1,082,000		1,082,000	1,082,000	39,476	96.35%	
FICA	117,860	122,000	122,000		122,000	122,000	4,140	96.61%	
Retirement	151,179	170,000	170,000		170,000	170,000	18,821	88.93%	
Health Insurance	179,534	210,000	210,000		210,000	210,000	30,466	85.49%	
Workers Compensation	5,694	10,000	10,000		10,000	10,000	4,306	56.94%	
Legal Fees	0	3,000	0		0	0	0		
Consultant Fees	125,707	40,000	85,000	41,000	85,000	126,000	294	99.77%	EDA Incubator and HMEP Grants
NEP Contractual	0	0	0		0	0	0		
MPO Contractual	0	0	0		0	0	0		
Audit Fees	45,686	47,000	50,000		50,000	50,000	4,314	91.37%	
Travel	21,087	30,000	30,000	-5,000	30,000	25,000	3,913	84.35%	
Telephone	6,380	10,000	10,000	-2,000	10,000	8,000	1,620	79.75%	
Postage	1,528	15,000	5,000	-2,000	5,000	3,000	1,472	50.92%	
Storage Space Rental	1,452	2,000	2,000		2,000	2,000	548	72.60%	
Equipment Rental	28,687	40,000	35,000		35,000	35,000	6,313	81.96%	
Insurance	29,480	35,000	35,000		35,000	35,000	5,520	84.23%	
Repair/Maintenance	22,480	30,000	25,000		25,000	25,000	2,520	89.92%	
Printing/Reproduction	-701	15,000	15,000	-10,000	15,000	5,000	5,701	-14.01%	reflects reimbursement from NEP
Utilities (Elec, Gas, Water)	21,308	30,000	30,000	-5,000	30,000	25,000	3,692	85.23%	
Advertising	4,341	3,000	6,800		6,800	6,800	2,459	63.83%	
Other Miscellaneous	3,325	4,000	4,000		4,000	4,000	675	83.12%	
Office Supplies	13,054	20,000	20,000	-6,000	20,000	14,000	946	93.24%	
Computer Related Expenses	56,798	50,000	50,000	7,000	50,000	57,000	202	99.65%	
Publications	1,562	8,500	1,700		1,700	1,700	138	91.88%	
Professional Development	29,709	30,000	30,000		30,000	30,000	291	99.03%	
Meetings/Events	10,139	20,000	20,000	-4,000	20,000	16,000	5,861	63.37%	
Capital Outlay-Operations	10,897	30,000	30,000	-14,000	30,000	16,000	5,103	68.11%	
Capital Outlay-Building	5,200	30,000	8,000		8,000	8,000	2,800	65.00%	
Long Term Debt	117,105	128,000	128,000		128,000	128,000	10,895	91.49%	
Allocation of Fringe/Indirect	-622,593	-716,995	-716,995		-716,995	-716,995	-94,402	86.83%	
Reserve for Operation Expense	565,843	565,843	637,988		637,988	637,988	637,988		
Total Cash Outlays	1,429,421	2,063,348	2,135,493	0	2,135,493	2,135,493	706,072	95.45%	
Net Income/(Loss)	84,982	0	0	0	0	0	0		

Regional Planning Council
Budget vs. Actual
For the quarter ending August 31, 2009

	DCA	HMEP/SQ/EMERG	Economic Developmt.	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	217,317	76,646	109,516	58,516	68,554		239,618	0	447,196		447,196	447,196
Federal/State/Local Grants						274,906		770,166	17,500		17,500	787,666
Drif/Monitoring Fees								274,906				274,906
Interest And Miscellaneous								0	4,635		4,635	4,635
Carry Over Fund Balance								0	0		0	0
Total Income	217,317	76,646	109,516	58,516	68,554	274,906	239,618	1,045,072	469,331	0	469,331	1,514,403
Expenditures												
Direct:												
Salaries	96,950	20,186	20,863	24,967	25,038	115,497	76,977	380,478	417,699	244,347	662,046	1,042,524
FICA	0	0	0	0	0	0	0	0	0	117,860	117,860	117,860
Retirement	0	0	0	0	0	0	0	0	0	151,179	151,179	151,179
Health Insurance	0	0	0	0	0	0	0	0	0	179,534	179,534	179,534
Workers Compensation	0	0	0	0	0	0	0	0	0	5,694	5,694	5,694
Legal Fees	0	0	0	0	0	0	0	0	0	0	0	0
Consultant Fees	0	22,755	57,000	0	0	33,312	0	113,067	12,640	0	12,640	125,707
NEP Contractual	0	0	0	0	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0	45,686	0	45,686	45,686
Travel	2,239	4,638	19	536	0	117	1,044	8,593	12,494	0	12,494	21,087
Telephone	0	0	0	0	0	0	0	0	6,380	0	6,380	6,380
Postage	32	80	210	0	321	22	0	665	862	0	862	1,528
Storage Space Rental	0	0	0	0	0	0	0	0	1,452	0	1,452	1,452
Equipment Rental	0	0	0	0	0	0	0	0	28,687	0	28,687	28,687
Insurance	0	0	0	0	0	0	0	0	29,480	0	29,480	29,480
Repair/Maintenance	0	0	0	0	0	0	0	0	22,480	0	22,480	22,480
Printing/Reproduction	1	515	3	0	8	81	0	608	-1,308	0	-1,308	-701
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0	21,308	0	21,308	21,308
Advertising	264	0	161	0	639	0	85	1,149	3,191	0	3,191	4,341
Other Miscellaneous	0	0	0	0	0	0	0	0	3,325	0	3,325	3,325
Office Supplies	0	26	0	205	0	0	162	188	12,867	0	12,867	13,054
Computer Related Expenses	0	0	0	0	0	0	0	205	56,593	0	56,593	56,798
Publications	0	0	0	0	0	0	0	0	1,562	0	1,562	1,562
Professional Development	574	0	2,350	0	0	0	1,251	4,175	25,534	0	25,534	29,709
Meetings/Events	0	500	0	16	0	3,060	3,319	6,895	3,244	0	3,244	10,139
Capital Outlay-Operations	0	0	0	0	0	0	0	0	10,897	0	10,897	10,897
Capital Outlay-Building	0	0	0	0	0	0	0	0	5,200	0	5,200	5,200
Long Term Debt	0	0	0	0	0	0	0	0	117,105	0	117,105	117,105
Allocation of Fringe/Indirect	127,315	26,203	27,402	32,791	32,879	151,660	116,150	514,399	-1,136,992	0	-1,136,992	-622,593
Reserve for Operation Expense												
Total Cash Outlays	227,374	74,903	108,007	58,516	58,885	270,437	232,300	1,030,422	-299,615	698,614	398,999	1,429,421
Net Income/(Loss)												84,982

SWFRPC
Income Statement - Two Years
For the Eleven Months Ending August 31, 2009

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	292,088.82	173,221.19	3,192,780.92	3,027,210.58
Expenses				
Salaries Expense	128,744.70	129,935.57	1,516,676.73	1,425,698.79
FICA Expense	9,699.28	9,813.48	117,860.20	111,521.81
Retirement Expense	16,727.37	16,158.90	151,178.68	138,038.52
Health Insurance Expense	24,714.51	14,458.76	179,534.15	174,596.20
Unemployment Comp. Expe	0.00	0.00	826.54	0.00
Workers Comp. Expense	0.00	928.00	4,867.00	6,694.00
Grant/Consulting Expense	24,200.00	375.00	125,706.50	46,549.08
NEP-Contractual	5,534.29	4,168.42	319,319.29	320,603.70
MPO-Contractual	73,571.15	2,441.54	109,460.74	63,297.06
Audit Services Expense	0.00	0.00	45,686.00	49,039.00
Travel Expense	5,737.89	5,662.38	41,409.48	40,499.97
Telephone Expense	563.39	564.26	7,410.05	8,855.09
Postage / Shipping Expense	323.84	1,261.32	25,762.33	14,826.89
Storage Unit Rental	224.00	224.00	2,688.00	2,266.22
Equipment Rental Expense	405.85	3,035.45	28,816.75	34,431.39
Insurance Expense	0.00	0.00	29,479.96	31,056.08
Repair/Maint. Expense	3,980.37	2,005.98	22,480.23	22,354.46
Printing/Reproduction Expen	5,379.18	200.00	60,771.54	73,317.59
Utilities (Elec, Water, Gar)	2,320.64	2,119.24	21,307.73	20,380.02
Advertising/Legal Notices Ex	678.65	990.51	11,654.49	12,397.29
Other Misc. Expense	0.00	49.23	3,377.60	1,735.34
Office Supplies Expense	3,655.04	521.00	18,352.16	23,814.93
Computer Related Expense	1,680.22	1,910.87	60,338.07	33,974.34
Publication Expense	106.95	108.75	1,624.98	2,261.68
Prof. Develop./Dues Expens	2,128.00	1,253.50	31,141.75	41,407.26
Meetings/Events Expense	24.24	(8,066.26)	35,586.87	18,116.35
Capitol Outlay Expense	2,096.39	9,181.99	12,175.28	14,023.79
Capitol Outlay - Building	5,200.00	0.00	5,200.00	7,450.00
Long Term Debt	10,645.92	10,645.92	117,105.12	117,105.12
Total Expenses	328,341.87	209,947.81	3,107,798.22	2,856,311.97
Net Income	\$ (36,253.05)	\$ (36,726.62)	\$ 84,982.70	\$ 170,898.61

Account Reconciliation

As of Aug 31, 2009

101000 - Cash - Bank of America Oper.

Bank Statement Date: August 31, 2009

Filter Criteria includes: Report is printed in Detail For

Beginning GL Balance	73,665.85
Add: Cash Receipts	277,568.17
additional deposit 8/31	
recorded 9/1 in Peachtree	1,712.78
Less: Cash Disbursements	(261,250.22)
Payroll of 9/2, recorded 8/31 at bank	(24,472.64)
Add (Less) Other	<u>(10,511.48)</u>
Ending GL Balance	<u><u>56,712.46</u></u>

Ending Bank Balance 90,227.37

(Less) outstanding checks

Jun 4, 2009	40875	(61.87)
Jun 4, 2009	40893	(165.72)
Jun 30, 2009	40953	(55.18)
Jul 13, 2009	40990	(237.50)
Jul 24, 2009	41002	(181.58)
Aug 10, 2009	41034	(140.76)
Aug 10, 2009	41041	(262.89)
Aug 10, 2009	41056	(250.00)
Aug 31, 2009	41075	(12,390.00)
Aug 31, 2009	41076	(85.44)
Aug 31, 2009	41077	(218.00)
Aug 31, 2009	41078	(2,664.77)
Aug 31, 2009	41079	(61.87)
Aug 31, 2009	41080	(96.45)
Aug 31, 2009	41081	(2,334.89)
Aug 31, 2009	41082	(99.68)
Aug 31, 2009	41083	(80.46)
Aug 31, 2009	41084	(224.00)
Aug 31, 2009	41085	(2,500.00)
Aug 31, 2009	41086	(170.45)
Aug 31, 2009	41087	(27.33)
Aug 31, 2009	41088	(67.20)
Aug 31, 2009	41089	(41.83)
Aug 31, 2009	41090	(18.00)
Aug 31, 2009	41091	(220.00)
Aug 31, 2009	41092	(8,750.00)
Aug 31, 2009	41093	(75.58)
Aug 31, 2009	41094	(600.00)
Aug 31, 2009	41095	(80.10)
Aug 31, 2009	41096	<u>(1,353.36)</u>

Total outstanding checks (33,514.91)

Ending GL Balance 56,712.46

SWFRPC
Working Trial Balance
As of Aug 31, 2009

Filter Criteria includes: 1) IDs from 101001 to 101006B. Report order is by ID. Report is printed in Detail Format.

Account ID	Current Bal
Account Description	
101001	100,750.18
Cash - Bank of America Max.	
101006	499,746.92
Cash - FL Local Gov't Pool	
101006B	19,359.24
Cash - FL Gov't Pool-Fund B	
	<hr/>
	619,856.34
Total:	<hr/> <hr/>

Agenda

Item

3c

SWFRPC Fixed Assets Removal

3c

3c

SWFRPC FIXED ASSETS REMOVAL

The attached list has been approved by both the Network Administrator and Executive Director for disposal of surplus equipment. Staff is seeking approval of the Council to dispose of these items and follow the procedures listed in our Computer Disposal Policy.

RECOMMENDATION ACTION:

Review the attached list of surplus items to be disposed of and obtain final approval by Council in order to follow procedures in Computer Disposal Policy.

09/2009

Surplus Equipment - August 2009

Computer Towers*					
Inventory #	Make	Model	Purchase Date	Purchase Cost	Reason for Disposal
488	Gateway	Solo 2150	7/6/2000	\$2,398.00	End of life - no warranty
492	Dell	Precision 420	12/20/2000	\$3,670.00	End of life - no warranty
515	Dell	Precision 530	5/2/2002	\$2,328.00	End of life - no warranty
523	Dell	Optiplex GX 260	3/24/2003	\$1,678.00	End of life - no warranty
529	Dell	Optiplex GX 270	10/16/2003	\$1,716.95	End of life - no warranty
537	Dell	Optiplex GX 280	8/5/2004	\$985.03	End of life - no warranty
538	Dell	Optiplex GX 280	8/5/2004	\$985.03	End of life - no warranty
548	Dell	Optiplex GX 280	6/14/2005	\$825.18	End of life - no warranty

*All computers are phased out of our network at 5years old.

Monitors					
Inventory #	Make	Model	Purchase Date	Purchase Cost	Reason for Disposal
201	KDS	17" CRT	n/a	n/a	End of life
213	KDS	17" CRT	n/a	n/a	End of life
220	Viewsonic	17"	n/a	n/a	End of life
221	Dell	17" CRT	n/a	n/a	End of life

Miscellaneous					
Inventory #	Make	Model	Purchase Date	Purchase Cost	Reason for Disposal
378	Lanier Recorder	LCR-4D	6/5/1992	\$2,100.00	End of life - no warranty

August 28, 2009

_____ Agenda
_____ Item

3d

SWFRPC/DCA FY09/10

Annual Contract

3d

3d

DCA ANNUAL CONTRACT

The annual agreement between the SWFRPC and the Department of Community Affairs (DCA) has been submitted to the Council for their consideration. A copy of the contract and Attachment A "Scope of Work," is attached for your review.

The funds are "lump summed," allowing flexibility in performing tasks. The tasks (to the limit of compensation) begin as Attachment A.

Funding allocations for each RPC can be found in Attachment B of the agreement. This is summarized below and shows an increase from the previous year:

<u>Subject Area</u>	<u>FY 08/09 Amount</u>	<u>FY 09/10 Amount</u>
General Revenue	\$214,331.00	\$221,640.00

This funding provides for the Council's ongoing regional planning activities, evaluation and appraisal delegation support, comprehensive planning reviews and technical assistance, and Developments of Regional Impact technical assistance.

RECOMMENDED ACTION: Approve the Annual Agreement and authorize the Chairman to execute the contract.

09/09

Ken Heatherington

From: Scott Koons [koons@ncfrpc.org]
Sent: Thursday, September 03, 2009 3:41 PM
To: bteepie@nefrc.org; cdekle@sfrpc.com; cblume@gtcom.net; Ken Heatherington; manny@tbrpc.org; mbusha@tcrpc.org; moehliman@wrpc.cc; psteed@cfrc.org; plaurien@ecfrpc.org; koons@ncfrpc.org; joseph@wfrpc.dst.fl.us
Cc: ron@rlbookpa.com; rana@rlbookpa.com; lee@wrengroupplc.com; frank@wrengroupplc.com; stephen@wrengroupplc.com
Subject: DCA 2009-10 Contract

Colleagues,

Here is the Department's response to our suggested language changes to the DCA 2009-10 contract. Other than as noted below, the Department has agreed to the changes we recommended.

Please review and provide to me any comments on the Department's response by 3:00 pm Friday, September 4, 2009.

The Department's position is that their revised language conforms to existing statutory language. In particular, the language about dispute resolution cost recovery is specified in each our administrative rules and Question #3 on the comprehensive plan amendment review form tracks statutory RPC review prohibitions.

Concerning the issue of Question #19 – we always provide the Department a "request" or "no request" for an ORC and review comments within the 30-day initial period (actually 21 days per DCA's request for agency comments). Thus, it is our recommendation that Question #19 (Does the RPC request an ORC?) should be added to the review form.

Thank you.

Scott

Scott R. Koons, AICP
 Executive Director
 North Central Florida Regional Planning Council
 2009 N. W. 67th Place, Suite A
 Gainesville, FL 32653-1603
 Voice: 352.955.2200, ext. 101
 Fax: 352.955.2209

DCA/Paul Pillar's Response:

Comprehensive Plan Amendment Review Form Question #19

I did not add in the #19 that you suggested. The reason I didn't is because there are two different time periods involved that overlap each other. Your #19 says "Does the RPC request the preparation of an Objections, Recommendations and Comment Report pursuant to 163.3184(6)(a) (YES) (NO). According to statute, you have 30 days from date of transmittal to request an ORC, and you have 30 days from the date the amendment package is deemed to be complete (by DCA) to provide written comments. If the dates held true (30 days and minimum 35 days), but the time we got your form back asking for a review, the time period for requesting a review would have passed. I guess we could add a #19 that says "Did the RPC request an ORC" if you are looking to capture that information.

Dispute Resolution

"2. In accordance with s. 186.509, Florida Statutes, the Recipient shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The dispute resolution process shall, within a reasonable set of

timeframes, provide for: voluntary meetings among the disputing parties; if those meetings fail to resolve the dispute, initiation of mandatory mediation or a similar process; if that process fails, initiation of arbitration or administrative or judicial action, where appropriate. The Recipient shall not utilize the dispute resolution process to address disputes involving environmental permits or other regulatory matters unless requested to do so by the parties. The Recipient should will take the initiative to identify and work to resolve intergovernmental disputes and shall use the dispute resolution process in accordance with s. 186.509, Florida Statutes, as amended by SB 360 (2009-96, Laws of Florida), which requires the initiation of mandatory mediation or a similar process if voluntary meetings among the disputing parties fail to resolve the issues."

We did not feel comfortable putting in the language at the end that stated: "provided that recovery of costs by the Recipient associated with providing dispute resolution services shall be as provided for in the dispute resolution administrative rule adopted pursuant to s. 186.509, Florida Statutes by the Recipient".

We thought that that might be taking some legislative authority we were not entitled to take. If the RPCs have that ability through rule, most of them probably have already adopted a rule that says that, so it is already there and available for you to use and probably shouldn't be in the contract.

Comprehensive Plan Amendment Review Form Question #3

I think we have come up with some language for #3 that will work, as follows: " 3. Is the RPC precluded from commenting on the proposed plan, element, or amendment pursuant to s. 163.3184(5), Rule 9J-11.0084, or s. 163.32465(4)(b)? (YES) (NO)". The RPCs then could make the determination of whether they did the plan, element, or amendment under the appropriate statute or rule, and whether the amendment was changed by the local government subsequent to preparation, and respond accordingly.

Ken Heatherington

From: Scott Koons [koons@ncfrpc.org]
Sent: Friday, August 21, 2009 2:01 PM
To: sheri.coven@dca.state.fl.us
Cc: bteepie@nefrpc.org; cdekle@sfrpc.com; cblume@gtcom.net; Ken Heatherington;
 manny@tbrpc.org; mbusha@tcrpc.org; moehlman@wrpc.cc; psteed@cfrpc.org;
 plaurien@ecfrpc.org; koons@ncfrpc.org; josepht@wfrpc.dst.fl.us; ron@rlbookpa.com;
 rana@rlbookpa.com; lee@wrengroupllc.com; frank@wrengroupllc.com;
 stephen@wrengroupllc.com
Subject: FY 2009-10 DCA Contract Revisions

Sheri,

On behalf of my colleagues, thank you, Charlie and Paul for taking time last Friday to review with us the FY 2009-10 DCA contract and to consider our comments.

Please find below the wording for the revisions to the Fiscal Year 2009-10 DCA contract and standard comprehensive plan amendment review form.

Upon further review, Question #3 on the comprehensive review form should reference s. 163.3184(5) and s. 163.32465, Florida Statutes which provides that if a comprehensive plan or comprehensive plan amendment is prepared by a regional planning council and it has been changed by the local government subsequent to the preparation of the plan or amendment by the regional planning council, then the regional planning council may comment on it.

Note that Question #19 is an addition that we did not discuss last Friday.

Just a reminder, the Department agreed to update the Quarterly Report format developed October 15, 1998 and provide it to us for review and comment.

Again, thank you for the opportunity to provide revised language for the concerns that we discussed last Friday.

Scott

Scott R. Koons, AICP
Executive Director
North Central Florida Regional Planning Council
2009 N. W. 67th Place, Suite A
Gainesville, FL 32653-1603
Voice: 352.955.2200, ext. 101
Fax: 352.955.2209

(3) PERIOD OF AGREEMENT

This Agreement shall begin July 1, 2009 ~~upon execution by both parties~~, and shall end June 30, 2010, unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement.

Attachment A-1

Scope of Work and Budget

Part II: Technical Assistance

2. In accordance with s. 186.509, Florida Statutes, the Recipient shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The Recipient ~~will take the initiative to identify and work to resolve intergovernmental disputes~~ and shall use the dispute resolution process to resolve intergovernmental disputes in accordance with s. 186.509, Florida Statutes, as amended by SB 360 (2009-96, Laws of Florida), which requires the initiation of mandatory mediation or a similar process if voluntary meetings among the disputing parties fail to resolve the issues. Based upon s. 186.509, Florida Statutes, the Recipient shall provide dispute resolution services in the case of intergovernmental

disputes, provided that recovery of costs by the Recipient associated with providing dispute resolution services shall be as provided for in the dispute resolution administrative rule adopted pursuant to s. 186.509, Florida Statutes by the Recipient.

**REGIONAL PLANNING COUNCIL
AMENDMENT REVIEW FORM
FY 2009-2010**

3. Did the RPC prepare the Plan Amendment and was the Plan Amendment subsequently changed by the local government pursuant to s. 163.3184(5) or s. 163.32465, Florida Statutes: (YES) (NO) (N/A)

This revised wording results in a "No" answer not requiring further review of the amendment by the RPC.

19. Does the RPC request the preparation of an Objections, Recommendations and Comment Report pursuant to 163.3184 (6) (a): (YES) (NO)

Ken Heatherington

From: Scott Koons [koons@ncfrpc.org]
Sent: Thursday, August 20, 2009 5:09 PM
To: bteeple@nefrpc.org; cdekle@sfrpc.com; cblume@gtcom.net; Ken Heatherington; manny@tbrpc.org; mbusha@tcrpc.org; moehlman@wrpc.cc; psteed@cfrcpc.org; plaurien@ecfrpc.org; koons@ncfrpc.org; joseph@wfrpc.dst.fl.us
Cc: ron@rlbookpa.com; rana@rlbookpa.com; lee@wrengroupplc.com; frank@wrengroupplc.com; stephen@wrengroupplc.com
Subject: FY 2009-10 DCA Contract Revisions

Colleagues,

As agreed at the FRCA Executive Directors Advisory Committee meeting last week, please find below the wording for the revisions to the Fiscal Year 2009-10 DCA contract and standard comprehensive plan amendment review form.

Upon further review, Question#3 on the comprehensive review form should reference s. 163.3184(5) and s. 163.32465, Florida Statutes which provides that if a comprehensive plan or comprehensive plan amendment is prepared by a regional planning council and it has been changed by the local government subsequent to the preparation of the plan or amendment by the regional planning council, then the regional planning council may comment on it.

In addition, the Department agreed to update the Quarterly Report format developed October 15, 1998 and provide it to us for review and comment.

Please review and provide any comments by 12:00 pm (noon) Friday, August 21, 2009.

Thank you.

Scott

Scott R. Koons, AICP
Executive Director
North Central Florida Regional Planning Council
2009 N. W. 67th Place, Suite A
Gainesville, FL 32653-1603
Voice: 352.955.2200, ext. 101
Fax: 352.955.2209

(3) PERIOD OF AGREEMENT

This Agreement shall begin July 1, 2009 ~~upon execution by both parties~~, and shall end June 30, 2010, unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement.

Attachment A-1

Scope of Work and Budget

Part II: Technical Assistance

2. In accordance with s. 186.509, Florida Statutes, the Recipient shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The Recipient ~~will take the initiative to identify and work to resolve intergovernmental disputes~~ and shall use the dispute resolution process to resolve intergovernmental disputes in accordance with s. 186.509, Florida Statutes, as amended by SB 360 (2009-96, Laws of Florida), which requires the initiation of mandatory mediation or a similar process if voluntary meetings among the disputing parties fail to resolve the issues. Based upon s. 186.509, Florida Statutes, the Recipient shall provide dispute resolution services in the case of intergovernmental disputes, provided that recovery of costs by the Recipient associated with providing dispute resolution services shall be as provided for in the dispute resolution administrative rule adopted pursuant to s. 186.509, Florida Statutes by the Recipient.

**REGIONAL PLANNING COUNCIL
AMENDMENT REVIEW FORM
FY 2009-2010**

3. Did the RPC prepare the Plan Amendment and was the Plan Amendment subsequently changed by the local government pursuant to s. 163.3184(5) or s. 163.32465, Florida Statutes: (YES) (NO)

19. Does the RPC request the preparation of an Objections, Recommendations and Comment Report pursuant to 163.3184 (6) (a): (YES) (NO)

Ken Heatherington

From: Sheri.Coven@dca.state.fl.us
Sent: Thursday, August 06, 2009 10:13 AM
To: joseph@wfrpc.dst.fl.us; cblume@gtcom.net; koons@ncfrpc.org; bteple@nefrpc.org; moehlman@wrpc.cc; plaurien@ecfrpc.org; psted@cfrc.org; manny@tbrpc.org; admin@tcrpc.org; cdekle@sfrpc.com; thess@tcrpc.org; ron@rlbookpa.com; lee@wrengroupplc.com; frank@wrengroupplc.com; kelly@rlbookpa.com; Ken Heatherington; rana@rlbookpa.com
Cc: Charles.Gauthier@dca.state.fl.us
Subject: 2009-2010 Draft Contract
Attachments: RPC Master 2009-2010.pdf

Dear RPC Executive Directors,

Attached is the 2009-2010 draft contract between the RPCs and the Department. To facilitate your review, Charlie summarized the changes (see below). We look forward to discussing this with you at the FRCA Policy Board meeting by teleconference on August 14.

Sincerely yours,
Sheri

Proposed Revisions to Regional Planning Council Contracts

Page 8 - (17) FUNDING CONSIDERATION

Language added to (a) - The new language limits quarterly reimbursements so they are based on each RPC's share of the total amount of funds that have been released by the Governor's Office of Policy and Budget to date. For example, if the Governor's Office releases 24% per quarter, the RPC's would get reimbursed for no more than their share of 24% for the quarter.

Page 15 - Attachment A-1 Scope of Work

Part I - the major changes are in 1, 2, and 3. In general, a requirement has been added that the written report on proposed comprehensive plan amendments is to be provided on a form provided by the Department rather than just a letter. The contract specifies that if the RPC prepared the amendment for the local government then it should check the appropriate box on the form and provide it to the Department.

Part II - in the past, Part II has contained a number of technical assistance initiatives that each RPC would conduct. They were not uniform items, instead they were tailored for each RPC. In the proposed contract the Department would like to emphasize the dispute resolution process that is contained in SB 360 (Chapter 2009-96, Laws of Florida). Although previous contracts contained a section on dispute resolution process later in the scope, it was moved it to Part II, number 2 in this scope so there would be more focus placed on it.

Pages 32 and 33 - Form C-7

The Regional Planning Council Amendment Review Form - this is new and was developed to add efficiency to the comprehensive plan amendment review function. The format was created after reviewing the various approaches used by the 11 councils which include various letters, standard statements, and narratives. The objective of the format is to provide an easier method that is focused on the specific review responsibilities assigned to the RPC's by the Florida Legislature.

The form provides for basic information such as the RPC, the local government, the amendment number and whether the RPC prepared the amendment. If the RPC prepared the amendment, it would merely check the "YES" response and go

no further. If the RPC did not prepare the amendment, they continue through the process and respond to the questions. The questions on the form are the exact statements that have been contained in previous years' contracts, we just tried to simplify it for everyone.

Sheri Coven
Director of Intergovernmental and Public Affairs
FL Dept. of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-1600
Sheri.Coven@dca.state.fl.us

We are committed to maintaining the highest level of service and we value your feedback. Please complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. However, if you require direct assistance or a response, please visit <http://www.dca.state.fl.us/contactus/>.

Affordable, quality health insurance coverage is now available for any uninsured Floridians ages 19-64. To learn more, visit www.CoverFloridaHealthCare.com.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

Contract Number: (type here)

STATE-FUNDED SUBGRANT AGREEMENT

THIS AGREEMENT is entered into by the State of Florida, Department of Community Affairs, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Department"), and (name and address of the contractor) (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

A. The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and

B. The Department has received these grant funds from the State of Florida, and has the authority to subgrant these funds to the Recipient upon the terms and conditions below; and

C. The Department has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Department and the Recipient agree to the following:

(1) SCOPE OF WORK

The Recipient shall perform the work in accordance with the Budget and Scope of Work, Attachment A-1 of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES

The Recipient and the Department shall be governed by applicable State and Federal laws, rules and regulations, including those identified in Attachment B.

(3) PERIOD OF AGREEMENT

This Agreement shall begin upon execution by both parties, and shall end June 30, 2010, unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement.

(4) MODIFICATION OF CONTRACT

Either party may request modification of the provisions of this Agreement. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.

(5) RECORDKEEPING

(a) The Recipient shall retain sufficient records to show its compliance with the terms of this Agreement, and the compliance of all subcontractors or consultants paid from funds under this Agreement, for a period of five years from the date the audit report is issued, and shall allow the Department or its designee, the State Chief Financial Officer or the State Auditor General access to the records upon request. The Recipient shall ensure that audit working papers are available to them upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Department. The five year period may be extended for the following exceptions:

1. If any litigation, claim or audit is started before the five year period expires, and extends beyond the five year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

2. Records for the disposition of non-expendable personal property valued at \$5,000 or more at the time it is acquired shall be retained for five years after final disposition.

3. Records relating to real property acquired shall be retained for five years after the closing on the transfer of title.

(b) The Recipient shall maintain all records for the Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Budget and Scope of Work - Attachment A-1 - and all other applicable laws and regulations.

(c) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the Department, its employees, and agents. "Reasonable" shall ordinarily mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the Department.

(6) AUDIT REQUIREMENTS

(a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.

(b) These records shall be available at reasonable times for inspection, review, or audit by state personnel and other personnel authorized by the Department. "Reasonable" shall ordinarily mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

(c) The Recipient shall provide the Department with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.

(d) If the Recipient is a nonstate entity as defined by Section 215.97, Fla. Stat., it shall comply with the following:

If the Recipient expends a total amount of State financial assistance equal to or more than \$500,000 in any fiscal year, the Recipient must have a State single or project-specific audit for that fiscal year in accordance with Section 215.97, Fla. Stat., applicable rules of the Executive Office of the Governor and the Chief Financial Officer; and Chapters 10.550 (local government entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement shows the State financial assistance awarded by this Agreement. In determining the State financial assistance expended in its fiscal year, the Recipient shall include all sources of State financial assistance, including State funds received from the Department, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

In connection with the audit requirements in this Paragraph 6(d) above, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Fla. Stat. This includes submitting a reporting package as defined by Section 215.97(2)(c), Fla. Stat. and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., is not required. In the event that the Recipient expends less than \$500,000 in state financial assistance in its fiscal year and chooses to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from the Recipient's resources (i.e., the cost of an audit must be paid from the Recipient's resources obtained from other than State entities). Additional information on the Florida Single Audit Act may be found at the following website: <http://www.myflorida.com/myflorida/government/governorinitiatives/fsaa/statutes.html>.

(e) Report Submission

1. The annual financial audit report shall include all management letters and the Recipient's response to all findings, including corrective actions to be taken.
2. The annual financial audit report shall include a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and Agreement number.
3. Copies of financial reporting packages required under this Paragraph 6 shall be submitted by or on behalf of the Recipient directly to each of the following:

The Department of Community Affairs at each of the following addresses:

Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

[also send an electronic copy to aurilla.parrish@dca.state.fl.us]

and

Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Any reports, management letter, or other information required to be submitted to the Department pursuant to this Agreement shall be submitted on time as required by Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
 5. Recipients, when submitting financial reporting packages to the Department for audits done in accordance with Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Recipient in correspondence accompanying the reporting package.
- (f) If the audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Department of all funds

not spent in accordance with these applicable regulations and Agreement provisions within thirty days after the Department has notified the Recipient of such non-compliance.

(g) The Recipient shall have all audits completed by an independent certified public accountant (IPA), either a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above. The audit must be received by the Department no later than nine months from the end of the Recipient's fiscal year.

(7) REPORTS

(a) The Recipient shall provide the Department with quarterly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all subrecipients and subcontractors in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Department.

(b) Quarterly reports are due to the Department no later than 30 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

(c) The close-out report is due 60 days after termination of this Agreement or 60 days after completion of the activities contained in this Agreement, whichever first occurs.

(d) If all required reports and copies are not sent to the Department or are not completed in a manner acceptable to the Department, the Department may withhold further payments until they are completed or may take other action as stated in Paragraph (11) REMEDIES. "Acceptable to the Department" means that the work product was completed in accordance with the Budget and Scope of Work.

(e) The Recipient shall provide additional program updates or information that may be required by the Department.

(f) The Recipient shall provide additional reports and information identified in Attachment C.

(8) MONITORING

The Recipient shall monitor its performance under this Agreement, as well as that of its subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment A-1 to this Agreement, and reported in the quarterly report.

In addition to reviews of audits conducted in accordance with paragraph (6) above, monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department. In the event that the Department determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Department to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Department will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

(9) LIABILITY

(a) Unless Recipient is a State agency or subdivision, as defined in Section 768.28, Fla. Stat., the Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement, and shall hold the Department harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor.

(b) Any Recipient which is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, Fla. Stat. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(10) DEFAULT

If any of the following events occur ("Events of Default"), all obligations on the part of the Department to make further payment of funds shall, if the Department elects, terminate and the Department has the option to exercise any of its remedies set forth in Paragraph (11). However, the Department may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(a) If any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Department is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Department and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(b) If material adverse changes occur in the financial condition of the Recipient at any time during the term of this Agreement, and the Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Department.

(c) If any reports required by this Agreement have not been submitted to the Department or have been submitted with incorrect, incomplete or insufficient information;

(d) If the Recipient has failed to perform and complete in timely fashion any of its obligations under this Agreement.

(11) REMEDIES

If an Event of Default occurs, then the Department may, upon thirty calendar days written notice to the Recipient and upon the Recipient's failure to cure within those thirty days, exercise any one or more of the following remedies, either concurrently or consecutively:

(a) Terminate this Agreement, provided that the Recipient is given at least thirty days prior written notice of such termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in paragraph (13) herein;

(b) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(c) Withhold or suspend payment of all or any part of a request for payment;

(d) Require that the Recipient refund to the Department any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

(e) Exercise any corrective or remedial actions, to include but not be limited to:

1. request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance,
2. issue a written warning to advise that more serious measures may be taken if the situation is not corrected,
3. advise the Recipient to suspend, discontinue, or refrain from incurring costs for any activities in question, or
4. require the Recipient to reimburse the Department for the amount of costs incurred for any items determined to be ineligible;

(f) Exercise any other rights or remedies which may be otherwise available under law.

(g) Pursuing any of the above remedies will not keep the Department from pursuing any other remedies in this Agreement or provided at law or in equity. If the Department waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Department, or affect the later exercise of the same right or remedy by the Department for any other default by the Recipient.

(12) TERMINATION

(a) The Department may terminate this Agreement for cause with thirty days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform in a timely manner, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla. Stat., as amended.

(b) The Department may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with thirty calendar days prior written notice.

(c) The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment shall state the effective date of the termination and the procedures for proper closeout of the Agreement.

(d) In the event that this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of the Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Department because of any breach of Agreement by the Recipient. The Department may, to the extent authorized by law, withhold payments to the Recipient for the purpose of set-off until the exact amount of damages due the Department from the Recipient is determined.

(13) NOTICE AND CONTACT

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this Agreement.

(b) The name and address of the Division contract manager for this Agreement is:

Beth Frost, Government Analyst I
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 Telephone: (850) 922-1752
 Fax: (850) 488-3309
 Email: beth.frost@dca.state.fl.us

(c) The name and address of the Representative of the Recipient responsible for the administration of this Agreement is:

(Name)
 (Address)
 Telephone: () -
 Fax: () -
 Email: @

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be provided as stated in (13)(a) above.

(14) SUBCONTRACTS

If the Recipient subcontracts any of the work required under this Agreement, a copy of the unsigned subcontract must be forwarded to the Department for review and approval before it is executed by the Recipient. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The Recipient shall document in the quarterly report the subcontractor's progress in performing its work under this Agreement.

For each subcontract, the Recipient shall provide a written statement to the Department as to whether that subcontractor is a minority vendor, as defined in Section 288.703, Fla. Stat.

(15) TERMS AND CONDITIONS

This Agreement contains all the terms and conditions agreed upon by the parties.

(16) ATTACHMENTS

- (a) All attachments to this Agreement are incorporated as if set out fully.
- (b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

(c) This Agreement has the following attachments (check all that are applicable):

- Exhibit 1 - Funding Sources
- Attachment A-1 – Budget and Scope of Work
- Attachment A-2 – Funding Allocation Worksheet
- Attachment B – Program Statutes and Regulations
- Attachment C – Forms Package
- Attachment D – Recordkeeping
- Attachment E – Justification of Advance
- Attachment F – Warranties and Representations
- Attachment G – Certification Regarding Debarment
- Attachment H – Statement of Assurances
- Attachment –
- Attachment –
- Attachment –

(17) FUNDING/CONSIDERATION

This is a cost-reimbursement Agreement. The Recipient shall be reimbursed for costs incurred in the satisfactory performance of work hereunder in an amount not to exceed \$0.00, subject to the availability of funds. The Recipient agrees to expend funds in accordance with the Budget and Scope of Work, Attachment A-1 of this Agreement. ~~Payments shall be limited to the Recipient's proportionate share of the total amount of funds that have been released by the Governor's Office of Policy and Budget to date.~~

If the necessary funds are not available to fund this Agreement as a result of action by the State Chief Financial Officer, or under subparagraph (19)(h) of this Agreement, all obligations on the part of the Department to make any further payment of funds shall terminate, and the Recipient shall submit its closeout report within thirty days of receiving notice from the Department.

(18) REPAYMENTS

All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of "Department of Community Affairs" and mailed directly to the Department at the following address:

Department of Community Affairs
Cashier
Finance and Accounting
2555 Shumard Oak Boulevard
Tallahassee FL 32399-2100

In accordance with Section 215.34(2), Fla. Stat., if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of Fifteen Dollars (\$15.00) or Five Percent (5%) of the face amount of the returned check or draft, whichever is greater.

(19) MANDATED CONDITIONS

(a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Department request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials are incorporated by reference. The inaccuracy of the

submissions or any material changes shall, at the option of the Department and with thirty days written notice to the Recipient, cause the termination of this Agreement and the release of the Department from all its obligations to the Recipient.

(b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

(c) Any power of approval or disapproval granted to the Department under the terms of this Agreement shall survive the term of this Agreement.

(d) This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

(e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.) and the Florida Civil Rights and Fair Housing Acts (sections 760.01 – 760.37, Florida Statutes), which prohibit discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, state and local government services, and telecommunications.

(f) A person or organization who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of \$25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

(g) Any Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
2. have not, within a 5-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 19(g)2. of this certification; and
4. have not within a 5-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

If the Recipient is unable to certify to any of the statements in this certification, then the Recipient shall attach an explanation to this Agreement.

In addition, the Recipient shall send to the Department (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion" (Attachment G) for each intended subcontractor which Recipient plans to fund under this Agreement. Such form must be received by the Department before the Recipient enters into a contract with any subcontractor.

(h) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, Fla. Stat. or the Florida Constitution.

(i) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

(j) Any bills for travel expenses shall be submitted in accordance with Section 112.061, Fla. Stat.

(k) The Department of Community Affairs reserves the right to unilaterally cancel this Agreement if the Recipient refuses to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Fla. Stat., which the Recipient created or received under this Agreement.

(l) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Department or be applied against the Department's obligation to pay the contract amount.

(m) The State of Florida will not intentionally award publicly-funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Department.

(n) The Recipient is subject to Florida's Government in the Sunshine Law (Section 286.011, Fla. Stat.) with respect to the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board. All of these meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with Chapter 119, Fla. Stat.

(20) LOBBYING PROHIBITION

No funds or other resources received from the Department under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(21) COPYRIGHT, PATENT AND TRADEMARK

ANY AND ALL PATENT RIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY RESERVED TO THE STATE OF FLORIDA. ANY AND ALL COPYRIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY TRANSFERRED BY THE RECIPIENT TO THE STATE OF FLORIDA.

(a) If the Recipient has a pre-existing patent or copyright, the Recipient shall retain all rights and entitlements to that pre-existing patent or copyright unless the Agreement provides otherwise.

(b) If any discovery or invention is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Recipient shall refer the discovery or invention to the Department for a determination whether the State of Florida will seek patent protection in its name. Any patent rights accruing under or in connection with the performance of this Agreement are reserved to the State of Florida. If any books, manuals, films, or other copyrightable material are produced, the Recipient shall notify the Department. Any copyrights accruing under or in connection with the performance under this Agreement are transferred by the Recipient to the State of Florida.

(c) Within thirty days of execution of this Agreement, the Recipient shall disclose all intellectual properties relating to the performance of this Agreement which he or she knows or should know could give rise to a patent or copyright. The Recipient shall retain all rights and entitlements to any pre-existing intellectual property which is so disclosed. Failure to disclose will indicate that no such property exists. The Department shall then, under Paragraph (b), have the right to all patents and copyrights which accrue during performance of the Agreement.

(22) LEGAL AUTHORIZATION.

The Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement. The Recipient also certifies that the undersigned person has the authority to legally execute and bind Recipient to the terms of this Agreement.

(23) ASSURANCES.

The Recipient shall comply with any Statement of Assurances incorporated as Attachment H.

(The remainder of this page has been intentionally left blank)

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
STATE FUNDED SUBGRANT AGREEMENT
SIGNATURE PAGE**

Contract Number: (type here)

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month and year set forth below.

RECIPIENT

DEPARTMENT OF COMMUNITY AFFAIRS

By: _____
(Authorized Signature)

By: _____
(Authorized Signature)

Date: _____

Date: _____

(Print Name)

Type Name: Charles Gauthier, Director
Division of Community Planning

Title: _____

Federal Tax ID# _____

EXHIBIT – 1

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Separately list the following information for each federal program for which the resources awarded to the Recipient are matching funds:

(type Program name here)

Federal agency
 Catalog of Federal Domestic Assistance title & #:
 Catalog of Federal Domestic Assistance #:
 State award amount for matching:

FOR THE PURPOSES OF THE REQUIREMENTS OF IN SECTION 215.97, FLORIDA STATUTES:

Separately list the following information for each state project to which the resources awarded to the Recipient apply:

(type Project name here)

State agency	Regional Planning Councils
Catalog of State Financial Assistance title:	Regional Planning Councils
Catalog of State Financial Assistance #:	52.006
Total amount of state award:	\$

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Separately list each applicable compliance requirement (eligible activities, service, or commodities; eligible recipients; etc.) and specify to which state project each requirement applies:

Compliance Requirement

Program

1. Activities are limited to those in the Scope of Work.

NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the Recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. For example, the language may state that the Recipient must comply with specific laws, rules, or regulations that pertain to how the awarded resources must be used or how eligibility determinations are to be made. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.

NOTE: For federal programs included in Exhibit 1, Section .400(d) of OMB Circular A-133, as revised requires, and for state projects included in Exhibit 1, Section 215.97(5)(a), Florida Statute, requires the information in Exhibit 1 to be provided to the Recipient.

Attachment A-1
Scope of Work and Budget

The Recipient agrees to perform all services set forth below as required by state statute. The Recipient also agrees to perform additional services set forth below within the limits of compensation set forth in this Agreement.

Part I: Local Comprehensive Planning

1. When the Recipient receives a proposed plan amendment from a local government within its jurisdiction:
 - A. In the case of proposed amendments submitted under s. 163.3184, Florida Statutes, the Recipient shall review the proposed plan amendment, and in accordance with s. 163.3184(4), Florida Statutes, provide the Department with a written report on each proposed amendment within 30 days after receipt of the complete proposed plan amendment. The Recipient shall use the form provided by the Department. (See Attachment C-7 in the Forms Package).
 - B. If the proposed amendments were submitted under s. 163.32465, Florida Statutes, the recipient shall provide the Department with a copy of the written comments submitted to the local government within the statutory timeframe.
2. If the Recipient prepared the amendment for the local government and is therefore unable to comment on the amendment pursuant to s. 163.3184(5) or s. 163.32465, Florida Statutes, #3 on the amendment review form should be checked to indicate that the Recipient prepared the amendment. The form should be returned to the Department within 30 days in accordance with s. 163.3184(4), Florida Statutes.
3. When the Recipient undertakes review of proposed plan amendments, the Recipient shall review proposed plan amendment(s) for consistency with the applicable Strategic Regional Policy Plan, as defined by s. 186.507 and ss. 163.3184(4) and (5), Florida Statutes. The review of the Recipient shall address:
 - A. The effects on regional resources or facilities identified in the strategic regional policy plan;
 - B. Extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government.
4. For Development of Regional Impact-related comprehensive plan amendments, the Recipient shall provide a description of the status of the application for development approval or the notice of proposed change and identify the regional issues subject to the DRI review.
5. In the Quarterly Program Performance Report, the Recipient shall list by name and amendment number, each local government comprehensive plan amendment reviewed for the quarter and the date the required report was submitted for each proposed amendment. The Quarterly Program Performance Report shall also list instances of dispute resolution conducted in accordance with Part II, 2 below.
6. During the period between issuance of the Department's formal Objections, Recommendations, and Comments Report or agency comments, and adoption of the local plan amendment(s), the Recipient shall, at the Department's request, work directly with the Department and the local governments to resolve issues identified by the Recipient in their analysis of the plan amendment, and to assist local governments in responding to the Department's Objections, Recommendations, and Comments Report or agency comments.

7. Upon receipt of the proposed and adopted Evaluation and Appraisal Reports (EARs), the Recipient shall assess their consistency with the Strategic Regional Policy Plan and the requirements of Section 163.3191, Florida Statutes. This assessment will be used to assist the Department in making its findings of sufficiency pertaining to adopted EARs. When review of EARs has been delegated to a regional planning council, the Recipient shall complete the responsibilities in the delegation agreement.

The Recipient shall send all reports and correspondence related to local comprehensive planning matters to the Chief, Office of Comprehensive Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Part II: Technical Assistance

1. The Recipient shall assist the Department in holding regional workshops prior to the deadline for submission of the EARs to identify regional issues to be addressed in the EAR process, and participate in scoping meetings requested by local governments pursuant to Section 163.3191, Florida Statutes. The Recipient shall assist local governments during the presentation of the EARs, with priority given to small municipalities that have never prepared an EAR. Such assistance shall include the following:
 - A. Notify local governments of EAR due dates;
 - B. Help local governments identify major issues;
 - C. Facilitate and assist with scoping meetings; and,
 - D. Provide information on sources of best available data.
2. In accordance with s. 186.509, Florida Statutes, the Recipient shall establish by rule a dispute resolution process to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interests. The Recipient will take the initiative to identify and work to resolve intergovernmental disputes and shall use the dispute resolution process in accordance with s. 186.509, Florida Statutes, as amended by SB 360 (2009-96, Laws of Florida), which requires the initiation of mandatory mediation or a similar process if voluntary meetings among the disputing parties fail to resolve the issues. Based upon s. 186.509, Florida Statutes, the Recipient shall provide dispute resolution services in the case of intergovernmental disputes.
3. The Recipient shall provide other assistance to citizens and local governments as necessary to implement the appropriate provisions of Section 186.505, Florida Statutes.
4. The Recipient shall provide assistance to other agencies, organizations, and entities as well as participate in programs or activities to improve environmental, social, or economic conditions in the Region as deemed appropriate by the Recipient, and shall consider opportunities to collaborate with the Department to provide joint technical assistance to local governments within the region.

PART III: Developments of Regional Impact (DRI)

1. The Recipient shall carry out all applicable DRI, Florida Quality Development (FQD), and Sector Planning procedures as required by Chapter 380, Florida Statutes; Rules 9J-2, 9J-3, 9J-28, and 28-24, Florida Administrative Code and other pertinent rules which are adopted during the contract period. The written reports submitted to the Department under this item shall be reviewed by the Recipient's planner. The Department shall assist in this activity by providing the Recipient with copies of any declaratory statements and binding letters in a timely fashion.

The Recipient shall review the notices of proposed change (NOPCs) to approved DRIs, and shall review the cumulative changes to the development and notify the Department about any objections to the proposed changes within 35 days of receipt. The Recipient shall advise the Department in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. The written report to be submitted to the Department shall include the following information:

- A. Description of the project as it was originally approved;
- B. Identification of previous changes to the project and the development order;
- C. Identification of specific proposed changes;
- D. Identification of applicable criteria in Section 380.06(19), Florida Statutes;
- E. Evaluation of cumulative changes to the project to determine whether they constitute a substantial deviation pursuant to statutory requirements;
- F. In coordination with reviewing agencies, identification of the impacts of the proposed changes to determine if the proposed changes create additional regional impacts not previously reviewed; and
- G. Notification to the Department about any objections to the proposed changes within 35 days of receipt. The Recipient shall advise the Department in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

The Recipient shall review all proposed development orders, including amended development orders, as applicable, and advise the Department on potential appeal issues within 30 days of receipt.

2. The Recipient shall ensure copies of all reports and correspondence regarding DRI, FQD, and Sector Planning reviews are sent to the Chief, Office of Comprehensive Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.
3. The Recipient shall promote the submittal of, and shall review, all reports required pursuant to Sections 380.06(18) and 380.061, Florida Statutes, for developments located within the region that have received development orders since August 1980, and shall immediately report potential violations to the Department as required by Section 9J-2.027(3)(c), Florida Administrative Code.
4. The Recipient shall issue the Regional Planning Council report and recommendation ("Assessment") to the local government on an Application for Development Approval (ADA), pursuant to Section 380.06, Florida Statutes, or an Application for Development Designation (ADD) pursuant to Section 380.061, Florida Statutes, and in compliance with the provisions of Chapter 380, Florida Statutes; Regional Planning Council rules adopted pursuant to Chapters 380, 186 and 120, Florida Statutes; prior agency practice; and applicable case law.
5. The Recipient shall review petitions for local government certification and review development orders issued by certified local governments as required by Chapter 380.065, Florida Statutes, and related rules.

PART IV: Strategic Regional Policy Planning

The Recipient shall perform activities related to the implementation of Chapter 186, Florida Statutes, and related rules. These implementation activities shall include maintaining and amending a Strategic Regional Policy Plan (SRPP) in accordance with Rule 27E-5, Florida Administrative Code, Chapter 186, Florida Statutes, and Chapter 120, Florida Statutes, and with Section 163.3175, to the extent applicable under SB 1604 (2004-230, Laws of Florida) and SB 360 (2009-96, Laws of Florida), regarding military base encroachment.

PART V: Other Responsibilities

1. **Ten-Year Site Plans and Site Certification.** The Recipient shall provide assistance upon request to the Department, the Department of Environmental Protection, and the Public Service Commission, as applicable, in the review of 10-year site plans, power plant site and transmission line corridor certification requests, and natural gas transmission pipeline certification applications submitted for projects within or having a significant impact on the area within their jurisdiction. The Recipient shall function as a regional clearinghouse by soliciting, discussing and integrating comments from local governments and other interested parties as a part of these reviews. The Recipient shall evaluate the 10-year site plans and site/corridor certification requests for consistency with its regional policy plan, and provide the Department and the Commission or the Department of Environmental Protection, as appropriate, with substantive comments based on that review.
2. **Data Collection.** The Recipient shall, pursuant to Section 186.507(9), Florida Statutes, coordinate with the Department in order to achieve uniformity and consistency in land use information and data collection efforts in the state, and to provide a usable and accessible data base to assist local governments and the private sector.
3. **Emergency Preparedness Planning.** The Recipient shall provide a representative to participate as a review team member during the reviews of local comprehensive emergency management plans in accordance with Rules 9G-6.006 and 9G-6.007, Florida Administrative Code, and local mitigation plans and redevelopment plans. The representative will have review and comment responsibilities as assigned by the Team Leader.
4. **Intergovernmental Coordination and Review.** The Recipient shall carry out the functions of a regional clearinghouse as designated by the Executive Office of the Governor, pursuant to Federal Executive Order 12372 (Intergovernmental Review of Federal Programs), and shall review and comment as appropriate on federal, state and regional plans that may impact the region.
5. **Hazardous Waste.** The Recipient shall advise local governments with regard to the hazardous waste site verification program pursuant to Section 403.723(2), Florida Statutes.
6. **Annual Report.** The Recipient shall provide an annual report on its activities to the Department by June 30, 2010, as required by Section 186.513, Florida Statutes. Provision of a copy of the annual report prepared by all the regional planning councils may satisfy this requirement.
7. **Workshops.** The Recipient shall conduct and participate in growth management workshops as deemed appropriate by the Recipient.

INSERT BUDGET AS PAGE 19

**Attachment A-2
Funding Allocation Worksheet**

2009-2010 FUNDING ALLOCATION FOR REGIONAL PLANNING COUNCILS		
REGIONAL PLANNING COUNCIL	POPULATION DISTRIBUTION	FUNDING AMOUNT
West Florida	4.9%	\$196,052
Apalachee	2.5%	\$178,038
North Central	2.7%	\$179,194
Northeast	8.2%	\$220,488
Withlacoochee	4.1%	\$189,806
East Central	16.9%	\$285,523
Central	4.2%	\$190,529
Tampa Bay	15.4%	\$274,553
Southwest Florida	8.3%	\$221,640
Treasure Coast	9.9%	\$233,136
South Florida	22.9%	\$331,041
TOTAL	100%	\$2,500,000

Attachment C
Forms Package

FORMS PACKET

FORM C-1A
Financial Status Report

Grantee Name _____ Contract Number _____
 Address _____ For Quarter Ending _____

CATEGORY	BUDGET ALLOCATION (A)	DISBURSEMENT OF FUNDS PROVIDED UNDER THIS AGREEMENT		BALANCE (A MINUS C) (D)
		CURRENT QUARTER (B)	TOTAL TO DATE (C)	

CASH POSITION
 (E) Cash Advanced\$
 (F) Quarterly Cash Reimbursements

DATE RECEIVED	AMOUNT	DATE RECEIVED	AMOUNT	DATE RECEIVED	AMOUNT

(G) Total Quarterly Cash Reimbursements (Total of F Above).....\$
 (H) Total Cash Received (Line F + Line E).....\$
 (I) Total Cash Disbursed (Column C Above).....\$
 (J) Cash Balance as of _____ (Date) (Line H - Line I).....\$
 (K) Amount of Warrant to be Issued (Amount Requested).....\$

Subgrantee Authorized Signature _____ Title _____ Date _____

FORM C-2

Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Contract No. _____

Date _____

Category _____

CONTRACT CLOSE-OUT PACKAGE

General Instruction: This package of close-out forms and instructions must be returned on a separate set of forms for each category, to the Senior Analyst, Department of Community Affairs, no later than sixty (60) days after the termination date of the contract.

This is the cover sheet which is used to identify your contract and to identify all the documents to be completed and returned to the Senior Analyst.

CONTRACT IDENTIFICATION

Subgrantee _____ Beginning Date _____

Address _____ Ending Date _____

City & State _____ Contract Amount _____

IDENTIFICATION OF DOCUMENT: Enclosed (Please check all items enclosed.)

1. Refund Check 2. Status of Funds 3. Summary of Disbursements

If refund is not enclosed, please show date it will be submitted: _____

**FORM C-4
STATUS OF FUNDS**

SUBGRANTEE: _____

CONTRACT NUMBER: _____

CATEGORY: _____

LIST ALL FUNDS RECEIVED FOR THIS CATEGORY:

MONTH RECEIVED	AMOUNT	MONTH RECEIVED	AMOUNT

TOTAL CONTRACT FUNDS RECEIVED: _____

LESS ACCRUED EXPENDITURES (Column ad@, Summary of Disbursements) _____

AMOUNT TO BE RETURNED TO DEPARTMENT OF COMMUNITY AFFAIRS _____

MAKE CHECK PAYABLE TO: CASHIER
DEPARTMENT OF COMMUNITY AFFAIRS
2555 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-2100

SIGNATURE: _____ **TITLE:** _____

DATE: _____ **TELEPHONE:** _____

FORM C-5
DRI MONITORING FORMAT

Reporting Date: _____
Month, Day, Year

Development: _____
Name of DRI

Location: _____
City County

Developer=s Name: _____
Company

Address: _____
Street Address

City, State, Zip Code

1. Evaluate the status of the development. If the development order has in fact or in effect been abandoned by the developer or owners of the property, identify current activity, planned and ongoing development, and ownership of the property.

No further review is necessary if the development order has expired or been rescinded and no development has taken place on the site. If there has been development on the site without the benefit of a development order, an analysis of the development should be done comparing it to the former plan and other DRI consideration.

2. Describe the commitments and plan characteristics which were stated, illustrated or implied in the Application for Development Approval (ADA) or subsequent submission of the developer, which were important considerations in the approval of the development.
3. Describe each of the conditions of the development order indicating dates and specific criteria that were contained in the development order.
4. Describe any changes made in the proposed plan of development, phasing or in the representations contained in the ADA since the DRI received approval. Please note any actions (including substantial deviation determinations) taken by local government to address these changes.
5. Provide copies of any revised master plan or site plans not previously submitted if they are readily obtainable in terms of size, cost and reproducibility. If actual copies of the revised plans are not readily obtainable, then copies of the original plans with the changes clearly marked and identified, or color photographs or color slides of the revised plans shall be submitted by the Recipient.
6. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the new local government adopted a DRI

development order for the projects? Please provide a copy of the order adopted by the new local government if we do not already have one.

7. If significant tracts of land in the development have been sold to a separate entity of developer, identify the tracts and buyers, to the maximum extent possible, using public records and information supplied by the developer.
8. Describe any lands purchased or optioned by the developer that are adjacent to the original DRI site which are known to the Recipient based on public records and information supplied by the developer. Identify the areas and the planned land use on a site plan map.
9. List significant local, state and federal permits which have been obtained for activities which relate to regional or state issues that were addressed in the ADA or development order.
10. Provide a summary comparison of development activity proposed and actually conducted.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.
11. Assess the development and local government's continuing compliance with each of the conditions of approval contained in the DRI development order and with the commitments and plan characteristics identified in question #2.

ATTACHMENT C-6**FORM DCP-BSP-ANNUAL REPORT-1**

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
STATE PLANNING ADMINISTRATION
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-4925

**DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT**

Subsection 380.06 (18), Florida Statutes, places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an annual report to the local government, the regional planning agency, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the annual report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DEI Planner at (850) 488-4925.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Planning
State Planning Administration
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06 (15) (f), F.S.
- 2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.
- 3. Provide copies of any revised master plans, incremental site plan, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

- 4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

- 5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

_____ Tract _____

Note: If a response is to be more than one sentence, attach as Exhibit D.

- 6. Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

- 7. List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

- 8. Provide a list specifying each development order condition and each develop commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual report reporting period.
- 9. Provide any information that is specifically required by the development order to be included in the annual port.
- 10. Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06 (15) and (18), F.S.

Person completing the questionnaire:

Person completing the questionnaire:

Title:

Representing:

FORM C-7

(Name of Regional Planning Council)
**REGIONAL PLANNING COUNCIL
AMENDMENT REVIEW FORM
FY 2009-2010**

1. Local Government Name:

2. Amendment Number:

3. Did the RPC prepare the Plan Amendment: (YES) (NO)

4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable:

5. Date Amendment Review must be Completed and Transmitted to DCA:

6. Date the Review was transmitted to DCA:

7. Description of the Amendment:

8. Is the Amendment consistent with the Strategic Regional Policy Plan?

9. Applicable Strategic Regional Policy Plan Goals and Objectives:

10. The effects on the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

Analysis of the effects of the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

14. Affordable housing issues and designation of adequate sites for affordable housing:

15. Protection of natural resources of regional significance identified in the Strategic Regional Policy Plan including, but not limited to, protection of spring and groundwater resources, and recharge potential:

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

18. Analysis of the effects of extra-jurisdictional impacts which may be created by the amendment:

Attachment F

Warranties and Representations

Financial Management

Recipient's financial management system must include the following:

- (1) Accurate, current and complete disclosure of the financial results of this project or program.
- (2) Records that identify the source and use of funds for all activities. These records shall contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.
- (3) Effective control over and accountability for all funds, property and other assets. Recipient shall safeguard all assets and assure that they are used solely for authorized purposes.
- (4) Comparison of expenditures with budget amounts for each Request For Payment. Whenever appropriate, financial information should be related to performance and unit cost data.
- (5) Written procedures to determine whether costs are allowed and reasonable under the terms and conditions of this Agreement.
- (6) Cost accounting records that are supported by backup documentation.

Competition

All procurement transactions shall be done in a manner to provide open and free competition. The Recipient shall be alert to conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure excellent contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the Recipient, considering the price, quality and other factors. Solicitations shall clearly set forth all requirements that the bidder or offeror must fulfill in order for the bid or offer to be evaluated by the Recipient. Any and all bids or offers may be rejected when it is in the Recipient's interest to do so.

Codes of Conduct

The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by public grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the Recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The standards of conduct shall provide for disciplinary actions to be applied for violations of the standards by officers, employees, or agents of the Recipient.

Business Hours

The Recipient shall have its offices open for business, with the entrance door open to the public, and at least one employee on site, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Licensing and Permitting

All subcontractors or employees hired by the Recipient shall have all current licenses and permits required for all of the particular work for which they are hired by the Recipient.

Attachment G

**Certification Regarding
Debarment, Suspension, Ineligibility
And Voluntary Exclusion**

Subcontractor Covered Transactions

- (1) The prospective subcontractor of the Recipient, (name of subcontractor), certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Contractor's subcontractor is unable to certify to the above statement, the prospective contractor shall attach an explanation to this form.

(Sub-Contractor's Name)

(Recipient's Name)

(Authorized Signature) Date: _____

(Print Name and Title)

(type here)
(DCA Contract Number)

(Street Address)

(City, State, Zip)

_____ Agenda
_____ Item

3e

Town of Big Cypress DRI –
Request for Sufficiency
Response Extension

3e

3e

TOWN OF BIG CYPRESS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the Town of Big Cypress Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The applicant's agent chose not to pursue a 45-day extension. The applicant's agent submitted a letter requesting a lengthier 120-day extension to the sufficiency response period. The 120-day extension set the deadline for sufficiency responses to November 05, 2008. The applicant submitted the Town of Big Cypress First Round Sufficiency Responses prior to the sufficiency response deadline. The Southwest Florida Regional Planning Council responded to the applicant's sufficiency response with additional sufficiency questions on October 30, 2008. The 120-day sufficiency response period was set to expire on February 27, 2009. The applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on January 27, 2009 requesting a 90-day extension to the sufficiency response period. A 90-day extension was granted at the Council meeting held on February 19, 2009. The 90-day extension set the new deadline for sufficiency responses to May 30, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council on April 07, 2009 requesting an additional 120-day extension to the sufficiency response period. A 120-day extension was granted at the SWFRPC meeting held on April 16, 2009. The 120-day extension set the new deadline for sufficiency responses to September 30, 2009. The applicant has submitted a letter requesting a 90-day extension to the sufficiency response period (please see Attachment I). The proposed new deadline for sufficiency responses would be December 29, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45-day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension." The applicant's agent states this extension request is "necessary in order to continue to resolve outstanding transportation issues and to address other agency comments received to date. The additional time will allow the applicant to continue to meet with the review agencies to resolve the issues and to arrive at a sufficiency response which addresses the comments received to date."

Staff recommends approval of this extension.



NEW DIRECTIONS IN PLANNING, DESIGN & ENGINEERING. SINCE 1956.



August 3, 2009

Mr. Daniel Trescott
Southwest Florida Regional Planning Council
1962 Victoria Avenue
Fort Myers, FL 33901

**RE: Town of Big Cypress ADA/DRI
Response to Sufficiency # 2
Request for Time Extension**

Dear Mr. Trescott:

On behalf of our client, Collier Enterprises Management, Inc., we respectfully request an extension from the 120-day "Response to Agency Sufficiency Comments" deadline, pursuant to Section 380.06, Florida Statutes. The Applicant requests an additional 90 days, until December 30, 2009, to submit a response to the second round of sufficiency comments received on October 30, 2008. The extension is necessary in order to continue to resolve outstanding transportation issues and to address other agency comments received to date. The additional time will allow the applicant to continue to meet with the review agencies to resolve the issues and to arrive at a sufficiency response which addresses the comments received to date.

We hope that the Regional Planning Council approves this request at their meeting on September 17, 2009. Please contact me if you need any further information. Thank you for your assistance and cooperation.

Sincerely,

WilsonMiller, Inc.

Margaret Perry, AICP
Regional Manager, Senior Associate

cc: Jason Utley, LEED AP, SWFRPC
Michael Rosen, Collier Enterprises Management, Inc.
Rich Yovanovich, Esq., Goodlette, Coleman & Johnson, Yovanovich & Koester, P.A.
Neale Montgomery, Esq., Pavese Law Firm
Kay Deselem, AICP, Collier County



_____ Agenda
_____ Item

3f

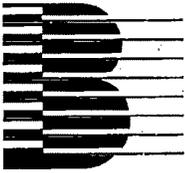
Harborview DRI - Substantial
Deviation Request for
Extension

3f

HARBORVIEW SUBSTANTIAL DEVIATION REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant for the Harborview Development of Regional Impact Substantial Deviation has requested a 30-day extension to the deadline for responding to the Application for Development Approval's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on January 14, 2008. The 45-day extension set the new deadline for sufficiency responses to March 04, 2008. Subsequent to granting the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council (SWFRPC) on February 14, 2008 requesting an additional 45-day extension to the sufficiency response period. A 45-day extension was granted at the Council meeting held on February 21, 2008. The 45-day extension set the new deadline for sufficiency responses to April 18, 2008. Subsequent to granting the 45-day extension, the applicant's agent submitted a letter to the SWFRPC on April 08, 2008 requesting an additional 28-day extension to the sufficiency response period. The 28-day extension set the new deadline for sufficiency responses to May 16, 2008. Subsequent to granting the 28-day extension, the applicant's agent submitted a letter to the SWFRPC on May 13, 2008 requesting a 90-day extension to the sufficiency response period. The applicant's agent miscalculated the new deadline for sufficiency responses in the letter dated May 13, 2008. Staff clarified the intent of a 90-day extension in a telephone conversation with Mr. Troy Salisbury, agent for the applicant, on May 14, 2008. The 90-day extension set the new deadline for sufficiency responses to August 14, 2008. The applicant submitted the Harborview Substantial Deviation First Round Sufficiency Responses prior to the sufficiency response deadline. The SWFRPC responded to the applicant's sufficiency response with additional sufficiency questions on July 31, 2008. The 120-day sufficiency response period was set to expire on November 27, 2008. The applicant's agent submitted a letter to the SWFRPC on November 03, 2008 requesting a 120-day extension to the sufficiency response period. The 120-day extension set the new deadline for sufficiency responses to March 27, 2009. Subsequent to the granting of the 120-day extension, the applicant's agent submitted a letter to the SWFRPC on February 02, 2009 requesting an additional 90-day extension to the sufficiency response period. The Council granted the 90-day extension which established June 25, 2009 as the deadline for sufficiency responses. Subsequent to granting the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on May 13, 2009 requesting an additional 90-day extension to the sufficiency response period. The Council granted the 90-day extension which established September 23, 2009 as the deadline for sufficiency responses. Subsequent to the granting of the 90-day extension, the applicant submitted a letter to the SWFRPC on August 27, 2009 (see Attachment I) requesting an additional 30-day extension to the sufficiency response period. The proposed new deadline for sufficiency responses would be October 23, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45-day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension."

Staff recommends approval of this extension.



BENDERSON DEVELOPMENT COMPANY, LLC 8441 Cooper Creek Blvd., University Park, FL 34201 (941) 359-8303 Fax (941) 359-1836

Among Our Tenants

www.benderson.com

A&P
 Adidas
 AJ Wright
 AMC Theatres
 Ann Taylor Loft
 Applebee's
 BJ's Wholesale Club
 Bally Total Fitness
 Bank of America
 Barnes & Noble
 Beall's Department Store
 Red Bath & Beyond
 Best Buy
 Big Lots
 Blockbuster Video
 Borders Books
 Bonafish Grill
 Brooks Drugs
 Burlington Coat
 Carrabba's Italian Grill
 Chico's
 Cingular Wireless
 Circuit City
 Citibank
 City Mattress
 Coldwater Creek
 CVS
 Designer Shoe Warehouse
 Dick's Sporting Goods
 Dollar Tree
 Dress Barn
 Eckerd Drug
 Fashion Bug
 Family Dollar Stores
 Federal Express
 Food Lion
 Guitar Center
 Hancock Fabrics
 HSBC Bank
 Hollywood Video
 Home Depot
 JCPenney
 Jo-Ann Fabrics
 K B Homes
 Kohl's
 Kroger
 Lenox
 Linens 'n Things
 Lowe's
 M&T Bank
 Marshalls
 Mattress Firm
 Media Play
 Michael's Crafts
 Office Depot
 OfficeMax
 Old Time Pottery
 Outback Steakhouse
 Panera Bread
 Payless ShoeSource
 Perkins
 Petco
 PetsMart
 Pier 1 Imports
 Pizza Hut
 Price Chopper
 Regal Cinemas
 Rite Aid
 Sam's Club
 Sears Roebuck & Company
 Sherwin-Williams
 Sprint PCS
 Staples
 Starbucks
 Stein Mart
 Stonewood Grill
 Supercuts
 Sweet Bay
 Taco Bell
 Talbots
 Tandy/Radio Shack
 Target/Super Target
 T.J. Maxx
 Tops Friendly Markets
 Valu Home Center
 Value City Furniture
 Wal-Mart/Wal-Mart Supercenter
 Walgreens
 Wegmans Food Markets
 Westpoint Stevens

August 27, 2008

Mr. Jason Utley, LEED AP
 Regional Planner/Assistant DRI Coordinator
 Southwest Florida Regional Planning Council
 1926 Victoria Avenue
 Fort Myers, FL 33901

AUG 31 2009

Re: Harborview DRI

Dear Mr. Utley:

Thank you for your phone call regarding the deadline for the sufficiency responses for the Harborview Substantial Deviation. It is our intent to submit before the September deadline, but we still have a few items to iron out that might push the submission past the deadline. At this time we are respectfully requesting a thirty day extension. The sufficiency response will be filed prior to October 29, 2009.

Thanks for your assistance in this matter.

Sincerely,
 Benderson Development Company, LLC

William L. Murray, P.E.
 Director of Engineering – Florida

_____ Agenda
_____ Item

3g

Florida Gulf Coast
Technology & Research Park
DRI – Request for Extension

3g

**FLORIDA GULF COAST TECHNOLOGY AND RESEARCH PARK REQUEST FOR
SUFFICIENCY RESPONSE EXTENSION**

The applicant's agent for the Florida Gulf Coast Technology and Research Park Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on June 09, 2008. The 45-day extension set the new deadline for sufficiency responses to July 25, 2008. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a sufficiency response to the Southwest Florida Regional Planning Council. The sufficiency response was reviewed and additional questions were sent to the applicant's agent on July 18, 2008. The 120-day sufficiency response period was set to expire on November 16, 2008. The applicant submitted a letter requesting a 46-day extension to the sufficiency response period on October 10, 2008. The Council granted the 46-day extension which established December 31, 2008 as the deadline for sufficiency responses. Subsequent to the granting of the 46-day extension, the applicant's agent submitted a letter dated November 10, 2008 which requested a 90-day extension for sufficiency responses. The Council granted the 90-day extension which established March 31, 2009 as the deadline for sufficiency responses. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter dated February 24, 2009 which requested a 90-day extension to the sufficiency response period. The Council granted the 90-day extension which established June 29, 2009 as the deadline for sufficiency responses. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter dated May 13, 2009 which requested a 90-day extension for sufficiency responses. The Council granted the 90-day extension which established September 27, 2009 as the deadline for sufficiency responses. The applicant's agent has submitted a letter dated August 28, 2009 (see Attachment I) requesting another 90-day extension to the sufficiency response period. The proposed new deadline for sufficiency responses would be December 26, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45-day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension."

Staff recommends approval of this extension.

PAVESE LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

August 28, 2009

SEP - 1 2009

Sent via U.S. Mail and email transmittal

Mr. Jason Utley, LEED AP
Regional Planner/Assistant DRI Coordinator
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901

**Re: FLORIDA GULF COAST TECHNOLOGY & RESEARCH PARK DRI
Case No. 04-0607-178**

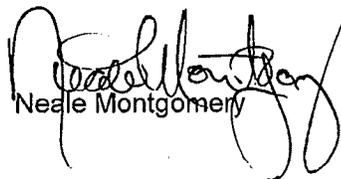
Dear Mr. Utley:

At the Council's meeting held June 18, 2009, an extension of the sufficiency response for the Florida Gulf Coast Technology & Research Park DRI was granted to September 27, 2009.

The Applicant and its consultants are working diligently to address the questions posed in the sufficiency. The questions include a request to include additional lands and the Applicant is continuing to work on the plans for the additional lands. Please accept this letter as a request for an additional ninety (90) day extension to the current September 27, 2009, deadline for our client's sufficiency response for the DRI Application.

Your consideration of this matter is greatly appreciated.

Sincerely,


Neale Montgomery

NM/kc

cc: Mr. Alvin Block, Lee County Planner
Mr. Bill Murray, Benderson Development

_____ Agenda
_____ Item

3h

North Port Gardens DRI –
Request for Extension

3h

3h

NORTH PORT GARDENS REQUEST FOR SUFFICIENCY RESPONSE EXTENSION

The applicant's agent for the North Port Gardens Development of Regional Impact Application for Development Approval (ADA) has requested a 90-day extension to the deadline for responding to the ADA's sufficiency questions. The Florida Administrative Code's DRI Rule 29I-4.001(5) allows the Executive Director of the Regional Planning Council to administratively grant an initial 45-day time extension to any sufficiency response period. The Executive Director granted a 45-day extension to the sufficiency response period on March 28, 2008. The 45-day extension set the new deadline for sufficiency responses to May 19, 2008. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a letter to the Southwest Florida Regional Planning Council (SWFRPC) on May 07, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on May 15, 2008. The 90-day extension set the new deadline for sufficiency responses to August 17, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on May 30, 2008 requesting an additional 90-day extension to the sufficiency response period. A 90-day extension was granted at the SWFRPC meeting held on June 19, 2008. The 90-day extension set the new deadline for sufficiency responses to November 15, 2008. Subsequent to the granting of the 90-day extension, the applicant's agent submitted a letter to the SWFRPC on October 07, 2008 requesting an additional 30-day extension to the sufficiency response period. A 30-day extension was granted at the SWFRPC meeting held on October 16, 2008. The 30-day extension set the new deadline for sufficiency responses to December 17, 2008. Subsequent to the granting of the 30-day extension, the applicant's agent submitted an e-mail to the SWFRPC on November 12, 2008 requesting a 45-day extension for sufficiency responses. The 45-day extension was granted at the SWFRPC meeting held on November 20, 2008. The 45-day extension set the new deadline for sufficiency responses to January 31, 2009. Subsequent to the granting of the 45-day extension, the applicant's agent submitted a letter to the SWFRPC on January 07, 2009 requesting a 30-day extension for sufficiency responses. A 30-day extension was granted at the SWFRPC meeting held on January 15, 2009. The 30-day extension set the new deadline for sufficiency responses to March 02, 2009. Subsequent to the granting of the 30-day extension, the applicant's agent submitted an e-mail to the SWFRPC on February 11, 2009 requesting a 90-day extension for sufficiency responses. A 90-day extension was granted at the SWFRPC meeting held on February 19, 2009. The 90-day extension set the new deadline for sufficiency responses to May 31, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted an e-mail to the SWFRPC on April 09, 2009 requesting a 90-day extension for sufficiency responses. A 90-day extension was granted at the SWFRPC meeting held on April 16, 2009. The 90-day extension set the new deadline for sufficiency responses to August 29, 2009. Subsequent to the granting of the 90-day extension, the applicant's agent submitted an e-mail to the SWFRPC on June 01, 2009 requesting a 30-day extension to the sufficiency response

period. A 30-day extension was granted at the SWFRPC meeting held on June 18, 2009. The 30-day extension set the new deadline for sufficiency responses to September 28, 2009. The current deadline for sufficiency responses is September 28, 2009. The applicant has submitted an e-mail requesting a 90-day extension (see Attachment I) to the sufficiency response period. The new proposed deadline for sufficiency responses would be December 27, 2009. The Florida Administrative Code's DRI Rule 29I-4.001(5) states "Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45-day extension."

Staff recommends approval of this request for extension.

Jason Utley

From: kelley.klepper@kimley-horn.com
Sent: Friday, September 04, 2009 12:22 PM
To: Jason Utley
Cc: Peter.Vanbuskirk@kimley-horn.com
Subject: re: North Port Gardens - Development of Regional Impact

Jason –

Thank you for the update and information regarding the North Port Gardens – Development of Regional Impact. Based on your last correspondence, the deadline to submit Sufficiency Responses was previously extended to September 29, 2009. Per our discussions, we would request an extension of this deadline for an additional 90-days. We understand the SWFRPC has requested additional funds for review and we hope to address this request shortly.

Thank you for your consideration. If you have any questions or need additional information, please do not hesitate to contact myself or Peter T. Van Buskirk, P.E., AICP.

Sincerely,

Kelley Klepper, AICP



Kimley-Horn and Associates, Inc.



2601 Cattlemen Road, Suite 500
Sarasota, FL 34232-6249
Voice: 941 379-7600 (new)
Cell: 941 527.9070
Fax: 941 379.4352
kelley.klepper@kimley-horn.com
www.kimley-horn.com
www.urbanresourcegroup.com

This e-mail from Kimley-Horn and Associates, Inc. and any files transmitted with it may contain confidential information. It is intended solely for the individual named above. If you are not the intended recipient, please notify the sender and delete it immediately. Any other use or distribution is prohibited.

_____ Agenda
_____ Item

3i

The Red Sox Stadium DRI
Preapplication Questionnaire
Checklist

3i

AGENDA ITEM

**LEE COUNTY/BOSTON RED SOX BALL PARK AND SPRING TRAINING FACILITY
SUBSTANTIAL DEVIATION (FKA AIRSIDE PLAZA) PREAPPLICATION
QUESTIONNAIRE CHECKLIST FOR DRI ADA SUBMISSION**

Background

On August 04, 2009, a pre-application meeting was held for the proposed Lee County/Boston Red Sox Ball Park and Spring Training Facility Development of Regional Impact (DRI) Substantial Deviation. The Lee County/Boston Red Sox Ball Park DRI is located on approximately 126+/- acres on the north side of Daniels Parkway, east of I-75 (see Attachment I). It is presently approved as the Airside Plaza DRI, the most recent development order for which was rendered by Lee County in 2005. The property was subsequently annexed into the City of Fort Myers in 2006 and the City adopted the DRI development order in effect in the County as required by Section 380.06 of the Florida Statutes. The property was de-annexed from the City by the adoption of Ordinance 3514 on July 20, 2009.

The present DRI development order provides for development of 125,400 square feet of retail commercial, a 150-room hotel/motel, 270,000 square feet of office use, 525,000 square feet of “tech/flex” (an industrial land use), and a “swing” parcel that could be an additional 150-room hotel or 40,000 square feet of office/research uses.

Attending the pre-application meeting were the applicant Eddy Garcia, consultants for the project, Lee County staff, FDOT, FDEP and SWFRPC staff. Other review agencies were unable to attend; however, they have received background information on the project and will be providing input throughout the review process.

Project Description

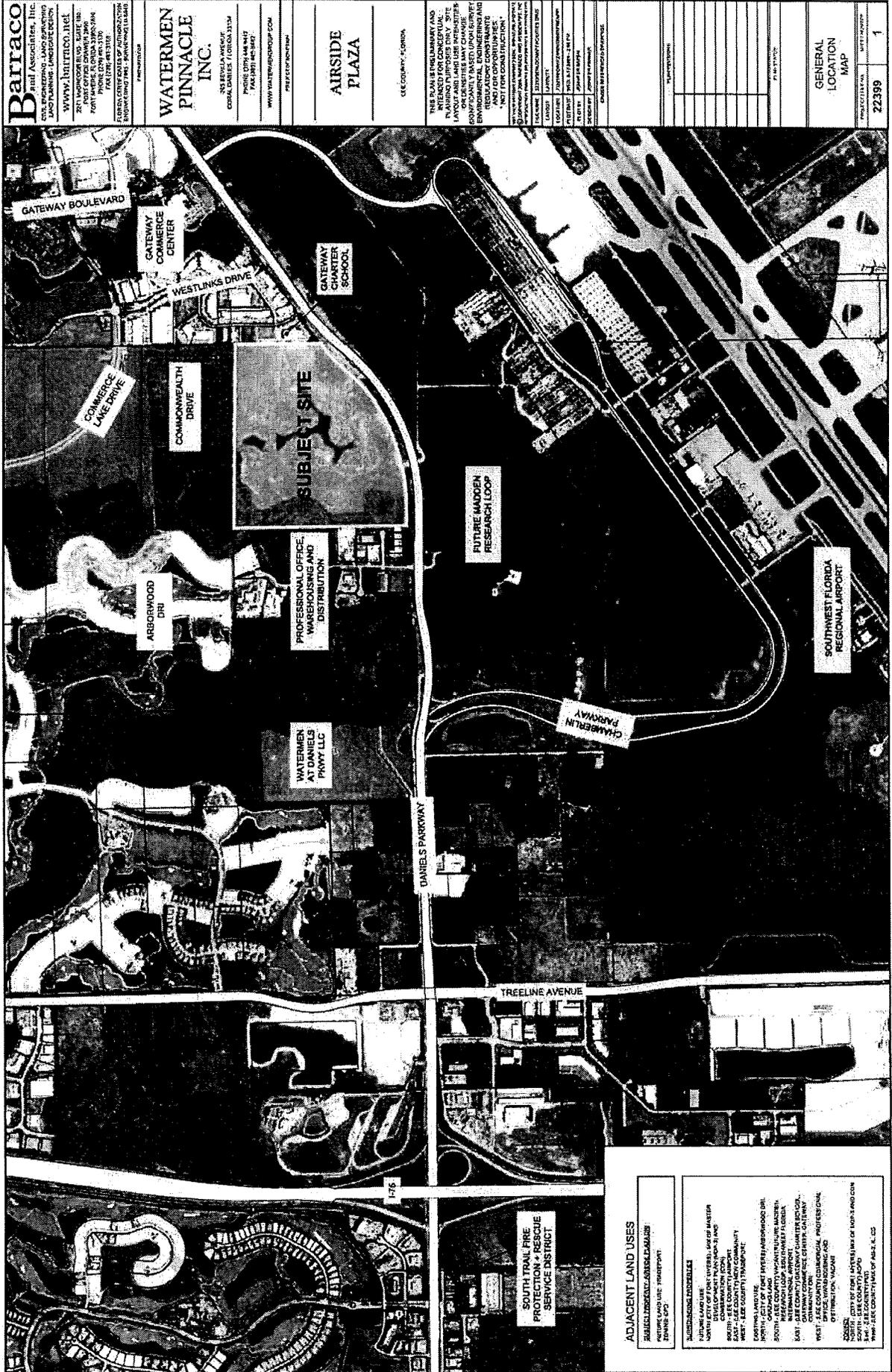
The project consists of a ballpark, non-ballpark amusement and recreation uses, retail, office, hotel and wellness/fitness uses. The development plan will include a 12,000 seat ballpark, 50,000 square feet of office, 150 hotel rooms, 200,000 square feet of commercial retail, 50,000 square feet of wellness/fitness/rehab/athletic performance & sports medicine and 2.5 acres of non-ballpark amusement and recreation uses. The existing 20 ± acre preserve area located along the western and northern boundary of the site will remain in preserve. The conceptual master plan is still under careful consideration and will be submitted with the Application for Development Approval (ADA). The proposed buildout is to be completed in a single phase. Construction and opening of the Ballpark is anticipated to occur in time for the 2012 Spring Training season. The remainder of the site is anticipated to be developed by 2015.

Questionnaire Checklist (Attachment II)

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

RECOMMENDED ACTION: Approve the questionnaire checklist.

2009-09-17



Barraco
 Barraco Associates, Inc.
 CIVIL ENGINEERING, LAND SURVEYING
 AND PLANNING - LANDSCAPE DESIGN
 WWW.BARRACO.INC
 2801 MONROE BLVD., SUITE 100
 FORT MYERS, FLORIDA 33909
 PHONE: (889) 381-3339
 FAX: (889) 483-8181
 EMAIL: INFO@BARRACO.INC

**WATERMEN
 PINNACLE
 INC.**
 3838 BUCKLE AVENUE
 CORAL GABLES, FLORIDA 33134
 PHONE: (305) 444-5417
 FAX: (305) 444-5417
 WWW.WATERMENINC.COM
 WWW.WATERMENINC.COM

**AIRSIDE
 PLAZA**

SEE EXHIBIT "GENERAL"

THE PLAN IS PRELIMINARY AND
 INTENDED TO PROVIDE A GENERAL
 LAYOUT AND LAND USE INFORMATION
 FOR THE PROJECT. THIS PLAN IS NOT
 A CONTRACT DOCUMENT AND DOES NOT
 CONSTITUTE AN OFFER OF ANY SERVICE
 OR PRODUCT. THE CLIENT SHALL
 BE RESPONSIBLE FOR OBTAINING ALL
 NECESSARY PERMITS AND APPROVALS
 FROM THE APPROPRIATE AGENCIES
 AND FOR THE CONSTRUCTION OF
 THE PROJECT.

DATE:	02/23/2011
PROJECT:	AIRSIDE PLAZA
LOCATION:	10000 DANIELS PARKWAY, FORT MYERS, FL 33909
SCALE:	AS SHOWN
DESIGNER:	BARRACO ASSOCIATES, INC.
CLIENT:	WATERMEN PINNACLE INC.
PROJECT NO.:	11111
DATE:	02/23/2011
SCALE:	AS SHOWN
DESIGNER:	BARRACO ASSOCIATES, INC.
CLIENT:	WATERMEN PINNACLE INC.
PROJECT NO.:	11111

PROJECT NO.:	22399
DATE:	02/23/2011
SCALE:	AS SHOWN
DESIGNER:	BARRACO ASSOCIATES, INC.
CLIENT:	WATERMEN PINNACLE INC.
PROJECT NO.:	11111

ADJACENT LAND USES

SUBJECT TO RECORDING AND LOCAL ORDINANCES:

FUTURE LAND USE: TRANSPORT
 ZONING: C-1

SUBJECT TO RECORDING AND LOCAL ORDINANCES:

ADJACENT LAND USES:

NORTH: CITY OF FORT MYERS UNIVERSITY LAND CENTER DEVELOPMENT PHASES 31 AND 32
 SOUTH: SEE COUNTY LAND USE ZONING MAP
 WEST: SEE COUNTY TRANSPORT ZONING MAP
 EAST: SEE COUNTY TRANSPORT ZONING MAP
 SOUTH: SEE COUNTY TRANSPORT ZONING MAP
 WEST: SEE COUNTY TRANSPORT ZONING MAP
 SOUTH: SEE COUNTY TRANSPORT ZONING MAP
 WEST: SEE COUNTY TRANSPORT ZONING MAP
 SOUTH: SEE COUNTY TRANSPORT ZONING MAP
 WEST: SEE COUNTY TRANSPORT ZONING MAP

ATTACHMENT II

**LEE COUNTY/BOSTON RED SOX BALLPARK AND SPRING TRAINING FACILITY
(f/k/a AIRSIDE PLAZA) DRI SUBSTANTIAL DEVIATION**

Questionnaire Checklist for DRI-ADA Submission

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

Question #	Subject	Regionally Significant Y/N	Answer Required Y/N	Special Notes
	RESOURCE IMPACTS			
12. A-E	Vegetation and Wildlife	Y		Exempt pending site review
13. A-B SWFRPC 13.B.1	Wetlands	Y	Y	
14. A-C	Water	Y	Y	
15. A-D	Soils	N	N	
16. A-D	Flood Plains	Y	Y	
17. A-H	Water Supply	Y	Y	
18. A-E	Wastewater Management	Y	Y	
19. A-E	Stormwater Management	Y	Y	
20. A-C	Solid Waste/Haz. Materials	Y	Y	Agree to standard conditions
Part IV	TRANSPORTATION RESOURCE IMPACTS			
21. A-I SWFRPC A-I	Transportation	Y	Y	See Methodology
22. A-E SWFRPC Supp. Quest.	Air		Y	Answer SWFRPC Supp. Question
23. A-C SWFRPC 1-5	Hurricane Preparedness	Y	N	Recovery/staging area info
PART V	HUMAN RESOURCE IMPACTS			
24. A-C	Housing	Y	Y	Discuss one of three SWFRPC standard conditions. Provide an overview of the availability of affordable housing.
25. A-B	Police and Fire	N	Y	
26. A-E	Recreation & Open Space	N	Y	
27. A-C	Education	N	N	
28.A	Health Care	N	Y	Discuss onsite uses

Question #	Subject	Regionally Significant Y/N	Answer Required Y/N	Special Notes
29. A-D	Energy	Y	Y	Commit to standard conditions and explore green building and site design options.
30. A-B	Historical & Archaeological	N	Y	Provide Letter
PART VI	SPECIFIC DRI INFORMATION			
31. A-F	Airports	N/A		
32. A-C	Attractions & Recreational Facilities	Y	Y	
33. A-C	Hospitals	N/A		
34. A-D	Industrial Plants & Parks	N/A		
36. A-D	Petroleum Storage Facilities	N/A		
37. A-H	Port and Marina Facilities	N/A		
38. A-C	Schools	N/A		

_____Agenda
_____Item

3j

City of Cape Coral Comprehensive
Plan Amendment (DCA 09-2)

3j

3j

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
CITY OF CAPE CORAL**

The Council staff has reviewed the adopted amendments to the City of Cape Coral Comprehensive Plan (DCA 09-2). Adopted amendment LU 09-01000003 was reviewed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps are found in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
LU 07-01000003	yes	yes	yes	(1) regionally significant (2) consistent with SRPP

RECOMMENDED ACTION: Review and approve staff July comments. Authorize staff to forward comments to the Department of Community Affairs and City of Cape Coral. Staff has attached the DCA August 3, 2009 Objections, Recommendations, and Comments (ORC) report for Council's review. Additionally, staff has attached an August 11, 2009 response letter from the City for Council's review. Council will be able to make additional comments on the proposed amendment during the adoption phase should it be necessary.

09/09

Attachment II**SWFRPC COMMENTS
City of Cape Coral Comprehensive Plan Amendments**

The City of Cape Coral has submitted adopted amendments to their Comprehensive Plan pertaining to lands located in the northeastern portion of the City known as the Zemel properties. These amendments include changes to their Future Land Use Map (FLUM) LU 09-02 (previously assigned LU 09-01000003) and a companion Text amendment TXT 08-01300008. Council reviewed these requests at their November 2008 meeting and approved the staff recommendations as presented.

This City-initiated Future Land Use Map (FLUM) amendment requests a change from the current Lee County land use designations of Open Lands and Wetlands to the proposed City land use designations of Mixed Use Preserve, Class IV, Type D (MUP IV-D) on 393.37 acres (previously 492.19 acres), Mixed Use Preserve, Class III, Type D (MUP III-D) on 258.04 acres (previously 446.36 acres), and Mixed Use Preserve, Class II, Type D (MUP II-D) on 361.49 acres (previously 203.03 acres). The subject site contains a total of 1,141.69 acres and is located in the northeastern portion of the City on US 41 (northeastern portion of the site) and Durden Parkway (southern portion of the site). The adopted amendment also involves placing the subject properties into the City's Urban Services Area.

The subject property was originally annexed into the City from Lee County and the proposed changes are being requested in order to remove the County land use designations and replace them with City designations.

Amendment History

In January 2005, the City of Cape Coral adopted the Evaluation and Appraisal Report (EAR Report), which was the state-mandated update to the Comprehensive Plan. Within the document, the City reviewed the issue of annexations. The following is an excerpt of the EAR Report:

“The issue of annexation is a critical issue facing not just the City of Cape Coral, but all platted lands communities. The City's primary desire, regarding annexations, is to strengthen its commercial inventory of lands. As discussed in the Future Land Use Element, Cape Coral is a platted lands community. The fact that the City is generally comprised of 10,000 square foot lots has a tremendous effect on the ability for land consolidation (due to the fragmented ownership pattern) for commercial and industrial development. As a result, the City has a disproportionate tax burden laid upon residential properties, in comparison to other cities. Therefore, so long as the subject property is of sufficient size for commercial, office, or industrial development, and has access to a major arterial roadway, the City has been supportive of annexations, since these properties are not platted, and thereby have great potential to develop non-residentially. However, the City's desire to strengthen its commercial inventory of lands may eventually compete with other goals the City has, such as promoting smart growth and

infill development, and defending the environment. Steps will need to be taken to prevent that from occurring.”

By this time, the Zemel Family Trust had applied for voluntary annexation into the City of Cape Coral. It was understood that the annexation had the opportunity to address the major deficiencies in the City’s commercial inventory of lands. Furthermore, another opportunity presented itself, in that the City had the time and the ability to develop a framework for a Mixed Use land use classification that could permit a mixture of residential, office, retail and industrial uses while preserving open space and significant wetland areas. As a result, in late 2005, the City of Cape Coral developed the Mixed Use Preserve future land use classification, which was adopted by Council and approved by the Florida Department of Community Affairs.

In October 2006, the City of Cape Coral adopted the Zemel Family Trust’s application for voluntary annexation into the City. A month later, Lee County filed a challenge to attempt to find the annexation invalid, generally on growth management concerns. As part of a court-mandated mediation process, discussions were held between Lee County, the Zemel Family Trust, and the City of Cape Coral to find some common ground, and to develop some solutions to concerns presented by Lee County. For approximately thirteen months, discussions were held amidst the stakeholders as the County and City looked at developing and approving a settlement agreement. After Lee County rejected the first settlement agreement in early 2008, an agreement was finally reached settling the annexation suit in June 2008. However, many of the concerns expressed by Lee County staff were not incorporated into the City’s Comprehensive Plan as a result of the initial Lee County rejection. However these concerns were catalogued by City staff and representatives of the Zemel Family Trust, and a draft Comprehensive Plan amendment was prepared to revise the Mixed Use Preserve to answer the County’s concerns.

In July 2008, as City staff was preparing the future land use map amendment (LU 07-01000003) for the Zemel property located along US 41, city representatives met with staff members from the Department of Community Affairs (DCA) to discuss the proposed amendment. DCA’s response was cautiously supportive of the map amendment, but expressly identified environmental issues as an area of concern. As a result, the draft Comprehensive Plan amendment (TXT 08-01300008 - See the description of this text amendment below.) was revised and updated to account for DCA’s concerns, in addition to the aforementioned County concerns, with which the City supports.

Regional Significance and Consistency

At the present time there is no proposed project associated with the subject property therefore this request is to change only the FLUM designation. In their report, the City provided two estimates for the amount of development that could be place on the property. One estimate assumed an 80% non-residential component with a 20% residential component. This analysis provided a development with 6,797,102 square feet. A second estimate assumed a 100% non-residential component, which would generate a development of 8,496,378 square feet.

According to the City staff report, the owner of the subject lands desires to develop the site as a mixed use development with a variety of residential options and appropriately located office, retail and industrial land uses as allowed under the proposed Mixed Use Preserve future land use classification.

Council Staff Concerns

Council staffs expressed the following concerns and are providing the response based on the adopted amendment submittal documents.

1. Council staff identified significant environmental impacts both on and off the site if this amendment was approved as proposed. Council staff stated that there were important regional environmental resources on and adjacent to the site and that they were not surveyed adequately. Council staff believed specifically that the impacts that the proposed development could have on the property and impacts to adjacent conservation resources could be problematic and requested that additional more detailed surveys be done so the entire system could be addressed.

Council staff met with the City staff and their environmental consultants on June 16, 2009 to review additional environmental surveys that had been undertaken by the City to identify and verify the various habitats, flow ways and flora and fauna species that were located on the property. With the exception of minor corrections, Council staff was satisfied with the environmental data presented and the associated maps that were provided. Council staff was also satisfied that the subject land use maps provided by the City accurately reflected the data identified in the more detailed environmental surveys.

2. Council staff stated that because of the character, magnitude and location of the proposed development that would be allowed under the comprehensive plan amendment, it would appear that the project exceeded the DRI thresholds for a mixed use development identified in Chapter 380.06, F.S. and implementing rules and was therefore a DRI. Council staff believed that the applicant should undergo the DRI process, which would provide a process to assess and mitigate all the regional impacts that would be caused by the proposed development, especially, since the subject site was adjacent to publically owned environmentally lands.

Based on recent discussions with the DCA, the newly passed Chapter 360 F.S. has identified the City of Cape Coral as a municipality that meets the density requirements, which exempt City lands from the DRI review process. This means that the request by the Council staff can no longer be provided for, even though the proposed development significantly exceeds the thresholds requiring DRI review.

Council understands the effort of the legislature to provide incentives for proposed projects to easily locate in the urban areas of the State and thereby provide economic benefits to the various Cities and Counties that meet the exemption requirements of the law. Unfortunately, this desire is somewhat skewed with this development due to platted lands situation in the City of Cape Coral. The development site identified in this amendment is actually located on the northerly edge of the City and is not near the City's urban core and therefore seems to be the opposite of the intent of the law. Council staff would point out that this situation is not due to any City action, but a problem when the new law is applied to some platted lands areas. Due to this situation, the City has additional responsibility to make sure that their text amendment assures that regional impacts on surrounding lands are adequately addressed.

Council staff has reviewed the language provided to address the regional land use issues as identified in the original Council staff report. While Council staff believes the City staff has done an adequate job amending the comprehensive plan's text, there is no real regional method to assure that the proposed amendments can provide for regional impacts.

3. Based on Council staff's previous review, Council staff supported the City's comments about the importance of this amendment with respect to providing a large single-owned parcel to provide a site for a large-scale mixed-used development that would contain industrial and commercial opportunities for the City and provide the resultant employment opportunities for the adjacent platted lands areas to the south of the site in that area of the City. While Council staff supported the City staff's efforts in the development of the MUP land use and text changes that the City submitted, Council staff had specific concerns about the City's efforts to provide for the control and mitigation of the impacts of the potential development of the site on adjacent lands and especially the concerns identified by Lee County and the SFWMD

Council staff during meeting with the City had specifically requested that the subject development site receive approvals from the City as an overall planned development with a master concept plan showing a central spine road that would cross the wetlands as the appropriate places to minimize impacts. Council staff stated that sub-parcels could be carved out of the overall plan and sold, but they would have to be consistent with the overall approved master concept plan and have access a central roadway. While the City is requiring that the site be developed as a planned development, Council staff is unable to verify in the text amendments that it will be done under a master plan of development. Council staff would recommend adding language to provide for a single plan of development for the property.

4. Council staff had also discussed with the City problems associated with future burn maintenance of the publicly owned lands to the north and west and had discussed

amending the future concept plan to limit placing residential development away from these areas.

Council staff would recommend adding language to the text that would limit residential development along the eastern and northern edges of the property in order to address future maintenance actions on the publically owned lands.

5. In 2008, the Florida legislature adopted HB 697 and revised requirements for the Future Land Use Element (FLUE) of a local comprehensive plan to include energy-efficient land use patterns and greenhouse gas reduction strategies. These statutory requirements became effective July 1, 2008. This new statute requires that the Traffic-Circulation Element of the local comprehensive plan incorporate transportation strategies to reduce greenhouse gas emissions; the FLUM or map series must identify and depict energy conservation methods; the Housing Element must include standards, plans, and principles that should be followed to insure energy efficiency in the design and construction of new housing; and the use of renewable energy resources. The law requires that each unit of local government within an urbanized area be required to amend the Transportation Element of the comprehensive plan to incorporate transportation strategies addressing reduction greenhouse gas emissions.

In addition, HB 696 added language to Section 163.3177, F.S. to require that future land use plans must be based on the discouragement of urban sprawl, energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies.

While Council staff did not discuss these requirements previously with the City staff, the proposed FLUM and text amendments do not appear to have provided for these requirements. Council staff would suggest that the amendments add some language that would assure that the subject lands being impacted by the propose plan amendments be added to assure that energy efficiency and greenhouse gas reduction efforts be addressed.

The proposed amendment is found by Council staff to be consistent with the Economic and Environmental Goals, Strategies and Actions of the Strategic Regional Policy Plan (SRPP). Council staff believes that the proposed amendment could increase its consistency with the SRPP if the City's comprehensive plan could provide energy conservation and greenhouse reduction goals, objectives and policies that could applied relative to the proposed development.

Council staff finds that the proposed amendment needs to address important natural resource in the region to be consistent with the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

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

Strategy: Maintain the physical infrastructure to meet growth demands.

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 5:** Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.
- Action 6:** Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.

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.

- Action 2:** Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASC, CREW, WRDA and other efforts in the Region.

Conclusion

The proposed FLUM and Text amendments were found by Council staff to be regionally significant due to its character, location and magnitude and consistent with the SRPP.

Attachment III

Maps

**City of Cape Coral
DCA 09-2**

CITY OF CAPE CORAL

Department of Community
Development
Planning & Growth
Management Division

500' Proximity Map

Case No. LU 09-01000003
Unplatted parcels in S5, S6 +
S7, T43S, R24E

Proposed Future Land Use

LEGEND

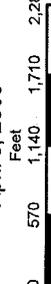
- Subject Parcel
- Canals/Lakes
- Improved Parcels
- Lee County Parcels

Future Land Use

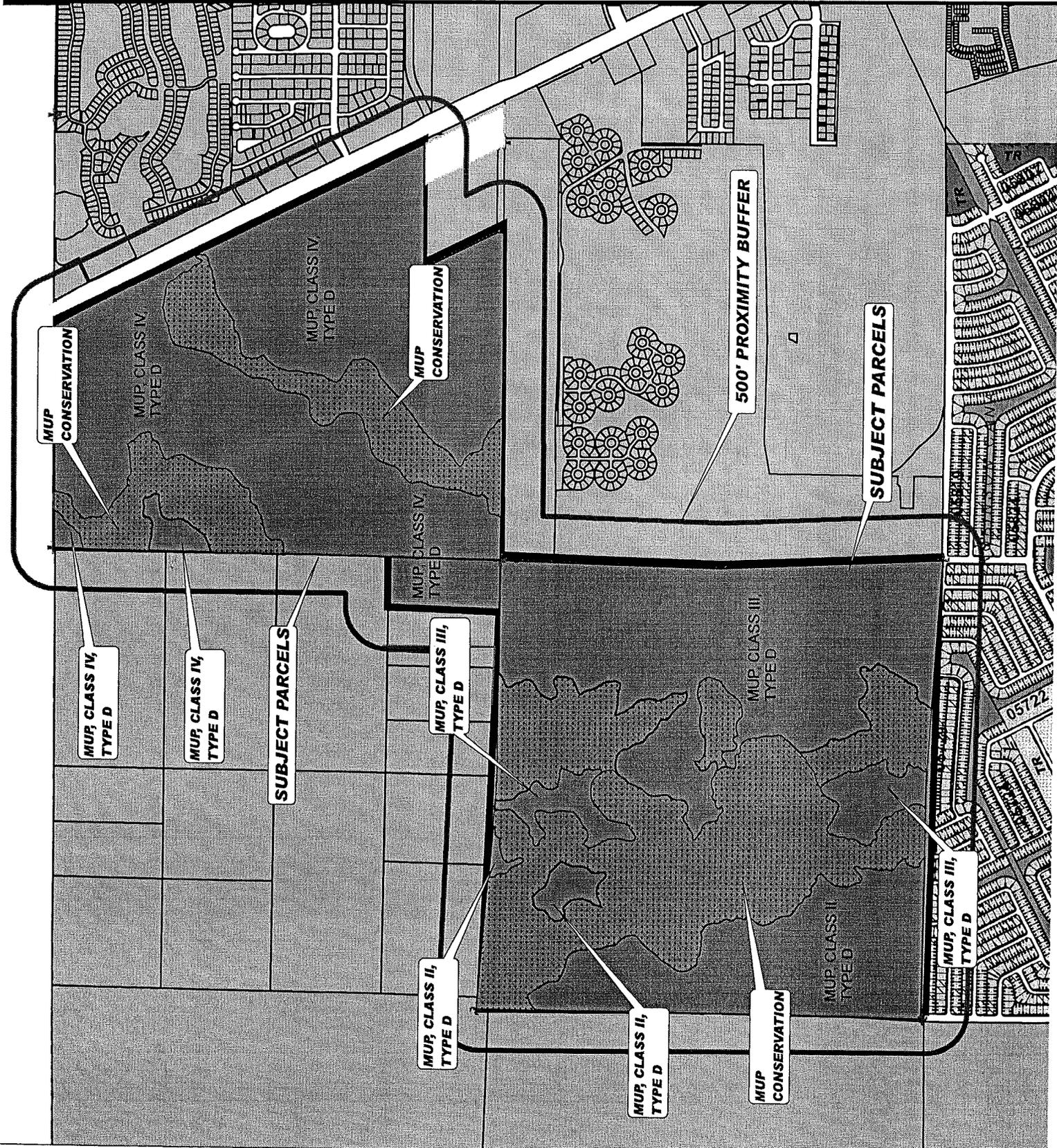
- Single Family
- Single Family/Multi Family
- Multi-Family
- Low Density Residential I
- Low Density Residential II
- Rural Land
- Mixed Use
- Downtown Mixed
- Commercial Activity Center
- Mixed Use Preserve
- Pine Island Road District
- Commercial/Professional
- Overlay District
- Highway Commercial
- Industrial
- Public Facilities
- Park and Recreation Facilities
- Natural Resources/Preserve
- Sub-District



April 8, 2009

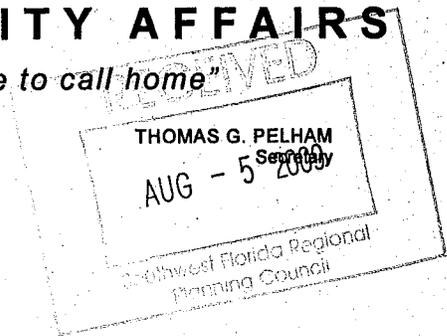


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for any damages or losses resulting from the use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Community Development for more information. If you have any questions regarding this map product.





STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS*"Dedicated to making Florida a better place to call home"*CHARLIE CRIST
Governor

August 3, 2009

The Honorable James Burch, Mayor
 City of Cape Coral
 1015 Cultural Park Boulevard
 Cape Coral, Florida 33990

Dear Mayor Burch:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Cape Coral (DCA 09-2), which was received on June 1, 2009. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the City address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The City is proposing three amendments to the Future Land Use Map (FLUM) and text amendments to various elements of the Comprehensive Plan. The Department has the following concerns with the proposed amendments: (1) FLUM Amendment 09-01000003 (Zemel) regarding environmental suitability, urban sprawl, public facilities planning, and land use need; (2) FLUM Amendment 08-01000018 (Burnt Store Road) regarding environmental suitability, land use need, public facilities planning, and urban sprawl; (3) text Amendment 08-01300008 (Mixed Use Preserve future land use category) regarding the protection of natural resources; and (4) text Amendment 09-01000003 (Coastal High Hazard Area) regarding Coastal High Hazard Area planning issues. These issues should be addressed before adoption of the plan amendments.

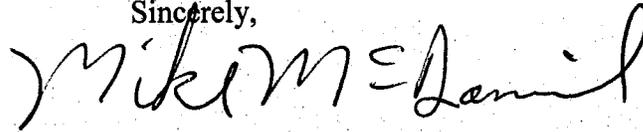
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
 850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
 ♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable James Burch, Mayor
August 3, 2009
Page 2

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Scott Rogers, Principal Planner, at (850) 922-1758, or Brenda Winningham, Regional Planning Administrator, at (850) 487-4545.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, stylized "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/sr

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning
Council
Carl Schwing, Acting Community Development Director

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in Section 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Ken Heatherington, Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
CITY OF CAPE CORAL
AMENDMENT 09-2

August 3, 2009
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Cape Coral proposed comprehensive plan amendment (DCA 09-2), pursuant to Section 163.3184, Florida Statutes (F.S.).

The objection relates to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of approaches that might be taken to address the cited objections. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The City should address each of these objections when the amendment is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the City considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form the bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
CITY OF CAPE CORAL
AMENDMENT 09-2**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The proposed Amendment 09-2 consists of three amendments to the Future Land Use Map (FLUM) and text amendments to various elements of the Comprehensive Plan.

A. The Department raises the following objections and comment to the proposed FLUM Amendment 09-01000003 (Zemel):

1. Objection: (Environmental Suitability): The amendment site is not environmentally suitable for the proposed future land uses and the amendment has not demonstrated that the natural resources on the amendment parcel and proximate to the parcel will be protected consistent with the requirements of Rule 9J-5, F.A.C., and the City's Comprehensive Plan goals, objectives, and policies. The subject amendment parcel is currently designated with Lee County Open Lands (1 dwelling unit per 10 acres; 1 dwelling unit per 5 acres if clustered) and Wetlands (1 dwelling unit per 20 acres and transfer to uplands) designations. The proposed amendment substantially increases the potential residential and nonresidential development on the subject parcel. The subject parcel contains natural resources (wetlands, floodplains, surface waters, soils, vegetative communities, wildlife, wildlife habitat, and potential listed species) that could be adversely impacted by the proposed amendment. The Southwest Florida Regional Planning Council (SWFRPC) staff had previously commented that: (1) the amendment site contains Strategic Habitat Conservation Areas and biodiversity hotspots for listed species as designated by the Florida Fish and Wildlife Conservation Commission; and (2) the amendment site contains potential habitat for the Florida panther and Florida black bear.

The subject amendment parcel contains at least 484 acres of wetlands throughout the parcel. The proposed text amendments to the Mixed Use Preserve land use category (Amendment 08-01300008) do not establish appropriate protection of wetlands for the reasons stated in the objection to Amendment 08-01300008. Thus, the proposed FLUM amendment, which applies the Mixed Use Preserve category (several subclasses of MUP including MUP Conservation) to the subject parcel, does not ensure the appropriate protection and conservation of wetlands and wetland functions with a land use planning approach consistent with the wetland protection requirements of Rule 9J-5.013, F.A.C. The FLUM amendment has not demonstrated that land uses that are incompatible with the protection and conservation of wetlands and wetland functions will be directed away from wetlands. The FLUM amendment is not appropriately supported by data and analysis demonstrating that the amendment parcel is environmentally suitable for the proposed Mixed Use Preserve designations.

The subject amendment parcel is located adjacent to the 14,577-acre Yucca Pens Unit of the Babcock-Webb Wildlife Management Area (WMA), which is owned by the state and

managed by the Florida Fish and Wildlife Conservation Commission (FWCC). The WMA is an area of pine flatwood habitat interspersed with sloughs and cypress dome and strand swamps and includes a variety of natural resources (e.g., wetlands, surface waters, wildlife, and wildlife habitat). The WMA includes both game and non-game wildlife. The proposed amendment converts rural land to urban uses in close proximity to the WMA natural resources, and this conversion is not compatible with the protection and conservation of the WMA natural resources that may be adversely impacted by the land uses of the subject amendment. The Florida Department of Environmental Protection and FWCC have identified potential incompatibilities of the proposed amendment with the WMA regarding: (1) impacts to the prescribed fire program of the WMA and wildfire impacts; (2) increased predation on native species in the WMA and increased lighting; and (3) increased residential and hunter/wildlife conflicts.

The location of residential developments adjacent to conservation lands often results in increased predation by domestic animals on native wildlife species. In addition, roadway, security, and other domestic lighting also negatively impacts nocturnal creatures, such as owls. The proposed amendment is not appropriately supported by data and analysis demonstrating how the amendment ensures the compatibility of the proposed amendment land uses with: (1) protection of WMA wildlife from the predation by domestic animals associated with the proposed residential uses; and (2) protection of WMA wildlife from the lighting associated with the proposed land uses.

The majority of the land within the WMA offers seasonal hunting opportunities for citizens. When residential development occurs in close proximity to a WMA, there is an increased potential for safety conflicts between hunters and homeowners. The amendment is not appropriately supported by data and analysis demonstrating how the amendment ensures the compatibility of the residential use with the game hunting on the WMA.

Fire management is essential to the health of the WMA, and the prescribed fire rotation is approximately two to four years. Prescribed burning near residential developments requires additional planning regarding smoke management for travelers and sensitivity of nearby residents. In addition, the heightened interface between an increasing population (created by residential use) and wild-lands increases the potential for dangerous wildfires. The amendment is not appropriately supported by data and analysis demonstrating how the amendment ensures the compatibility of the proposed land uses with the fire management program of the WMA and the potential for wildfires to pose increased hazards for both the urban uses and the WMA.

The amendment site is not environmentally suitable for the proposed future land uses and the amendment has not demonstrated that the natural resources on the amendment parcel and proximate to the parcel will be protected consistent with the requirements of Rule 9J-5, F.A.C., and the City's Comprehensive Plan goals, objectives, and policies.

Rules 9J-5.005(2, 5 and 6); 9J-5.006(1, 2, 3, and 4); 9J-5.011(1); 9J-5.013(1, 2, and 3), F.A.C.; and Sections 163.3177(2, 8 and 10); 163.3177(6)(a, c, and d); and 163.3184, F.S.

Recommendation: Do not adopt the amendment.

2. Objection: (Land Use Need): Amendment 09-01000003 (Zemel) increases residential development potential by 478 dwelling units. The City staff report states that the amendment will provide an opportunity for varied housing stock within northern Cape Coral and is needed to address identified deficiencies in the variety of housing stock in the City. The amendment does not establish meaningful and predictable plan policy guidelines and standards to ensure that the additional residential land use will provide the amount and variety of housing stock that has been identified as a deficiency. Therefore, the proposed additional residential land use is not demonstrated to be based on a need to accommodate the City's projected population.

The City has established several strategies to guide the quantity and location of commercial land use (retail, office, and services) in Future Land Use Element Objectives 2 and 3 and the implementing policies of these objectives. The Amendment 09-01000003 is not supported by data and analysis demonstrating that the amendment is consistent with the strategies for commercial land use established in Future Land Use Element Objectives 2 and 3 and implementing policies of these objectives.

Rules 9J-5.005(2 and 5); 9J-5.006(1, and 2); and 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a), and 163.3177(2, 8, and 10), F.S.

Recommendation: Do not adopt the amendment.

3. Objection: (Urban Sprawl). The proposed FLUM Amendment 09-01000003 exhibits characteristics of urban sprawl and does not appropriately discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C. The amendment is not appropriately supported by a land use needs analysis demonstrating that the need for the proposed maximum amounts of residential and commercial development potential are based on a need established in the City's Comprehensive Plan. The amendment is not supported by data and analysis demonstrating that the amendment is consistent with the strategies to guide the quantity and location of commercial land use established in Future Land Use Element Objectives 2 and 3 and implementing policies of these objectives. The amendment designates a substantially large area to develop as a single-use development (e.g., retail or office or industrial use as a single use over a large area) because the amendment does not establish guidelines that require a mix of residential and nonresidential (commercial, office, and industrial) land uses. The amendment proposes intense commercial, office, and industrial at the far northern edge of the City in a somewhat isolated pattern from other areas of the City. The proposed amendment fails to ensure the protection of natural resources (wetlands) due to a poorly planned conversion of rural land to other uses. The amendment parcel is not located within the areas the City plans to extend central water and sewer within the next five years or by 2016 and the amendment designates the parcel as Urban Services Reserve Area where the City is prohibited from extending central potable water and sanitary sewer facilities; and thus, the amendment does not maximize the use of existing and future public facilities and services by locating development where existing facilities or planned facilities are available or planned to be available. The amendment allows for land use patterns which disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services (roads, water, sewer, law enforcement, education, health care, fire and emergency response). The amendment reaches out into the rural area with urban uses and fails to provide a clear separation between rural and urban

uses within the amendment parcel and in relation to the surrounding rural area. The amendment parcel is located at the northeast edge of the City and discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. The City has a large number of vacant platted lots and this amendment discourages residential infill and assemblage of these lots for nonresidential use. Due to the location of the amendment parcel, the amendment results in poor accessibility among linked or related land uses located in the rest of the City to the south (majority of the City's existing and future population are located well south of the amendment parcel). The amendment is not consistent with energy efficient land use patterns and reducing greenhouse gas.

Rules 9J-5.005(2 and 5); 9J-5.006(2); 9J-5.006(3)(b); 9J-5.006(3)(b)8; 9J-5.006(3)(c); 9J-5.006(4); and 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a, b, c, d, f, and j); and 163.3177(2, 3, and 8), F.S.

Recommendation: Do not adopt the amendment.

4. Objection: (Transportation Facilities): The City has not supported the amendment with a five-year short-term planning timeframe analysis identifying the road improvements that will be needed to serve the amendment and coordinated those improvements with the Transportation Element (Future Transportation Map series) and Capital Improvements Element (Five-year Schedule of Capital Improvements). The supporting data and analysis for the amendment identifies road improvements within the City that would be needed to serve the amendment land uses, including Zemel Road (at least a new 4 lane road from Andalusia Boulevard to US 41), widen from 2 lanes to 4 lanes Andalusia Boulevard from Kismet Parkway to Durden Parkway, widen from 4 lanes to 6 lanes Diplomat Parkway from Del Prado Boulevard to US 41, and a new 2 lane connector road from Zemel Road to Durden Parkway at the southeast corner of Section 7. The proposed amendment does not coordinate land use planning with transportation planning because these road improvements are not depicted on the City's Comprehensive Plan Transportation Element Future Transportation Map series Figures 21 and 22. The proposed amendment does not coordinate land use planning, transportation planning and capital improvements planning by including these road improvements in the City's Capital Improvements Element, including the Five-Year Schedule of Capital Improvements for improvements that may be needed in the five-year planning period. Therefore, the proposed amendment is not consistent with the following provisions of the City's Comprehensive Plan: Transportation Element Goals 1 and 5, Objectives 1.2 and 5.1, and Policies 1.1.17 and 1.1.20; and Capital Improvements Element Goal, Objective 1 and Policies 1.1 and 5.5.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h, and i); 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

Recommendation: Do not adopt FLUM amendment.

5. Comment: (Transportation Facilities): On July 8, 2009, the entire City was designated a Transportation Concurrency Exception Area by operation of law pursuant to Section 163.3180(5)(b)1, Florida Statutes (F.S.). Based on Section 163.3177(3)(f), F.S., the City's

Comprehensive Plan and plan amendments for land uses are deemed to meet the requirement to achieve and maintain level of service standards for transportation within the City. The Florida Department of Transportation has commented that the amendment would result in a net increase of 156,229 daily trips and 15,585 pm peak hour trips. The amendment increases the potential number of vehicle trips that may impact transportation facilities of other affected local governments (Lee County, Charlotte County). The City's Comprehensive Plan Intergovernmental Coordination Element (Objectives 1 and 2, and Policies 1.1, 1.3, 1.5, 2.1, 2.2, and 3.2) and Transportation Element (Goal 5 and Objective 5.1) require the City to coordinate planning activities with other affected local governments, the Florida Department of Transportation, Metropolitan Planning Organizations, and regional agencies. Specifically, development proposed in the City's Comprehensive Plan is to be reviewed for impacts on the comprehensive plans of other local governments, regional agencies, and the State of Florida. Intergovernmental Coordination Element Policy 3.2 provides that development proposed within the City of Cape Coral will be reviewed for its impact on the level of service standards of adjacent local governments and that this will be accomplished in part through the DRI and plan amendment processes, the PDP process, the MPO, and through interlocal agreements. The Department recommends that the traffic analysis submitted with the plan amendment be revised to address the extrajurisdictional impacts (short-term five year, and long-term) to the level of service standards of transportation facilities (based on the maximum development of the proposed future land uses) in accordance with the intergovernmental coordination requirements of the City's Comprehensive Plan. The analysis should be based on professionally acceptable methodology and assumptions and best available data and analysis. Please see the comments from the Florida Department of Transportation regarding inadequacies of the traffic analysis that was submitted with the proposed plan amendment.

B. The Department raises the following objections to the proposed FLUM Amendments 09-01000003 and 08-01000018:

6. Objection: (Inadequate Facility Analysis): The amendments do not coordinate land use planning with public facility planning for potable water, sanitary sewer, and water supply. The amendments are not supported by data and analysis demonstrating the availability of central potable water facilities (at adopted level of service standard) and central sanitary sewer facilities (at adopted level of service standard) based on the FLUM amendments and the community wide growth in demand upon these facilities over the short-term (five-year) and long-term planning timeframes. The amendments are not supported by data and analysis addressing how the amendment parcels will be served by central potable water and sanitary sewer facilities, and if City water and sewer is to be extended to the parcel, the identification, timing, and funding of public facility improvements that are needed to serve the amendment parcels, including coordination with the Capital Improvements Element (including Five-year Schedule of Capital Improvements) and Infrastructure Element, as well as amendment to the Urban Service Area designation pursuant to Future Land Use Element (FLUE) Policy 7.1. The amendments do not coordinate land use planning with public facility planning and capital improvements planning.

With regard to water supply, the City has not adopted its Ten-year Water Supply Work Plan amendment which was due on January 12, 2008. In addition, the amendments are not

appropriately supported by data and analysis addressing the short-term (5 year), 10-year, and long-term planning timeframes regarding: (1) identification of the amount of demand for water that would be generated by the maximum development potential of the proposed future land uses; (2) the impact of the demand on the available and planned amount of supply of water, including projected background growth based on the Consumptive Use Permit; and (3) coordination of any needed water supply facility improvements with the Infrastructure Element, Ten-Year Water Supply Facilities Work Plan, and Capital Improvements, including the Five-Year Schedule of Capital Improvements.

Amendment 09-01000003 designates the subject 1,142 acre parcel as Urban Services Reserve Area on the Future Land Use Map (FLUM). FLUE Policy 7.1 requires the City to amend the FLUM to place Urban Services Reserve Area lands into the Urban Services Transition Area as a prerequisite to the extension of infrastructure and community services. The City staff report for Amendment LU-09-01000003 states that in the future, City staff will determine the time when it is appropriate for the property to be placed in the Urban Services Infill or Transition Area, and when that time occurs, an additional amendment will be undertaken to formally place the subject property into one of those service areas. The proposed amendment LU-09-01000003 designates intense urban land uses on the subject parcel, but the amendment designates the parcel as Urban Services Reserve Area, which precludes the extension of infrastructure and community services pursuant to FLUE Policy 7.1. The amendment does not coordinate land use planning with public facility planning in a manner that coordinates the timing of public facility extensions to serve the development potential made available by the proposed urban land uses of the amendment. The amendment is not supported by data and analysis demonstrating how the amendment parcel land uses are to be provided potable water and sanitary sewer facilities consistent with the requirements of Future Land Use Element Objectives 4, 5, 6, and 7, and the implementing policies of these objectives; Infrastructure Element Goal 1, Objective 1.1, Policies 1.1.1, 1.1.2, 1.1.3, and 1.1.6, and Capital Improvements Element Goal, Objectives 1 and 3, and Policies 1.1 and 3.6.

If the City is not planning to serve the Amendment 09-01000003 parcel with central potable water and sanitary sewer facilities, then the amendment should be supported by data and analysis regarding the availability of capacity from alternative service providers. However, the proposed Amendment 09-01000003 is not supported by data and analysis demonstrating the availability of water and sewer facilities (plant capacity and line extensions) and adequate water supply of an alternative service provider to serve the future land uses of the amendment parcel.

The Amendment 08-01000018 data and analysis state that the City is planning to extend water and sewer to the amendment area by year 2018. The City has not proposed to amend the Future Land Use Map to include the Amendment 08-01000018 parcel within one of the Urban Services Areas. Thus, the Amendment 08-01000018 does not appropriately coordinate land use planning with public facility planning for potable water and sanitary sewer.

Rules 9J-5.002(8); 9J-5.005(2 and 5); 9J-5.011(1)(a through f); 9J-5.013(1); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(4)(a), F.A.C.; and Sections 163.3167(13); 163.3177(1, 2, 3, 4, and 8); 163.3177(6)(a, c and d); and 163.3177(6)(h)1 and 2, F.S.

Recommendation: The City needs to adopt its Ten-year Water Supply Work Plan amendment prior to approving any amendment which will create additional water demand. Once the Ten-year Water Supply Work Plan amendment has been completed, then the subject FLUM amendments should be revised to include the data and analysis mentioned above that is necessary to support the FLUM amendments and demonstrate coordination of land use with the planning and provision of potable water facilities, water supply, and sanitary sewer facilities. Also, the amendments must demonstrate coordination with the Future Land Use Element, Public Facilities Element, and Capital Improvements Element, and demonstrate consistency with the Comprehensive Plan goals, objectives and policies. Based on the data and analysis, revise the amendments as necessary to be consistent with and supported by the data and analysis. The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service standards for the five-year planning timeframe.

C. The Department raises the following objections to proposed FLUM Amendment 08-01000018 (Burnt Store Road):

7. Objection: (Land Use Need): The City has established several strategies to guide the quantity and location of commercial land use (retail, office, and services) in Future Land Use Element Objectives 2 and 3 and the implementing policies of these objectives. Amendment 08-01000018 is not supported by data and analysis demonstrating that the amendment is consistent with the strategies for commercial land use established in Future Land Use Element Objectives 2 and 3 and implementing policies of these objectives.

Rules 9J-5.005(2 and 5); 9J-5.006(1, and 2); and 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a), and 163.3177(2, 8, and 10), F.S.

Recommendation: Do not adopt the amendment. Alternatively, revise the amendment to be supported by an analysis demonstrating that the amendments are consistent with Future Land Use Element Objectives 2 and 3 and the implementing policies of these objectives.

8. Objection: (Environmental Suitability): The amendment parcel is not environmentally suitable for the proposed Low Density Residential (LDR) use which is located between surface water features and the Natural Resources/Preservation areas. The proposed residential use fragments the connection of wildlife habitat within the amendment parcel and would adversely impact the natural resources and wildlife habitat of the Natural Resources/Preservation area.

Rules 9J-5.005(2, 5 and 6); 9J-5.006(1, 2, 3, and 4); 9J-5.011(1); 9J-5.013(1, 2, and 3), F.A.C.; and Sections 163.3177(2, 8 and 10); 163.3177(6)(a, c, and d); and 163.3184, F.S.

Recommendation: Do not adopt the residential part of the amendment. Revise the amendment by designating the proposed LDR area with Natural Resources/Preservation.

9. Objection: (Urban Sprawl): The proposed Amendment 08-01000018 exhibits many indicators of urban sprawl: (1) the proposed Low Density Residential land use amendment is not

appropriately supported by a land use needs analysis demonstrating that the need for the proposed maximum amount of residential use is based on a need established in the City's Comprehensive Plan; (2) the amendment is not supported by data and analysis demonstrating that the amendments are consistent with the strategies to guide the quantity and location of commercial land use established in Future Land Use Element Objectives 2 and 3 and implementing policies of these objectives. (3) the amendment parcel is not located within the areas the City plans to extend central water and sewer within the next five years or by 2017, and thus, the amendment does not maximize the use of existing and future public facilities and services by locating development where existing facilities or planned facilities are available or planned to be available at least by 2017; (4) the amendment allows for land use patterns which disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services (roads, water, sewer, law enforcement, education, health care, fire and emergency response); (5) the amendment reaches out into the rural area with urban uses and fails to provide a clear separation between rural and urban uses; (6) the amendment parcel is located along the northwestern edge of the City and discourages or inhibits residential infill development or the redevelopment of existing residential neighborhoods and communities; the City has a large number of vacant platted lots and this amendment discourages residential infill and assemblage of these lots for nonresidential use; and (7) the amendment is a premature conversion of rural land to urban land. The amendment is not supported by an urban sprawl analysis addressing the Rule 9J-5, F.A.C., indicators of urban sprawl and demonstrating that the amendment discourages the proliferation of urban sprawl consistent with Rule 9J-5, F.A.C.

Rules 9J-5.005(2 and 5); 9J-5.006(2); 9J-5.006(3)(b); 9J-5.006(3)(b)8; 9J-5.006(3)(c); 9J-5.006(4); and 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a, b, c, d, f, and j); and 163.3177(2, 3, and 8), F.S.

Recommendation: Do not adopt the amendment. Alternatively, revise the amendment so that it does not exhibit characteristics that are indicative of urban sprawl, and support the revisions with data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C., and the objectives and policies of the City's Comprehensive Plan.

D. The Department raises the following objection to proposed text Amendment 08-01300008 to the Future Land Use Element Policy 1.15.q addressing the Mixed Use Preserve future land use category:

10. Objection: (Natural Resource Protection): The proposed amendment establishes a Mixed Use Preserve Conservation future land use category that is intended to be applied to wetland, protected species habitat, and intact flowway areas on properties that are designated with the Mixed Use Preserve future land use category. Although the amendment includes various definitions of wetlands, the amendment does not establish meaningful and predictable guidelines and standards identifying the wetlands (type, function, quality, size, etc.) that are required to be included within the MUP Conservation FLUM area in a manner that provides a land use planning approach to ensuring the protection and conservation of the wetlands and wetland functions and that directs land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from the wetlands. The amendment states the following:

allowed in the MUP Conservation area and that are not compatible with the protection of the natural function of wetlands.

The amendment defers the protection of wetlands to permitting standards and does not establish a land use planning approach to protecting and conserving wetlands and wetland functions, based on meaningful and predictable guidelines and standards, that identify the wetlands (type, function, quality, size, etc.) that shall be protected and that directs land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from the wetlands consistent with the requirements of Rule 9J-5.013, F.A.C.

The proposed amendment states that "All flow way and floodway corridors within the Mixed Use Preserve shall be identified as conservation or preservation lands, and will be protected from intensive development. The proposed amendments (last paragraph) do not establish meaningful and predictable guidelines defining "intensive development" in a manner that ensures the appropriate protection of the natural function of the flow way and floodway corridors.

For the MUP Conservation FLUM area, the proposed amendment states that permitted land uses in conservation lands consist of very low-density residential uses, at a maximum density of one unit for twenty acres (1 du/20 acres), along with passive recreational uses, or, in the case of a demonstrated need, public uses. The proposed amendment does not establish meaningful and predictable guidelines defining "public uses" in a manner that ensures the appropriate protection of the natural function of the natural resources within the MUP Conservation area. The amendment does not establish meaningful and predictable guidelines defining appropriate criteria that would be used to demonstrate a need for such public uses.

In addition, Policy 1.15.q provides that "*All crossings of wetlands and/or uplands will be eliminated to the greatest extent practicable. If such a crossing is unavoidable ...*" The proposed amendment does not ensure the appropriate protection of the natural function of wetlands for the Mixed Use Preserve Conservation future land use category because Policy 1.15.q allow roads to cross wetlands without guidelines that ensure the protection of the natural function of wetlands and guidelines that identify the circumstances, such as site access, under which impacts would be considered unavoidable.

The amendment states "Lands within the Mixed Use Preserve that are classified as Conservation (CONS) do not permit any non-residential development, and will be specifically indicated on the Future Land Use Map." However, the amendment allows various non-residential uses within the Mixed Use Preserve Conservation FLUM area. Therefore, the amendment is internally inconsistent regarding non-residential uses, and thus, the amendment does not establish meaningful and predictable guidelines regarding non-residential use within the Mixed Use Preserve Conservation FLUM area.

Rules 9J-5.005(2, 5, and 6); 9J-5.006(3)(b)4; 9J-5.006(3)(c)1; 9J-5.006(3)(c)4; 9J-5.011(2)(b)5; 9J-5.011(2)(c)4; 9J-5.013(2)(b)3; 9J-5.013(2)(c)6; 9J-5.013(3)(a and b); F.A.C.; and Sections 163.3177(2, 8, and 10); 163.3177(6)(a, c, and d), F.S.

Recommendation: Regarding floodplains, revise the amendment to establish meaningful and predictable guidelines and standards that define “intensive development” and ensure the protection of the natural function of floodplains. Regarding wetlands, revise the amendment, supported by appropriate data and analysis, to establish a land use planning approach to protecting conserving wetlands and wetland functions, based on meaningful and predictable guidelines and standards, that identify the wetlands (types, values, functions, sizes, conditions, and locations) that shall be protected and that guide incompatible land uses away from wetlands consistent with the requirements of Rule 9J-5.013, F.A.C. Revise the amendment to remove provisions that defer the protection of wetlands to the permitting process. The land use planning approach to protecting the natural function of wetlands should establish: (1) the wetlands that are to be protected based on wetland type, value, function, size, condition, and location; (2) the standard of protection that ensures the natural function of wetlands are maintained; (3) that identifies the land uses that are compatible and incompatible with the protection of wetlands; and (4) establishes appropriate mitigation for impacts to wetlands. Revise Policy 1.15.q to include meaningful and predictable guidelines identifying the circumstances under which impacts to wetlands would be considered unavoidable. Revise Policy 1.15.q to establish meaningful and predictable guidelines that: (1) define “Public Uses” in a manner that ensure the appropriate protection of the natural resources within the MUP Conservation area; and (2) define appropriate criteria that would be used to demonstrate a need for such Public Uses. Revise Policy 1.15.q to reconcile the internal inconsistency regarding statements that prohibit and allow non-residential uses within the MUP Conservation area.

E. The Department raises the following objection to proposed text Amendment TXT 09-01000003, which revises various plan elements regarding the Coastal High Hazard Area:

11. Objection: (Coastal High Hazard Area Planning): The proposed amendments to Capital Improvements Element Objective 2 and Policy 2.2, Future Land Use Element Policy 1.21 and 1.22, Public School Facilities Element Policy 3.9, and Infrastructure Element Policy 1.1.7 allow public expenditures (for the extension of City infrastructure) to subsidize development in the Coastal High Hazard Area (CHHA), and therefore, the proposed amendments are inconsistent with the requirement of Rule 9J-5.016(3)(b)2, F.A.C., to limit public expenditures that subsidize development permitted in the CHHA except for restoration or enhancement of natural resources.

The proposed amendment to Conservation and Coastal Management Element Policy 4.3.2 states “*By 2010, the City will require that new public facilities, except for recreational facilities and infrastructure needed to ensure provision of adequate levels of service, shall not be located within the coastal high-hazard area.*” The proposed Policy 4.3.2 allows public expenditures (for infrastructure) to subsidize development in the CHHA, and therefore, the proposed amendment is inconsistent with the requirement of Rule 9J-5.016(3)(b)2, F.A.C., to limit public expenditures that subsidize development permitted in the CHHA except for restoration or enhancement of natural resources. The currently adopted Policy 4.3.2 allows the exception for recreational facilities and infrastructure needed to ensure provision of adequate levels of service on pre-platted lots. The proposed amendment should be revised to retain the exception for pre-platted lots.

The proposed amendment to Conservation and Coastal Management Element Policy 4.3.3 states *"The City shall not approve any future land use map amendment that would increase the maximum residential density except amendments that, through a transfer of development rights agreement, ensure that no net increase in density will occur within the coastal high-hazard area."* The proposed amendment to Future Land Use Element Policy 1.10 states *"In utilizing the Transfer of Development Rights (TDR) Program, the City of Cape Coral shall ensure that no net increase in density will occur within the coastal high-hazard area."* The proposed Policies 4.3.3 and 1.10 allow an increase in residential density within a portion of the CHHA and do not ensure that the hurricane evacuation clearance time will be maintained for the evacuation route that is likely to be used for the portion (or parcel) that receives the increase in residential density. Therefore, the proposed amendments (Policies 4.3.3 and 1.10) are not consistent with the requirement of Rule 9J-5.012(3)(b)6. to direct population concentrations away from the CHHA, and Rule 9J-5.012(3)(b)7, F.A.C., to maintain or reduce hurricane evacuation times and the requirements of Section 163.3178(2)(d), F.S

The proposed Conservation and Coastal Management Element Policy 4.4.8 states *"By 2010, the City shall prohibit rebuilding or redevelopment on any property within the coastal high-hazard area containing damaged structures if such rebuilding or redevelopment would increase the maximum residential density above that allowed for the subject property on the Future Land Use Map. However, this shall not preclude rebuilding or redevelopment on properties that, through a transfer of development rights, ensure that no net increase in density will occur within the coastal high-hazard area. The maximum density allowed on any property shall be determined based upon the future land use classification of the subject property, as shown on the future land use map."* The proposed Policy 4.4.8 defers until year 2010 the application of the policy, and this deferral is not consistent with the requirements of Rule 9J-5.012(3)(c)5, F.A.C, and Section 163.3178(2)(f), F.S., for the comprehensive plan to address redevelopment, and Section 163.3194, F.S., which requires that development orders are to be consistent with the comprehensive plan.

Rules 9J-5.005(2, 5, and 6); 9J-5.006(3); 9J-5.012(3)(b)5; 9J-5.012(3)(b)6; 9J-5.012(3)(b)7; 9J-5.012(3)(c)3; 9J-5.012(3)(c)7; and 9J-5.016(3)(b)2, F.A.C.; and Sections 163.3177(2); 163.3177(3); 163.3177(6)(a); and 163.3177(6)(g), F.S.

Recommendation: Revise Capital Improvements Element Objective 2 and Policy 2.2, Future Land Use Element Policy 1.21 and 1.22, Public School Facilities Element Policy 3.9, Infrastructure Element Policy 1.1.7, and Conservation and Coastal Management Element Policy 4.3.2 to limit public expenditures that subsidize development permitted in the CHHA except for the restoration or enhancement of natural resources or recreation. Conservation and Coastal Management Element Policy 4.3.2 should retain the language that allows expenditures for recreational facilities and infrastructure needed to ensure provision of adequate levels of service on pre-platted lots. Do not adopt the amendments to Conservation and Coastal Management Element Policy 4.3.3 and Future Land Use Element Policy 1.10; alternatively, revise amendments to ensure that the hurricane evacuation clearance time will be maintained. Revise Conservation and Coastal Management Element Policy 4.4.8 to not defer the implementation of the policy.

F The Department raises the following comment to proposed Text Amendment TXT 09-01300001 and Future Land Use Map Amendment LU-09-01000001:

11. Comment: (Transportation Concurrency Exception Area): The proposed Amendment TXT 09-01300001 revises three plan elements (Future Land Use Element; Transportation Element; and Capital Improvements Element) to establish a Transportation Concurrency Exception Area (TCEA) for the City's Downtown Community Redevelopment Area (CRA). The TCEA is generally referred to as the "Downtown TCEA." The City also proposes an associated Amendment 09-01000001 to the Future Land Use Map to designate 432 acres (all of the properties located within the City's Community Redevelopment Area) as the Downtown TCEA. On July 8, 2009, the entire City was designated a Transportation Concurrency Exception Area (TCEA) by operation of law pursuant to Section 163.3180(5)(b)1, Florida Statutes (F.S.). Therefore, pursuant to Section 163.3180(5)(b)4, F.S., within two years, the City is required to adopt into its Comprehensive Plan land use and transportation strategies to support and fund mobility within the TCEA, including alternative modes of transportation. The Department finds that the mobility strategies proposed by Amendment TXT 09-01300001 are adequate to address the downtown area. However, the strategies would not be adequate to address the city-wide mobility strategies required to be adopted within two years of the City's TCEA designation pursuant to Section 163.3180(5)(b)1, F.S. The City should revise the policies to clarify that the mobility strategies are not intended to meet the requirement of Section 163.3180(5)(b)4, F.S., for the entire City but are only intended to address the Downtown TCEA.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

Objection: The proposed Comprehensive Plan amendments related to the objections raised above are not consistent with and do not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 6.a (Public Safety); Policies 6.b.22 and 6.b.23; (the amendments related to Objection 11);
- (b) Goal 7.a (Water Resources); Policies 7.b.1 and 7.b.5; (the amendments related to Objections 1, 6 and 8);
- (c) Goal 8.a (Coastal and Marine Resources); Policy 8.b.3; (the amendments related to Objection 11);
- (d) Goal 9.a (Natural Systems and Recreational Lands); Policies 9.b.1, 9.b.3, and 9.b.7; (the amendments related to Objections 1, 8 and 10);
- (e) Goal 11.a (Energy Efficiency); Policy 11.b.4; (the amendments related to Objection 3);
- (f) Goal 12.a (Hazardous and Nonhazardous Materials and Waste); Policy 12.b.11; (the amendments related to Objection 6);
- (g) Goal 15.a (Land Use); Policies 15.b.1, 15.b.2, 15.b.3, and 15.b.6; (the amendments related to Objections 1, 3, 4, 6, 8, 9 and 10);
- (h) Goal 16.a (Urban and Downtown Revitalization); Policies 16.b.8 and 16.b.12; (the amendments related to Objections 3 and 9);

- (i) Goal 17.a (Public Facilities); Policies 17.b.1 and 17.b.7; (the amendments related to Objections 3, 4 and 9);
- (j) Goal 19.a (Transportation); Policies 19.b.3, 19.b.9, and 19.b.13; (the amendments related to Objection 4); and
- (k) Goal 25.a (Plan Implementation); Policy 25.b.7; (the amendments related to Objections 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11).

Recommendation: Revise the plan amendments as recommended for the objections raised above.



City of Cape Coral

August 11, 2009

Secretary Thomas G. Pelham, AICP
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

AUG 14 2009

Re: City of Cape Coral Plan Amendment (DCA 09-02) ORC Report

Dear Secretary Pelham:

The City of Cape Coral obtained a copy of your Department's ORC report from the DCA website on August 4, 2009. The City is extremely disappointed with the review conducted by DCA staff and the objections raised within the ORC to the proposed Future Land Use Map amendment for the Zemel property (Cape Amendment No. 09-01000003) and to the proposed text amendment to the existing Mixed Use Preserve (MUP) land use classification (Cape Coral Amendment No. 08-01300008).

The City of Cape Coral is a city comprised almost entirely of platted subdivisions from the 1950-60s, intended for predominantly single family residential development. For years, the City has been struggling with ways to expand its economic base, to provide additional opportunities for commercial, industrial, and non-traditional residential development. These deficits presently require our citizens to travel across one of three bridges connecting Cape Coral with other communities, creating traffic congestion and ever-increasing automobile trip lengths. The demonstrated need for larger tracts of non-platted lands to address our city's goals was identified as a critical issue in the City's most recent Evaluation and Appraisal Report and is an issue that your Department has recognized and encouraged us to address – making the ORC Report all the more puzzling.

Unfortunately, the City has realized that even significant efforts to aggregate platted lots from among thousands of individual owners will likely result in making only a modest dent in addressing the City's needs. As such, the City annexed the Zemel property in 2006 and commenced the process to amend its comprehensive plan to an appropriate land use classification. **Please understand that the City is not looking at Zemel in lieu of additional conversion of platted residential lots, but rather to augment such areas.** A FLUM amendment for the Zemel property was initiated by the City with the support of the landowner, and was transmitted to your Department in 2008. The amendment proposed to designate the Zemel property as Mixed Use Preserve (MUP), a classification that was specifically developed and adopted with the concurrence and approval of DCA, to be applied to large, vacant, unplatted tracts of land to achieve the City's goals. The application of the MUP to the Zemel land is a necessary step that your agency certainly should have anticipated. The 2008 plan amendment proposal resulted in an ORC that raised numerous concerns, primarily with protection of environmental resources on the property. Rather than rush to respond to the 2008 ORC, the City decided to withdraw the plan amendment and address the concerns raised in a deliberative, thoughtful manner.

After the completion of significant additional fieldwork, study, and analysis, the City re-initiated the plan amendment in 2009 and transmitted a substantially revised version of the amendment to the Department in May 2009. Despite the City's best and substantial efforts to address DCA's prior concerns, the current ORC Report contains obvious misstatements and internal contradictions that lead us to believe that either the plan amendments were not fully understood by your staff or that the concerns of other entities (i.e., Lee County) are taking precedence over the goals of the City on land that is within the City's jurisdiction. For example:

***The first objection in the ORC references comments from the Southwest Florida Regional Planning Council (SWFRPC) staff issued **in response to the 2008 plan amendment** that identify the property as strategic wildlife habitat, a biodiversity hotspot, and potential habitat for panther and black bear. The City is curious as to why DCA based an objection on the SWFRPC's prior comments, rather than on the SWFRPC's

Letter – Secretary Thomas G. Pelham
 August 11, 2009
 Page 2 of 2

comments on the 2009 plan amendment that were actually attached to the ORC Report. The current comments from the SWFRPC recognize clearly that the substantial volume of updated environmental data and analysis submitted with the present plan amendment is adequate and supportive of the land use maps. We are also curious as to why DCA staff chose to ignore the detailed environmental data and analysis presented with the plan amendment that addresses wildlife habitat on the Zemel property in depth, and instead relied on the SWFRPC's undocumented comments from 2008.

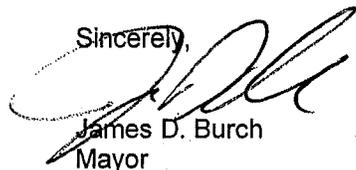
***The first, second, and third objections in the ORC Report are internally contradictory. The first objection directs the City not to increase residential uses on the property, the second objection recognizes the City's need to diversify its available housing stock but objects on the basis of demonstration of need, and the third objection identifies sprawl as a concern because of the potential for "single-use development" that does not include residential. These comments are confusing. One of the clear purposes of the MUP classification and its application to the Zemel property is to establish a workable, mixed use district that allows for non-traditional (i.e., non-platted) residential alternatives that are complementary to and supportive of a mix of non-residential uses. We consider this approach to be good planning, and something that DCA has encouraged and accepted in other jurisdictions (including Lee County). We are concerned as to why such an approach cannot be viewed acceptably in the City of Cape Coral.

***The Department's statement in the third objection that "this amendment discourages residential infill and assemblage of these lots for nonresidential use" is, quite frankly, insulting to the City's ongoing efforts to deal with the enormous and complex problems of being a pre-platted community. This City has developed strategies for encouraging the assemblage of platted lots for commercial use. But we realize that assembling pre-platted lots is difficult, expensive and will only make a modest dent in the City's needs for large, vacant, unplatted land for mixed use needs. It can hardly be argued that providing a modest increase in available **alternative** housing choices will somehow significantly reduce the amount of residential infill.

Finally, we are unable to understand why the approach Cape Coral has taken with this plan amendment is viewed differently by the Department than the approach taken by other jurisdictions, most notably Lee County, to address nearly identical issues. Similar problems in Lee County associated with the pre-platted community of Lehigh Acres, the lack of commercial and non-single family residential opportunities in Lehigh Acres, and the County's own recognized deficit for commercial and industrial lands led Lee County to adopt several plan amendments that the Department found "in compliance." Like the Zemel FLUM amendment, these County plan amendments involved changing land from a non-urban classification to urban in areas that have far more environmental sensitivity than the Zemel property -- yet the County was able to address its land use needs through large-scale plan amendments, rather than being relegated to addressing the issue by aggregating pre-platted lots.

The Department's recommendation that these plan amendments not be adopted simply is unacceptable. I expect that our City Council will proceed with the adoption process after considering the ORC Report and making appropriate changes to address relevant concerns. Towards that end, I will be contacting your office shortly to arrange a meeting with you (and your staff if you desire) and would welcome the opportunity to discuss pertinent changes to the amendments that will render them acceptable to the Department.

Sincerely,



James D. Burch
 Mayor

Cc: City Council Members
 Terrance Stewart, City Manager
 Carl Schwing, Assistant City Manager
 Dolores Menendez, City Attorney
 Derek Burr, Planning and Growth Management Division Manager
 Mike McDaniels, Office of Comprehensive Planning
 Ken Heatherington, Executive Director, SWFRPC

_____ Agenda
_____ Item

3k

Sarasota County Comprehensive
Plan Amendment (DCA 09-D1)

3k

3k

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
SARASOTA COUNTY**

The Council staff has reviewed a proposed amendment to the Sarasota County Comprehensive Plan (DCA 09-D1). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps are found in Attachment III.

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

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

A summary of the results of the review is as follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA-2009-01	yes	yes	yes	1. regionally significant; 2. partially consistent with the SRPP

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

09/09

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

Comprehensive Plan Amendments

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

[s. 163.3184(3)(a)]

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

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

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

[(s. 163.3184(6)(b))]

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

Regional Planning Council Review

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

[s. 163.3184(5)]

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

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

Attachment II

**SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL
COMPREHENSIVE PLAN AMENDMENT REVIEW**

- 1. Local Government Name:**
Sarasota County
- 2. Amendment Number**
DCA 09-D1 (Villages of Lakewood Ranch South DRI / CPA-2009-01)
- 3. Did the RPC prepare the Plan Amendment: (YES) (NO)**
No
- 4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable:**
Received the Proposed amendment on July 27, 2009. To date, staff has not received a DCA Notice of Package Completeness.
- 5. Date Amendment Review must be Completed and Transmitted to DCA:**
August 26, 2009
- 6. Date the Review was Transmitted to DCA:**
September 9, 2009
- 7. Description of the Amendment:**
These proposed amendments to the Sarasota Comprehensive Plan relate to a 5,503± acre property located generally east of I-75 and south of University Parkway (See attached maps in Attachment III). Specifically, the request will amend the Comprehensive Plan's, Future Land Use and Transportation Elements as follows:
 - 1a. To revise Policy VOS5.1 as it pertains to the northern Green belt buffer;
 - 1b. To revise Policy VOS5.1 as it pertains to the southern Green belt buffer;
 - 2a. To revise Figures RMA-1 and RMA-3 to remove the "thumb" portion from the Greenway RMA;
 - 2b. To revise Figures RMA-1 and RMA-3 to reduce the required buffer from 550 feet to 200 feet for a portion of the Greenway RMA; and
 3. To revise Figure 6-10 of the Transportation Element, Appendix D, Section 4, and RMA-1 to designate Lakewood Ranch Boulevard from University Parkway to Fruitville Road as a four-lane roadway.

8. Is the Amendment consistent with the Strategic Regional Policy Plan:

The following table summarizes our recommendations concerning the multiple elements of this requested amendment (CPA-2009-01).

- #1a. Text Amendment - Northern Greenbelt – Approve
- #1b. Text Amendment - Southern Greenbelt – Approve with the Conditions
- #2a. Map Amendment - Removal of Gum Slough “thumb” from Greenway RMA- Deny
- #2b. Map Amendment - Reduction of a portion of the 550’ buffer to 200’ – Approve with Conditions
- #3. Map/Figure Amendment - Lakewood Ranch Blvd. from two-lanes to four-lanes - Approve

9. Applicable Strategic Regional Policy Plan Goals, Strategies and Actions:

- **Economic Development**

Economic Infrastructure

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

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 1: Review plan amendments, development proposal, and clearinghouse items for
Action 5: Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.

Action 6: Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services, public facility deficits and encourage mitigation of those deficits.

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

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

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

Strategy: Promote the use of alternative energy resources.

Action 1: Review proposed development to promote energy conservation.

Livable Communities

Goal 3: A stable economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

Actions 1: Assist in the identification and acquisition of Potential Park and recreational sites and other resources in future growth areas.

Actions 2: Participate in studies, plans, and programs for public access to beaches and other resources.

Actions 3: Review proposed development to require that natural and other resources of regional significance are maintained, enhanced, restored, or re-created, as appropriate.

Strategy: Ensure sustainable volumes of natural resources for economic productivity.

Actions 1: Promote and assist resource planning programs to incorporate local government population projections and assessments of land consumption.

Actions 2: Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Actions 1: Maintain an inventory of public infrastructure and recommended improvements.

Actions 2: Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

Actions 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Regional Cooperation

Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.

Strategy: Promote regional cooperation and coordination for economic development.

Action 1: Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

- **Regional Transportation Element**

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: Ensure that a network of interconnected roads exist that provide the timely, cost effective movement of people and goods within, through and out of the Region.

Actions 1: Annually provide a report, in conjunction with FDOT, MPOs, and local government on the level of service (LOS) on regionally significant roadway network.

Actions 2: By 2003, identify unconnected and/or under connected components of the regional transportation network.

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

Actions 3: Report on the overall effect of regional land use policies and pricing policies on urban sustainability.

Livable Communities

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

Actions 4: Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Strategy: Encourage local governments and the private sector to implement travel demand management policies and actions to relieve traffic congestion, improve air quality and reduce energy consumption.

Actions 1: In conjunction with the MPOs and transit providers, identify residential communities linked with job centers through transit or through carpooling, or other high-occupancy vehicle mode of transportation.

Strategy: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.

Actions 1: Report on comprehensive plans and land development regulations that protect future state, regional, and local public facilities, corridors, and rights-of-way from building encroachment.

- **Natural Resources Element**

Natural Resource Protection

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2002.

Strategy: To 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.

Actions 2: Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASAC, CREW, WRDA and other regional efforts.

Actions 9: Working with the various acquisitions programs identified in this Plan and working with Local Governments and private land owners, develop a strategy to protect gaps lands identifying in the above action, using the Tools outlined in this plan.

Livable Communities

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 region's natural resources and provide for an improve quality of life.

Actions 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Actions 9: Insure that opportunities for government partnerships and public/private partnerships in preserving wildlife habitats are maximized.

10. The effects on the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

This proposed comprehensive plan amendment is requesting a number of changes to the Sarasota County Comprehensive Plan, specifically to Sarasota 2050 – RMA of the Future Land Use Chapter and to the Transportation Chapter, in association with the companion Development of Regional Impact (DRI) Villages of Lakewood Ranch. The Applicant proposes to amend Figure 6-10: Year 2025 Future Thoroughfare Plan (By Lanes), and Appendix D, Section 4: Year 2025 Future Thoroughfare Plan. If adopted, it will amend the map and text to show Lakewood Ranch Boulevard as a 4-lane minor arterial from Richardson Road to University Parkway. In addition, the proposed amendment seeks the removal of the greenbelt requirement along University Parkway, removal of greenbelt requirement along southern boundary of the subject parcel, and a map change to Figures RMA-1 and RMA-3 relating to the re-mapping of the Gum Slough portion of the Greenway and reducing 550 feet buffer to 200 feet. The Applicant states these changes seek to add *“additional criteria that will allow the Board of County Commissioners to approve additional exceptions necessary to implement The Villages of Lakewood Ranch South development plan.”*

In order to evaluate these proposals it is important to understand the background and function of the Sarasota 2050 – RMA of the Future Land Use Chapter and to the Transportation Chapter.

Sarasota 2050- RMA constituted amendments to The Sarasota County Comprehensive Plan to include additional goals, objectives and policies to implement the Resource Management Area (RMA) System, which includes the Village/Open Space RMA. The intent of the Village/Open Space RMA is to create an opportunity for a new form of development in Sarasota County to replace what has become known as Urban Sprawl.

Sarasota 2050 is a 50-year land use plan that is incentive-based and voluntary; it is the culmination of years of community input. This addition to the county's comprehensive plan grants density bonuses to landowners who preserve open space, agriculture and environmentally sensitive land and build new, compact, mixed use, walkable developments in appropriate areas as opposed to the continuation of large-lot single family developments.

Sarasota 2050 is an optional overlay to Sarasota County's Comprehensive Plan. It was adopted by Ordinance No. 2001-076 on July 10, 2002. Through the use of a Resource Management Area (RMA) System, it seeks to preserve and strengthen existing

neighborhoods while allowing the creation of compact, walkable mixed use communities. This is accomplished through a Transfer of Development Rights (TDR) program that gives variable transfer credit based on the environmental sensitivity of the sending lands, thus enhancing an extensive connected regional greenway system. This development framework is derived from a 1999 Urban Land Institute Advisory Services Panel Report entitled *“Sarasota County, Florida Strategies for Managing Future Growth: Shaping a Future for Sarasota County to Maintain and Enhance its Quality of Life.”* Following this study, the Board of County Commissioners adopted by Resolution No. 2000-230, the endorsement of the *“Directions for the Future”*, which are the principles underlying all Goals, Objectives, and Policies within Sarasota 2050. These principles include the following:

- Preserve and strengthen existing communities
- Provide for a variety of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes, including housing that is affordable to residents at or below the median income for Sarasota County
- Preserve environmental systems
- Direct population growth away from floodplains
- Avoid Urban Sprawl
- Reduce automobile trips
- Create efficiency in planning and provision of infrastructure
- Provide County central utilities
- Conserve water and energy
- Allocate development costs appropriately
- Preserve rural character, including opportunities for agriculture
- Balance jobs with housing

The Greenway RMA includes environmentally important lands and linkages between them. Greenways are defined as a network of riverine systems, floodplains, native habitats, storm surge areas and uplands recognized as priority resources protected in perpetuity.

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan or the Affected Local Government:

#2a. Map Amendment - Removal of Gum Slough “thumb” from Greenway RMA

Analysis of the effects on the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

Council staff finds that the proposed amendment will not impact land uses as they relate to military bases.

13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

Council staff finds that the removal of a portion of Gum Slough will be significantly impact regional resources in a negative way. This will also impact other wetlands in the region and hinder ground water recharge and the future availability of water supply. Council staff has recommended that this portion of the requested amendment not be approved.

14. Affordable housing issues and designation of adequate sites for affordable housing:

Council staff finds that due to the current recession and its impacts on the regional economy, the loss of population in the region, and the lack of substantial commercial development and the resultant reduction in housing costs, there is a sufficient amount of affordable housing available to future workers in the region at this time.

15. Protection of natural resources of regionally significance identified in the Strategic Regional Policy Plan including, but limited to, protection of spring and groundwater resources, and recharge potential:

Greenway Related Amendments

The Applicant requests a map change to Figures RMA-1 and RMA-3 concerning the Greenway RMA. This request has two components.

2a. Removal of Gum Slough “thumb” from Greenway RMA

In the first instance, the Applicant asserts that a portion of Gum Slough was mapped incorrectly and should not be included in the Greenway RMA, as discussed in their application beginning on page A-46. Further, the Applicant states that this portion of the Gum Slough - the “thumb” – is a disturbed wetland system and should not be considered a portion of the Greenway RMA. The request is to amend Figures RMA-1 and RMA-3 to remove this thumb from the Greenway RMA. These requests are illustrated on Pages 5 and 6 of the Map Series.

2b. Reduction of a portion of the 550’ buffer to 200’

The second request is to revise the 550 foot buffer from a portion of the Gum Slough boundary to a 200 foot offset, which if approved, would revise the Greenway RMA on Figures RMA-1 and RMA-3. The application states that this *“system is significantly degraded and contributes very little ecologically to the more valuable Gum Slough System. Rather than serving as a natural tributary to Gum Slough, it serves primarily as a man-made drain to facilitate former cattle ranching and other agricultural purposes.”* Additionally, *“portions of the 550 foot buffer imposed as part of the greenway plan will be*

replaced by permitted borrow pit development.” The Applicant submits that the site was mapped in error because the ecological integrity of the system is degraded in this section.

Sarasota County Planning staff did not agree that a map amendment is needed in either of these requests. The Greenway RMA is defined as a resource overlay, not as a land use designation like a Village or a Hamlet designation. The definition of a Greenway is included in Policy GS1.1. Figures RMA-1 and RMA-3 depict a visual representation of this definition. Further, VOS1.2 regarding the development framework for the Village/Open Space RMA, clearly provides for adjustment of the Greenway RMA during the Master Development Plan process:

“The boundaries of the Greenway RMA have been delineated using County-wide mapping techniques which shall be adjusted to reflect more detailed on-site information obtained during the master planning process including the actual field verification of each Greenway component as defined in Policy GS1.1. The purpose of such adjustment is to provide interpretive relief by allowing minor adjustments to the Greenway boundary. When such adjustments occur adjacent to a Village or Hamlet land use and are based upon the demonstration that certain property does not meet the requirements of the Greenway, then the future land use designation shall be construed to be the same as the adjacent use. When such adjustments occur based on the demonstration that certain properties in the Village/Open Space RMA meet the requirements of the Greenway, then the resource overlay designation shall be construed to be Greenway RMA.”

Policy GS1.1 Component Parts of the Greenway RMA

The Greenway RMA is defined to include:

- All public lands;
- Myakka River channel and connected wetlands (the Myakka River Area) which includes the Myakka River Area as defined within the Myakka River Wild and Scenic Designation and Preservation Act (F.S. 258.501);
- Existing preservation lands adjacent to the Myakka River System;
- Previously identified ecologically valuable lands adjacent to the Myakka River System;
- Myakka River Wild and Scenic Protection Zone;
- Named creeks and flow-ways, wetlands connected to those creeks and flow-ways, and an additional 550-foot Buffer from the composite of these areas, or alternative greenway or Buffer configurations that provide equivalent or greater net ecological benefit;
- Environmentally Sensitive Lands Protection Program (ESLPP) priority list of lands;
- High Ecological Value (HEV) lands as depicted in Figure 2-10 of the Environment

- Chapter of the Sarasota County Comprehensive Plan; and
- 100-year floodplain designated as “AE”.

The graphic representation of these areas, as depicted in Figure RMA-1, is based upon available regional data. The specific location of properties that may be located within the Greenway RMA will be determined on a site-by-site basis as field verification is conducted as part of the Master Development Plan process according to the above criteria.

Minor adjustments to the Greenway may be made consistent with GS1.1. Regardless of whether the adjustment is minor or major, the requested map amendment fails on policy consistency as the Applicant hasn't provided data and analysis proving that the thumb doesn't meet the definition of Greenway. Moreover, Policy GS1.1 clearly provides the mechanism and process for verification of the Greenway RMA and this occurs during the Master Development Plan process. Article 11.2.9.b.2. of the Zoning Ordinance, pertaining to 2050 development, implements the process and mechanism as stated in Policies VOS1.2 and GS1.1.

11.2.9.b.2.

Site by site field verification of the location of the on-site Greenway RMA shall be conducted as a part of the Master Land Use Plan process. Greenway RMA boundaries may be adjusted based upon field verification of the presence of any of the following Greenway components:

- i. All public lands;
- ii. Myakka River channel and connected wetlands which includes the Myakka River Area as defined within the Myakka River Wild and Scenic Designation and Preservation Act (F.S.258.501);
- iii. Existing preservation lands adjacent to the Myakka River System;
- iv. Previously identified ecologically valuable lands adjacent to the Myakka River System;
- v. Myakka River Wild and Scenic Protection Zone;
- vi. Named creeks and flow-ways, wetlands connected to those creeks and flow-ways, and an additional 500-foot buffer from the composite of these areas, or alternative greenway or buffer configurations that provide equivalent or greater net ecological benefit;
- vii. Environmentally Sensitive Lands Protection Program (ESLPP), Protection Priority list of lands as amended;
- viii. High Ecological Value (HEV) lands as depicted in Figure 2-10 of the Environment Chapter of the Sarasota County Comprehensive Plan; and
- ix. 100-year floodplain designated as “AE.”

During the challenge to the Department of Community Affairs finding Comprehensive Plan Amendment RMA-1, Sarasota 2050, in compliance, the methodology used to determine the Greenway RMA was scrutinized. In the Judge's Recommended Order, the finding is as follows:

"The Greenway RMA was based on data and analyses that generated a series of environmental resource overlays, that when completed, comprised the Greenway RMA. The overlays layered public lands, rivers and connected wetlands, preservation lands, ecologically valuable lands associated with the Myakka River system, named creeks and flow-ways, wetlands connected to such creeks and flow-ways, lands listed as environmentally sensitive under the County's ESLPPP, lands deemed to be of high ecological value, and appropriate connections. The evidence establishes that the staff and consultants reviewed and consulted a wide range of professionally appropriate resources in analyzing and designating the Greenway RMA."

Sarasota County Staff did not support the amendment requests to re-map a portion of the Greenway RMA. The amendment does not establish how the map is inconsistent with the definition of a Greenway as provided in GS1.1. Likewise, Sarasota County staff did not support the request to re-map a portion of the Gum Slough buffer from 550 feet to 200 feet. Once again, Policy GS1.1 provides the mechanism and process for this as well the Article 11.2.9.b.2.vi. which provides for an alternative greenway or buffer configuration that provides equivalent or greater net ecological benefit. Additional reviews and recommendations are provided from Resource Protection and Glatting, Jackson, et al., Sarasota County Staff recommended the review process recommended by Glatting, Jackson, et al. during the Master Development Plan stage.

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

Transportation-Related Amendment

The Applicant proposes to amend Figure 6-10: Year 2025 Future Thoroughfare Plan (By Lanes), and Appendix D, Section 4: Year 2025 Future Thoroughfare Plan. If adopted, it will amend the map and text to show Lakewood Ranch Boulevard as a 4-lane minor arterial from Richardson Road to University Parkway.

Lakewood Ranch Boulevard is currently designated a 2-lane minor arterial in the 2025 Future Thoroughfare Plan from Richardson Road to University Parkway. The segment of this roadway from University Parkway to Communication Parkway exists as a 4-lane, divided roadway. The segment of this roadway from Communication Parkway to Richardson Road exists as a two lane industrial local road. There are no fully funded capacity improvements for Lakewood Ranch Boulevard in the Sarasota County five-year Capital Improvement Program (CIP). North Cattlemen Road and Fruitville Road are fully

funded capacity improvements in the County's five-year CIP. North Cattlemen Road, the parallel north-south roadway west of I-75, is currently committed for the construction of a 4-lane roadway from University Parkway to Richardson Road. Fruitville Road, the east-west major arterial east of I-75 is planned for construction as a 4-lane roadway from Coburn Road to Debrecen Road.

Sarasota County Transportation staff reviewed the Applicant's analysis and recommends amending Figure 6-10 and Appendix D Section 4 to reflect the Future Thoroughfare designation for Lakewood Ranch Boulevard from a 2-lane minor arterial to a 4-lane minor arterial from University Parkway to Richardson Road.

Walkability in Villages is a central principle. Policy VOS1.1 states the intent of the Village/Open Space RMA provides for the development pattern of Villages which will *"support a fully connected system of streets and roads that encourage alternative means of transportation such as pedestrians, bicycle, and transit"*. Other policies, such as VOS1.3 and VOS1.4 provide for the pedestrian and promoting walkability in the Villages and Hamlets. VOS1.4 states the following: *"Villages and Hamlets shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate for Neighborhoods"*. Article 11 of the Zoning Ordinance provides the regulations for 2050 development. Specifically, Article 11.2 provides the development regulations for Village, Hamlets and Settlements. These standards implement the goals, objectives, and policies of the 2050 RMA overlay. Thus, walkability and the principles of 2050 development form will be required at the master development stage. Therefore, Planning staff did not object to this request to amend Lakewood Ranch Boulevard from a two-lane roadway to a four-lane roadway since there are adequate regulations in place to ensure that the Village principles will not be compromised by this amendment.

17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

This issue will be addressed in the Development of Regional Impact review and mitigation for the proposed development will be addressed at that time.

18. Analysis of the effects of extra-jurisdiction impacts which may be created by the amendment:

The Village / Open Space RMA include undeveloped lands outside the Urban Service Boundary (USB). This RMA creates a new alternative pattern of Village and Hamlet uses. These development types preserve large expanses of open space and environmental land, while concentrating development into walkable, mixed-use, mixed-income neighborhoods organized around a civic or retail center. The Village/Open Space RMA principles are outlined and detailed in VOS1.4, provided below:

Policy VOS1.4 Village/Open Space RMA Principles

Developments within the Village/Open Space RMA shall exhibit all of the following characteristics to qualify as a Receiving Zone under Density Incentives Program outlined in Objective TDR1:

- Villages shall include a mix of uses, including residential, commercial, office, Public/Civic, schools, and Recreational Space, that provides for most of the daily needs of residents;
- Villages and Hamlets shall include a design in which the majority of housing is within walking distance or ¼-mile radius of a Village or Neighborhood Center, with the higher densities closer to the Center;
- As a part of the Open Space requirements for development within the Village/Open Space RMA, each Village or Hamlet will be required to establish a Greenbelt as described in Policy VOS5.1;
- Villages shall include a Village Center with sufficient non-residential uses to provide for the daily needs of Village residents, by phase of development, in a form that is conveniently served by regional bus service;
- Villages and Hamlets shall include a range of housing types that supports a broad range of family sizes and incomes. Villages shall include housing for families with incomes below the median family income for Sarasota County, with a goal that at least 15% of the housing will be available for families with incomes below the median family income for Sarasota County using techniques, including but not limited to, density bonuses and inclusionary requirements in the Land Development Regulations and Zoning Ordinance;
- Villages shall include compact design that includes a system of land subdivision and development which links one Neighborhood to another;
- Villages and Hamlets shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate for Neighborhoods;
- Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees and on-street parking which provide distinct separation between pedestrians and traffic, spatially define streets and sidewalks by arranging buildings in a regular pattern that are unbroken by parking lots; and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation;
- Villages and Hamlets shall provide both Open Space and Recreational Space. Open Space outside Developed Areas is required to support the environmental goals of this Plan by preserving important environmental features, connections and functions on site. In addition to minimum Open Space outside Developed Areas, internal Recreational Spaces are required that meet the recreational needs of the community,

excluding golf courses, reinforce the design of the development by providing a variety of Recreational Space amenities that serve a range of interests and distribute Recreational Space amenities throughout the development. Golf courses developed using best management practices may be developed as part of an approved Master Development Plan and shall qualify as Open Space. To avoid conversion of Native Habitat, the review of the Master Development Plan shall place high priority on the preservation of Native Habitat. Golf courses shall not qualify as Recreational Space, and shall not qualify for any Density Credits in the Density Incentives program. Within Hamlets, golf courses shall only be approved by special exception. The standards for Recreational Space, will be established as provided in Policy VOS2.3; and

- Villages and Hamlets shall be Fiscally Neutral to the County residents outside the Villages and Hamlets.

The RMA system works through a Transfer of Development Rights (TDR) program. The TDR program enhances the County's existing Environmentally Sensitive Lands Protection Program (ESLPP) by encouraging private interests to protect lands and by funding ESLPP through the sale of county owned development rights. It also provides for protection of environmentally sensitive lands in exchange for increased density in villages and hamlets.

Sarasota County Planning Staff has reviewed the application and provided planning analysis of proposed Comprehensive Plan Amendment CPA-2009-01 in the staff report. They identified the planning issues for the Planning Commission and Board of County Commissioners consideration. Specific recommendations also come from Glatting, Jackson, Kercher, Anglin, Inc., Resource Protection, and Transportation Planning.

Sarasota County Staff recommended approval of the Applicant's request to amend Policy VOS5.1 as it relates to the northern Greenbelt buffer. They concluded there is adequate data and analysis to support this amendment. Additionally, Sarasota County Staff also supported the request to amend the 2025 Future Thoroughfare Plan by revising Lakewood Ranch Boulevard from a two to a four-lane roadway as it does not inhibit nor obstruct the goals, objectives, and policies of the Sarasota 2050 vision. For these two requests, staff recommends approval.

Regarding the additional amendment requests, Sarasota County Staff recommended denial. The Applicant has not provided the necessary data and analysis to support the requests regarding the southern Greenbelt boundary and the modifications to the Greenway RMA. These issues were addressed more fully in the staff analysis report.

Greenbelt-Related Amendments

Greenbelts are a required element in the development of 2050 Villages and Hamlets; they serve to define Villages and Hamlets as separate and compact communities. According to 2050 definitions, a Greenbelt is *"a permanent Buffer as required in Policy VOS5.1*

surrounding the Developed Area of Villages and Hamlets.” A Buffer is “*an area reserved or designed to separate potentially incompatible land uses.*” There are certain instances when a Greenbelt is not required, generally when urbanized or similar development forms are proximate to the property. Policy VOS5.1 outlines the situations when a Greenbelt is not required and provides for scenarios that the Board of County Commissioners can consider not requiring a Greenbelt. The Applicant wishes to amend this policy in two instances: to not require a Greenbelt between a Village’s Developed Area and Manatee County and to provide for another exception when the Village is adjacent to “undeveloped or undeveloped” property.

The intent of Villages is specified in Policy VOS1.2.a. “*...the Village shall be surrounded by large expanses of Open Space that are designed to protect the character of the rural landscape and provide separation between Villages and existing low density rural development.*” To take advantage of the Village option and the allowable densities associated with Villages, property owners in the Village/Open Space RMA must assemble units above those allowed by the Plan’s FLUM designation by acquiring and transferring development rights from the open space, the associated greenbelt and Greenway, the Village Master Plan, and other properties outside the Village.

1a. Elimination of the Greenbelt Buffer along the Northern Boundary

The Applicant is requesting to eliminate the Greenbelt requirement along the northern boundary abutting Manatee County located to the north. The revised language that the Applicant proposes to accomplish this: “*The Board of County Commissioners shall not require a Greenbelt between the Developed Area of a Village and: ... Manatee County Boundary Abutting the North Village only.*” Glatting, Jackson, Kerchin, Anglin, Inc. reviewed this comprehensive plan amendment and offered revised language that will accomplish this same concept, but will provide more clarification regarding urban development outside of Sarasota County’s boundaries. Their suggested language can be found on Page C-3 of Appendix C.

The Applicant has submitted approved development plans for the development to the north in Manatee County indicating that adjacent development will not be rural in character and in fact, will be urban in nature. The Lakewood Ranch development in Manatee County consists of two approved DRI’s: University Lakes DRI and Cypress Banks DRI. In this instance, the removal of the Greenbelt may not produce an non-compatible land use, however, open space is being removed and land preservation as provided for in the village concept is being eliminated.

1b. Elimination of the Greenbelt Buffer along the Southern Boundary

The Applicant is requesting to amend the same policy, Policy VOS5.1, to add another instance when the Board of County Commissioners can consider waiving the requirement for a Greenbelt buffer. In this instance, the Applicant wishes to add another exception scenario for the Board of County Commissioners to consider at the Master Development

Plan approval stage as shown previously. The northern portion of this Village designated property is under the ownership and/or control by the Applicant. The property located to the south, also designed for the North Village, is under different ownership. The application states that efforts to partner for Village development *“could not be realized, but could become a possibility at a future date.”* Because of this situation the application further states that *“It is prudent to continue to plan for the future expansion of the Village area, rather than creating a situation which would isolate the property, or denying an abutting property owner the opportunity to become a future neighborhood in a planned Village.”* The implementing regulations of 2050 pertaining to Village development already address this situation, specifically, the second paragraph, which is included below:

11.2.10.a.1.ii. Greenbelt Requirements

Each applicant for development within the HPD and VPD shall identify on the Master Land Use Plan a Greenbelt that is a minimum of 500 feet wide around the perimeter of the Developed Area as part of the Open Space requirement for the development. The Greenbelt is required to preserve Native Habitats, supplements natural vegetation, and protects wildlife within the area. Where adjacent property has been designated on Figure RMA-3, Village/Open Space RMA Land Use Map as Village or Hamlet Land Use, the ordinance rezoning the property Land the Master Land Use Plan shall designate the Greenbelt at the perimeter of the Developed Area.

The ordinance and Master Land Use Plan may include a notation that the portion of the Greenbelt that is located adjacent to other land designated for Village or Hamlet Land Use may be relocated to the perimeter of the adjacent property if that property is later added to the approved Village or Hamlet. If ordinance and Master Land Use Plan provide that the Greenbelt is eligible for relocation, then the portion of the Greenbelt so designated shall not be used to meet the minimum Open Space requirements for the Village or Hamlet and the density assignment for such property shall assume that the portion of the Greenbelt so designated will be included as part of the Developed Area of the Village or Hamlet. The Greenbelt must be set aside in connection with the filing of any subdivision plat filed with respect to lands located nearest to the perimeter of the Developed Area unless the Greenbelt has been relocated, through the inclusion of adjacent lands into the Village or Hamlet, prior to the filing of such plat.

Additionally, VOS2.1 states that only one Master Development Plan may initially be approved for the North Village. If the owner(s) of the southern property in the North Village choose to develop as a Village, the Master Development Plan could be revised to incorporate the southern property into the plan. When, and if, that occurs, the implementing regulations provide for the potential relocation of the Greenbelt. If the southern property chooses not to develop under the optional 2050 Village development form, they could develop under its existing designation of Rural which allows low density development. Staff asked for the Applicant to demonstrate that removal of the southern buffer would not affect the rural character on the southern parcel if that parcel

were developed under its current zoning. On Page A-67, the Applicant responds *“The applicant cannot make assurances for other properties, however, there is an assurance that the property is designated for future Village development, which is the appropriate use envisioned under the Comprehensive Plan. Also, with the continued expansion of the industrial area adjacent to the south parcel and the increasing areas of residential developments along Fruitville Road to the south, any future rural development of the parcel will be the one out of scale with the neighborhood, not the other way around. Thus, ‘rural character’ should not be an issue for this undeveloped, vacant parcel.”* The Applicant’s response asserts that the base land use on the remnant parcel is not appropriate due to the evolving nature of the adjacent land uses. This assertion would lend support to a land use amendment on the adjacent parcel, but does not support an amendment to the greenbelt requirement on the parcel in question. The other Village areas that would be affected by this policy change do not face the same land use scenario as this one. If the Applicant’s amended language is approved, then the intent of 2050 Villages is compromised because it will conflict with and be internally inconsistent with Policy VOS1.2.a. *“...the Village shall be surrounded by large expanses of Open Space that are designed to protect the character of the rural landscape and provide separation between Villages and existing low density development.”*

Furthermore, if the amendment is approved, it would affect all other Village land use areas as it isn’t limited to just the North Village. All future Village development would be eligible to have Greenbelt requirements waived without assurance that adjacent Village will develop in Village form. Village land use is an overlay land use that is only effective upon approval of a Master Development Plan.

Until that action to approve the Master Development Plan is taken by the Board of County Commissioners, the land use is the underlying future land use designation, typically rural. Sarasota County Staff did not agree with the requested amendment or the justification for it as the implementing regulations already address this situation. Approving this amendment may create an internal inconsistency in 2050 policies and would compromise the intent and principles of 2050.

Council staff would recommend that the proposed requests related to the reductions in the Greenways be maintained unless conditions could be provided by the applicant and local government that would provide additional buffers elsewhere on the subject site that would provide either additional environmental preserves or additional open space lands that could provide for the village concepts as approved by the 2050 plan. Council staff recognizes that the subject property has been heavily impacted with previous mining activities that produce a situation whereby strict observances of the requirements of the Greenbelts could cause significant design problems with the village land use format. Some adjustments to the widths of the Greenbelts should be allowed if other areas on the site provide for the village type of development.

Since this is one of the first villages to be developed under the 2050 Plan, Council staff strongly desires to maintain the village design format as approved by Sarasota County.

The approval of these amendments to the Greenways may negatively impact future developer requests if adequate conditions are not provided for in this situation.

Attachment III

Maps

**Sarasota County
DCA 09-2**

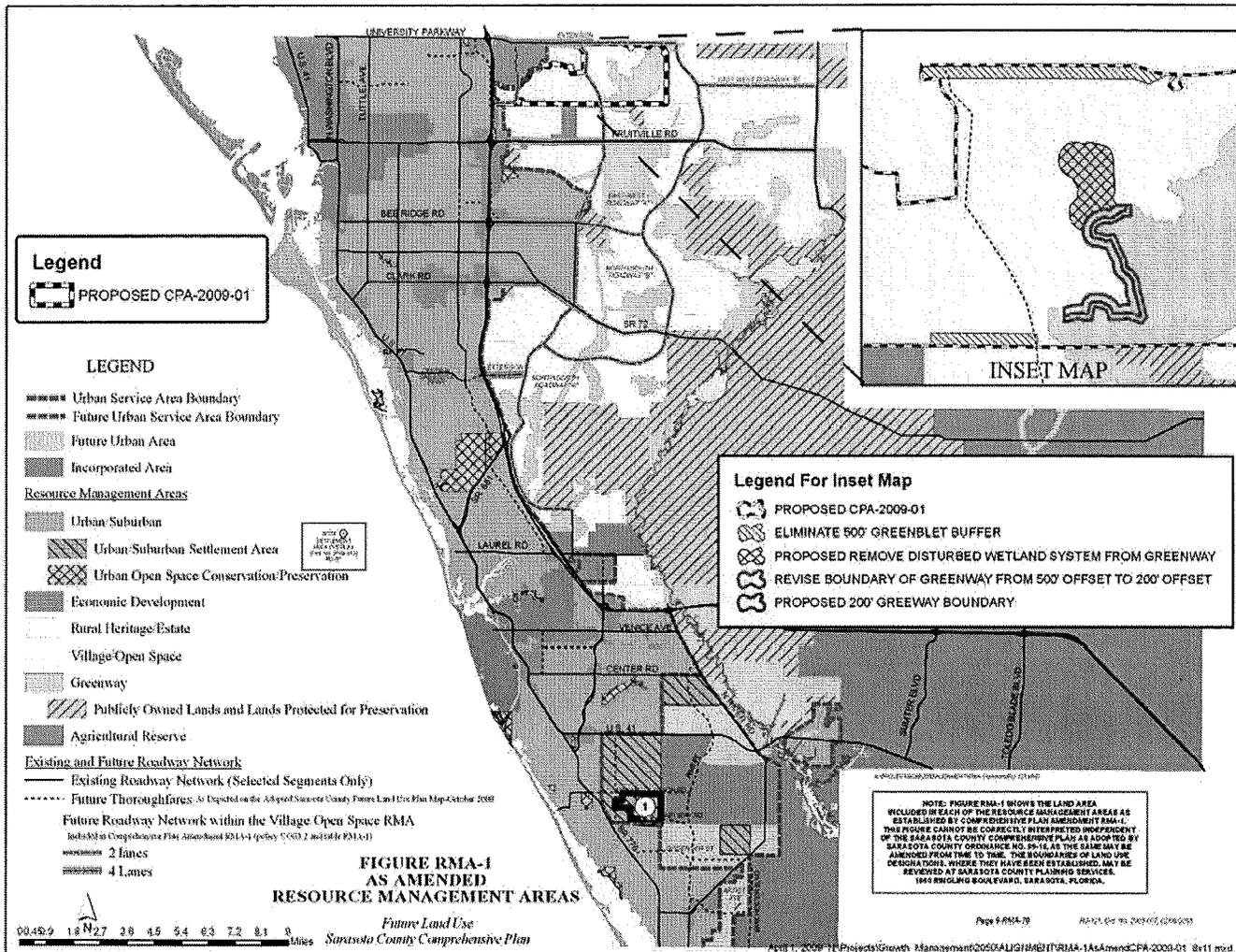


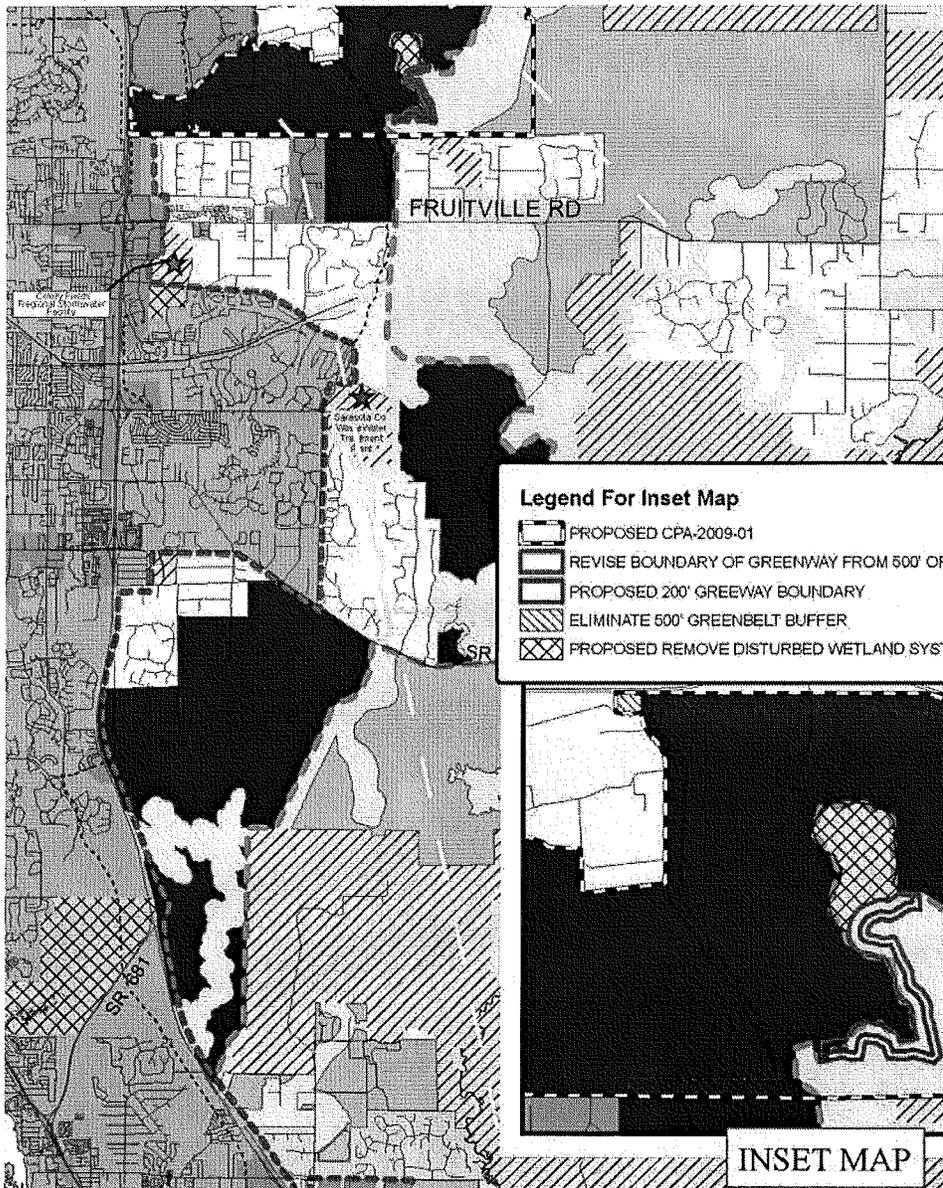
2008 Aerial Sarasota Co
2007 Aerial Manatee Co
COMPREHENSIVE PLAN
AMENDMENT CPA-2009-01



PREPARED BY SARASOTA COUNTY
 PLANNING AND DEVELOPMENT SERVICES
 PLANNING SERVICES - GIS

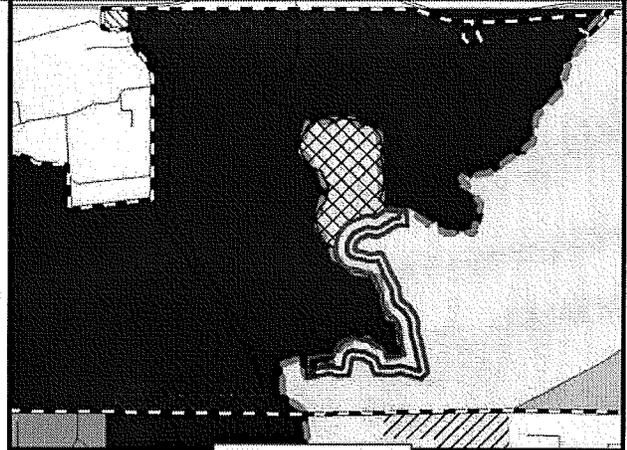






Legend For Inset Map

- PROPOSED CPA-2009-01
- REVISE BOUNDARY OF GREENWAY FROM 500' OFFSET TO 200' OFFSET
- PROPOSED 200' GREENWAY BOUNDARY
- ELIMINATE 500' GREENBELT BUFFER
- PROPOSED REMOVE DISTURBED WETLAND SYSTEM FROM GREENWAY



INSET MAP

Legend

- Village Land Use
- Hamlet Land Use
- Urban/Suburban RMA
- Urban Open Space/ Conservation/Preservation
- Economic Development RMA
- Rural Heritage/Estate RMA
- Greenway
- Publicly Owned Lands and Lands Protected for Preservation
- Incorporated Area
- Urban Service Area Boundary
- Existing Road Network
- Country_side_line

NOTE: FIGURE RMA - 3 SHOWS THE LAND AREA DESIGNATED FOR VILLAGE LAND USE AND THE LAND AREA DESIGNATED FOR HAMLET LAND USE WITHIN THE VILLAGE/OPEN SPACE RMA AS ESTABLISHED BY COMPREHENSIVE PLAN AMENDMENT RMA-1. THIS FIGURE CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO. 89-19, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN ESTABLISHED, MAY BE REVIEWED AT SARASOTA COUNTY GROWTH MANAGEMENT, 1660 RINGLING BOULEVARD, SARASOTA, FLORIDA.

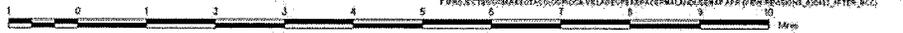
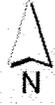
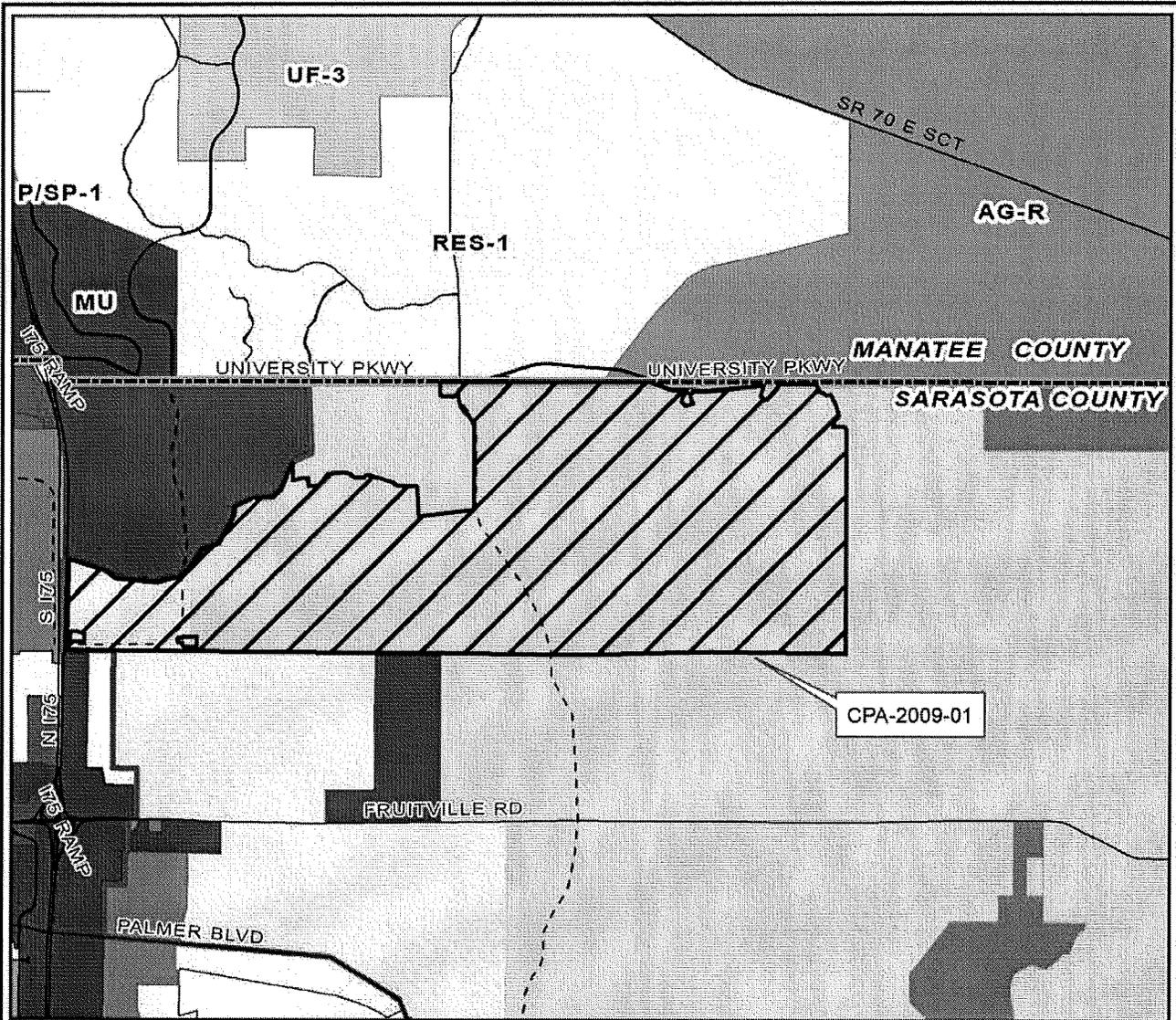


FIGURE RMA - 3
VILLAGE/OPEN SPACE RMA
LAND USE MAP
Future Land Use
Sarasota County Comprehensive Plan
Page -9RMA-72



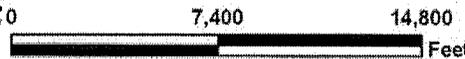
Revised by SCGM 07/05/02
 ORD. NO. 2001-076



CPA-2009-01

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FUTURE LAND USE DESIGNATION



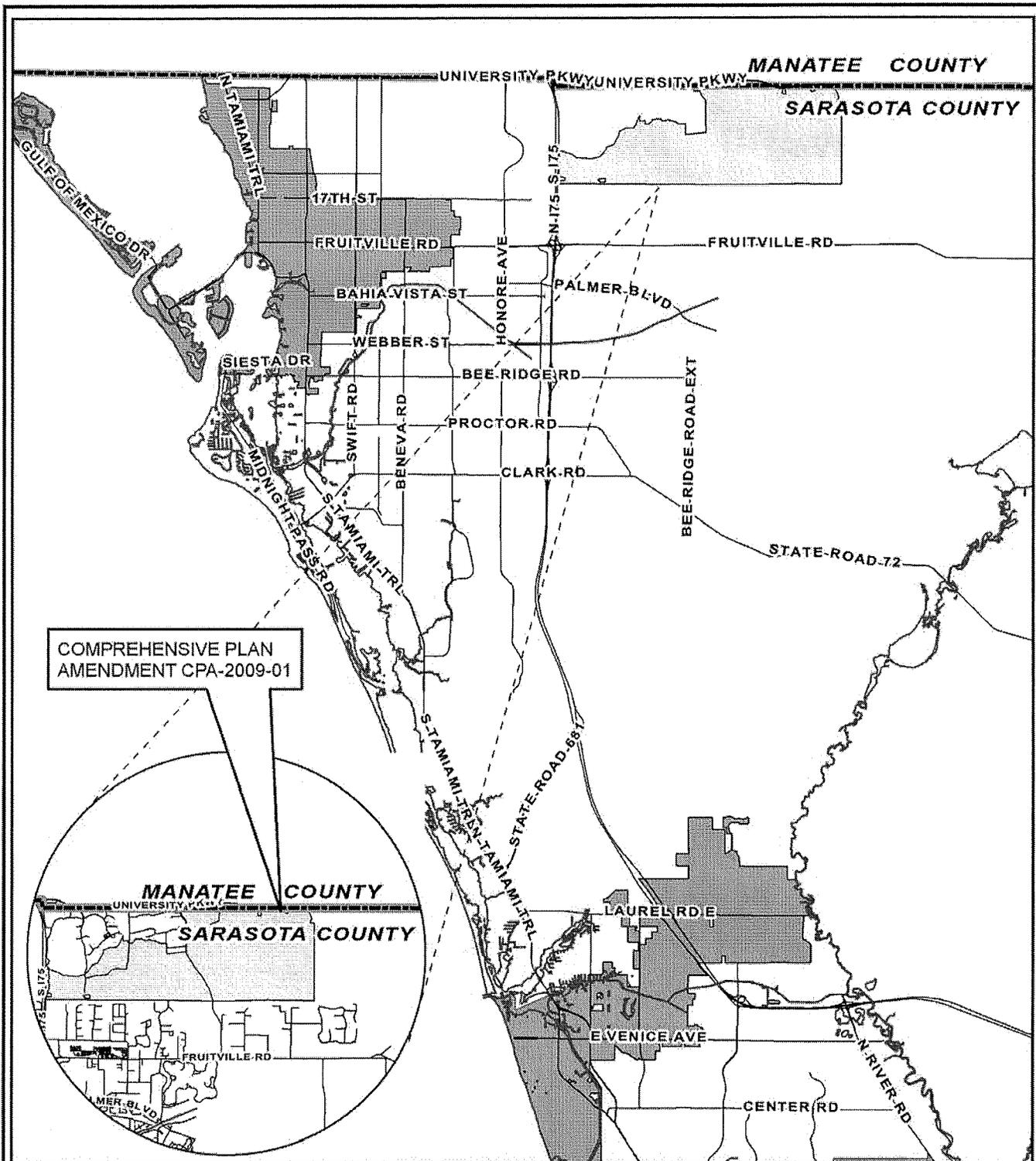
COMPREHENSIVE PLAN AMENDMENT CPA-2009-01

NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENT OF THE SARASOTA COUNTY COMPREHENSIVE PLAN AS ADOPTED BY SARASOTA COUNTY ORDINANCE NO.89-18, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THE BOUNDARIES OF LAND USE DESIGNATIONS, WHERE THEY HAVE BEEN ESTABLISHED, MAY BE REVIEWED AT SARASOTA COUNTY PLANNING SERVICES, 1660 RINGLING BOULEVARD, SARASOTA, FLORIDA.

LOW DENSITY RESIDENTIAL (<2 DU's/ACRE)	LIGHT OFFICE	PUBLIC AIRPORT FACILITY
MODERATE DENSITY RESIDENTIAL (>2 AND < 5 DU's/ACRE)	OFFICE/MULTI-FAMILY RESIDENTIAL	PRIVATE AIRPORT FACILITY
MEDIUM DENSITY RESIDENTIAL (>5 AND <9 DU's ACRE)	COMMERCIAL HIGHWAY INTERCHANGE	FUTURE THOROUGHFARES
HIGH DENSITY RESIDENTIAL (>9 AND <13 DU's ACRE)	MAJOR EMPLOYMENT CENTER - MEC	
SEMI-RURAL	MAJOR GOVERNMENT USES	
RURAL	PUBLIC CONSERVATION/PRESERVATION	
BARRIER ISLAND	INCORPORATED AREA	
COMMERCIAL CENTER	URBAN SERVICE AREA BOUNDARY - 2015	
COMMERCIAL CORRIDOR	FUTURE URBAN SERVICE AREA BOUNDARY	
COMMERCIAL CENTER (UNDEFINED BOUNDARIES)		



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BOARD OF COUNTY COMMISSION PUBLIC HEARING

COMPREHENSIVE PLAN
AMENDMENT CPA-2009-01



PREPARED BY SARASOTA COUNTY
PLANNING AND DEVELOPMENT SERVICES
PLANNING SERVICES - GIS

Sarasota County
FOUNDED 1841 2009 11/19

_____ Agenda
_____ Item

31

Jetport DRI - Substantial
Deviation Request for
Extension

31

Agenda Item

**JETPORT SUBSTANTIAL DEVIATION REQUEST FOR SUFFICIENCY RESPONSE
EXTENSION**

The applicant's agent for the Jetport Development of Regional Impact Substantial Deviation has requested a 120-day extension to the deadline for responding to the substantial deviation's sufficiency questions. The 120 day sufficiency response period expired on July 04, 2009. The applicant's agent submitted a letter dated September 08, 2009 (see Attachment I) requesting a 120 day extension to the sufficiency response period. The proposed new deadline for sufficiency responses would be November 01, 2009.

Staff recommends approval of this extension.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
 A T T O R N E Y S - A T - L A W

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Michael E. Roeder, AICP
 Director of Zoning
 and Land Use Planning

September 8, 2009

Mr. Jason Utley, LEED AP
 Senior Planner/Assistant DRI Coordinator
 Southwest Florida Regional Planning Council
 1926 Victoria Avenue
 Fort Myers, FL 33901

Re: Jetport Extension - DRI2008-00008

Dear Jason:

As we have discussed, the deadline for submitting additional information on this substantial deviation request actually passed on July 4th of this year. The delay has occurred because we must also amend the IPD zoning resolution for Lee County, and that has necessitated assembling additional information that was not readily available. We do believe that we will have this information shortly and would request an extension of the deadline for 120 days or to October 31, 2009. Thank you very much for your assistance in this matter and for bringing this to my attention.

Very truly yours,

KNOTT, CONSOER, EBELINI,
 HART & SWETT, P.A.



Michael E. Roeder, AICP
 Director of Zoning & Land Use Planning

MER/zw

_____ Agenda
_____ Item

4

Administrative Agenda

4

4

_____ Agenda
_____ Item

4a

Lower West Coast Watersheds
Implementation Committee

4a

4a

_____ Agenda
_____ Item

4b

Energy & Climate Committee

4b

4b

4b

SWFRPC Energy and Climate Committee

Meeting Minutes

July 16, 2009

Members

Commissioner Jon Thaxton, Sarasota County BOCC (Chairman)
Mayor Mick Denham, City of Sanibel
Mr. Alan LeBeau, Charlotte County Governor Appointee
Mr. Mel Karau, Hendry County Governor Appointee
Councilman Chuck Kiester, City of Marco Island
Mr. John Morgan, SFWMD (for Mr. Phil Flood)

Guests

Cloe Waterfield, Twentyfifty
Ms. Suzanne Lex, DCA
Ms. Jaime Bosewell, Johnson Engineering
Ms. Celia Hill, UF/Lee County Extension
Mr. Charlie Vaurina, UF/IFAS Extension Director
Mr. Kevin Coleman, Naples Daily News
Mr. Dell Jones, Regenesys Power

Staff

Mr. Dave Hutchinson, Planning Director
Mr. Jason Utley, Regional Planner
Mr. Jim Beever, Regional Planner
Ms. Nichole Gwinnett, Sr. Administrative Assistant

CALL TO ORDER

Mr. Heatherington called the meeting to order at 10:10 am and introductions were made.

1. Approval of the May 14, 2009 Minutes

Commissioner Thaxton proposed to follow Roberts Rules of Order for the minutes which state that minutes should only contain the motions and who made a motion and who seconded the motion and if the motion passed or failed.

Councilman Kiester stated that he agrees with Commissioner Thaxton and that the Northeast Florida Regional Planning Council had gone to that process with their minutes. Commissioner Thaxton stated that he will be bringing his proposal before the Council at the next meeting to have all of the Council's and its committees' minutes done that way in order to save staff time and have staff be more productive.

Mr. Karau moved and Mayor Denham seconded to approve the Minutes of May 14, 2009. The motion carried unanimously.

2. Review of Committee Mission, Goal and Objectives

Commissioner Thaxton reviewed the Committee's Goal Statement "Reduce the Region's per capita carbon based energy consumption over the next five years by using energy efficiencies, conservation, alternative and renewable energy sources." He suggested that the word "carbon based" be hyphenated and also add "and" alternative and renewable energy sources.

Councilman Kiester stated that he agrees to both corrections.

The corrected version of the Committee's Goal Statement is: "Reduce the Region's per capita carbon-based energy consumption over the next five years by using energy efficiencies, conservation, and alternative and renewable energy sources."

3. Committee Priorities (Conservation, Solar Thermal Heating, and Legislation)

Mr. Dell Jones gave an overview of solar thermal heating.

Commissioner Thaxton stated that he was not aware of the rate increase for water conservation, because Sarasota County's conservation efforts, at least at the Peace River Authority and in Sarasota County is where conservation is solely being used as a vehicle to meet new demands. Conservation is used to stabilize the rate rather than increase it.

Mr. Hutchinson gave an overview of current legislation.

4. Committee Discussion

Commissioner Thaxton stated that he would like to start holding the committee meetings either before or after the Council meetings.

5. Public Comments

No public comments were made at this time.

6. Adjournment

The meetings adjourned at 11:21 a.m.

_____ Agenda
_____ Item

4c

Budget Committee

4c

4c

SWFRPC BUDGET COMMITTEE MEETING
SWFRPC Offices – 1st Floor Conference Room
1926 Victoria Avenue, Fort Myers, FL
AUGUST 18, 2009

Members

Commissioner Tammy Hall, Lee County BOCC
Commissioner Jim Coletta, Collier County BOCC
Ms. Laura Holquist, Lee County Governor Appointee (Chair)
Mayor Jim Humphrey, City of Fort Myers
Mr. Bob Mulhere, Collier County Governor Appointee
Councilman Tom Babcock, Town of Fort Myers Beach

Staff

Mr. Ken Heatherington, Executive Director
Mr. Dave Hutchinson, Planning Director
Ms. Janice Yell, Finance Manager
Ms. Nancy Doyle, HR and Operations Manager
Ms. Liz Donley, Grants and Contracts Manager for the CHNEP
Ms. Nichole Gwinnett, Sr. Administrative Assistant
Ms. Rebekah Harp, Information Specialist

Ms. Holquist called the meeting to order at 1:05 p.m. and then gave a general overview of the budget which was adopted by the Council at its April meeting.

Ms. Holquist explained that Mayor Humphrey had become concerned with what was going on with the economy and recession and other government entities, so he asked that the committee meet more often to look at the financial situation of the RPC and also go over the budget based on the current results and then hold meetings on a quarterly basis instead of on an annual basis.

Ms. Holquist suggested having staff review the revenue sources and cover if there have been any changes and how the FY09 actual results to date compared to FY10 budget. Also, she also asked staff to provide an opinion on whether the RPC is going to be able to collect those revenue funds in 2010.

Ms. Yell explained that within the FY09/10 budget there wasn't much of a difference from what was discussed in April. The only item that was different was staff received the new DCA contract, but there wasn't really much of a difference in the allocation so she didn't anticipate any budget amendment being made.

Ms. Holquist referred to page 1 of the budget which illustrates the Council's revenue sources, including the local government assessments. She asked how staff obtained the population figures for the local assessments and when they were done. Ms. Yell explained that staff obtains the figures from the Bureau of Economic and Business Research (BEBR) and they are published the prior year.

Mayor Humphrey stated that he has heard that the latest figures for Lee County for 2008, the population has dropped over 6,000.

Commissioner Coletta stated that Collier County has lost approximately 3-6,000 in population.

Ms. Holquist stated that over last few years the Council's budget has shown an increase in assessments, but she feels that over the next few years there will be a decrease in assessments due to the decrease in population.

Mr. Mulhere asked Ms. Yell to explain the interest bearing accounts.

Ms. Donley gave an overview of the grant awards and grants pending, which was very positive.

Both Mr. Heatherington and Mr. Hutchinson gave an overview on the DRIs expected revenues.

Mr. Mulhere asked if the Council's retirement and health insurance costs are consistent with other Florida agencies. Mr. Heatherington explained that as part of the employees benefit package the Council pays 100 percent of the employee's retirement and health benefits. Ms. Doyle explained that the Council belongs to the Florida Retirement System which their rates haven't changed since 2004 and the Council only pays 100 percent of the employee's health coverage and dependent coverage is the responsibility of the employee.

Ms. Doyle noted that staff is currently in negotiations with the owner of the building behind the offices of the Council about leasing parking spaces to his tenant, the Florida Probation Office, in exchange for storage space in his building which would eliminate the Council's offsite storage fees, but they would also be paying the Council for those parking spaces each month (\$500 per month) which would bring in additional revenue.

Mr. Heatherington explained that there are other issues involved, such as security.

Ms. Holquist asked staff if they expect any downsides to the budget.

Mr. Hutchinson explained that with the age of the building there has been times where maintenance has been an issue i.e. recently replacing an air conditioning unit.

Ms. Donley explained that in dealing with the federal budget, there is always a possibility of having to deal with across the board rescission which would affect the state budget, then would ultimately affect the CHNEP and Lee County MPO which are both housed within the Council.

Councilman Babcock asked if there are any staff positions open at this time at the Council. Ms. Doyle replied no. Councilman Babcock asked if there is any anticipation of hiring on any new staff. Ms. Doyle replied no, not at this time.

Ms. Holquist stated that she would like to create a dialog on what the criteria would be to use the reserve balances which currently totals \$637,988.

Commissioner Hall explained that Lee County has looked at long-term solutions by trying to anticipate how long the current economy is going to last and cut back as far as possible to maintain core services and where to bring down reserves short-term, but recognizing that as you use the reserves they are also not being replaced. The trick is “how long are you going to be in the position, is it going to be 3 or 5 years” because you are always a year behind.

Mr. Mulhere stated that the reserves are there for a reason, such as a major expense with the building which may require the use of the reserves fund. He feels that the plan should be to minimize the use of reserves over a 3 year period.

Mr. Heatherington explained the idea behind the reserves was if there was a hurricane or a major disaster and the Council had to pay staff during recovery from the disaster.

Mayor Humphrey stated that he concurs with the discussions in terms of the reserves. The City of Fort Myers reviews using its reserves by determining if it is an emergency, repair, replacement, consideration that we live in a flood prone area.

Ms. Yell explained that the last time that staff used any of the reserves was when the Council purchased the building.

Councilman Babcock explained that reserves are always a tough issue. He sees them needed as variability through the year because you are not going to obtain all of your revenue at the same time that you are going to expend them, so you need to have sufficient amounts in there to handle that variability, but the other is the unexpected (disasters) and they take longer to replenish. The unofficial number is it takes usually 3-6 months operations cost and that is what it sounds like the Council’s policy currently states. Ms. Yell clarified that currently the reserves would cover 3 months of operational costs, but the auditors would like to have 6 months.

Councilman Babcock stated that the Town of Fort Myers Beach is not quite at the 6 month mark with its reserves, but is working at it. He explained you have to deal with it on a year-to-year basis and try to project out into the future.

Councilman Babcock proposed having a resolution every year identifying where the Council's current financial path and its projected financial path in a given year. He explained that the City of Bonita Springs has such a resolution.

Mr. Heatherington explained that the Executive Committee recommended that the reserves not be touched in order to balance the budget for this fiscal year. They also recommended that staff was not to receive any cost of living or merit increases.

Ms. Holquist asked that since she is not from any municipality, she wanted to bring up a general question if the Council should refund assessments.

Mr. Heatherington replied that the Council cannot refund assessments because the Council is not a local government collecting ad valorem taxes. The assessments are collected based on population and the local assessments cover the building and its costs among other expenses which are over and beyond what is collected through the assessments.

Mayor Humphrey stated that he feels that the policies that staff has tried to follow over the years was to keep the assessments basically the same. There was a discussion a couple of years ago to possibly raise the per capita by 5 percent, but he supports the way that it has been addressed.

Ms. Holquist stated that if Southwest Florida continues to grow long-term in population as projected there may come a time that the fixed costs of operating the Council and the cost benefit would come to a plateau and there may be a possibility of "over funding" the Council at that time, at which time the Council may consider reducing the local assessments. But she doesn't see that happening any time in the near future with the current economy and recession.

Ms. Holquist requested that the minutes reflect that the committee had discussions on the following:

- Reserve Balances
- Resolution on Reserve Balances
- Reducing or refund of Assessments, which is not a recommendation of the Committee at this time.

Mayor Humphrey stated that the recommendation of the Budget Committee is to have a resolution regarding the reserves presented to the Council at its September meeting for the Council's consideration.

Ms. Holquist stated that the Budget Committee will start meeting quarterly to review the Council's quarterly statements.

The meeting adjourned at 1:53 p.m.

Southwest Florida Regional Planning Council

Reserve Policy

This policy is designed to guide the Council in financial policies to maintain a strong financial position. A strong financial position is important in the maintenance of services to the various counties and cities of the Council. The reserve policy is designed to allow the Council to maintain a fund balance level between four (4) and six (6) months of operating expenditures as recommended by Governmental Accountants.

The reserves are a component of the Council's fund balance which is reviewed by auditors as an indicator of financial health. Operating reserves are designed to provide the Council with funds in the event of revenue interruption, shortfalls or other unforeseen occurrence.

Operating Reserves will be maintained at a level of at least four (4) months of average general fund operating expenditures and will be increased annually, if possible, to reach a goal of six (6) months.

This reserve will be maintained to meet the Council's needs in case of an emergency such as a natural disaster.

In the event funds are utilized from the reserve, every effort will be made to restore the initial reserve amount in the ensuing years. As of September 3, 2008, our designated reserve is five hundred fifty thousand two hundred dollars (\$550,200). Changes to this designated reserve will be reported annually as part of the financial statements and the Annual Audit Report.

_____ Agenda
_____ Item

5

Regional Issues

5

5

_____ Agenda
_____ Item

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Legislative Wrap-Up

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2009 Session Overview

The 2009 Session was extended one week past the regularly scheduled '*sine die*' of May 1, 2009. Friday, May 8th was the official end to the 2009 regular Session. Lawmakers were faced with a perfect storm of an unprecedented economic slow down and several controversial, substantive issues, which necessitated the extension of Session. In addition to the \$6 billion budget shortfall this Session, leadership of the House of Representatives was thrown into turmoil with the indictment of former Speaker, Ray Sansom on official misconduct charges. Representative Sansom was slated to be the Speaker for the 2009-10 Sessions. After stepping down temporarily, the House Majority voted to replace him permanently with Speaker Pro Tempore Larry Cretul who became the new Speaker of the House.

The legislature was unable to reach a timely agreement on budget matters, the Seminole Indian Gaming Compact, or the distribution of the Cigarette Tax revenues before the end of regular Session. Budget items and related proviso, implementing bills, and conforming bills were hammered out by budget conferees during the extended week of meetings.

Lawmakers ultimately agreed to a \$66.5 billion budget for FY 2009-10. The budget raises \$988 million in cigarette taxes and \$1 billion in other fees and fine increases, and raids trust funds for \$588 million to boost reserves to \$1.7 billion. The budget is heavily subsidized with \$5.6 billion in federal stimulus dollars. Under the budget agreement, the House and Senate agreed to sweep \$120 million from a transportation trust fund, trim about \$30 million from employee salaries, including a 7% reduction to legislative salaries, a 2% cut to specified state worker salaries (which was vetoed), and trim higher education by about \$100 million more.

The Low Income Pool bill passed which re-organizes the council, prohibiting lobbyists from serving on the council and a bill to expand KidCare, an insurance program for low-income children, also passed the last week of session. The bill utilizes federal dollars to reduce waiting times for program eligibility and removes administrative barriers to the program.

A bill which raises fines for reckless driving and distributes the money to certified trauma centers passed the legislature this year. However, the Red Light Camera bill died on the chamber floor again this year, when lawmakers could not work out a compromise to the distribution formula for the new fines in the last hours of Session.

The cigarette tax, SB 1840, was passed by the legislature this Session, which will increase taxes on cigarettes by \$1 a pack. The bill also increases taxes on other tobacco products which, in total, is predicted to raise \$988 million annually. The money is slated to be used for Medicaid items and tobacco related illnesses.

The legislature agreed to use funds from the planned closing of a Documentary Tax loophole to fund \$50 million in new bonds for Everglades restoration and to back up \$250 million in previously authorized bonds for the land conservation program.

Florida Forever was not funded by the legislature (previous funding was \$300 million) this Session, but bond authority is still in tact for future funding.

The seatbelt bill passed, making seatbelt enforcement for adults a primary offense—passage will draw down \$35 million in federal funds for road projects

Growth management passed with amendments eliminating transportation concurrency within the major urban areas of the state. Eight counties are affected: Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, and Seminole Counties. Concurrency exception areas are also created within approximately 190 cities within 24 more counties.

The affordable Housing trust funds were raided once again to plug holes in other areas of the budget and the Sadowski Cap was not repealed after efforts failed to remove the cap.

The commuter rail project known as, SunRail, failed to pass as a bill. A last hour attempt to place the issue as an amendment on another transportation bill fell short on a 16-23 vote.

Lawmakers approved a plan that will allow universities to increase tuition by as much as 15 percent a year. The Senate did not approve a proposal which relaxed the 2002 constitutional amendment that requires smaller school class sizes in Florida public schools.

The proposal which would have required public utilities to gradually increase the amount of energy they produce from renewable sources failed to pass this year and so did the proposal backed by Governor Crist, which would have implemented stricter automotive emissions output similar to the California model.

The Senate also rejected a plan to open Florida's coastline to oil drilling. The plan would have allowed the Governor and cabinet to approve offshore oil drilling within 3 miles of the coast. The House passed the measure after introducing the issue in the last two weeks of session but it was never taken up in the Senate. In addition, a provision mandating a 'Trash Tax' at \$1.25 per ton on solid waste facilities operated by local governments was included in a House bill late in Session. The tax was eventually amended out of the bill.

A property insurance bill passed which would allow rates to be raised 10 percent a year on the state-backed Citizens Property Insurance Corporation.

The legislature passed a resolution to allow voters in 2010 to approve a proposed constitutional amendment that would reduce property taxes. The measure would give an additional tax break to new homeowners, who have not filed for homestead exemption in

8 years. It would also reduce the cap on annual assessment increases for businesses and second-home owners from the current 10% to 5%.

Another deal which passed includes a final agreement on allowing school boards to approve a 0.25 mill tax increase with a supermajority vote to raise revenues at the local level.

The Seminole Indian Gambling Compact was passed by the legislature during the extended week of session and looks to have Gov. Crist's support. The major provisions of the compromise would guarantee at least \$150 million in revenues annually, allows expanded card games in tribal casinos only in Broward and Hillsborough Counties, reduces the tax rate 50% to 35% on pari mutuel facilities, and allows the phasing in of quarter horse racing

The legislature rejected a sponsored amendment to take \$444 million in federal stimulus money for expanded unemployment benefits that are excluded from the state budget. The legislature believed the expansion of benefits would place a tax increase on Florida's businesses.

Major Budget Items for FY 2009-10

Lawmakers entered the 2009 regular session just off of a 2009 Special Session, which was called to further reduce the FY 2008-09 Budget by \$2.3 billion. Florida's economy has continued to weaken through the 2nd quarter of 2009 with state revenue collections well off the economic forecasts.

The latest revenue estimating conference took place on March 13th, where the bad news was delivered. The state faces a \$6 billion deficit for FY 2009-10. As a result legislators returned to Tallahassee for the 2009 regular session in March forced to make further budget reductions, tax and fee increases, and/ or both.

Housing Sales have dramatically declined from the period of Florida's housing boom. There is an estimated 27 month inventory of housing on the market currently. In many parts of the state housing prices have fallen below replacement costs.

New home construction won't see any significant uptick until 2012, in part due to an inventory of 300,000 unsold homes, according to forecasts from the Florida Homebuilders Association.

According to the Mortgage Bankers Association as of March of 2009, Florida lead the nation in the number of foreclosures at 20% compared to the 11% national average.

The state budget has been slashed from \$74 billion in FY 2006-07 to \$66.5 billion for FY 2009-10. Tax cuts, the housing crash, an unprecedented national recession, and the downturn of tourism have formed a perfect storm to radically reduce state revenue

collections. These factors have also affected local governments in Florida as they struggle to balance their budgets.

The legislature has reduced state spending by \$4 billion in FY 2008-09, and a further \$2.3 billion for FY 08-09 in Special Session A earlier this year. Elected officials faced a daunting \$6 billion deficit for FY 2009-10, which was met with a combination of budget reductions, trust fund sweeps of \$588 million, fee increases of over \$1 billion, and federal stimulus dollars (\$5.7 billion).

The FY 2009-10 budget was also balanced by the raiding of trust funds or state accounts to offset shortfalls in general revenue:

- The State Transportation TF was reduced by \$120 million
- Land Acquisition TF reduced by \$20 million
- Conservation and Recreation by \$70 million
- Affordable Housing reduced by \$90 million

In all \$588 million was swept from trust funds to help balance the FY 2009-10 State Budget. In addition, approximately \$1 billion will be raised in additional fees on state motorists and \$250 million is expected to be generated by additional court fees.

Budget Overview for FY 2009-10:

The General Appropriations Act for FY 2009-2010, provides for a total budget of \$66.5 billion, including:

General Revenue (GR): \$21.2 billion
Trust Funds (TF): \$45.3 billion*

**Includes \$5.7 billion in federal funds from the American Recovery and Reinvestment Act of 2009*

Dollar Amounts by Budget Category:

General Government Appropriations \$3.8 billion
 ○ \$0.4 billion General Revenue
 ○ \$3.4 billion Trust Funds

Transportation and Economic Development Appropriations \$9.7 billion
 ○ \$0.3 billion General Revenue
 ○ \$9.4 billion Trust Funds

Pre-K-12 Education Appropriations..... \$13.4 billion
 ○ \$8.1 billion General Revenue
 ○ \$5.3 billion Trust Funds

Higher Education Appropriations \$6.0 billion
 ○ \$3.3 billion General Revenue
 ○ \$2.7 billion Trust Funds

Criminal and Civil Justice Appropriations \$5.2 billion
 ○ \$3.7 billion General Revenue
 ○ \$1.5 billion Trust Funds

Health and Human Services Appropriations \$26.0 billion
 ○ \$5.2 billion General Revenue
 ○ \$20.8 billion Trust Funds

MAJOR HOME RULE AUTHORITY ISSUES

The 2009 legislative Session produced mixed results for local government home rule authority. A fertilizer bill was passed which does not mandate regulations to local governments, which is a far better bill than the unsuccessful version last year. Mining language did pass in HB 5013 which states aggregate mining is a critical industry for Florida. A more onerous provision on aggregate mining was introduced earlier in Session as an amendment but was stripped out. The provision extended DEP 'life of mine permitting' to limerock mines around the state. The language was never adopted in any Senate bill.

Another contentious provision filed this year was included in the Streamlining Regulatory bill HB 7143. The bill placed a restriction on local government's ability to set aside habitat preserves for endangered species. The Fish and Wildlife Commission argued that they are the sole authority defined in the state constitution to deal with endangered species. After many meetings amongst stakeholders, no consensus could be reached and the issue died.

We also worked on a provision with other counties and the Florida Association of Counties to strike current law and mandate that interest earnings from county funds are to fall under the purview of the BOCC and be allocated by the board as any other budgetary item. This was included in SB 1718 Judicial System.

A 'trash tax' was imposed in HB 5121 which would have sought to tax solid waste facilities, public or private, \$1.25 per ton. The measure, which was vigorously opposed by local government advocates, was introduced in the House to generate dollars for the cash-strapped state. The measure was not considered in the Senate.

Some items negatively affecting local government home rule did pass this Session. SB 2282 First Responder Services preempts local governments from imposing a fee or seeking reimbursement for any costs or expenses (including personnel, supplies, motor vehicles, or equipment) incurred for services provided by a first responder in response to

a motor vehicle accident. However, costs for ambulance services which provide transportation and treatment is excluded from the fee prohibition.

SB 216 Campaign Financing/Local Governments also passed the legislature and has been signed by the Governor. The bill prohibits local governments from expending tax dollars to support or oppose issues that involve a referendum, or amendment that the public will vote on at an election. Electioneering communications that are limited to factual information are exempt.

Another issue affecting local government revenues was a series of ballot initiatives offered during the course of Session. Senate Joint resolution SJR 532 Property Tax Limit/Additional Homestead Exemption proposes an amendment to the State Constitution, to provide the annual maximum assessment change on non-homestead residential property is reduced from 10% to 5%. This bill did pass the legislature and will come for a vote before Floridians in 2010.

SJR 532 further proposes an amendment providing an additional homestead exemption equal to 25% of the just value of the property, but that amount may not exceed \$100,000 for first time homebuyers, who have not owned a residence 8 years prior to the purchase. The exemption is reduced each year by 20% ending on the fifth year after it is granted.

HJR 385 proposed the 'TABOR' Amendment which would have limited ad valorem taxes to 1.35% of the parcels highest taxable value. The measure passed the House but was not considered by the Senate.

HB 227 Impact Fees also passed this year which originally included a provision that prohibited local governments from increasing any impact fees for a period of 2 years. However, that section was amended out before passage. This bill amends statutes to require a local government to show by preponderance of the evidence that a fee meets the requirements of state legal precedence if a person chooses to challenge a fee impact ordinance.

The Revenue Estimating Conference (REC) met on April 3, 2009, and determined that the bill, as passed, would ultimately result in counties, municipalities and special districts being less successful in defending legal challenges. However, the extent to which this will occur is unknown and the impact is determined to be negative but indeterminate.

REVENUE ENHANCEMENTS

SB 788 Gaming Compact- Passed

Effective Date: Approved by Governor, June 15, 2009

The Gaming Compact between the state and the Seminole Indian Tribe was passed during the extended week of Session. lawmakers placed the anticipated revenues into the

reserve fund to expedite the negotiations. It is expected the revenue generated by the compact will be directed in most part to education funding.

After the legislature stopped in court the original compact negotiated between the Governor and tribe, lawmakers deliberated most of Session to reach an agreement both chambers could live with.

The bill basically has a 15-year term between the state and Tribe;

- Permits the Tribe to offer no-limit poker and slot machines at seven specified tribal casinos;
- Permits the Tribe to conduct banked card games, including blackjack, and baccarat, only at tribal casinos in Broward County and Hillsborough County;
- And requires a guaranteed minimum payment of \$150 million annually to the state.

SB 788 also eases taxes and gaming limitations on pari mutuel facilities.

There is vague language in the bill requiring the Tribe to pay an additional 3% to the state on top of the \$150 million to offset the impact of gambling facilities on local governments. Presumably the state will distribute the funds to local governments which include or are adjacent to gaming facilities.

CS/CS/SB 1840 — Protecting Health/Surcharge on Tobacco Products - Passed
Effective Date: Approved by Governor, July 1, 2009

The bill levies a \$1 per pack surcharge on cigarettes. Revenue from the surcharge will be deposited in the Health Care Trust Fund in the Agency for Health Care Administration. On a recurring basis, the surcharge on cigarettes is expected to raise \$942 million each year. It is also expected to reduce cigarette consumption by 9 percent, and the reduction is expected to grow over time to more than 10 percent by FY 2012-2013.

Tobacco products other than cigarettes and cigars are subject to a surcharge equal to 60 percent of the wholesale sales price. (This is the price that the distributor pays the manufacturer.) This is in addition to the current tax of 25 percent of the wholesale sales price. The surcharge on other tobacco products is expected to raise \$48 million each year.

The surcharge is levied on cigarettes and other tobacco products in inventory in the state on July 1, 2009. To compensate for costs of taking this inventory, retailers, distributors, wholesalers, and manufacturers will get a 5 percent collection allowance for the surcharge on inventory.

The bill provides for regulation of internet and mail-order sales of cigarettes and other tobacco products to ensure that these products are not available to minors. It increases the penalties related to untaxed cigarettes, and creates a toll-free number for cigarette tax and

surcharge violations to be reported. An informer may receive a reward for a report that leads to a fine being levied and paid.

The bill also restricts the amount of tax-free cigarettes available to the recognized Indian tribes. Members of the tribes will be able to buy and consume cigarettes tax free on the reservations, but will not be able to sell untaxed cigarettes to non-Indians. It provides for the option of entering into an agreement with the state to share cigarette tax revenue for cigarettes sold on reservations, but the state must, at a minimum, receive all revenue from the surcharge created in this bill.

Another bill which passed this year, **SB 1664**, directs 5% of the newly created cigarette tax, not to exceed \$50 million, is to be distributed for research of cancer or tobacco related illnesses and 2.5% of the revenues be distributed to the Biomedical Research Trust Fund in the Department of Health for the James and Esther King Biomedical Research Program.

The bill requires that 2.5 % of the revenue deposited into the Health Care Trust Fund, not to exceed \$25 million in FY 2009-2010, be transferred to the Biomedical Research Trust Fund in the Department of Health for the William G. —Bill Bankhead, Jr., and David Coley Cancer Research Program.

AD VALOREM ISSUES

CS/SB 532/HB 97 – Relating to Property Tax Limit/Additional Homestead Exemption – Passed

Effective Date: Upon voter approval

The Senate Joint resolution SJR 532 Property Tax Limit/Additional Homestead Exemption proposes provides an additional homestead exemption equal to 25% of the just value of the property, but that amount may not exceed \$100,000 for first time homebuyers, who have not owned a residence 8 years prior to the purchase. The exemption is reduced each year by 20% ending on the fifth year after it is granted.

Assuming the amendment passes, the statewide impact on school taxes would be:

- \$10 million in 2011-12,
- \$21.3 million in 2012-13,
- \$33.2 million in 2013-14,
- \$37.3 million in 2014-15, and
- \$38.9 million in 2015-16

While the impact on non-school taxes would be:

- \$13.1 million in 2011-12,

- \$28.0 million in 2012-13,
- \$43.7 million in 2013-14,
- \$49.1 million in 2014-15, and
- \$51.3 million in 2015-16, assuming current millage rates.

These estimates also assume that 18% of homebuyers are new home buyers.

SJR 532 further provides the annual maximum assessment change on non-homestead residential property is reduced from 10% to 5%.

CS/ SJR 532 restricts value growth for non-residential properties and residential rental properties to the greater of 5% or the prior three year average revenue growth. Presumably, non-homesteaded, non-rented residential properties (second homes) would not benefit from the lower 5% cap or income growth rate.

The reduction to non-school, county ad valorem should SJR 532 pass, is a result of the reduction from 10% to 5% of the non-homestead property cap component of SJR 532.

In April, the Revenue Estimating Conference estimated that the statewide impact on non-school taxes would be **-77.6 million in 2011-12, -144.4 million in 2012-13, and -209.0 million in 2013-14**. This estimate assumes that the implementing legislation applies the reduced cap to commercial and residential rental property.

The TABOR resolution, HJR 835, limiting ad valorem assessments to 1.35% of a parcel's highest taxable value did not pass the legislature.

GROWTH MANAGEMENT

HB 227 Impact Fees also passed this year which originally included a provision that prohibited local governments from increasing any impact fees for a period of 2 years. However, that section was amended out before passage. This bill amends statutes to require a local government to show by preponderance of the evidence that a fee meets the requirements of state legal precedence if a person chooses to challenge a fee impact ordinance.

The Revenue Estimating Conference (REC) met on April 3, 2009, and determined that the bill, as passed, would ultimately result in counties, municipalities and special districts being less successful in defending legal challenges. However, the extent to which this will occur is unknown and the impact is determined to be negative but indeterminate.

SB 360 Growth Management

After nearly ten weeks of negotiations between the House and Senate, the Legislature waited for the final hour of the regular session to pass its growth management bill, SB 360. The bill, which was opposed by FAC throughout the session, makes a fundamental change to one of the most critical provisions of the 1985 Growth Management Act –

eliminating transportation concurrency within the major urban areas of the state. Specifically, transportation concurrency exception areas (TCEAs) are created within the urban service areas of the following counties: Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, and Seminole. Other concurrency exception areas are created within approximately 220 cities, affecting another 34 counties statewide. Communities affected by this provision are responsible for developing land use and funding strategies to ensure mobility needs are met within the exception areas. If such strategies are found to be inadequate, the local government faces potential financial sanctions from the state. With the elimination of concurrency inside TCEAs, proportionate fair share funding and similar traffic mitigation options are eliminated.

However, a local government may still impose impact fees. To reduce possible regulatory impediments to new growth, the bill eliminates the Development of Regional Impact (DRI) program within these areas but provides no additional safeguards to address extra-jurisdictional impacts. While TCEAs and DRI exemptions received the most attention, the bill also includes the following provisions:

- Eliminates the penalty for failing to adopt a public school facilities element and entering into an interlocal agreement (i.e., Future Land Use Map (FLUM) amendments that increase density); • Extends the financial feasibility compliance deadline to December 2011;
- Extends the Alternative State Review Process to any local government that wants to adopt an Urban Service Area;
- Extends any local government development order or building permit issued between September 1, 2008 through January 1, 2012 for an additional 2 years;
- Requires zoning changes to be made simultaneously with any plan amendments if requested by the applicant. Zoning changes take effect upon the comprehensive plan amendment becoming effective;
- Requires school districts to include relocatable facilities (a.k.a. portables) in its level-of-service (LOS) calculations if such facilities are used in the student station inventory;
- Prohibits local governments from adopting or maintaining in effect any ordinance or rule that establishes standards for security cameras that require a business to expend funds to enhance the services provided by local government;
- Requires counties to include within their land development regulations language ensuring that the densities of Recreational Vehicle (RV) parks be maintained when such properties propose a use change;
- Allows Supportive Housing Investment Partnership State Grant (SHIP) funds to be used for manufactured housing constructed after 1994; and

- Expands the term “infrastructure” under s. 212.055, F.S., to include any land acquisition expenditure for a residential housing project where at least 30% of the units are affordable to individuals/families whose income does not exceed 120% of the area medium income.

Finally, the Senate added a last minute provision by adopting major provisions of its affordable housing bill on to SB 360. Unlike the affordable housing bill passed by the House, the Senate did not remove the statutory cap on the affordable housing trust fund.

SB 360 Summary provided by FAC.

Ken Heatherington

From: Lee Killinger [lee@wrengroupllc.com]
Sent: Saturday, July 18, 2009 3:03 PM
To: Watson, Janice; Wynne, Avera; Teeple, Brian D.; Dekle, Carolyn; Blume, Charles; Deborah Kooi; David Hutchinson; Bernardino, Frank; Howell, G; groberts; Carballo, Isabel Cosio; Hall, K; Ken Heatherington; Liz Donley; Killinger, Lee; Igulick; loewen; Denman, Lori; Pumariega, Manny; Taylor, Mario; Busha, Michael; Moehlman, Michael; mzerth; Jurgutis, Nick; Steed, Patricia; Laurien, Phil; Brown, Rana; Lemonier, Renee; rlittle; Noah, R; Book, Ron; Koons, Scott; Forde, Sheron; James, Stephen; Hess, Terry; Joseph, Terry; Krahl, Wren G.
Subject: FYI

Miami Herald

http://www.miamiherald.com/news/miami_dade/east/story/1146975.html

Fight against Growth Management Act building

More Miami--Dade cities are joining Weston to fight a new state law that leaders think will promote more sprawl while limited developers' responsibility in paying for expanded roads.

BY HOWARD COHEN

hcohen@MiamiHerald.com

More Miami-Dade cities are joining Weston's lead in opposing the state's recently signed Growth Management Act.

On Monday, the Village of Palmetto Bay Council agreed to spend \$2,500 to join Weston in its litigation to challenge the constitutionality of Senate Bill 360, the Growth Management Act, that Gov. Charlie Crist recently signed.

The next day, Homestead also voted to become part of the lawsuit.

Cutler Bay, which is nestled between the two, had already joined in the legal battle when the suit was first filed earlier this month.

Key Biscayne, Lee County, Deerfield Beach, Miami Gardens, Fruitland Park and Parkland also were part of the initial lawsuit.

'The whole thing seems to be a usurpation of home rule, which is in the constitution,' said Danny Crew, city manager of Miami Gardens.

Opposition to Senate Bill 360, Palmetto Bay Attorney Eve Boutsis said, is ``beginning to build.''

To date, at least 15 municipalities have joined with Weston, Homestead City Attorney Richard Weiss told his council on Tuesday before members voted unanimously to also be part of the lawsuit.

The cities are fighting the bill that passed May 1 by the Legislature.

It eliminates state review of regional development and limits developers' responsibility to improve roads when their new projects boost traffic in an area.

Division of Community Planning

Division of Community Planning and Quick Links

2009 Growth Management Legislation

Notice to Local Governments of Transportation Planning Options Under Senate Bill 360 For Transportation Concurrency Exception Areas in Dense Urban Land Areas

The Department is providing this Notice to local governments in which transportation concurrency exception areas (TCEAs) designated pursuant to Senate Bill 360 are located. This Notice advises these local governments of the planning options and requirements applicable to TCEAs under Senate Bill 360.

Dense Urban Land Areas and TCEAs

Senate Bill 360 designates TCEAs in local governments qualifying as Dense Urban Land Areas. The list of local governments qualifying as Dense Urban Land Areas is posted on the Department's website. The list contains both cities and counties. Each of the cities on the list is a TCEA pursuant to Senate Bill 360. In each of the eight counties on the list, the non-rural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are TCEAs under Senate Bill 360, with two exceptions. The two exceptions are Miami-Dade County in its entirety and designated transportation concurrency districts in Broward County. (See Senate Bill 360, Section 4, Sections.163.3180(5)(b)5. and 6.)

Effective Date of TCEA Provisions of Senate Bill 360

The effective date is July 8, 2009, the day on which the Department posted on its website the list of cities and counties which qualify as Dense Urban Land Areas under Senate Bill 360.

Pursuant to Senate Bill 360, the Legislature's Office of Economic and Demographic Research determined which local governments meet the total population and density criteria necessary for designation as Dense Urban Land Areas and submitted the list to the Department on July 1, 2009.

Interpretation of the State's Growth Management Legislation

The Department of Community Affairs is the state agency responsible for the administration of the state's Growth Management Act, Chapter 163, Part II, Florida Statutes, as amended by Senate Bill 360. Therefore, under Florida law, the Department has the authority and primary responsibility to interpret these growth management statutes. Also, under Florida law, the Department's interpretation of Chapter 163, Part II, Florida Statutes, as amended by Senate Bill 360, will be given great weight by the courts and will not be overturned unless the interpretation is clearly erroneous.

The Department's interpretation must give effect to legislative intent as reflected in the **language** of Chapter 163, Part II, as a whole. It is not permissible to interpret one provision in Senate Bill 360 in isolation from the other provisions of the bill or to interpret Senate Bill 360 in isolation from the other provisions of Chapter 163, Part II. The interpretation of Senate Bill 360 must take into consideration all of the provisions of Chapter 163, Part II, as amended.

The Department's Interpretation of the TCEA-Related Provisions of Senate Bill 360

Senate Bill 360 removes state-mandated transportation concurrency requirements in targeted areas designated as TCEAs. Local governments are no longer required to comply with state-mandated transportation

requirements in TCEAs, but state-mandated transportation concurrency requirements still apply in other areas.

Local governments may continue to apply their existing, previously state-mandated transportation concurrency requirements in TCEAs, if they chose to do so. Senate Bill 360 contains no language preempting the area of transportation concurrency or prohibiting local governments from adopting regulations that are stricter than state requirements. On the contrary, Senate Bill 360 expressly provides:

"The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees."

Existing local comprehensive plans were adopted by local ordinance and are within the statutory powers of local governments to adopt pursuant to Chapters 125, 163, and 166, Florida Statutes. Thus, by virtue of the above-quoted home rule provision, Senate Bill 360 does not prohibit a local government from continuing to apply, as local law, the transportation concurrency provisions of its existing local comprehensive plan and land development regulations in TCEAs if it desires to do so.

Some have suggested that a local government must readopt its existing transportation concurrency provisions in TCEAs if it wishes to retain them. It makes no sense to require local governments to readopt existing valid local laws, and Senate Bill 360 contains no such requirement. Moreover, prohibiting local governments from applying validly adopted local ordinances would be a limitation on their home rule power, contrary to the express language of Senate Bill 360.

If a local government wishes to eliminate state-mandated transportation concurrency requirements in TCEAs, the local government must amend its existing local comprehensive plan and land development regulations to delete such requirements or to adopt alternative requirements. Until the local government amends its comprehensive plan, existing transportation concurrency requirements continue to apply in TCEAs.

This interpretation is supported by the fact that Senate Bill 360 does not alter the legal status of local comprehensive plans under Chapter 163, Part II, Florida Statutes. Chapter 163 requires local governments to adopt a local plan, requires that local land development regulations and development orders be consistent with the adopted local plan, and provides the exclusive method of amending adopted local plans. Senate Bill 360 does not change any of these requirements and does not state that the bill is intended to amend, override, repeal, or supersede in any way existing local comprehensive plans.

Potential Problems Arising From Failure to Amend Local Plans

A local government that decides not to apply its existing transportation concurrency requirements without amending the local plan to delete those requirements is likely to encounter the following problems:

1. Local development orders will be subject to challenge for inconsistency with the transportation concurrency requirements in the local plan.
2. Future local comprehensive plan amendments may be found not in compliance because of internal inconsistency with the transportation concurrency provisions in the local plan.
3. There is likely to be confusion and controversy among the general public and affected landowners and developers as to which local plan provisions relating to transportation, if any, are still being enforced by the local government.

New State-Mandated Mobility Planning Requirements for TCEAs

Senate Bill 360 imposes new local planning requirements for TCEAs designated pursuant to the bill. Within two years after a TCEA becomes effective, the local government must amend its local comprehensive plan to include "land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation."

Failure to comply with this mandate may result in the imposition of sanctions against the defaulting local government. Senate Bill 360 directs the Department to report a defaulting local government to the

Administration Commission (Governor and Cabinet) if the Department finds "insufficient cause" for the failure to timely adopt the new mobility strategies. The Administration Commission may impose sanctions.

Local Transportation Planning Options In TCEAs

Under Senate Bill 360, local governments in Dense Urban Land Areas have the following options regarding transportation concurrency in TCEAs:

1. Retain and continue to apply the transportation concurrency provisions in existing local comprehensive plans and land development regulations.
2. Amend the existing local comprehensive plan and local land development regulations to delete or modify transportation concurrency requirements for a TCEA or adopt alternatives to transportation concurrency.

In addition, of course, these local governments **MUST** amend their local comprehensive plans to include new mobility planning requirements for the TCEA within two years.

Department of Community Affairs Review Of Plan Amendments In TCEAs

After a TCEA becomes effective, the Department no longer has the authority to review plan amendments in the TCEA for compliance with state-mandated transportation concurrency requirements, including the achieve and maintain standard.

The Department will continue to review plan amendments in TCEAs for compliance with all other state-mandated planning requirements in Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, including other transportation planning requirements and internal consistency.

Florida Department of Community Affairs
2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100 (Map)
(850) 488-8466 | Toll-Free 1-877-352-3222 | TDD 1-800-226-4329

Division of Community Planning

[Division of Community Planning](#) and [Quick Links](#)

2009 Growth Management Legislation

Senate Bill 360 Information

- [2009 List of Local Governments Qualifying as Dense Urban Land Areas](#)
- [Notice to Local Governments of Transportation Planning Options Under Senate Bill 360 For Transportation Concurrency Exception Areas in Dense Urban Land Areas \(webpage\)](#)
 - PDF version: [Notice to Local Governments of Transportation Planning Options Under Senate Bill 360 For Transportation Concurrency Exception Areas in Dense Urban Land Areas \(pdf\)](#)
- [The Legislation - Chapter 2009-96, Laws of Florida \(Senate Bill 360\), The Community Renewal Act](#)
- [Policy Statement - DCA's Statement Regarding Permit Extensions Under Senate Bill 360](#)
- [Virtual Forum - Replay - Secretary Tom Pelham Discusses Growth Management Legislation from the 2009 Legislative Session](#)
 - [Power Point Presentation From Virtual Forum - Implementing Senate Bill 360 \(pdf\)](#)
- [News Article - Bill Facilitates Local Control of Growth, By Mike Bennett, Herald-Tribune Guest Columnist, Published: Thursday, June 11, 2009](#)
- [Letter from Secretary Pelham to Senator Bennett and Representative Murzin \(pdf\)](#)

Additional 2009 Growth Management Legislation

- [Chapter 2009-49, Laws of Florida, Council Substitute for Committee Substitute for House Bill 227](#) - An act relating to impact fees.
- [Chapter 2009-85, Laws of Florida, House Bill 1021](#) - An act relating to transportation.
- [CS/HB 1065, Engrossed](#) - An act relating to aircraft safety.
- [Chapter 2009-89, Laws of Florida, House Bill 5013](#) - An act relating to transportation.
- [Chapter 2009-154, Laws of Florida, Council Substitute for House Bill 7053](#) - An act relating to rural agricultural industrial centers.
- [Chapter 2009-82, Laws of Florida, Senate Bill No. 2602](#) (see Section 37 on page 17) - An act implementing the 2009-2010 General Appropriations Act (Budget Proviso).

Additional 2008 Growth Management Legislation

- [Chapter 2008-191, Laws of Florida, Council Substitute for House Bill 697](#) - An act relating to building code standards.

Additional Information

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850-488-2356

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-

Florida Department of Community Affairs

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 23, 2009

The Honorable Michael Bennett
Senator, District 21
3653 Cortez Road West, Suite 90
Bradenton, Florida 34210

The Honorable Dave Murzin
Representative, District 2
11 East Olive Road, Suite 1
Pensacola, Florida 32514

Dear Senator Bennett and Representative Murzin:

Thank you for your letter of June 24, 2009, regarding CS/CS/SB 360 ("SB 360") and your views regarding its interpretation. The Department appreciates your interest in the implementation of this important legislation.

As the agency charged with the implementation of SB 360, the Department has the primary responsibility to interpret this legislation. The Department takes its responsibility very seriously, and has carefully considered the language of Chapter 163, Part II, Florida Statutes, as amended by SB 360, as well as various suggested interpretations offered by other individuals and entities.

Under Florida law, the Department's interpretation of SB 360 must be based on its language. Further, the interpretation of SB 360 is governed by the court-established rules of statutory construction which require that SB 360 be construed in *para materia* with the other provisions of Chapter 163, Part II. The Department has applied these rules in formulating its interpretation which is set forth and explained in the enclosed "Notice to Local Governments of Transportation Planning Options Under SB 360 for Transportation Concurrency Exception Areas in Dense Urban Land Areas."

As you both know, the transportation concurrency exception area provisions of SB 360 were developed in the Senate. I personally attended many Senate legislative staff meetings in which the development of this legislation was discussed, and I was present at Senate committee meetings at which SB 360 was considered. At no time did I ever hear any discussion that this

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The Honorable Michael Bennett
The Honorable Dave Murzin
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legislation was intended to preempt the area of transportation concurrency, that it would restrict the power of local governments to address transportation issues as a matter of local law, or that this legislation would effectively amend, supersede, or repeal the transportation concurrency provisions in existing local comprehensive plans. I note that when the Legislature intended in SB 360 to amend some state and local permits by extending their expiration dates, the Legislature expressly said so. Clearly, SB 360 does not contain any such language regarding local comprehensive plans nor does it contain language preempting the subject of transportation concurrency or prohibiting local governments from adopting standards stricter than state requirements.

On the contrary, SB 360 contains the following key provision:

“The designation of a transportation concurrency exception area does not limit a local government’s home rule power to adopt **ordinances** or impose fees.”

Significantly, every existing local comprehensive plan was adopted by **local ordinance** pursuant to statutory authority granted by Chapters 125, 163, or 166, Florida Statutes, and is a validly enacted local law. Chapter 163, Part II, is a minimum criteria statute which allows local governments to adopt stricter local growth management standards than state-mandated requirements established in Chapter 163.

Senator Bennett, in his June 11, 2009, guest column in the *Sarasota Herald Tribune*, expressed the following view regarding SB 360:

“The bill removes state-mandated concurrency requirements in a number of jurisdictions. However, it also specifies that the ‘designation of a transportation concurrency exception area does not limit a local government’s home rule power to adopt ordinances or impose fees.’”

* * *

This [home rule] provision was created to preserve a local government’s right to implement and fund transportation strategies using any of the tools that it would have under its home rule powers. The bill is designed to give local governments even broader discretion on how to manage transportation issues within their jurisdictions, because it

The Honorable Michael Bennett
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does not require them to fall in line with the state transportation concurrency requirements.

* * *

Any suggestions in the media that the bill takes away options from a local government's 'tool box' are likely an indication that the writer is not familiar with the provisions in the bill designed to facilitate local control of transportation planning."

The Department's interpretation is entirely consistent with this view of SB 360.

The Department's interpretation also avoids the problems that arise if SB 360 is interpreted as abolishing transportation concurrency as a matter of local law without the amendment of existing local comprehensive plans. Under this scenario, local development orders would be subject to legal challenge for inconsistency with the adopted local plan and there would be confusion and uncertainty among the public as to the status of local plans, particularly as to which plan provisions relating to transportation remain in effect.

Given the complexity of SB 360, it is inevitable that there will be differing interpretations of the legislation. However, I believe that the Department's interpretation is a reasonable, permissible, and workable construction of the language of Chapter 163, Part II, Florida Statutes, as amended by SB 360. The agency's interpretation recognizes that the Act removes state-mandated concurrency requirements, that local governments retain their powers to address transportation issues, including transportation concurrency, as a matter of local law, that local governments may adopt stricter standards than state-mandated requirements, and that existing local comprehensive plans are valid local laws that remain in effect until they are amended in accordance with the provisions of Chapter 163, Part II, Florida Statutes.

The Department is working with local governments to implement this important legislation in an orderly and responsible manner. For those local governments that wish to amend their comprehensive plans to abolish transportation concurrency as a local law requirement, the Department will do everything it can to assist them in achieving this objective as expeditiously as possible. In fact, the Department has received and is expediting review of Orange County comprehensive plan amendments that will designate the County's entire urban service area as a transportation concurrency exception area.

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Again, thank you for your interest in the implementation of SB 360, and please do not hesitate to call if you have any questions about the agency's implementation activities.

Sincerely,

A handwritten signature in black ink that reads "Tom Pelham". The signature is written in a cursive, slightly slanted style.

Thomas G. Pelham
Secretary

TGP/rd

Enclosure

THE FLORIDA LEGISLATURE



Committee on Community Affairs

*Senator Michael S. "Mike" Bennett
Chair*



Economic Development & Community Affairs Policy Council

*Representative Dave Murzin
Chair*

June 24, 2009

Mr. Thomas Pelham, Secretary
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

Dear Secretary Pelham:

Governor Crist's letter of June 1, 2009, transmitting CS/CS/SB 360 with his signature to the Secretary of State correctly captured the purpose behind the Legislature's enactment of that bill: "The Community Renewal Act – was taken up as a means to stimulate Florida's economy and create jobs for our people." The Act was carefully crafted to allow for immediate economic activity in Florida's most urban areas. Unfortunately, your interpretation of certain key provisions of the Community Renewal Act provided on June 12, 2009, would thwart any immediate ease of regulatory burdens relating to transportation concurrency, thereby delaying and possibly even preventing the ability for this legislation to stimulate Florida's economy and create jobs.

As the sponsors of this legislation, this letter is provided in an effort to improve understanding of this law as it was enacted by the Florida Legislature, focusing at this time on two areas in particular: the effect of the legislatively designated transportation concurrency exception areas and the 2-year permit extension. Additionally, we encourage an ongoing, open dialog with the Department of Community Affairs (DCA), other state agencies, local governments and stakeholders as we move forward to implement the provisions of this new law.

Transportation Concurrency Exception Areas

Under the provisions of the Act, certain areas of the state are designated by state law as transportation concurrency exception areas (TCEAs). These TCEAs are identified in subparagraph 163.3180(5)(b)1, F.S. It is the expectation of the Legislature that these

Secretary Thomas Pelham
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designations occur no later than July 8, 2009, and every year thereafter consistent with the list provided by the Legislative Office of Economic and Demographic Research to DCA for publication on DCA's website.

As accurately reflected in your own agency's staff analysis of the enrolled version of CS/CS/SB 360 dated May 20, 2009, this designation is automatic and does not require a comprehensive plan amendment or any other specific local action to be in effect and commence implementation. Subparagraphs 163.3180(5)(b)5 and 6, F.S., provide only two exceptions to these automatically designated TCEAs. First, TCEAs are not created for designated transportation concurrency districts within a county, such as Broward County, that has a population of at least 1.5 million, that uses its transportation concurrency system to support alternative modes of transportation and that does not levy transportation impact fees. Second, TCEAs are not created for a county, such as Miami-Dade, that has exempted more than forty percent of its urban service area from transportation concurrency for purposes of urban infill. In all other areas identified in subparagraph 163.3180(5)(b)1, F.S., transportation concurrency is no longer applicable.

Permit Extensions

The bill creates a 2-year extension for certain permits. Your June 16, 2009, statement accurately states that, except for DRI extensions pursuant to s. 380.06(19)(c), F.S., DCA does not have jurisdiction over the permits in this section. However, with respect to your previous statement of June 12 regarding other permits, the Senate's Summary of Legislation Passed provides clarity. The Act provides extension and renewal from the date of expiration for the following authorizations which expired or will expire on or after September 1, 2008 to January 1, 2012:

- Any permit issued by the Department of Environmental Protection or a water management district under ch. 373, part IV, F.S.,
- Any development order issued by the Department of Community Affairs pursuant to s. 380.06, F.S., and
- Any development order, building permit, or other land use approval issued by a local government. For development orders and land use approvals, including but not limited to certificates of concurrency and development agreements, the extension applies to phase, commencement, and buildout dates, including a buildout date extension previously granted under s. 380.016(19)(c), F.S.

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Specific provisions have been made for the conversion of a permit from the construction phase to the operation phase for combined construction and operation permits. The completion date for any mitigation associated with a phased construction project is extended and renewed so the mitigation takes place in the appropriate phase as originally permitted. Entities requesting an extension and renewal must notify the authorizing agency in writing by December 31, 2009, and must identify the specific authorization for which the extension will be used.

Exceptions to the extension are provided for certain federal permits, and owners and operators who are determined to be in significant noncompliance with the conditions of a permit eligible for an extension. Permits and other authorizations that are extended and renewed shall be governed by the rules in place at the time the initial permit or authorization was issued. Modifications to such permits and authorizations are also governed by rules in place at the time the permit or authorization was issued, but may not add time to the extension and renewal.

Again, we look forward to continuing an ongoing, open dialog with DCA, other state agencies, local governments and stakeholders as we move forward to implement the provisions of this new law.

Sincerely,



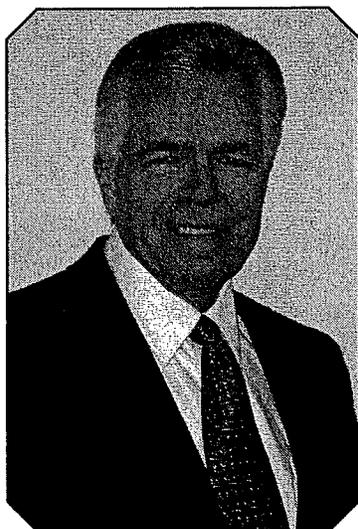
Senator Michael S. "Mike" Bennett
Chair, Senate Community Affairs



Representative Dave Murzin
Chair, House Economic Development &
Community Affairs Policy Council

New Directions in Florida Growth Management: HB 697, SB 360, and Beyond

Thomas G. Pelham



Thomas G. Pelham leads his Department's efforts to manage growth and development issues affecting Florida's cities, counties, and neighborhoods. He also served as Secretary from 1987 to 1991, during which time he played a central role in the initial implementation of the 1985 Growth Management Act. As an attorney and certified planner, he has more than 30 years of experience working with Florida's planning, growth management and environmental programs.

New Directions in Florida Growth Management: HB 697, SB 360, and Beyond



Secretary Tom Pelham, AICP
Florida Department of Community Affairs

Department of Community Affairs

1

HB 697 (2008)

I. Introduction: The GHG Problem

- A. Over 40% of carbon dioxide emissions in Florida are produced by the Transportation Sector.
- B. Of these emissions, about 83% come from vehicular travel.
- C. A key factor is the extent of the vehicle miles traveled (VMT).

I. (Continued)

- D. DOT projects that by 2060 VMT will increase 240% based on current trends.
- E. We must reduce VMT in order to reduce GHG from the Transportation Sector.
- F. Local Land Use and Transportation Planning will play a critical role in reducing VMT.

II. HB 697: Enhanced Local Planning to Reduce VMT and GHG

- A. HB 697 Amended Ch. 163, F.S., to Establish New Local Planning Requirements.
- B. Future Land Use Element – based on data and studies that demonstrate:
 - 1. Discouragement of urban sprawl;
 - 2. Energy efficient land use patterns that account for existing and future electric power generation and transmission systems;

II. (Continued)

- 3. Greenhouse gas reduction strategies;
- 4. The FLUM must be amended to depict energy conservation areas.
- C. Traffic Circulation/Transportation Elements – must be amended to incorporate transportation strategies to reduce GHG emissions.
- D. Conservation Element – must address “factors that affect energy conservation.”

II. (Continued)

E. Housing Element – amend to include standards, plan and principles to be followed in:

1. “energy efficiency in the design and construction of new housing”;
2. “use of renewable energy resources.”

III. When Must Local Governments Comply with the New Requirements?

- A. The New Requirements Went into Effect on July 1, 2008, when HB 697 Became Law.
- B. DCA will apply the New Requirements to Plan Amendments Transmitted After July 1, 2008, for ORC Review as follows:
 1. FLUM Amendments must be Supported by Data and Analysis Relating to Urban Sprawl, Energy Efficient Land Use Patterns and GHG Reduction Strategies.

III. (Continued)

2. FLUE Text Amendments with Significant Potential to Impact Development Patterns Must Comply with the New Data and Analysis Requirements.
3. Major Textual Amendments to Transportation/Traffic Elements and Large FLUM Amendments must Address new GHG Reduction Requirements.

III. (Continued)

- C. Local Governments must comply with all New Requirements NO Later Than DUE DATE of EAR-Based Amendments.
- D. Local Governments that are Subject to TCEA Provisions of SB 360 should coordinate HB 697 Planning Initiatives with SB 360 Mobility Planning Requirements.
- E. Local Governments Must Amend their land development regulations to be consistent with the new amendments within one year.

IV. What Major Planning Strategies Can Local Governments Use to Reduce VMT & GHG?

- A. There is a growing body of planning literature addressing the connection among land use, transportation, energy and the reduction of GHG.
- B. For a List of Examples, go to DCA Webpage.

V. This literature discusses transportation and land use planning strategies to reduce VMT & GHG

- A. Planning for Fewer and Shorter Automobile Trips (Getting People Out of Their Cars).
- B. Planning for Alternative Modes of Travel – Walking, bicycling and transit.

V. (Continued)

C. Planning for More Compact Mixed-Use Development.

- A mix of residential, commercial, and recreational uses in close proximity to Employment Centers.
- Encourages Walking and Bicycling.
- Supports Transit.
- Reduces Number and Length of Automobile Trips.

V. (Continued)

D. Planning for Higher Densities in Appropriate Places.

- Higher Density Development has Smaller Carbon Footprint.
- A Blended Average Density of 7 units/acre is Sufficient.
- Transit-Oriented Development—Cluster Higher Density Around Transit Stops.

VI. Increased Emphasis on Discouraging Urban Sprawl

- A. HB 697 Amendment to Section 163.3177, Florida Statutes.
- B. Rule 9J-5.006(5), Florida Administrative Code.

VII. Reforming Local Land Development Regulations

- A. Remove Regulatory Barriers to Mixed-Use, Higher Density Development in Appropriate Places.
- B. Provide Regulatory and Financial Incentives for Compact Mixed-Use Development.
 - 1. Density Bonuses
 - 2. Fee Credits
 - 3. Expedited Review

VIII. Reform Transportation Concurrency

A. The Unintended Consequences of Transportation Concurrency.

1. Urban Roadways Often Over Capacity;
2. Requires Costly Mitigation;
3. Discourages Urban Development;
4. Creates Dispersed Development Patterns;
5. Prevents Achievement of Growth Management and Climate Change Initiatives

VIII. (Continued)

B. Reform Required at State and Local Levels.

1. DCA/DOT Joint Study: Mobility Fee Based on VMT.
2. Local Initiatives.
3. SB 360.

**SB 360
(2009)**

**I. ELIMINATION OF STATE TRANSPORTATION
CONCURRENCY AND DRI REQUIRMENTS IN
DESIGNATED AREAS**

- A. Defines Dense Urban Land Areas.
- B. Eliminates State-mandated Transportation
Concurrency requirements in Designated
Transportation Concurrency Exception Areas
(TCEA's) in Dense Urban Land Areas.

I. (Continued)

- C. State-mandated concurrency requirements continue to apply in all other areas of the State.
- D. Eliminates the DRI review process in TCEA's.

II. WHAT IS A DENSE URBAN LAND AREA?

- A. A Municipality with an average of 1,000 people per square mile of land area and a population of at least 5,000; or
- B. A County, including its Municipalities, that has an average of 1,000 people per square mile of land area; or
- C. A County, including its Municipalities, with a population of at least 1 million.

III. TCEA's IN CITIES

- A. A City that qualifies as a Dense Urban Land Area is a TCEA.
- B. Cities that are not Dense Urban Land Areas may designate in their local Comprehensive Plans the following areas as TCEA's:
 - 1) Urban Infill Area (s. 163.3164)
 - 2) Community Redevelopment Area (s. 163.3140)
 - 3) Downtown Revitalization Area (s. 163.3164)
 - 4) Urban Infill and Redevelopment Area (s. 163.2517)
 - 5) Urban Service Area (s. 163.3164) or Urban Service Boundary (s. 163.1377(14))

IV. TCEA's in COUNTIES

- A. An Urban Service Area in a County that is a Dense Urban Land Area is a TCEA if it:
 - 1) Qualifies under the statutory definition in s. 163.3164(29), and
 - 2) Is adopted into the Local Comprehensive Plan
- B. A County, including the Municipalities located in it, which has a population of at least 900,000 and has no Urban Service Area designation in the Local Comprehensive Plan.

IV. (Continued)

- C. Dade County Exemption – TCEA does not apply in any County that had exempted more than 40 Percent of the area inside the Urban Service Area from Transportation Concurrency for Urban Infill.
- D. Broward County Exemption – TCEA does not apply to Transportation Concurrency Districts located in a County of at least 1.5 Million that uses a Concurrency Assessment to support alternative modes of travel.

IV. (Continued)

- E. Counties that are not Dense Urban Land Areas may designate in their Local Comprehensive Plans the following areas as TCEA's:
 - 1) Urban Infill Area (s. 163.3164)
 - 2) Urban Infill and Redevelopment Area (s. 163.3164)
 - 3) Urban Service Area (s. 163.3164)

V. WHAT DOES URBAN SERVICE AREA MEAN UNDER s. 163.3164?

- A. A Built-up Area.
- B. Where public facilities and services are already in place or are committed in the first 3 years of the Capital Improvement Schedule.
- C. Also, for Counties that qualify as a Dense Urban Land Area, Urban Service Areas or Urban Growth Boundaries identified in the Comprehensive Plan on or before July 1, 2009, or the non-rural area of a County if the County has adopted into its charter a Rural Area designation (Seminole County).

VI. COMPREHENSIVE PLAN AMENDMENTS TO DESIGNATE AN URBAN SERVICE AREA AS A TCEA

- A. The Local Government may use the Alternative State Review Process.
- B. Exempt from Twice-a-Year Limitation on Plan Amendments.

VII. DRI EXEMPTIONS FOR TCEA's

- A. Development in a DULA is exempt from the DRI process.
- B. This exemption does not apply to areas within an Area of Critical State Concern, the Wekiva Study Area, or within two miles of the Everglades Restoration Area.
- C. A development located partially outside an Area Exempt from DRI Review is subject to DRI review.
- D. Previously approved DRI Development Orders may continue to be effective, but developer may opt to be governed by s. 380.115(1).

VII. (Continued)

- E. Pending DRI applications shall be governed by s. 380.115(2).
- F. DCA may appeal a Local Development Order for a project larger than 120% of any applicable DRI threshold if it would have required DRI review but for the TCEA exemption.
- G. The DCA appeal must be based on inconsistency with the Local Comprehensive Plan.

VIII. STATE-MANDATED MOBILITY PLANNING FOR TCEA's

- A. Within two years, a Local Government must adopt into its Comprehensive Plan Land Use and Transportation Strategies to support and fund mobility in the TCEA.
- B. The Strategies must include alternative modes of transportation.

VIII. (Continued)

- C. Local Governments are encouraged to adopt complementary Strategies that reflect the Region's Vision for its future.
- D. Failure to timely adopt the Strategies may result in impositions of sanctions by the Administration Commission.

IX. WHAT ARE THE PLANNING REQUIREMENTS FOR TCEA'S CREATED UNDER SB 360?

- A. SB 360 only removes State-mandated Transportation Concurrency and DRI regulations in TCEA's.
- B. SB 360 expressly does not limit a Local Government's Home Rule Power to adopt ordinances and fees.

"The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees."

IX. (Continued)

C. The Senate Sponsor's View of SB 360:

"This [Home Rule] provision was created to preserve a local government's right to implement and fund transportation strategies using any of the tools that it would have under its home-rule powers. The bill is designed to give local governments even broader discretion on how to manage transportation issues within their jurisdictions, because it does not require them to fall in line with the state transportation concurrency requirements."

"Any suggestions in the media that the bill takes away options from a local government's 'tool box' are likely an indication that the writer is not familiar with the provisions in the bill designed to facilitate local control of transportation planning."

- Senator Mike Bennett, Guest Columnist, Sarasota Herald Tribune, 6/11/09

IX. (Continued)

- D. Existing Local Comprehensive Plans were adopted by ordinance and are within the power of Local Governments to adopt pursuant to Chapters 125, 163, or 166, F.S.
- E. SB 360 does not alter the legal status of Local Comprehensive Plans or the Consistency Requirement.
- F. Chapter 163, Part II, is a minimum criteria statute; Local Governments may adopt stricter regulations.

IX. (Continued)

- G. Local Governments must amend their Comprehensive Plans in order to abolish or revise existing Transportation Concurrency provisions as a matter of local law or to adopt other approaches.
- H. Until a Local Government effectively amends its Comprehensive Plan, existing Transportation Concurrency provisions continue to apply in TCEA's as a matter of local law.

IX. (Continued)

- I. Local Governments also have the Home Rule Power to adopt other requirements or approaches such as Impact or Mobility Fees and adequate Public Facilities requirements.
- J. However, Local Governments must comply with new mobility planning requirements for a TCEA within two years.
- K. Compliance with new mobility planning requirements will require revision of locally retained Transportation Concurrency requirements.

X. DCA REVIEW OF PLAN AMENDMENTS IN TCEA'S

- A. DCA will no longer review Plan Amendments in TCEA's for compliance with State-mandated Transportation Concurrency requirements, including the State-Mandated Achieve and Maintain Standard.
- B. DCA will review Plan Amendments in TCEA's for compliance with all Non-Transportation Concurrency planning requirements.

XI. THE MOBILITY FEE AS A POTENTIAL REPLACEMENT FOR TRANSPORTATION CONCURRENCY

- A. The Legislature finds that Transportation Concurrency has not adequately addressed the State's transportation needs.
- B. The Legislature determines that the State should consider implementation of a Mobility Fee as a Replacement for Existing Transportation Concurrency Systems.

XI. (Continued)

- C. SB 360 directs DCA and DOT to submit to the Legislature by December 1, 2009, a report on their Mobility Fee Study, recommended legislation, and plan of implementation.
- D. The Legislature could enact a Mobility Fee System to replace Transportation Concurrency in the 2010 Session.

**AND
BEYOND:
What Happens Next?**

- THE CHALLENGE FOR LOCAL GOVERNMENTS**
- A. Amend Local Plans to Comply With HB 697.
 - B. Local Governments With TCEA's Must Decide Whether to Retain, or Amend Local Plans to Abolish, Transportation Concurrency in the TCEA's.
 - C. Amend Local Plans Within Two Years to Adopt New Mobility Plans for TCEA's.
- Department of Community Affairs 42

(Continued)

- D. Transportation and Land Use Planning to Comply With HB 697 and SB 360 Should be Coordinated.
- E. If the Legislature Adopts Mobility Fee Legislation in 2010, Local Governments Might Be Required to Amend Their Plans Again.
- F. How Should a Mobility Fee be Structured and Implemented?

THANK YOU

Secretary Tom Pelham

Florida Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

www.dca.state.fl.us

(850) 488-8466

AMENDMENT 4

CONSTITUTIONAL AMENDMENT 4

HOMETOWN DEMOCRACY

Floridians will face a major growth-management decision on the 2010 ballot. Titled Amendment No. 4 or Hometown Democracy, this proposed rewrite of the Florida Constitution would require that voters decide all technical land-use changes at the ballot box. Amendment No. 4 to the Constitution of the State of Florida, proposed by Florida Hometown Democracy, Inc., has been certified to appear on the November 2, 2010 general election ballot.

Amendment No. 4 would require that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency and consideration by the governing body. The question remains if the amendment will be productive or counterproductive to quality community planning initiatives.

While local elected officials engage in a long and thorough deliberative process when considering land use plan amendments it has been thought by some that local voters at the polls are entitled to making land use decisions that affect them personally.

While the Council supports active citizen participation in the comprehensive planning process, community planning by referendum may create conflicts with such constitutionally based protections as due process and private property rights.

To answer both the pro and con of the fundamentals of Amendment 4, the consulting firm of Land Planning Solutions, Inc. will provide a presentation Thursday, December 17th at the regularly scheduled meeting of the Southwest Florida Regional Planning Council. The presentation is structured to provide the audience with an overview of the origins of the initiative, what it is, where it would fit into the planning process and well as Amendment 4 truths and myths. The presentation will also include where additional information may be found for individuals to be able to make an informed decision come November 2010 election.

_____ Agenda
_____ Item

5b

Council Retreat 2009

5b

5b

**SWFRPC “LEADERSHIP CHALLENGE WORKSHOP”
AUGUST 20, 2009 MINUTES
HILLIARD FAMILY LODGE
CLEWISTON, FLORIDA**

Members Present

Mayor Mali Chamness, City of Clewiston
Mr. Phil Flood, SFWMD
Councilwoman Teresa Heitmann, City of Naples
Commissioner Tom Jones, City of North Port
Councilman Chuck Kiester, City of Marco Island
Mr. Alan LeBeau, Charlotte County Governor Appointee
Mr. Johnny Limbaugh, FDOT
Ms. Andrea Messina, Charlotte County Governor Appointee
Mr. Bob Mulhere, Collier County Governor Appointee
Mr. Paul Pass, Lee County Governor Appointee
Mayor Paul Puletti, City of LaBelle
Councilman John Spear, City of Bonita Springs
Commissioner Karson Turner, Hendry County BOCC
Councilman Ernie Zavodnyik, City of Venice
Commissioner Tristan Chapman, Hendry County BOCC
Commissioner Ray Judah, Lee County BOCC

Guests

Betsy Allen, Gaining Results
Antonio Perez, McGahee & Perez, PL
Mike Boyle, City of LaBelle Public Works
Richard Woodruff, WilsonMiller, Inc.
Larry Hilton, Glades County Planning & Zoning

Staff

Ken Heatherington, Executive Director
Dave Hutchinson, Planning Director
Liz Donley, Legal Counsel
Nichole Gwinnett, Sr. Administrative Assistant

Mr. Heatherington called the workshop to order at 9:35 a.m. Introductions were made.

Ms. Allen engaged the members by breaking everyone into groups and had them participate in a dialog of working together to answer questions regarding "Leadership: The Art of Possibility."

Mr. Heatherington reviewed the minutes from the 2008 Retreat and also the Council's Strategic Business Plan.

Ms. Donley reviewed the Council's adopted by-laws.

Mr. Heatherington reviewed the Dispute Resolution process and SB360.

Mr. Mulhere stated that it is his understanding that SB360 doesn't reduce the local government's ability in any way to have a higher level of concurrency, etc. He then said that he thought that the reason behind inviting the legislative delegation to the Council meeting was so they could "defend themselves." Mr. Heatherington explained that he has attended many legislative wrap-up sessions with the legislative delegation and they do a great job of "defending themselves," but he doesn't feel that it would be beneficial having them attend a Council meeting for such a purpose.

Mr. Heatherington gave a general overview of what has happened with other bills in Tallahassee. He also brought up the issue of Hometown Democracy.

Commissioner Turner asked Mr. Heatherington if he thought that the Hometown Democracy Bill was going to pass by voter referendum or in general. Mr. Heatherington replied both. Commissioner Turner asked Mr. Heatherington when he feels that the Council will take a position on the Hometown Democracy Bill. Mr. Heatherington explained that he doesn't believe that the Council has taken a position on the issue, but since most of the members of the Council are elected officials there will be a difference of opinion. Commissioner Turner asked if the Hometown Democracy issue could be placed on the agenda for discussion at a future meeting. Mr. Heatherington replied yes, it could be placed under legislative issues for discussion.

Councilman Zavodynik asked that offshore drilling be placed on the agenda for discussion. Mr. Heatherington agreed to add the issue of offshore drilling to the Council's agenda for discussion.

Mr. Mulhere suggested having a discussion on the pros and cons to Hometown Democracy. Commissioner Turner agreed.

Councilwoman Heitmann stated that she supports having a discussion on the pros and cons of Hometown Democracy so everyone gets an education and understanding of the subject. She then said that as an elected official she wasn't aware that the legislation was moving forward and it would stop her voice from being heard as an elected official.

Ms. Messina stated that she feels that it is important to bring forward the education aspect of the issue.

Commissioner Chapman suggested having the Council prioritize its most important issues or a laundry list.

Mr. Hutchinson explained that has been the process, the Council has a Legislative Committee and the committee created a one page synopsis which the committee worked off and updated. The position statement adopted by the Council is very rarely specific to a proposed bill because the bills change so much.

Ms. Messina stated that there needs to be more participation from the members on the Legislative Committee.

Commissioner Turner reviewed the SR80 expansion issue. Mr. Heatherington explained that SR80 issue has always been a priority for the Council.

Mr. Heatherington asked the members what they thought should be some of the issues that the Council should address in 2010.

Commissioner Chapman suggested the following process:

- Hire a facilitator, one who is independent of the process
- Decide on the priorities for the organization
- Conduct a multi-voting on the priorities
- Provide education on the issues
- If the Council agrees, provide action on the priorities

Councilwoman Heitmann stated that she feels that it would be the proper time for some of the members to share their issues with staff so they can take them back to the full Council. Mr. Heatherington stated that he agrees. He went on to explain that there is the Energy and Climate Committee of the Council which was mirrored after what the governor was trying to do and also the Climate Prosperity project.

Ms. Allen suggested that everyone take a few moments to write down five issues that they feel the Council should discuss in 2010.

He explained that the Council reviews DRIs, comprehensive plan amendments, etc. and most of the local governments have accepted the Council's recommendations (approx. 99 percent), so he believes the impact of Council is substantial.

Mr. Heatherington reviewed the following issues:

- SB360
- Amendment 4 - Hometown Democracy
- Transportation Initiatives
- Funding Unfunded Mandates
- Oil Drilling
- Small Counties
- Regional MPOs
- Do We Have A Rule on Each Issue and Does It Meet Our Core Mission
- Gulf Drilling
- US Sugar
- Economic Transition
- Growth Management
- Water Supply & Water Quality Initiatives
- Coordination of Economic Development throughout the Region
- SR80 Expansion/Improvements
- Agricultural Sustainability
- Water, Energy & Climate
- Need for Education

Mr. Mulhere suggested sending out the list to the full Council for their review and prioritization (Top 5).

Ms. Messina suggested having the priorities listed at the next Council meeting and having the member's place dots next to their priorities which they feel should be the top five priorities.

Dr. Woodruff gave a presentation on the Hilliard property for the proposed Inland Port facility.

Mr. Hilton gave a presentation on the Glades County site for the proposed Inland Port facility.

Mr. Heatherington asked Mr. Hilton if the relationship between the Port of Manatee and the Panama Canal/Inland Port facility have any impact on the location of proposed Inland Port facility. Mr. Hilton explained that the agreement is a two year agreement to study what can be done. Currently, no port within Florida can currently handle the Panamax ships. The Port of Miami is currently dredging to 50 feet, but the Port of Manatee is only 40 feet.

Dr. Woodruff clarified that today there is no port in Florida that can handle a Panamax ship, but when those ships come through the Panama Canal the Port of Miami will have already finished dredging, because they already have the following: Army Corps of Engineers permits, Environmental Resource permits, and \$160 million bonds. So they expect to start the dredging project within the next six

months. So by the time the Panama Canal opens up to the Panamax ships, the Port of Miami will be able to accommodate those ships.

Commissioner Turner explained that the Port of Palm Beach will never be able to handle the Panamax ships. Dr. Woodruff explained that the Port of Palm Beach has shoaling problems because of the currents.

Mr. Hilton explained that the Port of Miami has been in the permitting process for its dredging process for 17 years.

Discussion ensued on the transportation aspects of the Inland Port facility location.

Mr. Hutchinson gave an overview of the Council's Inland Port Resolution.

After a general discussion it was decided by a general consensus that the Council's resolution should be sent to FDOT.

Mr. Heatherington stated that if any member is interested in seeing the Hilliard property site that there will be a site visit given immediately following adjournment.

The meeting adjourned at 1:35 p.m.

Agenda

Item

5c

Emerging Regional Issues

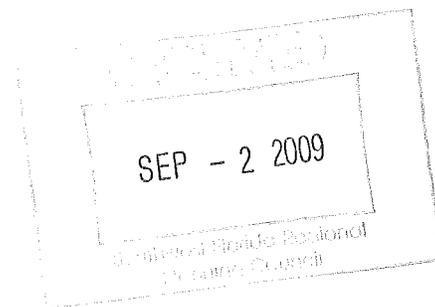
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IT'S IN OUR HANDS

2010 Census Partner Proclamation



WHEREAS an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day-care centers, roads and public transportation, hospitals and other facilities, and is used to make decisions concerning business growth and housing needs;

WHEREAS more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data;

WHEREAS census data ensure fair Congressional representation by determining how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment opportunities in our community;

WHEREAS the information collected by the census is protected by law and remains confidential for 72 years;

Now, therefore, we PROCLAIM that _____ is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in _____ to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness of the 2010 Census and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community, such as Complete Count Committees, to utilize high-profile, trusted voices to advocate on behalf of the 2010 Census.

Signed this ____ day of _____, in the year 20__.

Signature

Title

*Done
8/24/09*

There are many ways your organization can get involved and support the 2010 Census:

**Please check activities in which you are interested in participating.*

- Use 2010 Census drop-in articles, messages and logos in newsletters, mailings, and other in-house communications (e-mail, Web site, etc.).
- Appoint a liaison to work with the Census Bureau.
- Encourage employees and constituents to complete and mail their questionnaire.
- Display and/or distribute 2010 Census promotional materials.
- Identify job candidates and/or distribute and display recruiting materials.
- Provide space to test job applicants.
- Provide space to train new employees.
- Provide space for Be Counted sites and/or Questionnaire Assistance Centers.
- Provide volunteers for census promotional events.
- Put the 2010 Census on the agenda at meetings and/or allow presentations by Census Bureau staff.
- Organize and/or serve as a member on a Complete Count Committee.
- Sponsor community events to promote participation in the 2010 Census.
- Allow the Census Bureau to post your organization's name on the 2010 Census Web site.
- Link to the 2010 Census Web site from your organization's Web site.
- Use and distribute educational materials.
- Participate in a speakers bureau for the 2010 Census.
- Provide a translator and/or translate 2010 Census materials.
- Issue a public endorsement for the 2010 Census and send an endorsement to members, chapters or affiliates.
- Place 2010 Census articles in your newspapers/newsletters/magazines. Write census editorials, and cover census events/programs. Donate space for census advertisements.
- Air 2010 Census PSAs and B-Roll, and cover census events/programs.
- Engage regional and local chapters of your organization.
- Provide speaking opportunities and exhibit space at conferences or trade shows.
- Participate in 2010 Census partnership kick-off meetings.
- Highlight key 2010 Census operational events in newsletters or other publications.
- Volunteer or participate in Census Bureau-sponsored events.
- Other: _____

We would like to acknowledge your organization as a partner for the 2010 Census. Please fill out the information below so we can keep you and your organization updated on what's happening with the 2010 Census communications campaign, send you updates on relevant events and activities and provide you with outreach materials.

Name: Ken Heatherington
 Title: Executive Director
 Organization: Southwest Fl. RPC
 Phone: 239-338-2550
 E-mail: Kheatherington@SWFRPC.org
 Signature: Ken Heatherington
 Date: Aug 21, 2009

Name: Maricela L. Rice
 Title: Partnership Specialist
 Organization: United States Census Bureau
 Phone: 239-677-7738
 E-mail: marcela.l.rice@census.gov
 Signature: Maricela Rice
 Date: 8/21/09

Congratulations and thank you again for being an official 2010 Census partner! Together, through this partnership, we can ensure a complete and accurate 2010 Census.



IT'S IN OUR HANDS

2010 Census Partnership Agreement Form

Thank you for becoming an official 2010 Census partner! The U.S. Census Bureau appreciates your support in ensuring the success of this monumental effort.

Your support as a 2010 Census partner is important. Here's why:

- ▲ Every year, more than \$300 billion in federal funds are awarded to states and communities based on census data. That's more than ~~\$7~~⁴ trillion distributed over a 10-year period.
- ▲ Census data guide local decision-makers in important community planning efforts, including where to build new roads, hospitals and schools.
- ▲ Census data affect your voice in Congress. The census determines how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts.

The goal of the Census Bureau's partnership program is to combine the strengths of local governments, community-based organizations, faith-based organizations, schools, media, businesses and others, to ensure a complete and accurate 2010 Census. The Census Bureau will provide promotional materials, regular updates and data assistance to partners to assist in this effort. Together, through this partnership, we can ensure the 2010 Census message is delivered to every corner of the nation. **Achieving a complete and accurate 2010 Census is in our hands.**

A STATE OF THE REGION ADDRESS



A REGIONAL PLANNING WORKSHOP FOR FLORIDA OCTOBER 15TH, 2009



CHARLOTTE HARBOR EVENT AND CONFERENCE CENTER

*75 Taylor Street
Punta Gorda, Fl 33950
Charlotte County, Florida*

(Map Included)

HOSTED BY:

THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

EVENT SPONSORS



Workshop Schedule and Program	
WEDNESDAY, OCTOBER 14, 2009	
4:00 p.m.	Hotel Registration
<p>If you are staying the evening prior to the event, guest rooms have been blocked at the Sheraton Four Points for the special event rate of \$89 per night. To make your hotel reservation, call the hotel's reservations department directly at (941) 637-6770 and mention the Southwest Florida Regional Planning Council group. The room block will be held until September 23, 2009 at which time all rooms not reserved will be released for general sale. Hotel check-in time is 4:00 p.m., and check out is noon. Guests arriving prior to 4:00 p.m. will be accommodated as rooms become available.</p>	
THURSDAY, OCTOBER 15, 2009 – EVENT DAY	
9:30 a.m.	Workshop Registration
10:00 a.m.	<i>Program Description and Purpose</i>
Welcome -	Teri A. Hansen, President/CEO Gulf Coast Community Foundation of Venice
Introduction -	Dr. Mark Pritchett, Vice President Gulf Coast Community Foundation of Venice

Gulf Coast Community Foundation of Venice

As President/CEO of Gulf Coast Community Foundation of Venice, Teri A. Hansen manages the work of Florida's largest community foundation as it provides leadership on emerging issues, forges partnerships and makes grants to improve quality of life in the communities it serves, and offers a philanthropic resource to donors of all means who want to have a lasting impact on their community. She joined the Foundation in 2002.

Gulf Coast Community Foundation of Venice

Gulf Coast Community Foundation of Venice, today's Exclusive Sponsor, is Florida's largest community foundation. The Foundation believes that connecting individuals, groups and organizations by sharing information and needs, strengthens and improves our regional communities.

Founded in late 1995, Gulf Coast Community Foundation has awarded \$78 million in grants to the community in the areas of arts and culture, health and human services, education, civic affairs and the environment.

In addition to making grants that benefit our region, the Foundation gives donors the power to make a difference in their community. When donors create funds at Gulf Coast Community Foundation of Venice, they get the resources and expertise of our staff...and the service that could only come from a community foundation.

Gulf Coast Community Foundation of Venice is pleased to be today's exclusive sponsor and provide information that will help to enhance our communities' future.

Gulf Coast Community Foundation of Venice ***Mission and Vision Statement***

Gulf Coast Community Foundation of Venice is committed to improving the quality of life in the communities it serves.

The Foundation envisions a region known for endowed philanthropy, a vital nonprofit community and the ability to address emerging issues.

10:15 a.m.	<i>“Building Economic and Environmentally Sustainable Regions and Communities”</i>
	<p>Tim Center, Esq. Executive Director, Century Commission for a Sustainable Florida Director, Sustainable Florida Vice President, Sustainability Initiatives - Collins Center for Public Policy</p>
10:30 a.m.	<i>“State of the Region Address”</i>
	<p>Honorable Jim Humphrey Chair, Southwest Florida Regional Planning Council Mayor, City of Fort Myers, Florida</p> <p>Mixed signals for Southwest Florida abound. Home sales are up; a recent Florida survey found that consumers are more confident in the economy; the national stock market shows periods of gain. However, personal finance remains unchanged; unemployment rates vary across the region; housing prices are down; retirees are burdened by debt, and we witnessed a steep drop in the value of construction projects. Nonetheless, as the country moves into recovery over the next year, real estate, employment, construction spending and tourism – all of which have been major sectors in the Florida economy over the past decades – will stabilize, but that growth is not expected to grow the local economy and protect the environment as well as they have in the past. We are fortunate that Southwest Florida is addressing a new approach. Listen as the mayor, facilitator and panelists discuss regional indicators and the State of the Region.</p>
10:45 a.m.	Indicator Report
	<p>Because of the current global economic crisis and the age of global competitiveness, regions and communities must develop a vision with related goals for the future and periodically evaluate community conditions to measure the current and future State of the Region. Indicators are quantitative measures that describe social, economic, and environmental conditions. Today’s “State of the Region” address offers a look at a number of statistical indicators or metrics that can be viewed as a regional report card. The indicators chosen for today’s address are only a subset of the numerous indicators that can be considered under People- Prosperity- Preservation.</p> <p>Today’s indicators provide a range of data on the people of Southwest Florida with an emphasis on health and education. In addition, the panel discussion on prosperity will</p>

focus on a wide array of economic conditions and opportunities for future investment. Finally, indicators will be shown which illustrate the importance of a balanced approach to preservation and protection of the natural environment. Sustainability of the region's natural resources is an environmental and economic imperative.

Progress indicators can be used to show community leaders the current status of a wide array of social, economic, and environmental conditions in the region and illuminate trends of the future. As we all "face the facts" presented today, we can gain an understanding of the challenges that surround us and through subsequent discussions, determine how to work together to make this region a better place to live, visit and work. By working together, we can make Southwest Florida a healthier, more prosperous and environmentally sustainable region.

"Health Care"

According to the recent Florida & Metro Forecast, the only two sectors of the economy forecast to average positive growth during 2009-2012 are education and health services. Nonetheless, the debate over health care reform is heating up across the country. Southwest Florida is no different – health insurance costs and point of care discussions are at the top of the list of issues affecting business and community. Research indicates that people without insurance and those facing other barriers to healthcare delay seeking medical care until they are very ill and they increasingly seek primary care from hospital emergency rooms – the most expensive level of care.

Health Care Panelists:

Keith Arnold, Founder of J. Keith Arnold & Associates; multifaceted consulting firm representing clients in health care and numerous policy areas. Mr. Arnold was also elected to the Florida House of Representatives in 1982, reelected subsequently and served as majority leader from 1988 to 1990.

Louis Galterio, Chief Executive Officer, Southwest Florida Regional Health Information Organization

11:30 a.m.

“Education”

The role of education is paramount in the current and future global economy. Given the loss of jobs and increasing technological advances’, having an educated workforce is critical for retaining and recruiting jobs to the region. Our educational programs need to provide a complete spectrum of educational opportunities that prepare youth to meet the challenges and opportunities of the ever increasing knowledge economy while growing our employment clusters and giving crafts an opportunity to flourish. We also need to enable the current adult population to remain competitive in today’s workplace by learning new skills and having new opportunities for the sake of learning.

Fundamental to improving high school graduation rates for students is meeting academic standards in elementary and middle school. Poor achievement in the early years of school can lead to student discouragement and a dislike for learning, which are often underlying causes for a person dropping out of high school.

Education Panelists: **Pat Carroll, Chair**, Collier County School Board

Dr. David Gaylor, Superintendent, Charlotte Schools

Karyn Gary, Charlotte County Tech Center

12:15 p.m.

“Prosperity” - Jobs, Jobs, Jobs!

Sluggish population growth and a lingering recession are expected to impact Southwest Florida; as result, unemployment is expected to increase before returning to historic levels. Unemployment for teenagers is at an all time high; workers are so discouraged, that they quit looking for jobs. In all, approximately 83,000 in June, Southwestern Floridians are out of work and looking for a job.

A region’s level of employment is a major indicator of its economic viability. We need to stimulate the area’s economy by growing the sectors that have historically proven themselves sustainable – retired income, tourism and agriculture. Southwest Florida ... Everglades and the Gulf... While these sectors have traditionally been linked to a low paying service economy, it is also imperative that we recruit more technology-related business and manufacturing that result in higher paying jobs.

Prosperity Panelists: **Jim Wall**, Southwest Florida Workforce Development Board

Debra Liftig, Florida Chamber

Tammy Nemecek, Collier County Economic Development Council and Executive Director of Florida Economic Councils

Brian Goguen, Barron Collier Companies Chair, Southwest District of Urban Land Institute (ULI)

James F. Murley, Chair, Florida Governors' Energy and Climate Commission

12:45 p.m.

Lunch Break

Vegetable Lasagna

Baked lasagna pasta filled with spinach, ricotta, Mozzarella, onions, carrots, and marinara sauce
Served with freshly steamed green beans.

Chicken Florentine en Croute`

A flaky puff pastry stuffed with chicken breast, Spinach, and ricotta in a classic veloute` source
Served with wild rice and baby carrots.

Mahi-Mahi

Pan-seared macadamia encrusted Mahi-Mahi topped with a pina colada sauce served with wild rice and sugar snap peas.

1:00 p.m.

Special Guest Luncheon Speaker

“Climate Prosperity and what it means to Southwest Florida”

During today’s keynote address by Ms. Glenda Hood, we will hear about Southwest Florida’s multi dimensional approach to climate prosperity and building an economical and environmentally sound region of the future. In the Fall of 2008, the Rockefeller Brothers Fund and Global Urban Development selected Southwest Florida as a pilot Climate Prosperity region as one of the eight areas in the country for a new national initiative. The Climate Prosperity Project promotes the view that protecting the environment need not come at the expense of economic growth. In fact, “Climate Prosperity” argues that the opposite is true – that climate change is an opportunity to build innovative industry, create new jobs, and grow the economy while at the same time enhancing our environment and addressing one of our most pressing problem climate change and subsequent sea-level rise.

Glenda Hood, selected to the Climate Prosperity Project, Inc. National Advisory Board in June of 2009. She is a respected politician, who was Secretary of State of Florida, from 2003 to 2005, and was the first woman to serve as Mayor of Orlando from 1992 to 2003. A Republican, Ms. Hood served as a district commissioner for the City of Orlando from 1982 to 1992, when she was elected Mayor. She is currently President of Hood partners LLC in Orlando, Florida. She has focused on strengthening neighborhoods and upgrading parks.

1:45 p.m.

“Preservation”

Bounded by the Gulf of Mexico on one side and Lake Okeechobee and the Everglades on the other, Southwest Florida has exceptional land and water resources with national and international significance. Because of these exceptional resources, communities want to build upon the unique character and culture of Southwest Florida. Residents and visitors alike believe that the character and beauty of the region is a regional asset. Sustainable, smart growth development requires that population growth be accommodated in ways that enhance the natural environment, encourage bio diversity.

Land acquisition plays a central role in restoring the eco-system of Southwest Florida. Land is needed for water storage and treatment, aquifer recharge, wildlife habitat and as a buffer between the built and natural environment. The amount of land protected by county, state and federal agencies is an important indicator of habitat protection. Since the late 1960’s, the state of Florida has had an aggressive acquisition program for land conservation and preservation. The GreenPrint map shows currently protected natural resources. These lands include the Everglades, rivers, flow ways and supporting ecological greenways.

**Preservation
Panelists:**

Bill Hammond, PhD., Retired Professor of Ecological and Marine Sciences at Florida Gulf Coast University, Vice Chair of the Corkscrew Regional Ecosystem Watershed (CREW) and highly regarded environmentalist.

Jon Thaxton, Chair of the Sarasota County Commission and Commissioner for District 5, Sarasota County. He is recognized as one of Southwest Florida’s preeminent advocates for protecting our natural environment.

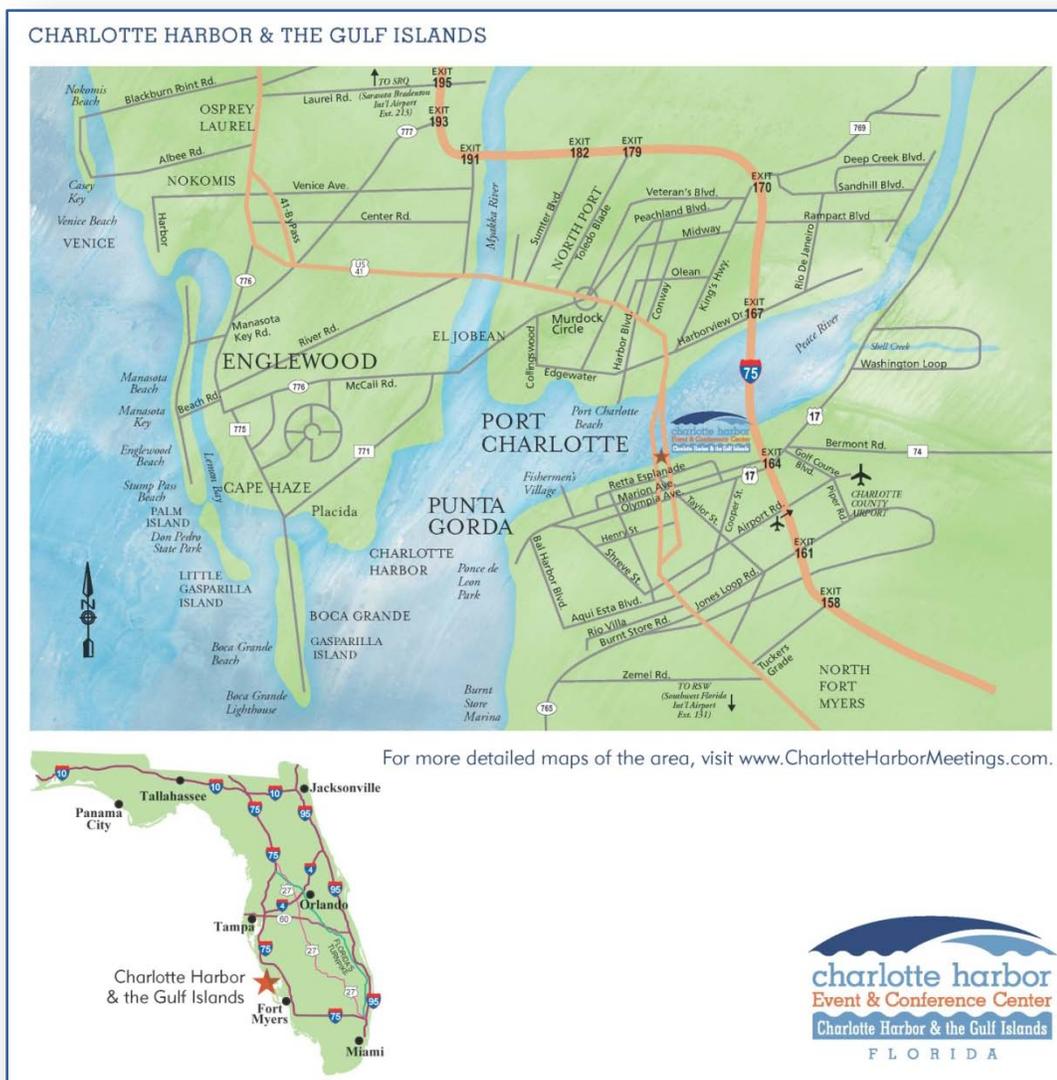
2:15 p.m.	Facilitator Wrap up
	<p>So what are our next steps in creating an economic and environmentally sustainable future? We need to continue working together; working in collaboration is characterized by regional inclusion and leadership. It will be the willingness of communities in the region to see a vision for the future; the big picture; to work with a regional perspective that determines Southwest Florida’s future.</p> <p>Data points presented in today’s “Face the Facts- A State of the Region” will help measure progress to key priorities; but it is collaboration and initiative that will ultimately define the success of Southwest Florida. (Finish with a slide of our vision).</p> <p>Southwest Florida needs to create a regional vision that sustains our quality of life, promotes our economic prosperity, and protects our environment.</p>
2:30 p.m.	Presentation and Tribute to Mayor Humphrey
3:00 p.m.	Concluding Statements and Adjourn

TRANSPORTATION

Easily accessible via I-75, Punta Gorda is a short drive from five airports, including Tampa (TPA), St. Petersburg/Clearwater (PIE), Sarasota-Bradenton (SRQ) and Fort Myers (RSW); private and charter air service is available to the Charlotte County Airport (PGD).

Shuttle services to and from the airports, as well as rental-car agencies, are readily available. Once in Punta Gorda, trolley service can be arranged for around-town transportation.

For additional information, please visit www.CharlotteHarborMeetings.com or call 941.743.1900



For more detailed maps of the area, visit www.CharlotteHarborMeetings.com.



A STATE OF THE REGION ADDRESS

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CHARLOTTE HARBOR EVENT & CONFERENCE CENTER

Thursday, October 15, 2009

9:30am - 2:30pm

Registration Information

Company/Organization: _____

Name: _____ Title: _____

Street/P.O. Box Address: _____

City: _____ State: _____ Zip Code: _____

E-mail Address: _____ Phone: () _____

Check for special lunch requirements: _____

Registration Fee Included: _____ Pay at Door: _____

Members of the SWFRPC, Check Here: (lunch fee will be waived)

For more information, please contact Nichole Gwinnett by phone at (239) 338-2550 ext. 232,
or by email at ngwinnett@swfrpc.org.

Menu/Information

Place a check in the box next to entrée:

Vegetable Lasagna

Baked lasagna pasta filled with spinach, ricotta, Mozzarella, onions, carrots, and marinara sauce
Served with freshly steamed green beans.

Chicken Florentine en Croute`

A flaky puff pastry stuffed with chicken breast, Spinach, and ricotta in a classic veloute` source
Served with wild rice and baby carrots.

Mahi-Mahi

Pan-seared macadamia encrusted Mahi-Mahi topped with a pina colada sauce served with wild rice and sugar snap peas.

Workshop: 9:30am - 2:30pm

Location:

Charlotte Harbor Event & Conference Center
75 Taylor Street
Punta Gorda, FL 33950

Fee: \$25 per person *includes workshop & lunch

Deadline: Due by September 30, 2009

Payment: Send check along with your registration to the following address:

Payable to SWFRPC:

1926 Victoria Ave.
Fort Myers, FL 33901
Phone: (239) 338-2550 ext. 232
Fax: (239) 338-2560

Email: Nichole Gwinnett at ngwinnett@swfrpc.org

HOSTED BY:

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL