



# Southwest Florida Regional Planning

[www.swfrpc.org](http://www.swfrpc.org)  
 1926 Victoria Avenue  
 Fort Myers, FL 33901  
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## BOARD MEETING AGENDA



MEETING NOTICE

**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.*

**December 15, 2011**

**9:00am – 11:30am**

<b>1</b>	<b>INVOCATION</b>	
<b>2</b>	<b>PLEDGE OF ALLEGIANCE</b>	
<b>3</b>	<b>ROLL CALL</b>	
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Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

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



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## BOARD MEETING AGENDA

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**NEXT SWFRPC MEETING DATE: January 19, 2012**

**Note: The Regional Watersheds Committee will be meeting immediately following the SWFRPC Board Meeting.**

# HAPPY HOLIDAYS

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

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Apalachee • Central Florida  
 East Central Florida • North Central Florida  
 Northeast Florida • South Florida • Southwest Florida  
 Tampa Bay • Treasure Coast • West Florida • Withlacoochee

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## Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

## **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

1

Invocation

1

1

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Pledge of Allegiance

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Old Business

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\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

6a

Holiday Season Furlough  
Discussion

6a

6a

## HOLIDAY SEASON FURLOUGH DISCUSSION

On November 7, 2011, staff requested approval from the Executive Committee to close the office from Dec. 23 through Jan. 2, re-opening at 8 am on Jan. 3, 2012. All staff would take 3 paid holidays, 2 furlough days and 2 scheduled leave days for the period Dec. 23, 26, 27, 28, 29, 30 and January 2. This action was recommended in order to save money in anticipation of the MPO moving out.

The Executive Committee approved this action.

Subsequently, Mr. Don Scott, Director of the Lee County MPO during public comment at the November 16, 2011, Council meeting requested that SWFRPC staff providing services to the Lee County MPO be exempt from the 2 furlough days.

The Committee of the Whole recommended that the Mr. Scott's request be granted.

Staff has researched this matter, spoken with the Lee County MPO attorney and reviewed the applicable parts of the Federal Fair Labor Standards Act [Note SWFRPC staff received a draft amended MPO Staff Services Agreement late on Tuesday, December 6, 2011, see attached]. Granting Mr. Scott's request, even with the offer that his staff work remotely, is problematic for a number of reasons:

1. The SWFRPC staff providing services to the Lee County MPO would be treated different from all other staff. This could leave the SWFRPC vulnerable to grievances.
2. The SWFRPC IT staff could not be on furlough as they would need to be available should there be a problem.

It is staff's recommendation that all SWFRPC staff be treated identically and that either

- 1 Mr. Scott's request be denied, OR
- 2 The 2 furlough days be rescinded from the period between Dec. 23 and Jan. 2.

The 2 furlough days would result in an approximate \$12,000 savings towards the FY2012 budget. It is expected that the SWFRPC would also realize additional savings from the 11 days of reduced utilities usage.



**FIRST AMENDMENT TO**  
**INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BY AND**  
**BETWEEN SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL AND**  
**LEE COUNTY METROPOLITAN PLANNING ORGANIZATION**

**THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT**, is made and entered into on the date specified herein, by and between the Lee County Metropolitan Planning Organization (hereinafter called the "MPO"), and the Southwest Florida Regional Planning Council (hereinafter called the "RPC").

**WITNESSETH**

**WHEREAS**, Section 339.175(1), Florida Statutes, provides for the designation of a metropolitan planning organization for each urbanized area of the state and the creation and operation of such metropolitan planning organizations pursuant to an interlocal agreement entered into pursuant to Section 163.01, Florida Statutes; and

**WHEREAS**, Section 339.175, Florida Statutes, as amended by Florida House Bill 985, also known as Chapter 2007-196, Sections 6-10, Laws of Florida, specifies that the MPO shall be considered separate from the state or the governing body of the local government that is represented on the Governing Board of the MPO and that is a signatory to the interlocal agreement creating the MPO and shall have such powers and privileges that are provided under Sections 163.01 and 339.175, Florida Statutes; and

**WHEREAS**, on May 26, 2006, the Florida Department of Transportation, Lee County, and the Cities of Cape Coral, Fort Myers, Bonita Springs, and Sanibel, and the Town of Fort Myers Beach entered into an Interlocal Agreement entitled, "Interlocal Agreement for the Creation of the Lee County Metropolitan Planning Organization,; and

**WHEREAS**, the MPO is a legally independent governmental entity distinct from RPC and has the authority to contract with the RPC for the provision of certain services; and

**WHEREAS**, the RPC was created by an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties in 1973, amended in 1980, and is designated in Section 186.504 Florida Statutes as the regional planning council for the comprehensive planning district; and

**WHEREAS**, Section 186.505, Florida Statutes, authorizes regional planning councils to enter into contracts to provide services related to its responsibilities as requested by local governments, to make and enter into all contracts and agreements necessary to the performance of its duties, and to accept and receive funds from agencies, and instrumentalities of state, municipal, or local government; and

**WHEREAS**, the Rule 29I-1.008, Florida Administrative Code, provides that the RPC may establish fees for its services reasonably related to the general cost of providing services; and

**WHEREAS**, the RPC has deemed entering into a Staff Services Agreement with the MPO is consistent with its mission 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,

**WHEREAS**, in 2007, the Florida Legislature's House Bill 985 amended 339.175, Florida Statutes, and other sections of law in an attempt to bring clarity and uniformity to MPO's administrative structures, powers and responsibilities, particularly amending Section 339.175(5), Florida Statutes, to clarify that an MPO's executive director reports directly to his or her MPO Governing Board; and

**WHEREAS**, the MPO wishes to obtain certain administrative support services from the RPC to assist the MPO in managing the continuing, cooperative and comprehensive transportation planning process mandated by state and federal law and is authorized by Sections 163.01 and 339.175, Florida Statutes, to contract with the RPC for same; and

**WHEREAS**, January 21, 2011, the MPO and RPC entered into an Interlocal Agreement for Administrative Services (the "Interlocal Agreement"); and

**WHEREAS**, the MPO and RPC desire to amend the Interlocal Agreement so the MPO operations remain open during periods the RPC operations are closed; and

**WHEREAS**, the MPO and RPC find that entering into this First Amendment to "Interlocal Agreement for Administrative Services", serves a public purpose and is for the public's benefit.

**NOW, THEREFORE**, it is declared to be the purpose of this Agreement is to define the services to be provided to the MPO by the RPC and to provide compensation to the RPC for such services and the parties agree as follows:

- A. **RECITALS:** The recitals as set forth above are incorporated into the terms of this First Amendment to Interlocal Agreement as if set forth herein at length;
- B. **AMENDED SECTIONS:** the correspondingly numbered Sections of the Interlocal Agreement are hereby amended as follows, with underlined language being an amendment to the previously adopted text, and deleted language being shown by strike-through type.

1. **MPO PERSONNEL**

- a. **MPO Director:** The RPC will assist the MPO in securing an MPO Director to ensure the successful conduct of the work of the MPO on a day to day basis. Pursuant to Section 339.17(6)(g) Florida Statutes (F.S.), the MPO Director will report directly to the MPO Governing Board. The MPO will develop the MPO Director's job description, participate in the hiring of the MPO Director, conduct annual performance reviews and determine the MPO Director's compensation and duties. **The MPO Director will be an employee of the RPC subject to the same benefits package, policies, and procedures of all RPC employees. The MPO Board has the authority to direct the MPO Director to continue business operations for the MPO in the event that the RPC business operations are closed. The MPO Board will compensate the MPO Director at a regular rate of pay including the agreed upon indirect and fringe rate.** The MPO Director will be eligible for participation in the Senior Management Service Class, for the purpose of retirement benefits in the Florida Retirement System.. The RPC Executive Director shall have the authority to place the MPO Director on 3-day paid administrative leave, pending personnel action by the MPO Governing Board, if such action is deemed necessary for the health, safety and welfare of RPC and MPO employees. The MPO Director will not be terminated prior to consultation and approval of the MPO Governing Board.

The MPO Director will be responsible to the MPO for the conduct of the transportation planning process as detailed in the Unified Planning Work

Program (UPWP). The MPO Director will develop an organizational structure to carry out the responsibilities set forth in the Agreement; and the development of procedures to monitor and coordinate the planning process, as well as the overall administration of MPO programs.

**b. MPO Staff:** The MPO staff is defined as the designated RPC employees necessary and authorized by the MPO in the approved in the UPWP. RPC staff assigned to the MPO will be supervised by and report to the MPO Director and will be subject to the same benefits package, policies and procedures of all RPC employees. The MPO Board has the authority to direct the designated MPO Staff to continue business operations during time periods the RPC offices are closed to complete tasks for the MPO. The MPO Board will compensate the designated MPO Staff at a regular rate of pay including the agreed upon indirect and fringe rate.

## 2. ADMINISTRATIVE SUPPORT SERVICES

The RPC will provide the following administrative support services to the MPO and the MPO staff to assist in managing the continuing, cooperative and comprehensive transportation planning:

- a. **Accounts:** The RPC shall establish a cost center within the budgetary system of the RPC for the MPO and provide financial management of federal, state and local monies granted to the MPO in accordance with accepted accounting procedures.
- b. **Annual Funding and Audit:** The RPC will include MPO revenues and expenditures in its budget, and will pay MPO expenses from appropriated funds subject to reimbursement at the agreed rate. At least quarterly, the RPC will provide all expense documentation to the MPO to be included in reimbursement requests from grantor agencies. The RPC will include the MPO in the annual audit performed by its Auditor. The parties agree to provide to each other and any other third party all information necessary to complete said audit.
- c. **Central Services:** The RPC will provide support services in the same manner as provided to RPC departments, including, but not limited to,

procurement, technology support and communications, etc., as identified in the UPWP.

- d. Liability:** Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorneys' fees and costs and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. The indemnified party will have the right to approve counsel selected by the indemnifying party. This provision does not constitute a waiver of either party's sovereign immunity under Section 768.28, F.S. or extend either party's liability beyond the limits established in Section 768.28, F.S. Additionally, this provision will not be construed to impose contractual liability on either party for underlying tort claims as described above beyond the limits specified in Section 768.28, F.S.
- e. Facilities:** The RPC will provide office space and meeting facilities sufficient to perform adequately the functions of the MPO as mandated by federal and state law. Reasonable costs for use of such facilities will be paid by the MPO as provide for by a rental/lease agreement. In an effort to minimize disruption of the planning process, the MPO shall be assigned specific office space within the RPC facility. With the exception of a casualty event that would make the building uninhabitable, if it becomes necessary for relocation of the MPO, the party requesting the relocation will be required to incur all reasonable relocation expenses. If sufficient space is not available at the RPC facility, the MPO may enter into a lease agreement with a separate entity.
- f. Information and Reports:** The RPC will provide all required information and reports and will permit access to its books, records, accounts and other sources of information, and it facilities as may be determined by Florida Department of Transportation (FDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Commission for the Transportation Disadvantaged (CTD) to be pertinent to ascertain compliance with such regulations, orders and instructions. Should any information required of the RPC be in the exclusive possession of another entity that fails or refuses to furnish this information,

the RPC will certify to FDOT, FHWA, FTA or CTD as appropriate, and shall delineate the efforts it has made to obtain the information.

### 3. MPO DUTIES

All administrative support of the MPO's functions, not delineated in Section 2 of this Agreement, shall be provided by the MPO staff. Such duties include, but are not limited to:

- a. **Budget** – The Unified Planning Work Program (UPWP) shall serve as the MPO's budget and be the guide for the MPO to annually prepare and submit, through the RPC's budgetary system, a budget necessary to perform adequately the functions of the MPO, as mandated by federal and state law. The UPWP will include sufficient funds to reimburse the costs incurred by the RPC to provide administrative support services to the MPO pursuant to this Agreement. The RPC will have no authority over the approval of the MPO UPWP, which is approved by the MPO Governing Board.

The MPO authorizes the MPO Director to secure FDOT approval for amendment of UPWP tasks which change the dollar value by an amount less than or equal to \$25,000, and which do not change the scope or the total approved funds for the UPWP. Any amendment of the UPWP greater than \$25,000 shall require the approval of the MPO.

- b. **Commitment of Personnel:** Annually, the MPO Director will have prepared a detailed listing of all tasks necessary and incident to carrying out the planning process. The MPO staff will, at a minimum, have the following duties and functions:
  - i. Carry out the tasks as defined in the UPWP and ensure the continued certification of the MPO;
  - ii. Coordinating the activities of the various structures established by the Interlocal Agreement heretofore mentioned;
  - iii. Preparing the agendas, scheduling, public notification, and minutes for meetings of all Boards and Committees under the MPO's control;
  - iv. Preparing resolutions and appropriate documents;

- v. Directing the implementation of policies established by the MPO;  
and
  - vi. Performing other duties as may be assigned by the MPO.
- c. **Invoices and Progress Reports:** The MPO staff in coordination with the RPC will provide to grantor agencies progress reports and invoices for reimbursement for all MPO funds. The progress reports and invoices will be in sufficient detail for audit purposes and grant and contract requirements.
- d. **Reimbursement of Fund Advances:** The MPO in coordination with the RPC will calculate and submit bills to the appropriate federal, state and local grantors for program expenditures and forward reimbursement payments to the RPC, upon receipt from the federal, state and local grantors. The determination of eligible costs will be in accordance with the current Transportation Planning Funds Joint Participation Agreement and 23 Code of Federal Regulations (CFR) Section 420, as appropriate.
- e. **Professional Services:** Contracts and bids for the purchase of materials and services will be in accordance with RPC procedures for the same purposes unless the MPO adopts and implements its own procurement policies. Action taken by the MPO relating to contracts and bids for the purchase of materials and services using MPO funds are independent of RPC approval, but subject to federal, state and local grantor restrictions and requirements.
- f. **Equipment/Property Records:** All equipment necessary for the MPO operations shall be purchased consistent with applicable RPC, state and federal requirements. The MPO will maintain property records for all property (capital, equipment, etc.) obtained through federal funding. A physical inventory of the property will be taken at least once every two years and the results reconciled with the property records. The MPO will have a control system in place to safeguard and maintain all equipment and property. The control system will meet the requirements of 49.CFR 18.32 (d)(3) and (4). Disposal of equipment or property purchased with federal funds will comply with state laws and procedures according to 49 CFR Part 18.32 (e). Upon request of the MPO, the RPC may assist with establishing and maintaining equipment and property records.

#### **4. COMPENSATION**

In consideration for the administrative support services, including the MPO staff, to be provided herein by the RPC, the MPO will budget a sum sufficient to reimburse the RPC for costs incurred by the RPC for administrative support, indirect and fringe costs. Actual cost estimates will be used with the exception of indirect costs, which will be calculated in accordance with Federal Office of Management and Budget (OMB) Circular A-87.

#### **5. TRAVEL AND TRAVEL EXPENSES**

All overnight travel by MPO personnel and Governing Board members will be approved by the MPO Director, and all overnight travel by the MPO Director will be approved by the MPO Chair or Vice-Chair. Travel expenses will be paid or reimbursed in accordance with Section 112.061, F.S., and the policies of the RPC and the FDOT. The rates for reimbursement will be according to the rates established by the FDOT, as adjusted from time to time, unless as allowed by Section 339.175, F.S., the MPO adopts its own travel reimbursement rates. All travel reimbursement requests will utilize the approved FDOT travel form.

#### **6. AMENDMENT OF AGREEMENT**

The RPC and the MPO may, upon initiation of either party, amend this Agreement to cure any ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this Agreement through enactment of an instrument of equal formality.

#### **7. SEVERABILITY**

Should any section, paragraph, sentence or clause of this Agreement be deemed unlawful by a Court of competent jurisdiction, no other provision hereof will be affected and all other provisions of this Agreement shall continue in full force and effect.

#### **8. DURATION AND TERMINATION**

This Agreement will be in effect for a period of five years unless the governing body of one of the parties rescinds or terminates this Agreement prior to October 1 of any year

for which this Agreement renews. The parties may rescind or terminate this Agreement by:

- a. Obtaining approval from the governing body of the party wishing to terminate or rescind this Agreement; and
- b. Providing one hundred eighty days' written notice to the other party to this Agreement.

## **9. GOVERNING LAW**

All aspects of this Agreement are governed by Florida law and venue will be in Lee County, Florida.

## **10. EFFECTIVE DATE**

Upon execution by both parties, this Agreement will supersede the prior MPO Staff Services Agreement dated September 16, 1982 by and between the MPO and the RPC. This Agreement will be effective upon approval by the RPC and the MPO. A fully executed copy of this Agreement shall be filed with the Clerk of Circuit Court of Lee County, Florida, pursuant to Section 163.01(11), Florida Statutes.

**IN WITNESS WHEREOF**, the undersigned parties have caused this Amended Staff Services Agreement to be duly executed in their behalf this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Southwest Florida Regional Planning Council

Lee County MPO

\_\_\_\_\_  
Chair, SWFRPC

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Bob Raymond, Chair, Lee County MPO

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Attest

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\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

6b

November 16, 2011  
Committee of the Whole  
Recommendations

6b

6b

**Southwest Florida Regional Planning Council  
Committee of the Whole Recommendations  
November 16, 2011**

Ms. Donley explained that due to the lack of a quorum being present, the Council has the option to form a Committee of the Whole and move forward with the agenda. Any actions recommended by the Committee would go before the full Council at its next meeting on December 15, 2011. The Council would then consider the recommendations.

**Ms. Carroll moved and Commissioner Mann seconded to recommend to form a Committee of the Whole in order to move forward with the November 16, 2011 SWFRPC agenda. Motion carried unanimously.**

**Staff Recommendation:** Council review each of the recommended actions of the Committee of the Whole and act on each recommendation by individual motion.

The following are the recommended actions of the Committee of the Whole (all recommendations were unanimous):

**AGENDA:** The Committee recommended moving Agenda Item #9(a)2 Executive Committee Report to be the first item for discussion.

**AGENDA ITEM #9(a)2 -** The Committee recommended approving the SWFRPC staff that provides staff services to the Lee County MPO be allowed to work and not take the furlough days in December; these staff would have to work remotely and not have access to the building.

**AGENDA ITEM #6 - MINUTES OF THE OCTOBER 20, 2011 MEETING:** The Committee recommended approval of the October 20, 2011, meeting minutes.

**AGENDA ITEM #8 - CONSENT AGENDA:** The Committee recommended approval of the balance of the consent agenda: Agenda Item #8(a) Intergovernmental Coordination and Review; Agenda Item #8(b) Financial Statement for October 31, 2011 & Grant Activity Status Sheets #8(c) Sarasota County Interstate Business Center DRI - NOPC; and Agenda Item #8(d) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.

**AGENDA ITEM #8(e) - Southwest Florida Hazardous Materials/Emergency Preparedness Training Update:** The Committee recommended approval of Consent Agenda Item #8(e) Southwest Florida Hazardous Materials/Emergency Preparedness Training Update. The motion carried unanimously.

**AGENDA ITEM #9(a)4 - Regional Watersheds Committee:** The Committee recommended that the pre-emption of the fertilizer ordinance be made one of the Council's legislative priorities and to be represented by our representatives of FRCA. The motion carried unanimously.



**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
NOVEMBER 16, 2011 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **November 16, 2011** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of Chair Karson Turner and Vice-Chair Teresa Heitmann, **Secretary Tom Jones** was the Acting Chair for the November 16, 2011 meeting and called the meeting to order at **9:07 a.m.** **Secretary Tom Jones** led an invocation and led the Pledge of Allegiance. Administrative Specialist II Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Commissioner Tricia Duffy, Mr. Michael Grant

**Collier County:** Mr. Bob Mulhere, Ms. Pat Carroll

**Glades County:** None

**Hendry County:** None

**Lee County:** Councilman Forrest Banks, Vice Mayor Mick Denham, Commissioner Frank Mann, Ms. Laura Holquist, Commissioner Brian Bigelow, Councilman Joe Kosinski

**Sarasota County:** Commissioner Christine Robinson, Commissioner Tom Jones, Commissioner Carolyn Mason

**Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT, Mr. Phil Flood - SFWMD, Ms. Terri Behling - SWFWMD

**MEMBERS ABSENT**

**Charlotte County:** Councilwoman Rachel Keesling, Ms. Andrea Messina, Commissioner Robert Skidmore

**Collier County:** Commissioner Jim Coletta, Commissioner Donna Fiala, Councilwoman Teresa Heitmann

**Glades County:** Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Councilwoman Pat Lucas

**Hendry County:** Commissioner Karson Turner, Commissioner Tristan Chapman, Mr. Melvin Karau, Commissioner Joseph Miller, Commissioner Daniel Akin

**Lee County:** Mayor John Sullivan, Councilwoman Martha Simons, Mr. Paul Pass

**Sarasota County:** Councilman Kit McKeon, Mr. Felipe Colón, Mr. George Mazzarantani

**Ex-Officio Membership:** Mr. Jon Iglehart - FDEP

Ms. Donley explained that due to the lack of a quorum being present, the Council has the option to form a Committee of the Whole and move forward with the agenda and any actions that the Committee would recommend based on the agenda would go before the full Council at its next meeting on December 15, 2011. The Council would then approve all of the recommended actions of the Committee at that time.

**Ms. Carroll moved and Commissioner Mann seconded to recommend to form a Committee of the Whole in order to move forward with the November 16, 2011 SWFRPC agenda.**

Commissioner Bigelow asked how many members the Committee was short from reaching a quorum. Ms. Gwinnett replied that there are 12 members currently present and the Council needs 17 members present for a quorum. Commissioner Bigelow stated that he thought that there was a member participating by conference phone. Ms. Gwinnett replied that is correct, Commissioner Robinson is participating by conference phone and that she was included in the 12 members.

Vice Mayor Denham asked if the Committee can still vote on the issues. Commissioner Jones explained that any vote/action that this Committee takes would be a recommendation to the full Council at the next meeting.

Commissioner Mann asked for clarification how many members are we short of a quorum. Commissioner Jones replied five members. Commissioner Mann then stated that the Committee should be sensitive to the audience/public who would like to make any public comments and then not waste too much time on the agenda items, since there isn't a quorum present. Commissioner Jones explained that he doesn't believe that the Consent Agenda should take too much time and the Committee Reports are discussion items. However, he does have one request for public comment. He then reminded everyone in the audience that if they wish to address the Committee to fill out a speaker card.

**Motion carried unanimously.**

## **PUBLIC COMMENTS**

Mr. Don Scott, Director of the Lee County MPO stated that he is addressing an issue which will be discussed during an item later in the agenda. He is requesting that the four MPO staff be able to work during the two furlough days. He stated that he is in agreement to not work in the office, but be able to work from a remote location or from home. The MPO staff has many items which need to be addressed over the next two to three months, including certification, Long Range Plan amendments, agenda packets mail outs, moving issues, and grants (TIGER and Brownfields) which were submitted the announcements are supposed to be made.

Mr. Scott explained that the Council's benefit with having the MPO staff working the two days would be approximately \$1,761 in indirect funding. He understands the Council's budget crisis and so does the MPO staff and MPO Board and he also understands the reasons for closing down the office; we are trying to accommodate that, but we would also like to be paid and be able to work on those days from a remote location.

Vice Mayor Denham asked Ms. Donley what is the savings during that period. Ms. Donley replied approximately \$12,630 for the two furlough days. She explained that the two furlough days would be embedded in the office being closed down.

Vice Mayor Denham asked if the Committee were to agree to the Mr. Scott's suggestion, what would be the difference in the savings. Ms. Donley replied that based on discussions with Mr. Scott, the Council can accommodate the MPO staff by allowing them to work remotely. She noted that by allowing the MPO staff to remote into their workstations it may increase the savings because the MPO is direct billed, so they would be generating indirect. Vice Mayor Denham clarified that the Council would be able to achieve the \$12,630 in savings. Ms. Donley replied yes.

Councilman Banks asked Ms. Donley if that is a decision that she can make as the Interim Executive Director. Commissioner Jones stated that he would have to interject at this time and bring that issue up under the Executive Committee report. He explained that Mr. Scott had brought this issue before the Executive Committee and his request was denied at that time. He then reminded the Committee that they can only make recommendations.

Mr. Grant suggested deferring this issue until the Executive Committee report. Commissioner Jones stated that he agreed and he had spoken to Mr. Scott in regards to that before the meeting because he didn't know if we were going to move forward with having a meeting and it was then decided to move forward with addressing this issue under Public Comment.

Commissioner Mann asked Mr. Scott if the MPO has already moved to the City of Cape Coral. Commissioner Jones asked that it be brought up under the Executive Committee report, because he feels that it will be answered during that report.

## AGENDA

**Councilman Banks moved and Mr. Grant seconded to recommend moving Agenda Item #9(a)2 Executive Committee Report to be the first item up for discussion. The motion carried unanimously.**

### AGENDA ITEM #9(a)2 Executive Committee

Commissioner Jones gave the Executive Committee report. He noted that in accordance to discussions between Ms. Donley and Mr. Scott, the MPO plans on staying within the Council's offices until March 16<sup>th</sup>. Per Ms. Donley's recommendation, the Executive Committee approved a combination of furlough and leave days over both the Thanksgiving and Christmas holidays which will have a cost savings of a minimum of \$11,000. At that time, the MPO staff not being furloughed through those holidays was discussed and denied by the Executive Committee.

Ms. Donley explained that staff had met twice on October 26<sup>th</sup> and November 2<sup>nd</sup> to discuss some actions that staff could take to assist in saving money. Staff approved and asked that it go before the Executive Committee that the Council's offices are closed down on Wednesday, November 23<sup>rd</sup> and the November 24-25 are regular holidays. This way the office would be closed and there would be some cost savings from infrastructure closure. All staff agreed to take personal leave on Wednesday, November 23<sup>rd</sup>.

Ms. Donley explained that for the Christmas holidays, the Council's policies are that the offices are closed on Christmas Eve and Christmas Day, so the offices would be closed on Friday and Monday since Christmas Eve and Christmas Day fall on a Saturday and Sunday this year. She had proposed that staff move the Christmas holidays to the Monday and Tuesday (December 26 & 27) and also move the New Year's Day holiday from Monday, January 2<sup>nd</sup> to Friday, December 30<sup>th</sup> and just shutdown the offices from December 23<sup>rd</sup> to the following Monday. Staff counter proposed and said that they would like to take the Christmas holidays as they are set out in our procedures, so that the offices would be closed Friday, December 23<sup>rd</sup> and Monday, December 26<sup>th</sup> as holidays and also the following Monday, January 2<sup>nd</sup> as a holiday and then have December 27-30 be a combination of staff taking leave and taking two furlough days. She explained that staff gets paid once a week (every Wednesday), so this would allow staff to take one furlough day on two different pay periods. She noted that it was staff consensus and it would enable the building to be shut down at 5:00 p.m. on Thursday, December 22<sup>nd</sup> and shut off all of the equipment with the exception of the server room, so that staff could access their email over the holidays, because there are some meetings that are coming up at the very beginning of January. No one would be allowed in the building to work and we would also cancel the cleaning staff.

Ms. Donley explained that Mr. Scott had approached her about consideration for the MPO and when it was first discussed it was her understanding that they wanted access to the building which would defeat the purpose of shutting down the building over the holidays, but now he has agreed to work remotely. She has spoken with IT and it is possible to leave on a couple of their computers so they could access the Virtual Personal Network (VPN) in order to get their work done. She noted that Mr. Scott had gone before the MPO Executive Committee with the proposal and it is also going before the full MPO Board on Friday. If the MPO's access was limited to working remotely, she doesn't believe that it would have a negative impact on the savings that we are trying to achieve. She noted that the MPO staff are actually RPC staff and it is a unique situation where they are starting to separate themselves.

Commissioner Mann stated that he is concerned that the Committee can only make recommendations at this time and the next Council meeting isn't until December 15<sup>th</sup>. Ms. Donley explained that the Executive Committee will be meeting on December 1<sup>st</sup> and she believes that the full Council has given guidance to the Executive Committee to take action on these types of issues. Commissioner Mann asked if the full Council gave the Executive Committee guidance of delegated authority. Ms. Donley replied delegated authority, but it is her understanding that she doesn't have the authority to make the decision.

Commissioner Jones stated that it is his understanding that this Committee can make a recommendation and that recommendation would be recognized at the Executive Committee meeting on December 1<sup>st</sup>.

**Ms. Holquist moved and Councilman Banks seconded to recommend to approve that the Lee County MPO staff be allowed to work and not to have to take the furlough days in December, but that they have to work remotely and that they do not have access to the building.**

Vice Mayor Denham stated that he wanted to make sure that there was going to be no impact to the cost savings.

Mr. Grant asked how this decision impacts the current budget and can it be done. Ms. Donley replied that the purpose of this proposal is in anticipation of the financial loss of when the MPO moves out of the Council's offices. The dollars are not set at this time, but we are estimating somewhere between a \$120,000 to \$150,000 loss. So we have been trying to put into place some cost savings anticipatory instead of reacting.

Commissioner Jones noted that the budget which the Council had passed did not anticipate the loss of revenue from the MPO.

Commissioner Bigelow indicated that when Lee County had implemented furloughs it was the Lee County Attorney's opinion that accessing or working remotely during furlough was in violation of laws that prohibit any work to be done. Should this Committee not hold the Lee County MPO staff to the furlough days of the RPC, then he feels that the MPO Board should, to be legally very clear, establish those as non-furlough days.

Commissioner Bigelow then asked Ms. Donley if RPC staff will have access to the server on the furlough days. Ms. Donley replied no, the server will be turned on, but staff will be taking a combination of holiday, leave and furlough. There is staff, through their own desire at times, access their work email. The Council has never had furlough days before, so she can't speak on that issue. They access their email remotely, not within the 8 to 5 timeframe, because they are anticipating an event to occur.

Commissioner Bigelow stated that it is not clear whether the Interim Executive Director/Legal Counsel of the Council stated that the RPC staff would also have access during those furlough days, because according to the Lee County Attorney's Office it is a federal wage labor law violation. Ms. Donley stated that she doesn't believe that is what she stated. Commissioner Bigelow stated that he doesn't want to get the Council into any legal hot water.

Mr. Mulhere stated that he doesn't believe that by checking email on a day off, furlough, holiday at midnight or at 2:00 a.m. could be a federal violation.

Commissioner Jones noted that a motion is on the floor to go before both the Executive Committee and the full Council.

**The motion carried unanimously.**

Commissioner Jones clarified that the motion passed unanimously and it is a recommendation and it will be considered by both the Executive Committee and the full Council at its December 15<sup>th</sup>

meeting. These furlough days are at the end of the December, so they will occur after the next Council meeting, so there is time for both the Executive Committee and the full Council to review this issue.

Commissioner Bigelow asked Mr. Scott to make sure that the MPO Board addresses the issue at their meeting on Friday.

Commissioner Jones continued with his report with the Executive Director Search. The Committee decided to hold a social on December 8<sup>th</sup> at a hotel and the final interviews were to be held on December 9<sup>th</sup> at the offices of the Council. The interviews are to begin between 8:00 and 9:00 a.m. and are anticipated to end around 4:00-4:30 p.m. The Executive Committee and Executive Director Search Committee will meet immediately following the interviews and members of both of the Committees will vote to select the new Executive Director and one or two alternates in case an agreement couldn't be reached on a contract. It was also agreed that Chair Karson Turner and Legal Counsel would negotiate a contract with the selected candidate.

Commissioner Jones then referred to the Council's FRCA membership. The Executive Committee discussed and decided that the Council will remain a member of FRCA for 2012 and the membership dues for FRCA were already included in the Council's approved budget. The discussion was centered that the FRCA membership was much more valuable than the amount of money for dues.

Commissioner Jones explained that another issue of discussion was Mr. Jason Utley's request, which included severance compensation and/or reinstatement of employment. There was much discussion on the issue and after consideration the Executive Committee denied Mr. Utley's request in full, including severance compensation and reinstatement of employment.

Commissioner Jones noted that at the next Executive Committee meeting the Executive Director's job description will be addressed.

Commissioner Bigelow asked if Mr. Jason Utley was alleging that any laws were violated or other violations. Commissioner Jones explained that Mr. Utley had sent two letters (October 20<sup>th</sup> and November 7<sup>th</sup>). Ms. Donley noted that the November 7<sup>th</sup> letter was only sent to certain Council members and it was not sent to staff of the Council. Commissioner Jones explained that Mr. Utley did retain services of an attorney to speak on his behalf. Commissioner Bigelow asked if an attorney was present on the behalf of Mr. Utley at the Executive Committee. Commissioner Jones replied yes and if there were allegations made, understand that a full discussion of the allegations might affect any legal action that might be filed in the future. Commissioner Bigelow requested a copy of the two letters regarding Mr. Utley's issue.

#### **AGENDA ITEM #6 MINUTES OF THE OCTOBER 20, 2011 MEETING**

**Commissioner Mann moved and Councilman Banks seconded to recommend approval of the October 20, 2011 meeting minutes. The motion carried unanimously.**

## **AGENDA ITEM #7 STAFF SUMMARIES**

Ms. Donley reviewed both Item #7(a) October 20, 2011 SWFRPC Meeting Executive Summary and Item #7(b) November Activity Summary as presented. Staff is making sure that the Council has better awareness of what is going on with the Florida Regional Councils Association (FRCA) by sending out updates to the membership. Staff is continuing to work with the Council's Auditors to tighten cost controls. She noted that a preliminary audit has been received and it was a clean audit. A few things need to be finalized and it is anticipated that it will be brought before the Council at its January or February meeting.

Ms. Donley explained that staff has also finished implementation of computerization of the timesheets. Staff is continuing to explore cost cutting methods. Staff has met with three different copier companies; the current copier company which we are under contract with will be giving us an alternative proposal to our current contract. We obtained our copiers through a government contract, so since we are anticipating changing our budget in January or February based on the MPO leaving, there is a clause within the contract which allows us to cancel the current contract and reinstate some other copying methods. The Council currently spends over \$3,000 per month on copying between the leases and supplies. We also have reduced the number of phone lines coming into the office so that will also help and the closing of the offices during the month of December. Staff continues to look for grant opportunities and we were awarded a grant in conjunction with the other RPCs for energy resiliency strategy. Staff has also submitted an additional grant to USEPA for some water quality monitoring in Charlotte County in the Port Charlotte area which follows a proposal that was implemented by Charlotte County back in 2006 and also one which was submitted in 2008. Staff is also continuing to work with their partners on the Brownfields Coalition Assessment Grant.

Ms. Donley explained that one item that is not included in the summary is regarding the city members and the assessments. Staff is continuing to work through it with the City of Cape Coral and Lee County. Sarasota County had met last week and their Commission decided to pay the assessments on behalf of the cities within Sarasota County. So it is possible that the City of Sarasota will be coming back to the Council as an active member.

Councilman Banks stated that would be a very good thing.

Commissioner Jones stated that he had attended that meeting where the Sarasota County BOCC had made the decision to pay for all of the cities within Sarasota County which would clear the decks for the cities in Sarasota County to have membership and participation on the Council.

Commissioner Duffy thanked Ms. Donley for her efforts and the progress that she has made during these difficult times.

Other members also thanked Ms. Donley for her efforts as well.

Commissioner Bigelow asked how much is Sarasota County paying for all of the cities. Commissioner Jones replied approximately \$114,000, because the population is close to 400,000 at \$0.30 per capita.

## **AGENDA ITEM #8 CONSENT AGENDA**

Commissioner Bigelow pulled Consent Agenda Item #8(e) – Southwest Florida Hazardous Materials/Emergency Preparedness Training Update for discussion purposes.

**Commissioner Duffy moved and Councilman Banks seconded to recommend approval of the balance of the consent agenda: Agenda Item #8(a) Intergovernmental Coordination and Review; Agenda Item #8(b) Financial Statement for October 31, 2011 & Grant Activity Status Sheets #8(c) Sarasota County Interstate Business Center DRI - NOPC; and Agenda Item #8(d) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.**

### **AGENDA ITEM #8(e) Southwest Florida Hazardous Materials/Emergency Preparedness Training Update**

Commissioner Bigelow explained that the reason he pulled the item was the recent bomb scare at Lee County's Fleet Management facility where there was a suitcase found next to the fuel pumps. He then asked staff how the courses are marketed for Lee County employees. Mr. John Gibbons of staff explained that notifications of the courses are sent out to all of the local emergency responders throughout the six county region. At the local level, we engage with the Local Emergency Planning Committee (LEPC) and those were the folks that were appointed by the Governor and DEM to address the hazardous materials programs throughout the State with respect to the eleven LEPCs. We also meet quarterly with the Hazardous Materials Teams, which include all of the HazMat Teams within the region to inform them of the training and activities that are ongoing within the region.

Commissioner Bigelow asked how does the work that the federal government is doing going to work its way down to the local governments. He stated that he feels that there is a major disconnect between the work that the Council staff is doing and what is being done at the local level. Mr. Gibbons explained that at the local level, there are protocols and standard operating procedures that generally the HazMat Teams and the different entities, such as the Regional Domestic Security Task Force (RDSTF) that follows. At the State level, perhaps the State Emergency Response Commission (SERC) or the Florida Department of Law Enforcement (FDLE) needs to engage some public agenda process that would be more accommodating to the local governments/elected officials. However, such a process doesn't exist at this time; but if the Council wishes he would be happy to take such a recommendation back to Tallahassee to the next SERC meeting.

Vice Mayor Denham suggested that Lee County BOCC help the Council promote the courses within Lee County so there will be a wider audience. Commissioner Bigelow agreed and stated that he will pass the information along.

**Commissioner Bigelow moved and Councilman Banks seconded to recommend approval of Consent Agenda Item #8(e) Southwest Florida Hazardous Materials/Emergency Preparedness Training Update.**

Mr. Gibbons encouraged the Council members to attend the LEPC meetings.

**The motion carried unanimously.**

**AGENDA ITEM #9(a)1  
Executive Director Search Committee**

Mr. Grant noted that the Committee met on November 4 and 5 where they interviewed nine candidates via Skype. Originally, the Committee wanted to get down to three candidates; however, the Committee felt that due to the quality of the candidates they decided to limit it to five candidates. The Committee decided to bring the five candidates for the second round of interviews on December 9<sup>th</sup>. To date, we have spent less than \$10,000 on the search and he was informed by staff that the Executive Committee gave them a budget of \$5,500, including travel, hotel, and the reception to spend on the rest of the search. He expects that the Executive Committee will be giving a report and their recommendation of a candidate to the full Council at the December 15<sup>th</sup> meeting. He thanked staff for all of their efforts during the search process. He also thanked the Committee members for all of their time and efforts that they have put into the process.

**AGENDA ITEM #9(a)3  
Budget & Finance Committee**

Ms. Donley noted that there was not a quorum present at the November 7<sup>th</sup> Budget and Finance Committee meeting, so the next meeting has been scheduled for December 5<sup>th</sup> at 9:00 a.m. The items for discussion will be the impacts to the Council's budget from the MPO leaving and having to amend the Council's current budget as the new Executive Director comes on board.

Ms. Holquist asked if there is a sense that we will be so far under budget with the Executive Director position that it will take up much of the slack from the MPO moving out, because there was \$400,000 in the budget for both the search and salary for the new Executive Director. Ms. Donley replied that she believes that calculation could occur once the compensation package is negotiated for the new Executive Director.

Commissioner Duffy stated that she hopes that the applicants are fully aware of the financial constraints that the Council is currently facing. She hopes that they all have been doing their homework and that they can follow through with what Ms. Donley has been doing and the cost savings that we have achieved so far. There is still a lot of work to do, but she hopes that new Executive Director is a team player in that effort.

Mr. Grant urged the members to send their interview questions to staff. He then stated that Commissioner Duffy's comments would be a perfect interview question for the candidates. He noted that the Committee felt that the five finalists are very well aware and familiar with budget constraints.

Commissioner Jones stated to Commissioner Duffy that he understands her concerns and so does the Executive Committee and he then addressed the members that if there are any other issues that they would like to be considered to send them to staff.

**AGENDA ITEM #9(a)4**  
**Regional Watersheds Committee**

Vice Mayor Denham stated that the pre-emption of the fertilizer ordinance is a hot item up in Tallahassee. Over the next few years local governments will be required to comply with State mandated water quality mandates (TMDL and numeric nutrient criteria). These programs are currently being implemented and will be enforced.

Vice Mayor Denham noted that the Committee is going to consider stormwater and will not consider any proposals for increased regulations. They will include recommendations on education for trying to provide some advice and counseling on stormwater.

Ms. Holquist asked where the bill is coming from. Vice Mayor Denham replied Representative Smith. He then stated that some of our colleagues from Manatee County voted in favor of the bill which was a surprise to him.

Commissioner Mann noted that Lee County has a fertilizer ordinance and the last couple of years Lee County has been rather outspoken to opposition to any of the efforts to water down by State law. Now the efforts that have been made in other counties, we have had very strong support by others on our local legislative delegation that have insisted on an exemption for those of us who have a stronger ordinance in place. The issue remains one of Lee County's priorities, which we will be working with the local delegation and also with the county's high paid lobbyists.

Vice Mayor Denham requested that the pre-emption issue be FRCA's top priority this year, because it wasn't even mentioned with FRCA last year. It is critical for this region if we believe that water quality is important. We need to have a voice from this region to represent us.

**Commissioner Mann moved and Councilman Banks seconded to recommend that the pre-emption of the fertilizer ordinance be made one of the Council's legislative priorities and to be represented by our representatives of FRCA. The motion carried unanimously.**

Commissioner Jones noted that the City of North Port has long since been an advocate and started at the very beginning. The city has its own fertilizer ordinance which is like for our community and the city supports that motion.

**AGENDA ITEM #9(a)5**  
**Estero Bay Agency on Bay Management**

Commissioner Bigelow stated that he agrees with Vice Mayor Denham's comments; especially with reflect to Estero Bay. He explained that Estero Bay is a state preserve and just like pre-emption the State will be walking away from management or oversight of the bay. Last year, the State came close to defunding the local office and we may again face that threat again this year. In some

respects, he may agree with the State because even though it is a State preserve, it is mostly within Lee County political jurisdiction with some overlap into Collier County. But a tool that Vice Mayor Denham didn't mention is growth management.

Commissioner Bigelow stated that he is going to request that the Chair of the Lee County BOCC appoint a permanent liaison to Estero Bay ABM.

Mr. Beever of staff reviewed the item as presented.

Vice Mayor Denham asked Mr. Beever if he was going to do a report on the economic benefits of preserving the wetlands. Mr. Beever replied that the Cela Tega information have many presentations about the economic values of the conservation lands.

### **AGENDA ITEM #10 DIRECTOR'S COMMENTS**

Ms. Donley announced the upcoming Committee meeting dates:

- Legislative Affairs Committee  
November 29<sup>th</sup> at 1:00 p.m.
- Executive Committee  
December 1<sup>st</sup> at 9:00 a.m.
- Budget & Finance Committee  
December 5<sup>th</sup> at 9:00 a.m.

Ms. Donley also announced that the draft Executive Director Job Description was distributed and asked that the members review it and submit their comments to either Ms. Nancy Doyle or Ms. Holquist.

Ms. Holquist stated that she tried to keep it at a high level and incorporate everything from the Council's new direction presentation, which was given at the Council's October meeting. There were issues such as communication skills, getting out into the community, the need for understanding visioning, economic development, and comprehensive strategic planning. There was a huge emphasis on interpersonal communications and being able to develop a trust and relationships, not just within the Council, but also within the greater regional communities. Another key difference in developing this job description and several job descriptions throughout the State, was that none of them really called for the director to have a work plan. So she incorporated a work plan to be developed and approved by the Council and then the performance of the director is based on how effectively that is done. Also, how the director's performance is accepted within the regional community and the programs that this Council does. Finally, there is a duty that requires the director to be in charge of fund raising, because two-thirds of the Council's funds come from grants. She requested that comments on the job description be sent to Ms. Gwinnett of staff.

**AGENDA ITEM #10**  
**STATE AGENCIES COMMENTS/REPORTS**

SFWMD - Mr. Flood announced that the governing board has lifted all water restrictions.

SWFWMD - Ms. Behling announced that SWFWMD are continuing with their water restrictions. They are still under restructuring and are looking at losing up to 150 more staff. She announced that Ms. Alba Mas has been named to head up the SWFWMD's Regulations Division, she was previously the Tampa Director of Regulation to replace Richard Owen. Also, a new General Counsel has been hired, Laurel Donaldson, who will start on December 12<sup>th</sup>.

FDOT - Mr. Limbaugh announced that FDOT has presented their Draft Tentative Work Program to all of the counties, MPOs and District One. It is very tentative because there is a \$1.2 billion reduction from the REC. There should be new work programs released in December which will reflect the reductions. The TRIP programs are being hit really hard, which are purely State funded. The projects are off of the State system and they are not eligible for federal funds.

Commissioner Bigelow asked Mr. Limbaugh if the congestion management signage is going in any other county. Mr. Limbaugh replied not at this time. Commissioner Bigelow expressed his concern with the signage.

**AGENDA ITEM #11**  
**COUNCIL ATTORNEY'S COMMENTS**

Ms. Donley stated that a law student has accepted an externship with the Council and will be starting in January.

**AGENDA ITEM #12**  
**COUNCIL MEMBERS' COMMENTS**

Commissioner Bigelow suggested reversing the order on the website for the Council's agendas and minutes so that the most current is on top.

Vice Mayor Denham announced that a juvenile male black bear has taken up residence on Sanibel Island.

Commissioner Mann announced that out of the legislative delegation meeting which was held last Tuesday, the State has begun their budget discussions and the anticipated State revenues is expected to be \$2 billion less than last year. He then suggested having a Plan B for budget preparations for next year for the Council.

Councilman Banks asked for a list of the five finalists. Mr. Grant replied that the five finalists are:

1. Andrew DeCandis
2. Thomas Heck
3. Bill Veach

4. Margaret Wuerstle
5. Jeffrey Ruggieri

Councilman Kosinski announced that the Fort Myers Beach renourishment project is approximately two-thirds complete and it looks beautiful.

Mr. McCormick as the Council's representative of the CHNEP Policy Committee expressed his concerns regarding the media's coverage on the CHNEP numerical criteria.

**AGENDA ITEM #13  
ADJOURN**

The meeting adjourned at 10:50 a.m.

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Commissioner Tom Jones, Secretary

The meeting was duly advertised in the November 4, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 44.

\_\_\_\_\_ Agenda  
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Staff Summaries

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November 16, 2011 SWFRPC  
Meeting Executive Summary

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# Southwest Florida Regional Planning

45 of 278

[www.swfrpc.org](http://www.swfrpc.org)

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Fort Myers, FL 33901

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## EXECUTIVE SUMMARY OF THE NOVEMBER 16, 2011 MEETING

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In the absence of the Council's Chair and Vice-Chair, the Secretary, Commissioner Tom Jones was the Acting Chair for the November 16<sup>th</sup> meeting. Due to the lack of a quorum, the Council formed a Committee of the Whole to conduct business and make recommendations to the full Council for consideration at its next meeting on December 15, 2011.

- **Public Comment** – Mr. Don Scott, Lee County MPO Director requested that the SWFRPC staff that provides services to the MPO be exempt from the two furlough days over the holiday season. The Committee of the Whole made a motion to recommend to both the Executive Committee and full Council that the SWFRPC staff providing services to the MPO be exempt from the 2 furlough days; however, these staff will only be allowed to work remotely and not allowed to access the building.
- **Executive Committee** – The November 7<sup>th</sup> Executive Committee agenda included the MPO issue, staff's proposal for the holiday season, FRCA Membership Renewal, and Mr. Jason Utley's Request.

The Council will hold an off-site social on December 8<sup>th</sup> and final interviews December 9<sup>th</sup> at the SWFRPC office. Interviews are from 8:00 a.m. to 4:30 p.m. The Executive Committee and Executive Director Search Committee will meet immediately following the interviews and make a recommendation for the new Executive Director. It was also agreed that Chair Karson Turner and Legal Counsel would negotiate a contract with the selected candidate.

- Staff's proposal for 2 furlough days, and 2 voluntary leave days over the holidays was approved.
- The Executive Committee recommended that the Council remain a member of FRCA for 2012; the membership dues are in the Council's approved budget.
- The Executive Committee denied Mr. Utley's request in full, including severance compensation and reinstatement of employment.
- **Staff Summary** – Sarasota County BOCC decided to pay the assessments on behalf of the cities within Sarasota County. The City of Sarasota can become an active Council member.
- **Southwest Florida Hazardous Materials/Emergency Preparedness Training Update** – Staff explained the Local Emergency Planning Committee (LEPC) and HazMat Teams meet quarterly.
- **Executive Director Search Committee** - The Committee interviewed 8 candidates via Skype. The Committee chose 5 candidates for the second round of interviews on December 9<sup>th</sup>.
- **Budget & Finance Committee** – Due to lack of quorum the Budget and Finance Committee is rescheduled for December 5<sup>th</sup> at 9:00 a.m.
- **Regional Watersheds Committee** – Vice Mayor Denham gave a verbal report on the importance of fighting the pre-emption bill on fertilizer. The Regional Watersheds Committee met following the Council meeting.
- **Estero Bay Agency on Bay Management** – The report was presented in the packet.
- **Director's Comments** – Upcoming Committee meeting dates: Legislative Affairs Committee (November 29<sup>th</sup> at 1:00 p.m.); Executive Committee (December 1<sup>st</sup> at 9:00 a.m.); and Budget & Finance Committee (December 5<sup>th</sup> at 9:00 a.m.). Council was asked to review the draft Executive Director Job Description and submit comments to staff.
- **SFWMD** – The SFWMD Governing Board has lifted all water restrictions.
- **SFWMD** – SFWMD is continuing water restrictions; there will be additional staff cuts in the near future.
- **FDOT** – FDOT has presented its Draft Tentative Work Program to all of the counties, MPOs and District One. There should be new work programs released in December which will reflect the reductions. The projects are off of the State system and they are not eligible for federal funds.
- **Council Attorney's Comments** - A law student will be starting at the Council in January.

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December Staff Activity  
Summary

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**Interim Executive Director Report to Council**

1. Visiting each Council member government
  - Completed: City of North Port; City of Sanibel, Hendry County, City of LaBelle, Collier County, City of Naples
  - Upcoming: City of Clewiston, City of Moore Haven, Glades County
  - Scheduling: Charlotte and Lee Counties, cities within Lee County
  
2. Executive summaries of Council meetings out to members within 5 working days, highlighting actions taken and staff action items
  - One page Executive Summary transmitted on November 22, 2011
  
3. Goals, Objectives and Priorities for upcoming quarter
  - keep Council members informed:
    - FRCA notices
    - funding opportunities,
    - meeting notices and summaries,
    - legislation updates
    - modifying website to improve user interface
  - continue outreach to Council members
  - work with auditor/CPA to tighten controls
    - discussions with auditor-recommended accountant in November
    - Peachtree invoicing partially implemented
    - contacting organizations to seek alternative tenants
  - explore and implement additional cost cutting processes and revenue producing activities:
    - *subject to change: staff is taking 2 furlough days in December and the offices will be closed Dec. 23, 2011, and reopen January 3, 2012*
    - obtaining estimates on reducing copier costs
    - reduced the number of phone lines
    - staff took scheduled leave on Nov. 23, 2011 in order to close down building for extended holiday week-end.
  
4. Summary of Grants
 

**Awarded:**

  - “Estimating and Forecasting Ecosystem Services from Habitat Condition within Pine Island Sound, and on Sanibel and Captiva Islands,” E.O. Dunn Foundation

**Submitted:**

  - Brownfields Assessment grant proposal, EPA, submitted November 23, 2011.

**Upcoming:**

  - Urban Waters Small Grant, US EPA
  - National Science Foundation grant for GIS applications, partnering with FGCU
  
5. Financial reporting – monthly snapshot of budget to Council members via email
  - One page summary, Agenda Item 8(a)
  
6. Respond to Council member requests within 3 days (72 hours)

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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FRCA Membership

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## **Florida Regional Councils Association Membership**

On October 20, 2011, the full Council directed the Executive Committee to consider the SWFRPC's membership in FRCA, given the current financial condition of the SWFRPC and the increase in FRCA dues. The Executive Committee discussed the membership and dues at its November 7, 2011 meeting and recommended that the SWFRPC maintain its membership. The Legislative Affairs Committee also discussed the FRCA membership and agreed that the SWFRPC should maintain its membership.

The SWFRPC has three seats on the FRCA Policy Board: 2 filled by elected officials and 1 filled by a Gubernatorial Appointee. Currently, the gubernatorial seat is open.

The FRCA Policy Board meets twice yearly, in 2012 it will be meeting in Tallahassee on January 13, 2012, and August 22-23, 2012 in Hollywood.

### **RECOMMENDED ACTIONS:**

1. Approve the Executive Committee and Legislative Affairs Committee recommendation to maintain 2012 FRCA membership.
2. Appoint a Gubernatorial member to fill the open FRCA Policy Board position.

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# Agenda

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# Item

7d

Training Events of Interest

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## FLORIDA HAZMATTERS



The Southwest Florida (District IX) Local Emergency Planning Committee met May 26, 2011, at the offices of the Southwest Florida Regional Planning Council. Important issues that came before the Committee included; the Southwest Florida LEPC Draft No-Show Training Policy; Establishment of a Regional LEPC Continuing Education Program initiative; and a EPA-Certified Refrigerant Reclaimers (Ozone Layer Depletion Regulatory Program). Changes were made to the proposed No-Show Policy and the item is to be addressed again during the August 25, 2011, meeting. The policy is intended to encourage registration of training classes of only those individuals who have a very high probability of attending classes. Finalization of the Southwest Florida Continuing Education Program was also postponed until later during the year. Officials from Florida Gulf Coast University are being called to address unanswered questions. This program is being considered to provide educational credits for courses offered by the LEPC. The Committee was advised that four (4) EPA-Certified Refrigerant Reclaimers are located in Southwest Florida. Three (3) facilities are located in Sarasota County and one (1) is located in Charlotte County. Refrigerant reclaimers take used refrigerant, purify it, and put it back into circulation.

An administrative matter involved the approval of Mr. John Levering of Hope Healthcare Services, Mr. Brian Cotterill of Lee County Mosquito Control, and Deputy Fire Chief Shane Sibert of the Lee County Sheriff's Office/Bonita Springs Fire Department for membership on the Committee. Three (3) members on the LEPC officially retired and were removed from the membership roster.

The following training is slated to be conducted by the Southwest Florida Local Emergency Planning Committee and the Southwest Florida Regional Planning Council:

- Foam/Ethanol 8-hour Training Course, June 8, 2011 (Fort Myers)
- Hazwoper Refresher Course, August 18, 2011 (Fort Myers)
- Hazwoper Refresher Course, August 19, 2001 (Naples)

The LEPC directed staff to sent a training survey to EMS, Law Enforcement Personnel, and Fire Departments for input regarding training programs and training needs.

Following the LEPC meeting, the Southwest Florida Regional Hazardous Materials Teams Group meeting was conducted to focus attention on the issues and initiatives likely to impact Florida's Hazardous Materials programs and communities.

The next quarterly meeting of the Southwest Florida Local Emergency Planning Committee is scheduled August 25, 2011. Additional information regarding the programs and activities of the Committee can be obtained by viewing [www.swfrpc.org](http://www.swfrpc.org).

## FLORIDA HAZMATTERS



The Southwest Florida (District IX) Local Emergency Planning Committee met August 25, 2011, at the offices of the Southwest Florida Regional Planning Council. Special guest during the proceedings was Mr. John Long of Florida Gas Transmission. Mr. Long provided a synopsis of training programs and assistance Florida Gas Transmission could offer emergency responders and local governments of the region. Florida Gas Transmission operates an underground natural gas pipeline, compressor stations and other facilities in Lee and Charlotte Counties.

Important issues that came before the Committee included the Southwest Florida LEPC Draft “No-Show” Training Policy; Establishment of a Regional LEPC Continuing Education Program initiative; and the Tom Yatabe Awards Program. Changes were made to the proposed “No-Show” Policy and it was approved by the Committee. The policy was created and endorsed to ensure that individuals registering for courses are in attendance during the events. Individuals failing to follow proper cancellation will be billed \$35.00. Finalization of the Southwest Florida Continuing Education Program was postponed until December 2, 2011 as Dr. Chris Gallagher of Florida Gulf Coast University (FGCU) had to attend an emergency meeting at the university. Dr. Gallagher is the coordinator of FGCU’s Continuing Education Program and was slated to address concerns and answer questions about the continuing education program at FGCU. The continuing education program is being considered to provide educational credits for courses offered by the LEPC. The recipients of the Thomas Yatabe Awards Program was selected and approved by the Committee. Ms. Laura Comer of the Florida Department of Environmental Protection (Southwest Florida Office) was recommended as the outstanding recipient for the Thomas Yatabe Awards for the work she has done over the years with the LEPC. Specifically, Ms. Comer has partnered and collaborated with the LEPC over the years

regarding facilities complying with EPCRA seeking clean marina status. Mr. Charles Emery of the Florida Department of Environmental protection was selected to receive a certificate of appreciation for his involvement and assistance in getting the word out to state employees regarding safety and chemical training the Southwest Florida LEPC sponsored over the years. Mr. Emery is currently enrolled in the State's Drop Program and recognition was recommended to express gratitude for the support he has provided to the Committee over the years.

The following training is slated to be conducted by the Southwest Florida Local Emergency Planning Committee and the Southwest Florida Regional Planning Council:

- Hazmat Chemistry IQ Course, September 27, 2011 (Cape Coral)
- Hazmat Chemistry IQ Course, September 28, 2011(Bonita Springs)
- Hazwoper 8-hour Refresher Course, September 29, 2011 (Sarasota)

Other guests included Mr. Tyrone Davis and Mr. Rob Wilson of MED SAFE. Mr. Davis provided a brief presentation touting that MED SAFE could eliminate up to 100% of hazardous waste hauling costs. He further noted that their advanced and cost efficient thermal treatment technology could destroy up to 99.9999 percent of all hazardous waste. MED SAFE disposes of pharmaceutical and other waste products through onsite incineration where the chemicals are located. MED SAFE was invited to discuss its capabilities as an alternative to services previously provided by the Federal DEA involving Clandestine Drug Labs across America.

The next quarterly meeting of the Southwest Florida Local Emergency Planning Committee is scheduled December 2, 2011. Additional information regarding the programs and activities of the Committee can be obtained by viewing [www.swfrpc.org](http://www.swfrpc.org).

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8

Consent Agenda

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**CONSENT AGENDA SUMMARY****Agenda Item #8(a) – Intergovernmental Coordination and Review**

Staff reviewed eight proposals through the clearinghouse review process for the month of November. Staff found all projects to be “Regionally Significant and Consistent” with the SWFRPC’s Strategic Regional Policy Plan (SRPP).

**RECOMMENDED ACTION:**

- Approve the administrative action on the Clearinghouse Review items.

**Agenda Item #8(b) – Financial Statement for November 30, 2011 & Grant Activity Sheets**

(SEE BELOW)

## Financial Snapshot - 11/30/11

At 16.67% though the fiscal year expenses percentages are as follows:

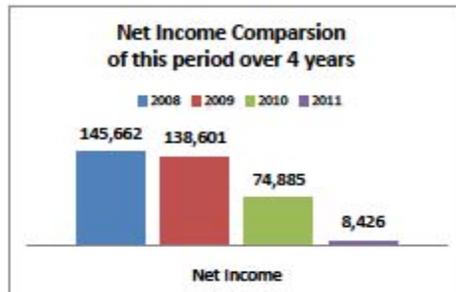
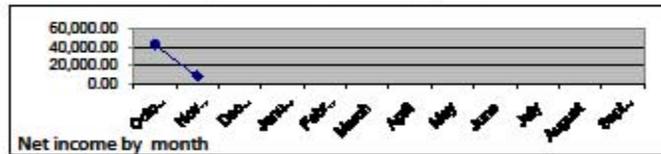
The overall percentage of the Budget spent is 10.40%

The overall percentage of the Budget revenue is 10.60%

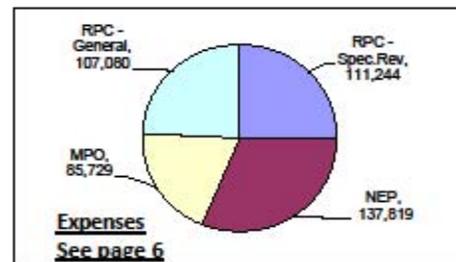
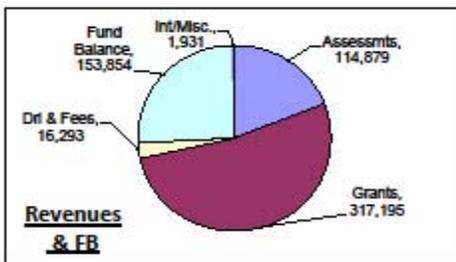
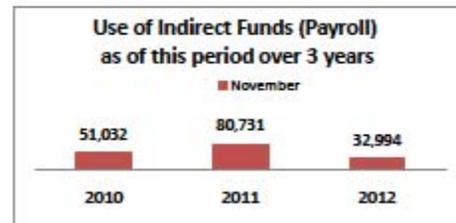
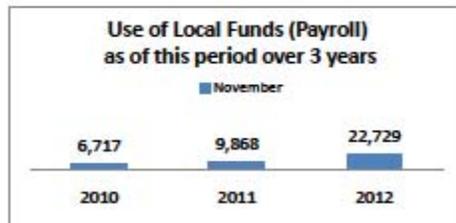
For the month ending November 30, 2011 8,426 is our YTD net income.

Total revenues to date are: 450,298

Total expenses to date are: 441,872



Broadband	277,937.15
Economic Development	195,068.88
DEM / HMEP	48,242.63
Transportation Disadvant.	46,256.68
DRIs / NOPCs	(59,877.96)
EPA Salt Marsh / FAMWQ	411,696.24
ABM	(490.43)
Other	1,164.44
Assessments / Misc	407,570.20



### RECOMMENDED ACTION:

- Approve the financial statement for November 30, 2011 and the grant activity sheets.

### **Agenda Item #8 (c) – Hacienda Lakes DRI – Development Order Review**

On June 16, 2011, the Southwest Florida Regional Planning Council (SWFRPC) recommended conditional approval of the Hacienda Lakes Application for Development Approval. The approval was subject to regional conditions relating to Historical/Archeological Sites, Energy, Hurricane Preparedness, Solid/Hazardous/Medical Waste, Stormwater Management, Water Supply and Wastewater Management, Transportation, Vegetation and Wildlife/Wetlands and Consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. The local conditions recommended are related to Education, Police and Fire Protection and Recreation and Open Space.

#### **RECOMMENDED ACTION:**

- Accept the development order as rendered.

### **Agenda Item #8(d) – Pelican Landing DRI – Notice of Proposed Change**

The Lee County Board of County Commissioners approved the Pelican Landing Development of Regional Impact (DRI) on August 29, 1994. On April 3, 2002, the City of Bonita City Council approved the Tenth Development Order Amendment to reflect the incorporation of the City of Bonita Springs. As currently approved, the Pelican Landing DRI (without Spring Creek West) includes: 3,912 residential units (930 single family and 2,982 multifamily), 300,000 gross square feet of retail space, 475,000 gross square feet of office space, 750 hotel/motel rooms, a 50,000 square foot conference center (part of the retail), 65 wet boat slips and 150 dry boat storage spaces, and recreational amenities (24 tennis courts, 77 holes of golf, canoe parks, an existing boat ramp, and a beach park), all on approximately 2,749.7+/- acres. There are 143.81 acres of upland habitat preserve, 678.5 acres of salt and freshwater marsh, 247.49 acres of water management lakes, 162.16 acres of public and private rights-of-way, 3.2+/- acres of off-site parking, 6 acres of utilities and .11 acre cemetery site (see Attachment II, Master Development Plan). Build out is May 20, 2018 with a termination date of May 2021. These dates were recently extended by 4 years based on HB 7207. There have been nineteen previous changes to the Pelican Landing DRI.

On January 7, 2011, the SWFRPC staff received a NOPC. The proposed changes are extending the build out and termination dates for the DRI (May 21, 2020 with a termination date of May 20, 2026). There are a few adjustments to DO conditions that reflect the passage of time and the completion of some of the items required by the conditions. Also, proposed is to end the interface zone water quality monitoring as the monitoring data has established that the management plan is adequate to protect the water quality.

The applicant provided information to rebut the presumption of a substantial deviation for the changes. Staff did provide recommendations for the DO language to make sure the City and County's DOs are consistent on build out dates and the approved land uses. Finally, staff recommended the following language in the transportation sections of each DO" any future extension beyond 2020 would require detailed link and intersection analyses deemed appropriate by the City, County and SWFRPC staff." Regarding the water quality interface zone monitoring, we recommend future water quality monitoring is coordinated with Lee County on who will be responsible for taking the surveys.

**RECOMMENDED ACTION:**

- Assuming the above DO amendment language is included, notify Lee County, the City of Bonita Springs, the State Land Planning Agency and the applicant that the proposed changes will not create additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
- Request Lee County and City of Bonita Springs staffs provide SWFRPC staff with copies of any development orders, or development order amendments, related to the proposed changes.

**Agenda Item #8(e) – Heron Creek DRI – Notice of Proposed Change**

On September 11, 2000 the North Port City Commission approved the Heron Creek Development Order (DO) (Ordinance 2000-13). The Development of Regional Impact (DRI) consists of 831 + acres and north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of the Blueridge Waterway, abutting Sumter Boulevard, and approximately 2 miles south of Interstate 75 (see Attachment I and II: Location Maps). At the time of Development Order (DO) approval (September 11, 2000), the development was entitled to construct 1,970 residential units (903 single-family units and 1,067 multi-family units), 500,000 gross square feet of commercial retail/service space and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27-holes of golf, buffers and tennis center with 12 courts, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management and 5 acres of internal road rights-of-ways. The Original DO established a build out date of 2017.

A third DO amendment approved on February 26, 2007 discussed below in previous changes and shown on Attachment III, Map H, is what the DRI is now approved for which includes 1,203 residential units (903 single family and 300 multifamily), 43,000 square feet of medical professional, 40,000 square feet of general office, 745,500 square feet of retail shopping center, 27 holes of golf and 5 tennis courts. As of the 2011 biennial monitoring report, the Heron Creek DRI contained 828 single-family residential units; 192,315 square feet of commercial retail space; 27 holes of golf; and 5 tennis courts.

The Notice of Proposed Change (NOPC) was submitted to Regional staff in March, 2010. The applicant for the proposed change is Heron Creek Associates, Ltd. The NOPC has been prepared to revise 4 aspects of the currently approved DRI DO and Map H.

**RECOMMENDED ACTIONS:**

- Notify the City of North Port, the State Land Planning Agency and the applicant that the proposed DRI changes do not create additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
- Render a codified Development Order.
- Request that the City of North Port provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change.

**Agenda Item #8(f) – Southwest Florida Hazardous Materials Awareness Week – January 22-28, 2012**

The Florida Division of Emergency Management and Florida State Emergency Response Commission have recommended the week of January 22-28, 2012, Florida's "**Hazardous Materials Awareness Week.**" It is anticipated that Governor Rick Scott will follow with an endorsement of Hazardous Materials Awareness Week.

**RECOMMENDED ACTIONS:**

- Declare the week of January 22-28, 2012, the "Emergency Planning and Community Right to Know Act Hazardous Materials Awareness Week" throughout Southwest Florida by enacting and endorsing the attached proclamation or a similar instrument.
- Encourage local jurisdictions to develop a similar instrument at the local level for promulgation during the local government's official meeting.
- Encourage local governments of Southwest Florida to invite the County Emergency Manager or the Fire Chief to receive the instrument during an official government meeting.

**Agenda Item #8(g) – Glades County Comprehensive Plan Amendment (DCA 11-2ESR)**

Glades County initiated text amendments to the County's Comprehensive Plan to create an Economic Development Element and revising the Future Land Use Element to provide consistency between the two elements. The Goal of the new Economic Development Element is to allow Glades County to strive to create a positive business climate for economic development and for increased job creation. The new element proposed to achieve this goal by promoting the County's location for development and job creation, identify the County's transportation network and infrastructure as available for connectivity with consumer markets, and state that the County will strive to identify and attract new businesses and industries, while promoting expansion of existing businesses and supporting existing entrepreneurs. Additionally, the new Economic Development Element will promote and support actions that will allow the County to become an international hub for exporting, importing, manufacturing and distribution and promote and support the County's efforts to become a center for tourism utilizing the County's access to Lake Okeechobee and the Caloosahatchee River. The new element also provides for support for the development and training of the workforce.

**RECOMMENDED ACTION:**

- Because the requested changes to the County's Comprehensive Plan improves the Plan's ability to improve the County's rural economy, Council staff found that the proposed changes to be not regionally significant and not having a negative impact to any regional resources or facilities. In addition, Council staff found that they are consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

### **Agenda Item #8(h) – Charlotte County Comprehensive Plan Amendment (DEO 11-3ESR)**

Charlotte County initiated text amendments to the County's Comprehensive Plan to update the Future Land Use Map designations on six (6) parks in the County by changing their current land use designations from a variety of uses to a new land use designation of Preservation. By taking these actions, the County increased the protection of the parks by limiting any future potential for development on the lands and providing increased protections for a variety of rare and endangered species.

#### **RECOMMENDED ACTION:**

- Because the requested changes to the County's Comprehensive Plan improves the Plan's ability to increase the protections on important park lands in the County, Council staff found that the proposed changes to be not regionally significant and not having a negative impact to any regional resources or facilities. In addition, Council staff found that the proposed changes are consistent with the Natural Resources Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

### **Agenda Item #8(i) – SWFRPC Fixed Assets Removal**

All Council-owned electronic equipment, including but not limited to, computers, monitors, faxes, copy machines, cell phones, and personal digital appliances (PDAs) with a printed circuit board that the Network Administrator has deemed to be surplus or non-usable shall be disposed of in a manner that is consistent with Federal, state and local statutes and regulations, with recycling being the preferred method. All equipment identified as surplus shall be recycled by the Council's selected and approved vendor list. In addition, all surplus computers or servers that contain hard drives shall be wiped clean or shall be destroyed by magnetic degaussing.

If equipment is recycle/disposed through the Lee County Government Solid Waste Division there is a fee which is subject to change.

#### **RECOMMENDED ACTION:**

- Staff is seeking approval of the Council to dispose of these items and follow the procedures listed in our Computer Disposal Policy.

**RECOMMENDED ACTION:** Approve consent agenda as presented.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

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Intergovernmental  
Coordination & Review

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## **Project Review and Coordination Regional Clearinghouse Review**

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning November 1, 2011 and ending November 30, 2011.

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.

12/2011



# ICR Council - 2011

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2011-40	Mrs. Glama Carter	Collier Area Transit	Collier County	Collier Area Transit - Section 5311 Program Grant - Operating assistance to offset cost of transportation provided in the non-urban areas of Collier County, FL.	Federal Transit Administration	\$569,600.00	Regionally Significant and Consistent
2011-41	Mrs. Glama Carter	Collier Area Transit	Collier County	Collier Area Transit - Section 5310 Program Grant - Capital Assistance to replace paratransit vehicles that have outlived their useful life.	Federal Transit Administration	\$544,872.00	Regionally Significant and Consistent
2011-42	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - 49 USC Section 5317 Grant Application - To provide operating and administrative assistance.	Federal Transit Administration	\$35,000.00	Regionally Significant and Consistent
2011-43	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - 49 USC Section 5311 Grant Application - To provide operating assistance.	Federal Transit Administration	\$109,658.00	Regionally Significant and Consistent
2011-44	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - 49 USC Section 5316 Grant Application - To provide operating and administrative assistance.	Federal Transit Administration	\$62,400.00	Regionally Significant and Consistent
2011-45	Mr. Rich Weingarten	Charlotte County Transit Department	Charlotte County	Charlotte County Transit Department - 49 USC Section 5310 Grant Application - To provide capital assistance for two buses.	Federal Transit Administration		Regionally Significant and Consistent

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2011-47	Mr. Joseph Hosick	Hendry-Glades Mental Health Clinic, Inc.	Glades & Hendry Counties	Hendry-Glades Mental Health Clinic, Inc. - Replace 4 vehicles due to age and mileage that were previously acquired with FTA Section 5310 program assistance.	Federal Transit Administration	\$100,000.00	Regionally Significant and Consistent
2011-49	Mr. Douglas Fowler	Visually Impaired persons of	Region	Visually Impaired persons of SWF, Inc. - Section 5310 Program Grant - To acquire four vehicles to support rehabilitation and education of blind people to return to, or maintain, living independently, working, and being productive in their area of residence in concert with the Transportation Disadvantaged Service Plan for the Lee County Service Area.	Federal Transit Administration	\$172,956.00	Regionally Significant and Consistent

## *Review in Progress*

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2011-14			Collier County	FDEP - Bureau of Mining and Minerals Regulation - Drilling Application for BreitBurn Florida LLC Permit No. 416AHL.			Review in Progress
2011-15			Collier County	RAI #1 for Collier Bay Entrance Channel Maintenance Dredging.			Review in Progress
2011-27			Collier County	Collier County Government & City of Marco Island - JCP File # 0305112-001-JC - Collier Bay Entrance Channel Dredging.			Review in Progress
2011-33			Collier County	FDEP JCP File #: 0305112-001-JC - City of Marco Island and Collier County - Collier Bay Entrance Channel Dredging.			Review in Progress
2011-48			Region	FDEP - Request for Comments on: Proposed Program for 2012-2017 5-Year Outer Continental Shelf Oil and Gas Leasing Program & Programmatic Draft EIS for the 5-Year Program.			Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2011-50			Region	Request for comments on: Bureau of Ocean Energy Management (BOEM) – Outer Continental Shelf (OCS), Eastern Gulf of Mexico (EGOM), Oil and Gas Lease Sales for years 2012-2017 - Call for Information and Nominations (Call) and Notice of Intent to Prepare and Environmental Impact Statement (NOI)			Review in Progress
2011-51			Hendry County	FDEP - West Felda Oil Field Drilling Permit Application No. 1340HL in Hendry County, Florida.			Review in Progress
2011-52			Region	Good Wheels, Inc. - 2012 U.S.C. Section 5310 Grant - Purchase of two replacement vehicles for high level service to the elderly and persons with disabilities.	Federal Transit Administration	\$173,342.00	Review in Progress
2011-53			Glades & Hendry Counties	Good Wheels, Inc. - 2012 U.S.C. Section 5311 Grant - Operating expenses for Dial-A-Ride transportation for non-urbanized area.	Federal Transit Administration	\$105,840.00	Review in Progress

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8b

Financial Statement for  
November 30, 2011 & Grant  
Activity Status Sheets

8b

8b

# Financial Snapshot - 11/30/11

At 16.67% though the fiscal year expenses percentages are as follows:

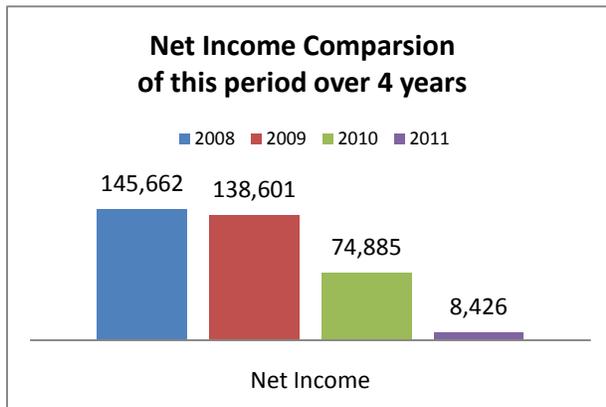
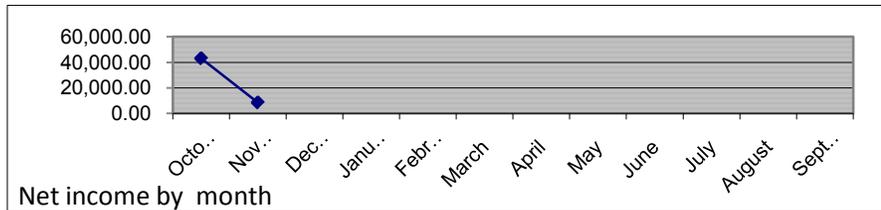
The overall percentage of the Budget spent is 10.40%

The overall percentage of the Budget revenue is 10.60%

For the month ending November 30, 2011 8,426 is our YTD net income.

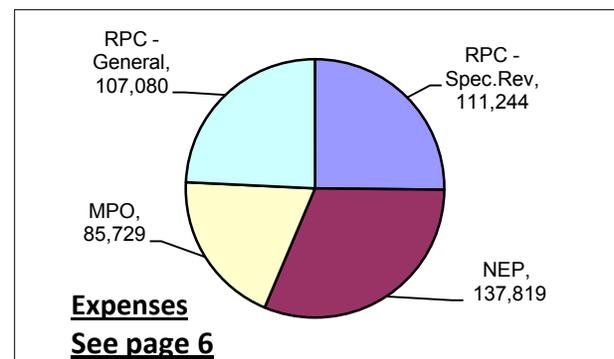
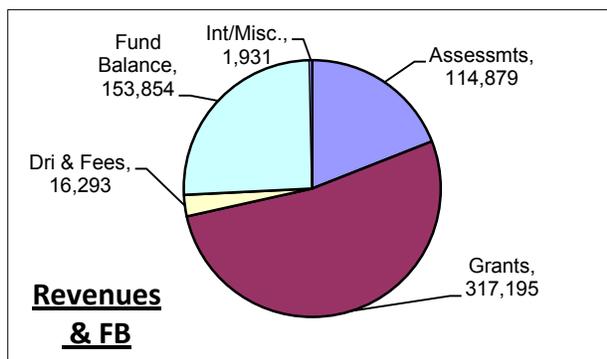
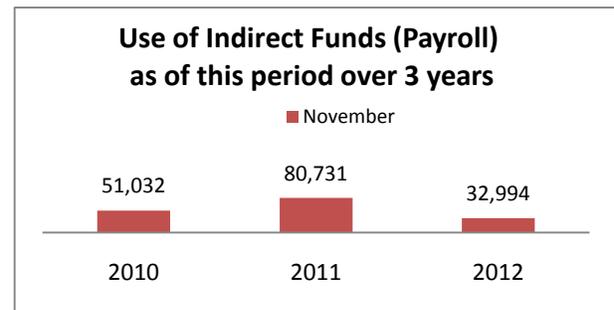
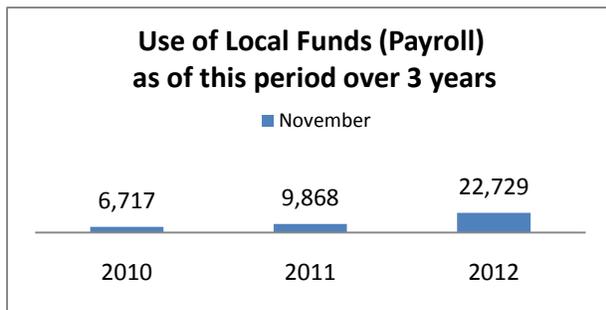
Total revenues to date are: 450,298

Total expenses to date are: 441,872



### Project Balances Available

BroadBand	277,937.15
Economic Development	195,068.88
DEM / HMEP.	48,242.63
Transportation Disadvant.	46,256.68
DRIs / NOPCs	(59,877.96)
EPA Salt Marsh / FAMWQ	411,696.24
ABM	(490.43)
Other	1,164.44
Assessments / Misc	407,570.20





**MONTHLY FINANCIAL CONTENTS**  
**For the month ending November 30, 2011**

	<b>Pages</b>	
<b>Financial Reports:</b>		
Balance Sheet - Governmental Types and Account Groups	1	
Balance Sheet - Assets, Liabilities and Capital	2	
Income Statement - Combined	3	
<p style="margin-left: 40px;">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.</p>		
Income statement - Comparison of current year vs. prior year	4	
<p style="margin-left: 40px;">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.</p>		
<p>Breakdown of actual expenses for the RPC, MPO, NEP including</p> <ul style="list-style-type: none"> <li>- percentages and any amendments requested.</li> <li>- Please note that the Budget on the Income Statement will not reflect any amendments until they are actually approved by the Budget Committee.</li> </ul>		
Combined RPC/MPO/NEP	5	
Actual Totals	6	
RPC by Project	7	
<b>Grant Activity</b>		
Net Income Statement with a breakdown of monthly recognized revenue	8	
Overall view of all Grants (RPC-MPO-NEP)	9	
<p>At the request of our auditors, we are also including a bank reconciliation for the most recent month and a general ledger reflecting our other bank balances.</p>		
<p>There is one CD through Iberia Bank. It is as follows:</p>		
30 months - matures 12/7/12	\$300,000	2.00%
Interest earned to date	\$7,530	

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
COMBINED BALANCE SHEET -  
GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS  
November-11**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
<b>ASSETS AND OTHER DEBIT</b>					
Cash and cash equivalents	\$ 42,512	\$ -	\$ -	\$ -	\$ 42,512
Investments	360,152	-	-	-	360,152
Receivables - grants and contracts	-	336,390	-	-	336,390
Receivables - other	2,494	-	-	-	2,494
Due from other funds	-	(163,448)	-	-	(163,448)
Other assets	536	-	-	-	536
Property and equipment, net	-	-	1,534,499	-	1,534,499
Amount to be provided for retirement of general long-term debt	-	-	-	1,267,204	1,267,204
<b>TOTAL ASSETS AND OTHER DEBIT</b>	<b>\$ 405,695</b>	<b>\$ 172,941</b>	<b>\$ 1,534,499</b>	<b>\$ 1,267,204</b>	<b>\$ 3,380,339</b>
<b>LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>					
<b>LIABILITIES</b>					
Accounts payable and accrued expenses	\$ 451	\$ -	\$ -	\$ -	\$ 451
Retainage payable	40,395	-	-	-	40,395
Due to other governments	-	-	-	-	-
Due to other funds	(163,448)	-	-	-	(163,448)
Deferred revenue - grants and contracts	-	172,941	-	-	172,941
Accrued compensated absences	-	-	-	120,477	120,477
Notes payable	-	-	-	1,146,727	1,146,727
<b>TOTAL LIABILITIES</b>	<b>(122,601)</b>	<b>172,941</b>	<b>-</b>	<b>1,267,204</b>	<b>1,317,544</b>
<b>FUND EQUITY AND OTHER CREDIT</b>					
Investment in general fixed assets	-	-	1,534,499	-	1,534,499
Fund balance					
Reserved, designated	514,000	-	-	-	514,000
Unreserved, undesignated	14,296	-	-	-	14,296
<b>TOTAL FUND EQUITY AND OTHER CREDIT</b>	<b>528,296</b>	<b>-</b>	<b>1,534,499</b>	<b>-</b>	<b>2,062,795</b>
<b>TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT</b>	<b>\$ 405,695</b>	<b>\$ 172,941</b>	<b>\$ 1,534,499</b>	<b>\$ 1,267,204</b>	<b>\$ 3,380,339</b>

SWFRPC  
Balance Sheet  
November 30, 2011

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	42,311.81
Cash - Iberia CDs		307,529.95
Cash - FL Local Gov't Pool		43,924.95
Cash - FL Gov't Pool-Fund B		8,697.36
Petty Cash		200.00
Accounts Receivable		216,206.45
Accounts Receivable-Assessment		37,484.70
Accounts Receivable-MPO		82,698.44
Bulk Mail Prepaid Postage		536.18
Amount t.b.p. for L.T.L.-Leave		79,125.53
FSA Deposit		2,494.46
Amt t.b.p. for L.T.Debt-OPEP		41,351.00
Amount t.b.p. for L.T.Debt		1,146,727.09
		<hr/>
Total Current Assets		2,009,287.92
Property and Equipment		
Property, Furniture & Equip	2,037,040.18	
Accumulated Depreciation	(502,540.69)	
		<hr/>
Total Property and Equipment		1,534,499.49
		<hr/>
Total Assets	\$	<u>3,543,787.41</u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	40,395.49
Deferred Income		172,941.47
United way Payable		326.15
FSA Payable		(180.00)
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		41,351.00
Long Term Debt - Bank of Am.		1,146,727.09
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		1,480,991.98
		<hr/>
Total Liabilities		1,480,991.98
Capital		
Fund Balance-Unassigned		5,869.47
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		1,534,499.49
Net Income		8,426.47
		<hr/>
Total Capital		2,062,795.43
		<hr/>
Total Liabilities & Capital	\$	<u>3,543,787.41</u>

SWFRPC  
Income Statement  
Compared with Budget  
For the Two Months Ending November 30, 2011

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	Current Balance	% Spent Variance
<b>Revenues</b>						
Total Revenues	258,144.39	353,948	450,298.47	4,247,371	3,797,072.5	10.60
<b>Expenses</b>						
Salaries Expense	127,835.26	109,540	205,351.06	1,314,475	1,109,123.9	15.62
FICA Expense	9,530.10	13,750	15,254.31	165,000	149,745.69	9.25
Retirement Expense	6,526.98	8,167	916.68	98,000	97,083.32	0.94
Health Insurance Expense	10,539.15	12,500	40,168.55	150,000	109,831.45	26.78
Workers Comp. Expense	500.00	2,500	875.00	30,000	29,125.00	2.92
Grant/Consulting Expense	2,507.80	3,333	3,003.80	40,000	36,996.20	7.51
NEP-Contractual	58,982.50	9,800	30,239.25	117,600	87,360.75	25.71
MPO-Contractual	0.00	45,559	8,376.00	546,711	538,335.00	1.53
Audit Services Expense	15,000.00	3,833	15,000.00	46,000	31,000.00	32.61
Travel Expense	3,913.97	3,854	6,458.57	46,250	39,791.43	13.96
Telephone Expense	554.98	554	1,231.33	6,650	5,418.67	18.52
Postage / Shipping Expense	1,788.58	2,342	18,932.89	28,100	9,167.11	67.38
Equipment Rental Expense	2,586.05	2,933	5,672.98	35,200	29,527.02	16.12
Insurance Expense	1,692.34	2,750	14,543.24	33,000	18,456.76	44.07
Repair/Maint. Expense	1,604.71	2,083	2,634.71	25,000	22,365.29	10.54
Printing/Reproduction Expense	18,876.75	7,867	13,886.75	94,400	80,513.25	14.71
Utilities (Elec, Water, Gar)	1,916.78	2,500	4,039.52	30,000	25,960.48	13.47
Advertising/Legal Notices Exp	1,976.37	1,296	2,840.63	15,550	12,709.37	18.27
Other Misc. Expense	311.36	375	341.35	4,500	4,158.65	7.59
Office Supplies Expense	785.41	1,546	2,726.34	18,550	15,823.66	14.70
Computer Related Expense	9,442.01	3,475	16,879.39	41,700	24,820.61	40.48
Publication Expense	0.00	333	0.00	4,000	4,000.00	0.00
Prof. Develop./Dues Expense	3,436.18	2,992	5,666.18	35,900	30,233.82	15.78
Meetings/Events Expense	1,723.18	4,983	3,688.42	59,800	56,111.58	6.17
Capital Outlay Expense	0.00	2,417	1,853.21	29,000	27,146.79	6.39
Capital Outlay - Building	0.00	750	0.00	9,000	9,000.00	0.00
Long Term Debt	10,645.92	10,667	21,291.84	128,000	106,708.16	16.63
Reserve for Operations Expense	0.00	56,742	0.00	680,909	680,909.00	0.00
Amount to be Reserved	0.00	34,506	0.00	414,076	414,076.00	0.00
Total Expenses	292,676.38	353,948	441,872.00	4,247,371	3,805,499.0	10.40
Net Income	\$ (34,531.99)	0	\$ 8,426.47	\$ 0	(8,426.47)	0.00

As stated when submitting Annual Budget:  
Both CHNEP and MPO are multi-year budgets - Therefore total budget may appear high

SWFRPC  
Income Statement - Two Years  
For the Two Months Ending November 30, 2011

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
<b>Revenues</b>				
Total Revenues	258,144.39	290,398.48	450,298.47	485,673.37
<b>Expenses</b>				
Salaries Expense	127,835.26	130,795.40	205,351.06	216,224.98
FICA Expense	9,530.10	9,346.80	15,254.31	15,582.90
Retirement Expense	6,526.98	15,151.39	916.68	10,302.71
Health Insurance Expense	10,539.15	15,246.56	40,168.55	44,760.54
Unemployment Comp. Expe	0.00	0.00	0.00	195.11
Workers Comp. Expense	500.00	359.00	875.00	718.00
Grant/Consulting Expense	2,507.80	325.00	3,003.80	780.92
NEP-Contractual	58,982.50	9,060.24	30,239.25	(19,354.32)
MPO-Contractual	0.00	0.00	8,376.00	(18,229.40)
Audit Services Expense	15,000.00	10,000.00	15,000.00	13,000.00
Travel Expense	3,913.97	2,839.73	6,458.57	5,242.75
Telephone Expense	554.98	926.72	1,231.33	2,312.61
Postage / Shipping Expense	1,788.58	7,244.29	18,932.89	11,297.12
Equipment Rental Expense	2,586.05	5,618.18	5,672.98	8,610.08
Insurance Expense	1,692.34	3,884.75	14,543.24	16,327.58
Repair/Maint. Expense	1,604.71	3,124.12	2,634.71	4,678.42
Printing/Reproduction Expen	18,876.75	20,680.90	13,886.75	21,794.24
Utilities (Elec, Water, Gar)	1,916.78	2,411.83	4,039.52	3,887.15
Advertising/Legal Notices Ex	1,976.37	2,347.59	2,840.63	2,517.47
Other Misc. Expense	311.36	0.00	341.35	692.50
Office Supplies Expense	785.41	1,927.66	2,726.34	3,212.58
Computer Related Expense	9,442.01	2,961.31	16,879.39	4,136.31
Publication Expense	0.00	183.34	0.00	531.15
Prof. Develop./Dues Expens	3,436.18	1,250.00	5,666.18	23,754.50
Meetings/Events Expense	1,723.18	10,422.79	3,688.42	16,521.00
Capital Outlay Expense	0.00	0.00	1,853.21	0.00
Long Term Debt	10,645.92	10,645.92	21,291.84	21,291.84
Total Expenses	292,676.38	266,753.52	441,872.00	410,788.74
Net Income	\$ (34,531.99)	\$ 23,644.96	\$ 8,426.47	\$ 74,884.63

RPC-MPO-NEP Combined  
Budget vs. Actual  
For the month ending November 30, 2011

	Combined Actual	Combined Adopted Budget	Combined Total YTD Amendments	Combined Amended Budget	Combined VARIABLE	16.67%
<b>Revenues</b>						
Membership Dues	114,879	459,517	0	459,517	344,638	25.00%
Federal/State/Local Grants	317,195	2,839,764	0	2,839,764	2,522,569	11.17%
Dri/Monitoring Fees	16,293	253,000	0	253,000	236,707	6.44%
Interest And Miscellaneous	1,931	15,000	0	15,000	13,069	12.88%
Carry Over Fund Balance		680,090		680,090		
<b>Total Income</b>	<b>450,298</b>	<b>4,247,371</b>	<b>0</b>	<b>4,247,371</b>	<b>3,116,983</b>	<b>10.60%</b>
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries	205,351	1,314,475	0	1,314,475	1,109,124	15.62%
FICA	15,254	155,000	0	155,000	139,746	9.84%
Retirement	917	98,000	0	98,000	97,083	0.94%
Health Insurance	40,169	150,000	0	150,000	109,831	26.78%
Workers Compensation	875	40,000	0	40,000	39,125	2.19%
<b>Total Personnel</b>	<b>262,566</b>	<b>1,757,475</b>	<b>0</b>	<b>1,757,475</b>	<b>1,494,909</b>	<b>14.94%</b>
Consultant Fees	3,004	40,000	0	40,000	36,996	7.51%
NEP Contractual	30,239	117,600	0	117,600	87,361	25.71%
MPO Contractual	8,376	546,711	0	546,711	538,335	1.53%
Audit Fees	15,000	46,000	0	46,000	31,000	32.61%
Travel	6,459	46,250	0	46,250	39,791	13.96%
Telephone	1,231	6,650	0	6,650	5,419	18.52%
Postage	18,964	28,100	0	28,100	9,136	67.49%
Equipment Rental	5,803	35,200	0	35,200	29,397	16.49%
Insurance	14,543	33,000	0	33,000	18,457	44.07%
Repair/Maintenance	2,635	25,000	0	25,000	22,365	10.54%
Printing/Reproduction	13,887	94,400	0	94,400	80,513	14.71%
Utilities (Elec, Gas, Water)	4,040	30,000	0	30,000	25,960	13.47%
Advertising	2,841	15,550	0	15,550	12,709	18.27%
Other Miscellaneous	341	4,500	0	4,500	4,159	7.59%
Office Supplies	2,596	18,550	0	18,550	15,954	14.00%
Computer Related Expenses	16,879	41,700	0	41,700	24,821	40.48%
Publications	0	4,000	0	4,000	4,000	0.00%
Professional Development	5,635	35,900	0	35,900	30,265	15.70%
Meetings/Events	3,688	59,800	0	59,800	56,112	6.17%
Capital Outlay-Operations	1,853	29,000	0	29,000	27,147	6.39%
Capital Outlay-Building	0	9,000	0	9,000	9,000	0.00%
Long Term Debt	21,292	128,000	0	128,000	106,708	16.63%
Allocation of Fringe/Indirect	0	0	0	0	0	
Amount to be Reserved	0	414,895	0	414,895	414,895	
Reserve for Operation Expense	0	680,090	0	680,090	680,090	
<b>Total Cash Outlays</b>	<b>441,872</b>	<b>4,247,371</b>	<b>0</b>	<b>4,247,371</b>	<b>3,805,499</b>	<b>10.40%</b>
<b>Net Income/(Loss) and Reserved</b>	<b>8,426</b>					

Regional Planning Council  
Budget vs. Actual  
For the month ending November 30, 2011

	Total RPC Special Rev.	RPC General	Total RPC Actual	MPO Actual	CHNEP Actual	Total Combined Actual
<b>Revenues</b>						
Membership Dues	0	114,879	114,879	0	0	114,879
Federal/State/Local Grants	93,646		93,646	85,729	137,819	317,195
Dri/Monitoring Fees	16,293		16,293	0	0	16,293
Interest And Miscellaneous	0	1,931	1,931	0	0	1,931
Carry Over Fund Balance	0		0	0	0	0
<b>Total Income</b>	<b>109,939</b>	<b>116,811</b>	<b>226,750</b>	<b>85,729</b>	<b>137,819</b>	<b>450,298</b>
<b>Expenditures</b>						
<u>Direct:</u>						
Salaries	45,740	96,502	142,242	32,255	30,854	205,351
FICA	0	15,254	15,254	0	0	15,254
Retirement	0	917	917	0	0	917
Health Insurance	0	40,169	40,169	0	0	40,169
Workers Compensation	0	875	875	0	0	875
<b>Total Personnel</b>	<b>45,740</b>	<b>153,717</b>	<b>199,457</b>	<b>32,255</b>	<b>30,854</b>	<b>262,566</b>
Consultant Fees	1,394	1,610	3,004	0	0	3,004
NEP Contractual	0	0	0	0	30,239	30,239
MPO Contractual	0	0	0	8,376	0	8,376
Audit Fees	0	15,000	15,000	0	0	15,000
Travel	3,812	496	4,308	156	1,995	6,459
Telephone	0	1,075	1,075	102	54	1,231
Postage	144	58	203	323	18,439	18,964
Equipment Rental	0	5,803	5,803	0	0	5,803
Insurance	0	14,543	14,543	0	0	14,543
Repair/Maintenance	165	2,470	2,635	0	0	2,635
Printing/Reproduction	0	97	97	50	13,740	13,887
Utilities (Elec, Gas, Water)	0	4,040	4,040	0	0	4,040
Advertising	194	740	934	1,907	0	2,841
Other Miscellaneous	0	331	331	0	10	341
Office Supplies	134	1,163	1,298	1,299	0	2,596
Computer Related Expenses	1,423	15,278	16,701	148	30	16,879
Publications	0	0	0	0	0	0
Professional Development	2,040	2,905	4,945	500	190	5,635
Meetings/Events	0	264	264	0	3,425	3,688
Capital Outlay-Operations	0	1,853	1,853	0	0	1,853
Capital Outlay-Building	0	0	0	0	0	0
Long Term Debt	0	21,292	21,292	0	0	21,292
Allocation of Fringe/Indirect	56,198	-135,654	-79,457	40,613	38,844	0
Amount to be Reserved Reserve for Operation Expense						
<b>Total Cash Outlays</b>	<b>111,244</b>	<b>107,080</b>	<b>218,324</b>	<b>85,729</b>	<b>137,819</b>	<b>441,872</b>
<b>Net Income/(Loss) and Reserved</b>			<b>8,426</b>			<b>8,426</b>

Regional Planning Council  
Budget vs. Actual  
For the month ending November 30, 2011

	DCA	HMEP/SQG EMERG	Economic Developmt.	Hurricane Evac/Coastal Depth Analysis	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.
<b>Revenues</b>								
Membership Dues								0
Federal/State/Local Grants	9,448	4,922	28,446	0	7,325		43,506	93,646
Dri/Monitoring Fees						16,293		16,293
Interest And Miscellaneous								0
Carry Over Fund Balance								0
<b>Total Income</b>	<b>9,448</b>	<b>4,922</b>	<b>28,446</b>	<b>0</b>	<b>7,325</b>	<b>16,293</b>	<b>43,506</b>	<b>109,939</b>
<b>Expenditures</b>								
<b>Direct:</b>								
Salaries	4,023	1,209	11,126	0	3,223	7,680	18,480	45,740
FICA	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0
Health Insurance	0	0	0	0	0	0	0	0
Workers Compensation	0	0	0	0	0	0	0	0
<b>Total Personnel</b>	<b>4,023</b>	<b>1,209</b>	<b>11,126</b>	<b>0</b>	<b>3,223</b>	<b>7,680</b>	<b>18,480</b>	<b>45,740</b>
Consultant Fees	0	0	0	0	0	0	1,394	1,394
NEP Contractual	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0
Travel	326	2,191	179	0	0	0	1,117	3,812
Telephone	0	0	0	0	0	0	0	0
Postage	0	0	0	0	0	0	144	144
Equipment Rental	0	0	0	0	0	0	0	0
Insurance	0	0	0	0	0	0	0	0
Repair/Maintenance	0	0	0	0	0	0	165	165
Printing/Reproduction	0	0	0	0	0	0	0	0
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0
Advertising	37	0	113	0	44	0	0	194
Other Miscelleaneous	0	0	0	0	0	0	0	0
Office Supplies	0	0	0	0	0	0	134	134
Computer Related Expenses	0	0	980	0	0	0	443	1,423
Publications	0	0	0	0	0	0	0	0
Professional Development	0	0	2,040	0	0	0	0	2,040
Meetings/Events	0	0	0	0	0	0	0	0
Capital Outlay-Operations	0	0	0	0	0	0	0	0
Capital Outlay-Building	0	0	0	0	0	0	0	0
Long Term Debt							0	
Allocation of Fringe/Indirect	5,063	1,522	14,008	0	4,058	9,669	21,877	56,198
Amount to be Reserved								
Reserve for Operation Expense								
<b>Total Cash Outlays</b>	<b>9,448</b>	<b>4,922</b>	<b>28,446</b>	<b>0</b>	<b>7,325</b>	<b>17,349</b>	<b>43,754</b>	<b>111,244</b>
<b>Net Income/(Loss) and Reserved</b>								

**Southwest Florida Regional Planning Council**  
**For the month ending November 30, 2011**

**Net Income/Loss Statement**

	Prior Period	Budget	Current Period	Current Period as % of Rev/Exp	% Change from Prior Period	% of Budget
<b>Revenue</b>						
DCA - TITLE III	4,989		9,448			
SALT MARSH LANDS	13,520		34,244			
WETLANDS	997		6,851			
ECONOMIC DEVELOP.	11,263		28,446			
HMEP-PLANNING and TRAINING	2,031		4,922			
SQG	0		0			
TD GLADES/HENDRY	816		4,366			
TD LEE	718		2,958			
COASTAL DEPTH or HURRICANE EVAC			0			
NEFRC POs: Workshop			1,500			
CLIMATE RESILIENCY			0			
PG EAR			0			
<b>TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)</b>	<b>34,334</b>	<b>649,715</b>	<b>92,735</b>	<b>20.6%</b>	<b>170.1%</b>	<b>14.3%</b>
DRIs/NOPCs - DRI MON.	4,848	253,000	16,293	3.6%	236.1%	6.4%
ASSESSMENTS & MISC INC. (Includes ABM)	116,542	474,517	117,722	26.1%	1.0%	24.8%
CHNEP	6,492	979,300	137,819	30.6%	2022.9%	14.1%
MPO	29,947	1,210,749	85,729	19.0%	186.3%	7.1%
<b>Total Revenue</b>	<b>192,163</b>	<b>3,567,281</b>	<b>450,298</b>	<b>100.0%</b>	<b>134.3%</b>	<b>12.6%</b>
<b>Operating Expenses (all 3 entities-RPC,MPO,NEP)</b>						
Salaries and Fringe (all personnel)	107,579	1,757,475	262,566	59.4%	144.1%	14.9%
Consultant Fees	496	40,000	3,004	0.7%	505.6%	7.5%
NEP Contractual	-28,743	117,600	30,239	6.8%	-205.2%	25.7%
MPO Contractual	8,376	546,711	8,376	1.9%	0.0%	1.5%
Audit Fees		46,000	15,000	3.4%	#DIV/0!	32.6%
Travel	2,545	46,250	6,459	1.5%	153.8%	14.0%
Telephone	676	6,650	1,231	0.3%	82.1%	18.5%
Postage	17,144	28,100	18,964	4.3%	10.6%	67.5%
Equipment Rental	3,087	35,200	5,803	1.3%	88.0%	16.5%
Insurance	12,851	33,000	14,543	3.3%	13.2%	44.1%
Repair/Maintenance	1,030	25,000	2,635	0.6%	155.8%	10.5%
Printing/Reproduction	-4,990	94,400	13,887	3.1%	-378.3%	14.7%
Utilities (Gas,Water, Garb.)	2,123	30,000	4,040	0.9%	90.3%	13.5%
Advertising	864	15,550	2,841	0.6%	228.8%	18.3%
Other Miscellaneous	30	4,500	341	0.1%	1037.8%	7.6%
Office Supplies	1,941	18,550	2,596	0.6%	33.8%	14.0%
Computer Related Exps.	7,437	41,700	16,879	3.8%	127.0%	40.5%
Publications	0	4,000	0	0.0%	-	-
Professional Development	2,230	35,900	5,635	1.3%	152.7%	15.7%
Meetings/Events	1,965	59,800	3,688	0.8%	87.7%	6.2%
Capital Outlay-Operations	1,853	29,000	1,853	0.4%	0.0%	6.4%
Capital Outlay-Building	0	9,000	0	0.0%	-	-
Long Term Debt	10,646	128,000	21,292	4.8%	100.0%	16.6%
<b>Total Operating Expenses</b>	<b>149,140</b>	<b>3,152,386</b>	<b>441,872</b>	<b>100.0%</b>	<b>196.3%</b>	<b>14.0%</b>
<b>Net Income or (loss)</b>	<b>43,023</b>	<b>414,895</b>	<b>8,426</b>			

**OVERALL VIEW OF ESTABLISHED ACTIVE GRANTS INCLUDING MPO AND CHNEP**

Agency / Contract #	PROJECT NAME	CDFR/ CSFA	GRANT PERIOD	FEDERAL	STATE	OTHER or MATCH	TOTAL	TOTAL SPENT	BALANCE
DEM 12-CP-03-13-00-21-141	DEM - TITLE III	52-006	7/1/11 - 6/30/12		40,909		40,909	35,022	5,887
EPA CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	240,556	59,169
TBPRC Interagency Agreement	BROADBAND GRANT		9/28/10 - 9/30/13	308,800			308,800	30,863	277,937
EDA 04-83-06492 (w/match)	ECONOMIC DEVELOP.2010-12	11-300	1/1/11 - 12/31/13	189,000		81,000	270,000	74,931	195,069
DEM 12-DT-00-13-00-21-000	HMEP-PLANNING	20-703	10/1/11 - 09/30/12	15,000			15,000	1,033	13,967
DEM 12-DT-00-13-00-21-000	HMEP-TRAINING	20-703	10/1/11 - 09/30/12	28,777			28,777	3,888	24,889
Glades/Hendry Counties	SQG	N/A	10/1/11 - 09/30/12			3,500	3,500	0	3,500
TD AQC 33	TD GLADES/HENDRY	55-002	7/1/11 - 6/30/12		35,139		35,139	10,220	24,919
TD AQB 42	TD LEE	55-002	7/1/11 - 6/30/12		29,517		29,517	8,180	21,337
LEE PO # 204716	CLIMATE RESILIENCY	N/A	NEFPC Grant			30,000	30,000	30,005	-5
PO # 42845	PG EAR	N/A	07/10 - 08/11			28,000	28,000	26,373	1,627
Sponsors	ABM	N/A	N/A			7,700	7,700	8,190	-490
EPA CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/12	600,000		382,000	982,000	137,819	844,181
FHA/US DOT THRU FDOT 420869-1-14-01-0261 (47)	MPO	20-205	7/1/10 - 6/30/12	1,055,701		131,683	1,187,384	386,323	801,060
FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			517,218	517,218	577,096	-59,878

SWFRPC  
 Account Reconciliation  
 As of Oct 31, 2011  
 101000 - Cash - Bank of America Oper.  
 Bank Statement Date: October 31, 2011

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Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance			153,239.78
Add: Cash Receipts			249,253.24
Less: Cash Disbursements			(223,348.30)
Add (Less) Other			(44,668.37)
Ending GL Balance			<u>134,481.89</u>
Ending Bank Balance			208,322.62
Add back deposits in transit			
Total deposits in transit			
(Less) outstanding checks			
	Nov 1, 2010	42330	(51.62)
	Feb 1, 2011	42556	(63.19)
	Feb 1, 2011	42567	(55.18)
	Apr 21, 2011	42753	(80.00)
	May 18, 2011	42812	(51.62)
	May 31, 2011	42859	(20.47)
	Sep 21, 2011	43228	(250.00)
	Sep 30, 2011	43240	(250.00)
	Sep 30, 2011	43248	(59.20)
	Sep 30, 2011	43261	(42.72)
	Oct 6, 2011	43282	(106.80)
	Oct 20, 2011	43289	(377.84)
	Oct 20, 2011	43291	(186.56)
	Oct 20, 2011	43294	(51.62)
	Oct 20, 2011	43300	(26.00)
	Oct 20, 2011	43305	(175.93)
	Oct 28, 2011	43306	(125.00)
	Oct 28, 2011	43307	(13,190.00)
	Oct 28, 2011	43308	(140.00)
	Oct 28, 2011	43309	(375.00)
	Oct 28, 2011	43310	(954.76)
	Oct 28, 2011	43311	(2,193.78)
	Oct 28, 2011	43312	(430.00)
	Oct 28, 2011	43313	(6,295.20)
	Oct 28, 2011	43314	(148.38)
	Oct 28, 2011	43315	(118.58)
	Oct 28, 2011	43316	(250.00)
	Oct 28, 2011	43317	(213.60)
	Oct 28, 2011	43318	(63.24)
	Oct 28, 2011	43319	(527.00)
	Oct 28, 2011	43320	(211.35)
	Oct 28, 2011	43321	(118.40)
	Oct 28, 2011	43322	(80.28)
	Oct 28, 2011	43323	(4,130.40)
	Oct 28, 2011	43324	(214.00)
	Oct 28, 2011	43325	(2,000.00)
	Oct 28, 2011	43326	(1,699.17)
	Oct 28, 2011	43327	(12,565.51)
	Oct 28, 2011	43328	(13,000.00)
	Oct 28, 2011	43329	(10.00)
	Oct 28, 2011	43330	(4,000.00)
	Oct 28, 2011	43331	(8,376.00)
	Oct 28, 2011	43332	(250.00)
	Oct 28, 2011	43333	(312.33)
Total outstanding checks			<u>(73,840.73)</u>
Add (Less) Other			
Total other			
Unreconciled difference			<u>0.00</u>

SWFRPC  
Account Reconciliation  
As of Oct 31, 2011  
101000 - Cash - Bank of America Oper.  
Bank Statement Date: October 31, 2011

Filter Criteria includes: Report is printed in Detail Format.

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Ending GL Balance

134,481.89

SWFRPC  
General Ledger

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For the Period From Nov 1, 2011 to Nov 30, 2011

Filter Criteria includes: 1) IDs from 101001 to 101006B. Report order is by ID. Report is printed with shortened descriptions and in Summary By Period Format.

<b>Account ID</b> <b>Account Description</b>	<b>Date</b>	<b>Trans Description</b>	<b>Debit Amt</b>	<b>Credit Amt</b>	<b>Balance</b>
101002 Cash - Iberia CDs	11/1/11	Beginning Balance			307,529.95
	11/30/11	Ending Balance			307,529.95
101006 Cash - FL Local Gov't Pool	11/1/11	Beginning Balance			43,924.95
	11/30/11	Ending Balance			43,924.95
101006B Cash - FL Gov't Pool-Fund	11/1/11	Beginning Balance			8,697.36
	11/30/11	Ending Balance			8,697.36



### SWFRPC Upcoming Opportunities

Name of Project	Funding Source	Due Date, Total Requested & In-kind or Match	Details & Date Grant Submitted	Lead
Gulf Coast Ecosystem Restoration grants	unknown	unknown	restoration of the Gulf of Mexico ecosystems	CHNEP
Interoperable Communications Exercise Implementation	Homeland Security/DEM via NEFRC	P.O. pending	anticipated implementation in early 2012	?
Tactical Interoperable	Homeland Security/DEM via	P.O. pending		?, Nichole Gwinett
Training & Exercise Statewide Planning Workshop	Homeland Security/DEM via NEFRC	P.O. pending	Early 2012	John Gibbons

<b>SWFRPC CURRENTLY WORKING ON</b>									
<b>Name of Project</b>	<b>SWFRPC Mission Implemented</b>	<b>Funding Source</b>	<b>\$\$ requested for RPC staff</b>	<b>Total Request</b>	<b>Inkind or Match</b>	<b>Total value of project</b>	<b>Date Grant Submitted</b>	<b>Project Award Date/Length of Grant</b>	<b>Lead</b>
Energy Resiliency Strategy		DOE/TBRPC	??	??	??				

SWFRPC GRANTS SUBMITTED									
Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
NSF ITEST Grant	FGCU/SWFRPC/CH NEP	National Science Foundation	\$51,509	??	0		5/10/2011	3 years	Liz
DEM 5 Additional Storm Tide Atlases	SWFRPC	State Division of Emergency Management	\$72,760	\$72,760	\$0	\$72,760	7/12/2011	FY2013	Dan T. and Dan C.
Measuring and Forecasting Ecosystem Services from Habitat Condition Analyses	CHNEP	EPA/Gulf of Mexico Regional Program	\$497,418	\$561,418	\$64,000	\$561,418	9/30/2011	3 years	Jim/Liz/Whitney
Charlotte Harbor: Peer to Peer Experiential Learning through Social Media and Technology	CHNEP	NOAA	\$9,310	\$91,810	\$233,000	\$324,810	10/14/2011	3 yrs.	Maran
Water Quality Monitoring to Ascertain the Extent Local Septic Systems Have on Charlotte Harbor Waterways	CHNEP	EPA	\$0	\$77,640	\$45,142	\$122,782	11/4/2011	30 months	Judy
EPA Brownfields	SWFRPC	EPA	1,000,000	1,000,000	0	1,000,000	11/23/2011	2 years	John Gibbons

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8c

Hacienda Lakes DRI –  
Development Order Review

8c

8c

## **HACIENDA LAKES DRI REVIEW OF THE COLLIER COUNTY DEVELOPMENT ORDER**

### Council Recommendations (Attachment I)

On June 16, 2011, the Southwest Florida Regional Planning Council (SWFRPC) recommended conditional approval of the Hacienda Lakes Application for Development Approval. The approval was subject to regional conditions relating to Historical/Archeological Sites, Energy, Hurricane Preparedness, Solid/Hazardous/Medical Waste, Stormwater Management, Water Supply and Wastewater Management, Transportation, Vegetation and Wildlife/Wetlands and Consistency with the Local Comprehensive Plan and Strategic Regional Policy Plan. The local conditions recommended are related to Education, Police and Fire Protection and Recreation and Open Space.

### Collier County Development Order (Attachment II)

On October 25, 2011, the Collier County Board of County Commissioners approved the Hacienda Lakes Development Order. A copy of the development order (see Attachment II) was rendered to the SWFRPC on November 1, 2011. Based on the rendered date, the 45-day appeal period for the development order expires on December 15, 2011. Staff review of the attached development order finds that it is consistent with all regional issues and recommendations identified within the Council's Official Recommendations.

**RECOMMENDED ACTION:** Accept the development order as rendered.



## ATTACHMENT I

SWFRPC'S OFFICIAL  
DEVELOPMENT OF REGIONAL  
IMPACT ASSESSMENT FOR  
THE HACIENDA LAKES  
DRI # 07-0506-175

The Hacienda Lakes Development of Regional Impact is located east of Collier Boulevard (C.R. 951) near the intersection of Rattlesnake Hammock Road in unincorporated Collier County (see attached location map). The total acreage of the DRI is approximately 2,262.14 acres. The project proposes a maximum 1,760 residential dwelling units; a maximum of 327,500 +/- square feet of retail (convenience, general and specialty retail); 70,000 square feet of professional and medical office space; a 135 room hotel; 140,000 square feet of business park or school; and an elementary school to serve up to 919 students; maintain the existing Swamp Buggy attraction land on a parcel consisting of 47.2 +/- acres; and maintain the existing Junior Deputies passive recreation facilities on a 23 + site. The DRI includes approximately 1,544 acres of preserve, which includes both uplands and wetlands (see attached master development plan). Potable water supply, reuse water if available, and wastewater treatment will be provided by Collier County. The DRI will be developed in one 8 year phase, which is divided into two stages, commencing in 2012 with buildout in 2019.

**RECOMMENDED ACTION:**

The Southwest Florida Regional Planning Council recommends Conditional Approval of the Hacienda Lakes DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Collier County Board of County Commissioners.

**JUNE 2011**

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

SWFRPC'S OFFICIAL  
RECOMMENDATIONS

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**DEVELOPMENT OF REGIONAL  
IMPACT ASSESSMENT  
FOR  
HACIENDA LAKES  
DRI # 07-0506-175**

**JUNE 2011**



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

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 Ms. Dianne Davies, SWFWMD  
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 Ms. Tammie Nemecek, EDC of Collier County

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KEN HEATHERINGTON.....EXECUTIVE DIRECTOR  
 DAVID HUTCHINSON...PLANNING DIRECTOR  
 LIZ DONLEY.....LEGAL COUNSEL

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 Daniel L. Trescott  
 Gaila Triggs  
 Jason Utley  
 Timothy Walker  
 Janice Yell

PRIMARY STAFF FOR  
THE HACIENDA LAKES DRI REVIEW

Coordinator – David Hutchinson

Reviewers:

Vegetation and Wildlife and Wetlands, Stormwater Management, Historical and Archaeological,  
Water Supply and Waste Water Management - James W. Beaver

Consistency with Local Comprehensive Plan – David Crawford

Education, Solid/Hazardous Waste and Police, Fire Protection, and Energy - John L. Gibbons

Hurricane Preparedness – Jennifer Pellechio

Transportation – David Hutchinson and Ron Gogoi

Recreation and Open Space - James Beaver

Consistency with the Strategic Regional Policy Plan – Dan Trescott and Dave Hutchinson

Affordable Housing and Water – Jim Beaver

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## INTRODUCTION

The Hacienda Lakes Development of Regional Impact is located east of Collier Boulevard (C.R. 951) near the intersection of Rattlesnake Hammock Road in unincorporated Collier County. The total acreage of the DRI is approximately 2,262.14 acres. The project proposes a maximum 1,760 residential dwelling units; a maximum of 327,500 +/- square feet of retail (convenience, general and specialty retail); 70,000 square feet of professional and medical office space; a 135 room hotel; 140,000 square feet of business park or school; and an elementary school to serve up to 919 students; maintain the existing Swamp Buggy attraction land on a parcel consisting of 47.2 +/- acres; and maintain the existing Junior Deputies passive recreation facilities on a 21.6 + site. The DRI includes approximately 1,544 acres of preserve, which includes both uplands and wetlands. Potable water supply, reuse water if available, and wastewater treatment will be provided by Collier County. The DRI will be developed in one 8 year phase, which is divided into two stages, commencing in 2012 with buildout in 2019.

## IMPACT ASSESSMENT AND RECOMMENDATIONS

The impact assessment for the Hacienda Lakes Application for Development Approval (ADA) has been prepared by the Southwest Florida Regional Planning Council as required by Chapter 380.06, Florida Statutes. The DRI assessment is largely based on information supplied in the ADA and subsequent sufficiency review rounds. Additional information was obtained by contacting local officials, consulting official plans, and by reviewing reports related to specific issues in the impact assessment. The Department of Environmental Protection and South Florida Water Management District reviewed water-related and wetland elements. The Florida Department of Transportation reviewed the transportation element. The Florida Fish and Wildlife Conservation Commission reviewed the vegetation and wildlife elements. Not all reviewing agencies have issued final comment letters. Review agencies have either had their concerns addressed adequately during the sufficiency review rounds or additional final comment letters will be used to craft the conditions in the local development order.

The Council staff assessment will address both regional and local issues. The regional issues are those that affect more than one jurisdiction. Local issues are those that affect only the local jurisdiction in which the project exists. Recommendations made by the staff regarding these issues are formal conditions to be included by the local government in any development order that is issued.

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

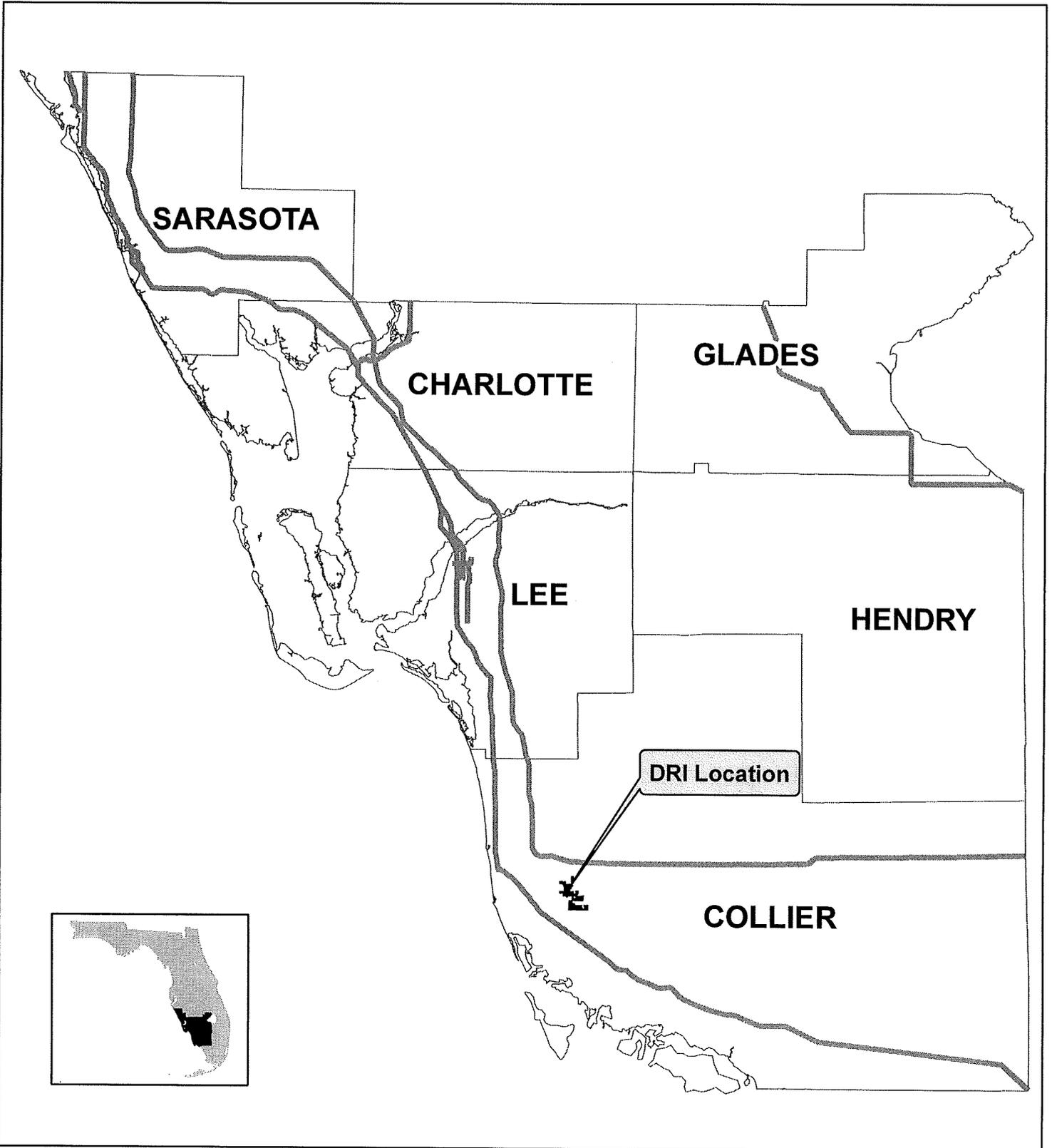
**APPLICANT INFORMATION AND DEVELOPMENT SUMMARY**

**APPLICANT INFORMATION**

Project Name	Hacienda Lakes
Applicant	Hacienda Lakes of Naples, LLC Mr. David E. Torres 12600 Biscayne Court Naples, Florida 34105
Date on which DRI/ADA was officially accepted	July 17, 2006
Date on which DRI/ADA was found insufficient	April 13, 2011
County DRI Hearing Date	September 13, 2011
Date County Notified SWFRPC of Public Hearing	April 27, 2011
Type of Development	Mixed use consisting of residential, retail/commercial/service, office and hotel
Location of Development	Collier County
DRI Threshold	400,000 sq. ft. of commercial/retail, 300,000 sq. ft. of office, 2,000 residential dwelling units and 350 hotel rooms

**Development Summary**

Mixed Use	The proposed project will have a mix of uses including 1,760 residential units, 375,000 sq. ft. of commercial/retail commercial, 75,000 sq. ft. of professional office and 135 hotel rooms.
Total Acres	2,264 ± acres
Estimated Average Potable Water Demand	The applicant estimates the project will create a demand for 1.66 MGD of water (0.66 MGD of potable water and 1.0 MGD of non-potable water).
Estimated Average Wastewater Demand	The applicant estimates the project will create 0.415 MGD of wastewater.
Estimated Solid Waste Generation	The applicant estimates the project will generate 19.35 cubic yards of solid waste per day or 5.70 tons per day.
Project Construction Period	Eight (8) years until 2019



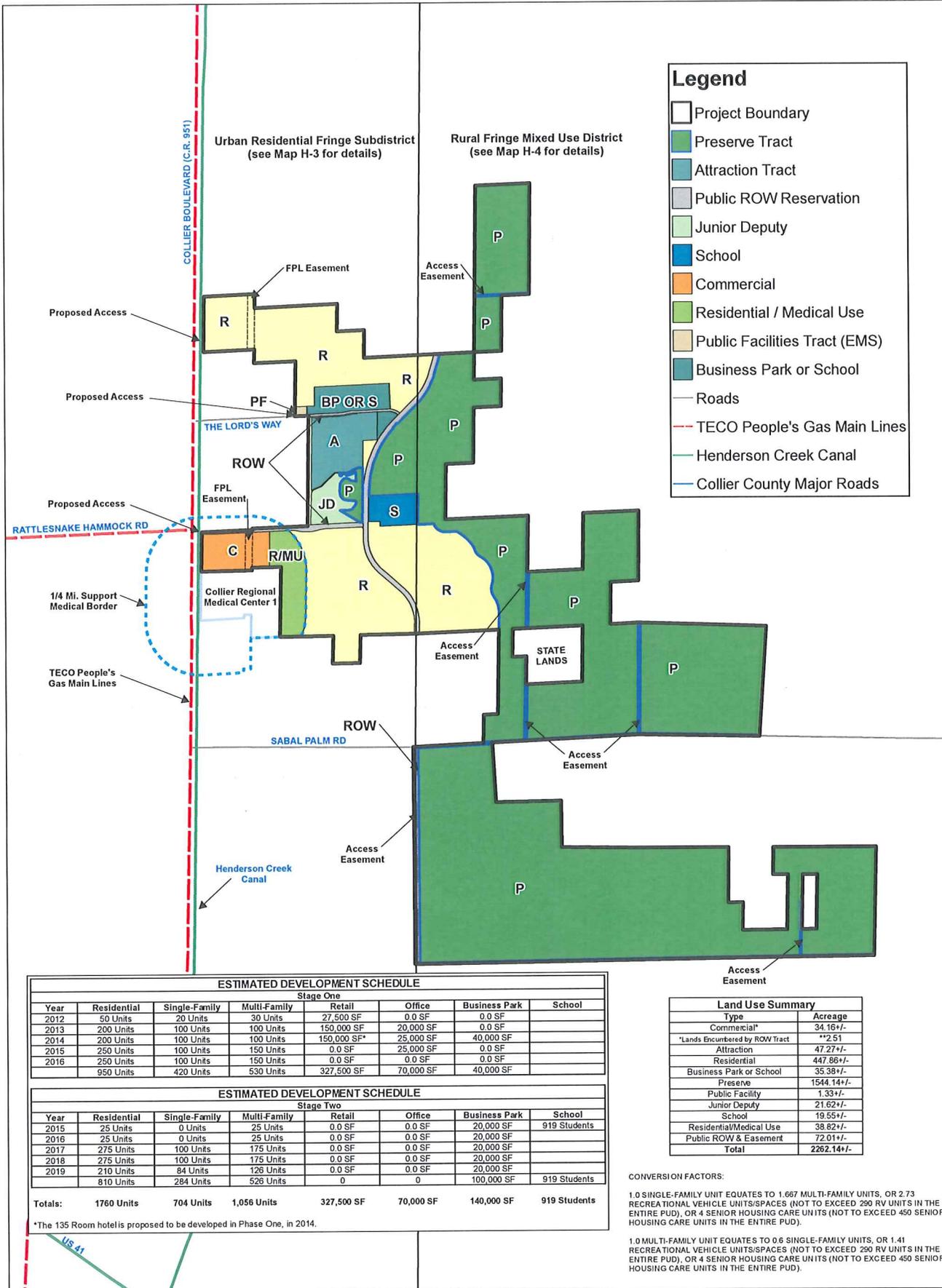
# Hacienda Lakes (aka Toll-Rattlesnake)

## DRI Location Map



0 2.5 5 10 15 20 Miles





**ESTIMATED DEVELOPMENT SCHEDULE**

Stage One							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2012	50 Units	20 Units	30 Units	27,500 SF	0.0 SF	0.0 SF	
2013	200 Units	100 Units	100 Units	150,000 SF	20,000 SF	0.0 SF	
2014	200 Units	100 Units	100 Units	150,000 SF*	25,000 SF	40,000 SF	
2015	250 Units	100 Units	150 Units	0.0 SF	25,000 SF	0.0 SF	
2016	250 Units	100 Units	150 Units	0.0 SF	0.0 SF	0.0 SF	
	950 Units	420 Units	530 Units	327,500 SF	70,000 SF	40,000 SF	

**ESTIMATED DEVELOPMENT SCHEDULE**

Stage Two							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2015	25 Units	0 Units	25 Units	0.0 SF	0.0 SF	20,000 SF	919 Students
2016	25 Units	0 Units	25 Units	0.0 SF	0.0 SF	20,000 SF	
2017	275 Units	100 Units	175 Units	0.0 SF	0.0 SF	20,000 SF	
2018	275 Units	100 Units	175 Units	0.0 SF	0.0 SF	20,000 SF	
2019	210 Units	84 Units	126 Units	0.0 SF	0.0 SF	20,000 SF	
	810 Units	284 Units	526 Units	0	0	100,000 SF	919 Students
<b>Totals:</b>	<b>1760 Units</b>	<b>704 Units</b>	<b>1,056 Units</b>	<b>327,500 SF</b>	<b>70,000 SF</b>	<b>140,000 SF</b>	<b>919 Students</b>

\*The 135 Room hotel is proposed to be developed in Phase One, in 2014.

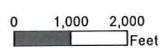
**Land Use Summary**

Type	Acres
Commercial*	34.16+/-
*Lands Encumbered by ROW Tract	**2.51
Attraction	47.27+/-
Residential	447.86+/-
Business Park or School	35.38+/-
Preserve	1544.14+/-
Public Facility	1.33+/-
Junior Deputy	21.62+/-
School	19.55+/-
Residential/Medical Use	38.82+/-
Public ROW & Easement	72.01+/-
<b>Total</b>	<b>2282.14+/-</b>

**CONVERSION FACTORS:**

1.0 SINGLE-FAMILY UNIT EQUATES TO 1.667 MULTI-FAMILY UNITS, OR 2.73 RECREATIONAL VEHICLE UNITS/SPACES (NOT TO EXCEED 290 RV UNITS IN THE ENTIRE PUD), OR 4 SENIOR HOUSING CARE UNITS (NOT TO EXCEED 450 SENIOR HOUSING CARE UNITS IN THE ENTIRE PUD).

1.0 MULTI-FAMILY UNIT EQUATES TO 0.6 SINGLE-FAMILY UNITS, OR 1.41 RECREATIONAL VEHICLE UNITS/SPACES (NOT TO EXCEED 290 RV UNITS IN THE ENTIRE PUD), OR 4 SENIOR HOUSING CARE UNITS (NOT TO EXCEED 450 SENIOR HOUSING CARE UNITS IN THE ENTIRE PUD).



23 OCT 2011  
10:55 AM  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS  
AND RECOMMENDATIONS

**REGIONAL**

**IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL DATED AS AMENDED BY THE SUFFICIENCY REPORTS DATED JULY 17, 2006, NOVEMBER 13, 2006, JULY 29, 2010, OCTOBER 26, 2010 AND MARCH 7, 2011 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

Mixed use developments generate both an increase in employment and residential population. It is assumed that a percentage of the workers generated by developments of this nature will be accommodated within the development boundaries as part of the residential population. In the event that this is not feasible, it is the Southwest Florida Regional Planning Council's position that housing be provided off site within a reasonable distance from the development or the applicant may make payment in lieu of providing offsite affordable housing. The residential component of the Hacienda Lakes project incorporates a mix of housing types. To summarize, the applicant's housing analysis indicates there should be *no* unsatisfied affordable housing demand generated by the proposed project.

**RECOMMENDATIONS**

**2. HISTORICAL AND ARCHAEOLOGICAL SITES (Refer to Appendix I, Section B)**

The Archaeological and Historical Conservancy performed a Phase One Archaeological Assessment of the Hacienda Lakes Parcel. The Assessment of the Hacienda Lakes Parcel prepared by the Archaeological and Historical Conservancy was submitted to the Department of State, Division of Historical Resources (DHR). Based on the information provided, the DHR concurred with the determinations of eligibility for 8CR556, 8CR878, 8CR879, 8CR880, and 8CR881. The DHS also concurred with the recommended avoidance of all recorded sites within the project area. And that the proposed project should be granted clearance but if cultural material is encountered during any ground disturbing activities, further consultation with this office will be required. All five archaeological sites identified within Hacienda Lakes are located in the areas designated Preserve. No additional protection or mitigation of impacts to the sites is proposed. A sixth site is located within a 30 acres out-parcel surrounded by the proposed project site boundary.

**RECOMMENDATIONS**

Any DRI Development Order issued by the Collier County Board of County Commissioners shall contain the following provisions:

- 1) The Owner shall preserve in perpetuity the five archaeological sites 8CR556, 8CR878, 8CR881, 8CR879, and 8CR880 within Hacienda Lakes property and such sites shall be recorded as denoted AP (Archaeological Preserve) on Sheets 3-12 in the MPUD Master Plan

set. Such annotation (i.e., AP, Archaeological Preserve) shall appear on all applicable plats, and development order site plans that may be proffered in the future that are within 50 feet of the five defined archaeological sites.

- 2) In areas where the archeological sites are located in the vicinity of proposed development, a buffer or conservation easement, a minimum of 25 feet in width shall be preserved, or upon approval of County equivalent protections, such as temporary fencing or other structural barriers, shall be constructed around the archaeological sites.
- 3) The five archaeological sites must remain undeveloped. An access easement of 15 feet, outside the conservation easement, around the archaeological sites for potential digs and further study shall be provided by the Owner upon County request at no cost to County. Disturbance to these five protected archaeological sites may only occur with County approval, and any disturbance shall only be permitted under the direct supervision of a qualified archaeologist.
- 4) Historical/archeological areas shall not be used to meet preserve requirements.
- 5) The Developer shall reasonably accommodate the Division of Historical Resource's (DHR) investigation of these sites by allowing access to the archaeological sites by properly credentialed investigators, whenever such access can be reasonably accommodated.
- 6) If any additional archaeological/historical sites are uncovered during the proposed development activities, all work in the immediate vicinity of such sites shall cease immediately, and the Owner shall contact DHR, SWFRPC, and Collier County so that a state certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

### 3. **ENERGY** (Refer to Appendix I, Section C)

The proposed development will be electrically powered and will significantly increase the energy demands of the region.

#### **RECOMMENDATIONS**

Any Master DRI Development Order issued by Collier County shall contain the following provisions:

- (1) The applicant proposes to include various energy efficient features. Some notable commitments are listed below.
  - Use of energy efficient features in window design
  - Use of operable windows and ceiling fans
  - Installation of energy-efficient appliances and equipment
  - Prohibitions of deed restrictions or covenants that would prevent energy conservation.
  - Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.

- (2) Provision of a bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project. This system is to be consistent with local government requirements.
- (3) Provision of bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.
- (4) Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflecting light and heat.
- (5) Use of water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minutes (at 80 pounds of water pressure per square inch).
- (6) Selections of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- (7) Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.
- (8) Planting of native shade trees for each residential unit.
- (9) Inclusion of porch/patio areas in residential units.
- (10) Within six months of the county's issuance of a certificate of occupancy for greater than 50,000 square feet of land uses permitted in the Commercial Tract C, the Owner shall construct, at no cost to Collier County one (1) bus stop/shelter within the project, as generally depicted and provided for within ADA Map O.
- (11) Deed restricts, covenants, and design guidelines shall include provisions requiring compliance with H through Q.
- (12) Consideration by project architectural review committee (s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.
- (13) The development will participate in Collier County's Single Stream Recycling (SSR) program.
- (14) The developer shall not prohibit potential home buyers to select photovoltaic cells, solar hot water heaters, green roofs and other alternative energy or energy efficient features as an option at their own expense. The above conditions shall be reported in the annual monitoring report.
- (15) Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards, if required of all developers by Collier County.

#### 4. HURRICANE PREPARDNESS (Refer to Appendix I, Section D)

The Hacienda Lakes Development DRI is located in an area subject to storm surge flooding in Category 1, 2, and 3 hurricanes. This area is within the Category 3 Storm Surge area as depicted on the SLOSH Model for Collier County and is not classified as a high hazard hurricane evacuation area.

#### RECOMMENDATIONS

Any Master DRI Development Order issued by Collier County shall contain the following provision

The following supplies and equipment shall be purchased by the Developer for Collier County Emergency Management in accordance with its specifications and in some cases sole source provider and delivered in new condition, free on board (FOB) to the Collier County Emergency Services Center. The following contributions above shall be a one-time contribution in full mitigation of all requirements of the current project scope of the Hacienda Lakes DRI:

- (a) Two (2) new 45kw towable portable generators with heavy duty diesel engine, sound insulated, manufactured by Godwin Pump and Generator to exactly match the supplies, equipment, and power distribution systems approved and currently in use; or near the time of equipment acquisition by the Developer, as approved by the Collier County Emergency Management Department. This is a sole source procurement to ensure compatibility and parallel operations of generators within Collier County's existing fleet and insure the ability to provide essential emergency portable power to additional evacuation shelter spaces consumed by the increased shelter census created by the Hacienda Lakes DRI. Collier County will assume all maintenance, repair, and replacement of these generators following satisfactory acceptance by Collier County beyond the warranty period. Delivery of the first portable generator shall occur prior to the issuance of the first residential certificate of occupancy. Delivery of the second generator shall occur at the earlier of (i) 24 months from the issuance of the first residential certificate of occupancy or (ii) the issuance of the certificate of occupancy of the 300th residential unit within the development.
- (b) Two (2) new enclosed utility trailers for the storage and transport of the supplies noted above. Collier County will own and maintain these trailers and augment them with other minor disaster supplies in a fashion similar to its current disaster response unit (DRU) shelter supply delivery system. These trailers shall be new, from a Collier County approved list of vendor(s) and be at least 16 feet in length, dual axle load rated at 7,000 lbs. with trailer brakes, with laminate finish interior wall and floor finish, cabinets, shelving and load secure devices, Florida Department of Transportation approved for highway use, dropdown rear door and curbside door and extended tongue hitch length. At least one of the two trailers noted above must included interior AC wiring, lighting, a generator connection, circuit breaker and roof mounted air conditioning to allow the empty trailer to be used for special post disaster field offices, damage assessment and relief efforts identical to the County's existing fleet of disaster supply trailers. Delivery of the utility trailers shall occur at the earlier of (i) 12 months from the

issuance of the first residential certificate of occupancy or (ii) the issuance of the certificate of occupancy of the 150th residential unit within the development.

- (c) Four hundred and twenty-two (422) new military type adult folding disaster cots from a Collier County approved list of eligible vendors and approved type and style. Said cots shall be compatible with Collier County's existing storage and delivery systems and shall be provided at the earlier of (i) 48 months from the issuance of the first residential certificate of occupancy, or (ii) the issuance of the certificate of occupancy for the 1200th residential unit within the development.
- (d) Seventy-two (72) new special needs disaster cots from a Collier County approved list of eligible vendors and approved type and style. Said cots shall be compatible with Collier County's existing storage and delivery systems and shall be provided at the earlier of (i) 36 months from the issuance of the first residential certificate of occupancy, or (ii) the issuance of the certificate of occupancy of the 900th residential unit within the development.
- (e) All deeds to property located within Hacienda Lakes shall be accompanied by a disclosure statement in the form of a covenant stating that the property is located in a hurricane vulnerability zone, that the hurricane evacuation clearance time for Collier County or the Southwest Florida Region is high, and/or hurricane shelter spaces are limited.

All commitments made by the applicant, within the ADA, and subsequent sufficiency round information, related to Question 16 (Floodplains) and Question 23 (Hurricane Preparedness), and not in conflict with the above recommendations, shall be incorporated in the Collier County Development Order as conditions for approval.

##### **5. SOLID/HAZARDOUS/MEDICAL WASTE (Refer to Appendix I, Section E)**

The project will increase the solid waste demands in the region. Solid waste generated at the project will be disposed at the Collier County Landfill.

#### **RECOMMENDATIONS**

Any DRI Development Order issued by the Collier County shall contain the following provisions.

- 1) The applicant will incorporate the solid waste demands of the project into the county solid waste management program and explore possibilities of extending the life of the landfill by reducing the solid waste volumes by incorporating practices such as conservation, recycling, trash compaction, and mechanical shredding.
- 2) Any business within the development that generates hazardous waste shall be responsible for the temporary storage, siting, and proper disposal of the hazardous waste generated by such business.
- 3) The project will be bound by all applicable recycling requirements in effect in the County at the time of the development.

- 4) Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.
- 5) Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.
- 6) All hazardous materials must be handled, stored and applied in accordance with applicable regulations.
- 7) All commercial uses must meet Federal, State and local hazardous materials' compliance requirements.
- 8) The local fire departments should be informed of any development where natural gas is to be used.
- 9) There shall be no discharge of medical waste from medical facilities into the sewage systems.
- 10) Grease traps must be required to comply with local and state codes. Additionally, the captured grease is to be hauled off by a licensed hauler.

## **6. STORMWATER MANAGEMENT (Refer to Appendix I, Section F)**

The project is predominately undeveloped wetlands, native uplands, and agricultural lands and is located within the Henderson Creek Basin. Currently, the storm runoff produced from the area between the 170-foot FPL easement, located north and south along the western portion of the property, and Henderson Creek Canal sheet flows toward the west and ultimately into the canal. North to south sheetflow is diverted east and west at Sabal Palm Road. This sheetflow drains runoff toward both the canal and towards the easterly wetlands. The majority of the storm runoff created from the remainder of the site sheet flows to the east from the predevelopment basin line to the main wetland (labeled as outlet wetland basin) located in the middle of the property. This vast wetland stretches into the project and expands as it moves to the east. According to the FEMA Flood Insurance Rate Map, Panel 610 of 1150 the project is located in a flood zone "X" with no related minimum elevation.

The proposed surface water management system will consist of 29 sub-basins, which compose the five basins. There are 29 lakes and at least one control structure per basin. The project lies within the Henderson Creek Basin, which has a maximum discharge rate of 0.15 cfs/acre however the discharge rate will be lowered to 0.06 cfs/acre north of Sabal Palm Road and 0.04 cfs/acre South of Sabal Palm Road to be consistent with the Belle Meade Study. Controlled discharge from basin 1 will be to the large wetland located to the east of the property and to the Henderson Creek Canal. The remaining four basins will discharge to the large wetland located to the east of the property. The master homeowner association will maintain the stormwater management system.

## **RECOMMENDATIONS**

Any DRI Development Order issued by the Collier County Board of County Commissioners shall contain the following provisions:

- 1) The Hacienda Lakes DRI shall require a South Florida Water Management District (SWFMD) Environmental Resource Permit for conceptual approval of the proposed development, for construction and operation of the proposed surface water management system, and for proposed impacts to onsite wetlands and other surface waters.
- 2) The Hacienda Lakes DRI Owner shall procure SFWMD Water Use Permits for the proposed surface and/or groundwater withdrawals for landscape irrigation and for certain dewatering activities, as determined by the SFWMD, proposed for construction of project lakes and/or road or building foundations.
- 3) At the time of permit application, the Owner shall provide verification that the proposed system designs will meet SFWMD criteria in effect at that time.
- 4) During construction activities, the Developer shall employ best management practices for erosion and sedimentation control. These practices shall be included with or presented on all construction plans, and shall be subject to approval by the appropriate agencies prior to their implementation.
- 5) Any construction silt barriers or hay bales, and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of applicable construction.
- 6) The final stormwater management plan shall consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales are preferred and shall be used, whenever possible, rather than closed systems.
- 7) Any banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SFWMD and Collier County requirements and shall be planted in native emergent or submergent aquatic vegetation.
- 8) The Developer shall conduct annual inspections of the Hacienda Lakes Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- 9) The Developer shall confirm to the satisfaction of all applicable federal, state, and local review agencies, and the SFWMD, that the proposed stormwater management system will not impact habitat of any state or federally listed plant and/or animal species occurring on site, or that such impacts shall be mitigated to the benefit of regional populations of those species.
- 10) The Developer shall undertake a regularly (every other month) scheduled vacuum sweeping of all common streets and parking areas within the development, The Developer shall encourage any private commercial parcel owners within the development to institute regularly scheduled vacuum sweeping of their respective streets and/or parking areas.
- 11) In areas adjacent to retail and office uses, the Developer or the individual site developers, shall provide at least one-half inch of dry pre-treatment (retention or detention); or an equivalent

alternative as determined by the appropriate regulatory agencies; in order to provide reasonable assurance that hazardous material will not enter the stormwater management system.

- 12) Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or appropriate native vegetation.
- 13) The grassed stormwater treatment areas shall be mowed as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and underdrain systems shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired immediately.
- 14) The best management practices matrix and techniques shall be used in the Hacienda Lakes DRI, consistent with the requirements of the SFWMD.
- 15) Underdrain systems and grease baffles, if utilized within the Hacienda Lakes DRI, shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- 16) Stormwater management system maintenance requirements shall include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.
- 17) To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.
- 18) The Owner shall conduct a predevelopment determination of surface water quality in the portion of the Henderson Creek Canal proximal to the Hacienda Lakes DRI. The water quality parameters of total phosphorous, total nitrogen, biochemical oxygen demand, total suspended solids, lead, zinc, copper, and common lawn care pesticides shall be analyzed by a licensed vendor on a monthly basis at two sampling locations. The water quality monitoring program shall be conducted for an approximate five month period overlapping the dry season and wet season.
- 19) Measures which will be utilized to mitigate potential adverse effects upon surface water and shallow groundwater at, and adjacent to, the Hacienda Lakes DRI will include all proven effective best management practices (BMP's) which are appropriate at this Hacienda Lakes DRI. More specifically, these shall include proper timing and minimum applications of fertilizers, pesticides, and herbicides on the common areas of the property.
- 20) Best management practices shall also be utilized to mitigate any adverse impacts from stormwater runoff. These BMP's shall include utilization of detention ponds, vegetative systems such as grassed swales, and water quality inlets (e.g. oil/grit separators).
- 21) The proposed surface water management system shall consist of 5 basins. Controlled discharge from basin 1 shall be to the large wetland located to the east of the property and to the

Henderson Creek Canal. The remaining four basins shall discharge to the large wetland located to the East of the property.

- 22) The following is a summary of the Best Management Practices that will be utilized to accomplish additional water quality treatment beyond what is required by SFWMD:

Construction Pollution Prevention Plan outlining construction techniques and maintenance practices to reduce or eliminate the sources of stormwater pollution.

- i. Urban Stormwater Management Program of non-structural controls intended to improve the quality of stormwater runoff at the source of contaminants.
  - ii. 50% additional stormwater runoff volume to be retained.
  - iii. Phyto-Zones-Basins within the detention areas that provide an area for runoff into the lake to disperse, so as to allow biological pretreatment.
  - iv. Planted Littoral Zone providing increased water quality by removing pollutant by biological uptake of nutrients and other ions.
  - v. Increased Flow Path-Locate inflow and outflow structures to maximize effective treatment time.
- 23) Spreader Swale use as the last step in the discharge train to provide additional water quality and decrease erosion, based on energy diffusion (spreading of discharge over a grassed weir instead of discharging through a single pipe).
- 24) The project shall not substantially adversely impact the Rookery Bay National Estuarine Research Reserve. Negative impacts shall be avoided by following all regulations for water quality treatment and water quantity attenuation within The South Florida Water Management District Basis of Review Volume IV. The project shall also go above and beyond the water quality treatment by providing 150% of the required treatment. In addition, the project has been reduced from 0.15 cfs/acre per Collier County Ordinance 90-10 to 0.06 cfs/acre.
- 25) Developer shall install several culverts under Sabal Palm Road to improve the sheetflow across the Road from north to south.
- 26) The master homeowner association shall maintain the stormwater management system.
- 27) The stormwater management system of the project will be consistent with the recommendations of the SWFRPC with regard to the use of fertilizers and stormwater treatment as described in resolutions SWFRPC 07-01 and SWFRPC 08-011, to the extent adopted by Collier County.

## **7. TRANSPORTATION (Refer to Appendix I, Section G)**

The staff and SWFRPC accepted the proposed draft development order conditions for transportation that were agreed to by Collier County and the applicant. Therefore, no conditions are proposed for this section.

## **8. VEGETATION, WILDLIFE AND WETLANDS (Refer to Appendix I, Section H)**

The project includes approximately 1,721.97 acres of native habitats; including, palmetto prairie, pine flatwoods, live oak, mixed hardwood/conifer, hydric pine flatwoods, pine-cypress wetlands, cypress swamp, hardwood swamp, freshwater marsh, and open agricultural land with varying degrees of exotic infestation. A total of 64 vegetative associations and land uses (i.e., FLUCFCS codes) were identified on the Project site. The dominant vegetation type on the site is Pine/Cypress, Disturbed (FLUCFCS Code 6249).

The following listed wildlife species or their sign have been observed on the Project site: Florida panther, wood stork, Big Cypress fox squirrel, Florida black bear, gopher tortoise, snowy egret, little blue heron, tri-colored heron, roseate spoonbill, white ibis, red-cockaded woodpecker, and American alligator. Listed plant species identified on-site include butterfly orchid, stiff-leaved wild pine, giant airplant, and cowhorn orchid.

The project site is within the current range of Florida panthers and contains habitat suitable for utilization by panthers and panther prey species. The applicant proposes to implement a panther preserve conservation plan for the project. The preserve conservation plan includes 1,544 acres, consisting of 1,281 acres of wetlands and 260 acres of uplands. A land management plan that details the restoration, long-term management, and cost associated with the long-term management of the restored lands will need to be developed. This plan will need to include a proposed funding mechanism that will generate funds needed for the long-term management. The USFWS suggests the applicant establish through a deposit of funds, a non-wasting account, for example a land trust. The endowment should be held by an experienced, responsible entity. The USFWS recommends using a trust agreement similar to the template agreement for conservation banks.

The project site contains 1,752.72± acres of South Florida Water Management District jurisdictional (SFWMD) wetlands. The wetlands consist of freshwater systems including cypress, pine/cypress, and freshwater marsh habitats. In general, the habitats on site have a high degree of melaleuca coverage on the western and central portions of the property. The melaleuca infestation generally decreases towards the eastern portion of the site. The wetland mitigation plan for the Project includes the enhancement and preservation of 1,281± acres of on-site wetlands and 260± acres of on-site uplands. In addition, approximately 3 acres of South Florida Water Management District (SFWMD) "Other Surface Waters" will be enhanced and preserved. These 1,544± acres will be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD. It is anticipated that the majority of the preserves will be deeded to the state to compliment the Picayune Strand State Forest.

The Project includes approximately 1,544 acres of preserve, which includes both uplands and wetlands. The majority of the proposed wetland preserve areas consist of cypress, pine-cypress, and hydric pine habitats ranging in quality based on exotic coverage and water quality. The uplands proposed for preservation consist mostly of pine flatwoods. A permanent conservation easement will be created by platting after the Developer has completed the required restoration and maintenance program required by the County's Land Development Code provisions related to Transfer of Development Rights program. The ultimate preserve conservation easements will be conveyed to a Federal, State, or local government agency by gift as required by the County's Land Development Code provisions related to Transfer of Development Rights program. In addition to the 1,544± acres to be placed in conservation easement, the Project design preserves approximately 30 acres of wetlands, 9 acres of uplands, and 5 acres of OSWs located within existing easements on the Project site. These 46± acres will not be used as mitigation or placed under conservation easement; however exotic vegetation will be removed from the habitats.

## RECOMMENDATIONS

Any DRI Development Order issued by the Collier County Board of County Commissioners shall contain the following provisions:

- 1) The Hacienda Lakes DRI shall preserve no less than 920+/- acres of native vegetation.
- 2) The need for wildlife crossings and fencing designs for roadway crossings of the preserve areas shall be reviewed by the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission ("FFWCC") as part of the ERP permit process.
- 3) Review of State listed species and habitat impacts/mitigation shall be addressed in coordination with FFWCC during the ERP permit process based on specific site plan details. At a minimum, the Hacienda Lakes Preserve Area Management Plan dated May 2011 shall be implemented for the preserve areas shown in the master plan Exhibit "B".
- 4) The Owner shall enhance the preserved wetlands and the wetland hydroperiods shall be maintained by them to provide for the natural wet and dry cycles, providing foraging and habitat for wading birds.
- 5) The Owner shall enhance wetland and upland areas to include the hand-removal of exotic and nuisance vegetation and supplemental plantings installed in areas with greater than 50 percent exotic coverage.
- 6) The Owner shall preserve, enhance, and place in a conservation easement the 1,544± acres of preserves, including approximately 73 percent (1,281± acres) of the wetlands on-site. In addition, 3± acres of SFWMD Other Surface Waters shall be enhanced and preserved, and shall be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD. Approximately, 920+/- acres of the preserve is required native vegetation (by Collier County), that shall be preserved, enhanced and placed in a conservation easement in favor of Collier County, but maintained by Owner.
- 7) Prior to commencement of construction, the limits of wetland preserves shall be staked and roped to prevent encroachment by construction activities. In addition, best management practices for erosion control shall be implemented during construction of the project. Prior to commencement of construction, erosion control devices shall be installed where appropriate to control and reduce soil erosion, sediment transport, and turbidity. Such devices, which include haybale barriers, silt fencing, sediment booms, and temporary sediment traps, shall remain in place throughout the duration of construction until construction zones and surrounding areas are stabilized.
- 8) The on-site wetland preserves shall be enhanced through exotic removal and supplemental plantings, which will result in preserves that are more suitable as foraging habitats for the listed wading birds observed on-site, as well as providing potential roosting areas.
- 9) Where a minimum 15± foot upland buffer adjacent to wetland preserves is not feasible, structural buffers as set forth in the SFWMD's Basis for Review shall be provided. Structural buffers planted with native vegetation will be used throughout the Project along all areas that border wetland preserve areas to restrict access from the development to the preserve area. Generally, in areas where development is located adjacent to the conservation area or the

- 10) property line, the structural buffer will be a 15-foot wide berm planted on the back slope with native tree, shrub, and ground cover vegetation.
- 11) Emergent wetland acres shall be increased through the planting of littoral zones in the lakes created as part of the development.
- 12) Enhancement of the wetland and upland preserves shall include the removal of exotic vegetation such as melaleuca, Brazilian pepper, and downy rose myrtle. Exotic vegetation removal shall be done by hand removal. In general, the exotics shall be treated in place with an appropriate herbicide and left standing, or exotics shall be cut, the cut vegetation removed or stacked in place, and the remaining stump treated with an appropriate herbicide. Supplemental plantings of native vegetation shall be installed in areas of greater than 50 percent exotic coverage. In addition, as part of the mitigation plan, areas of degraded wetlands, including monocultures of melaleuca, shall be enhanced through the mechanical removal of exotics, grading to wetland elevations, and planting with native vegetation. The grading plan for these areas will include the establishment of marshes for wading bird foraging habitat. These marshes shall be graded to varying depths to allow the concentration of prey for wading birds at alternating times of the year as water levels seasonally rise and recede. The surface water management system shall be designed to maintain appropriate wetland hydroperiods within the enhancement areas. The wetland hydroperiods shall be maintained to provide for the natural wet and dry cycles, to provide foraging for wading birds.
- 13) In addition to Paragraph A above, native landscaping shall be used to meet the criteria of Sub-Section 2.4.4.14.06.05 D.1.a., of the Collier County Land Development Code which requires 75% of the required trees and 50% of the required shrubs to be native plants.
- 14) According to the Listed Species Management Plan (revised May 2011), the wetland and upland preserves, excluding reserved right-of-ways and access easements, will be placed in a conservation easement or equivalent deed restriction with inspection, enforcement, and approval rights granted to the South Florida Water Management District (SFWMD). The date(s), receiver of the easement or deed title, and record reference for each conservation easement or fee-simple donation of conservation/preservation areas filed will be provided at the time of filing to the SWFRPC and referenced in the biennial DRI report.
- 15) Review of federal listed species and habitat impacts/mitigation shall be addressed in coordination with the USFWS during the USACOE permit process or as Section 10 reviews based on specific site plan details. At a minimum, the ~~draft~~ Hacienda Lakes Preserve Area Management Plan ~~submitted on March 18,~~ dated 2011 shall be implemented for the preserve areas shown in the master plan Exhibit "B" and the measures recommended by the USFWS in consultation with the USACOE for conservation of the Florida panther, wood stork, red-cockaded woodpecker, eastern indigo snake, and any other federal listed species encountered will be employed to avoid and minimize the proposed project's impact on both individual animals and their habitats. The mitigation plan for unavoidable impacts to these species, including the location, management plan, and method of assurance of permanent protection and management for these listed species and proposed actions that would minimize the likelihood of adverse human/animal interactions will be reported in the Hacienda Lakes Preserve Area Management Plan and revisions thereof.
- 16) The initial habitat restoration and preservation efforts will be conducted by the applicant prior to the anticipated deeding of the lands to the State.
- 17) The applicant anticipates deeding portions of the preserves to the State in order to complement the adjacent Picayune Strand State Forest. The preserve areas would be maintained in accordance

with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD Environmental Resource Permit Application 100126-5) and managed to provide habitat for listed species. In the event that the transfer of ownership to the State does not occur, the responsibility of perpetual management for these conservation areas would become the responsibility of a Home Owners Association (HOA) or another similar entity. In this case, the contract of responsibility for the HOA shall include a mechanism for perpetual funding, assurances that the approved management plan would be followed, and assurances that management activities would be conducted by a qualified entity.

**9. WATER SUPPLY AND WASTEWATER MANAGEMENT (Refer to Appendix I, Section I)**

The potable water needs at the Hacienda Lakes will be met by Collier County Public Utilities. The primary non-potable water infrastructure, consisting of the supply wells, storage lake, and pumping station, will be constructed during the first year. The main irrigation water distribution lines will be constructed during the first year when the major road infrastructure is installed. Irrigation distribution laterals, along side streets, and to individual residences, will be constructed in conjunction with the installation of those side streets and individual residences. At this time 77% of the Project is located within the current service area boundary and the remaining 23% of the Project is outside the current service area boundary. After completion of the development, the non-potable water system will be operated by the Community Development District.

The Hacienda Lakes project will be served by the Collier County Public Utilities and the South County Wastewater Reclamation Facility. No improvements to the wastewater treatment plant will be necessary as a result of this project. No septic tanks will be proposed. At this time, 23% of the Project is located outside of the current service area boundary and the remaining 77% of the Project is within the current service area boundary.

**RECOMMENDATIONS**

Any DRI Development Order issued by the Collier County Board of County Commissioners shall contain the following provisions:

- 1) In accordance with the current Collier County 2008 Water and Sewer Master Plan Update, the parties acknowledge that (1) the majority area of the Hacienda Lakes development is located within the Collier County Water-Sewer District Boundary, and (2) there are some areas of this development that are currently outside of the Collier County Water Sewer District Boundary; (3) the Areas that are not part of Collier County Water-Sewer District do not belong to any other Water-Sewer District; (4) Collier County Water-Sewer District can provide service as required by this development, and (5) Collier County Water-Sewer Impact Fees will apply to the entire area to be developed.
- 2) Water loop connections shall be made through the existing 36-inch water main on CR 951.
- 3) Through an existing 20-inch force main on Rattlesnake Hammock Road and County Road 951 in the vicinity of Hacienda Lakes, flow from this development will be directed into that 20-inch force main on Rattlesnake Hammock Road and on to the South County Regional Wastewater Treatment Plant (SCRWTP).

- 4) The Rules of the existing South Hawthorn Wellfield for the Wellfield-SCRWTP expansion to 20 MGD for protection of well fields shall be followed by the development. Developer shall show all well sites and pipeline easements located on and close to this development on all future site development plans (SDP), plans and plats (PPL) and any other site plan applications.
- 5) The project shall require a South Florida Water Management District water use permit for the proposed surface and/or groundwater withdrawals for landscape irrigation. The project may also require permits for irrigation well construction and for dewatering activities associated with the construction of lakes, roads and building foundations.
- 6) The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets. The devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the Collier County Utilities Division by the South Florida Water Management District,
- 7) South Florida Water Management District may require a cumulative impact model upon permit application. This model shall include withdrawals from surface water, the surficial aquifer, and the Lower Tamiami aquifer by all existing legal users in the vicinity of the Hacienda Lakes DRI. The application shall include all related input and output files. This model will be used to determine potential adverse impacts to the safe yield of each source, existing legal users, legal domestic users, the lateral migration of the saline water surface, potential impacts to existing wetlands, and possible sources of pollution.
- 8) The project shall obtain potable water, wastewater treatment and, eventually non-potable water, from the Collier County Water-Sewer District. Should the Collier County Utilities Division determine that the Water-Sewer District does not have sufficient capacity to serve the project; the Developer shall either construct interim potable water, wastewater treatment and/or non-potable water facilities, or shall postpone development until such time as the Collier County Utilities Division's service capacity is available to the project. Any interim facilities constructed by the Developer shall be constructed to Collier County Utilities Division Standards, and shall be dismantled, at the Developer's expense, upon connection to the Collier County Utilities Division or Collier County Water-Sewer District facilities. Whether potable water, wastewater treatment and/or non-potable water facilities are provided onsite or offsite, the Developer shall demonstrate to Collier County that adequate capacity is available at the time of final utilities plan submittal.
- 9) Temporary septic systems may be utilized in conjunction with construction and sales offices, model homes, and rest shelters. Septic systems shall not be allowed onsite, other than for construction and sales offices, model homes and rest shelters. All temporary septic systems shall be properly abandoned and/or removed by a professional licensed to install and remove septic systems at the time when permanent or interim wastewater treatment facilities become available.
- 10) All construction plans, technical specifications and proposed plats, as applicable, for the proposed water distribution and wastewater collection systems, and any possible onsite treatment facilities, shall be reviewed and approved by the Collier County Utilities Division prior to commencement of construction.

- 11) All potable water facilities, including any possible onsite potable water treatment plants, shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the appropriate agency having jurisdiction.
- 12) The lowest quality of water available and acceptable to the Florida Department of Environmental Protection shall be utilized for all non-potable water uses.
- 13) The Collier County Water-Sewer District will ultimately own the central water and sewer system conveyance system that supports the Hacienda Lakes DRI.

**10. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN (Refer to Appendix I, Section J)**

Prior to any Development Order being issued, Collier County shall determine if the project is consistent with the Comprehensive Plan and whether the project's phasing is consistent with the County's Concurrency Management Plan.

**11. GENERAL CONSIDERATIONS**

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

**RECOMMENDATIONS**

Any DRI Development Order issued by Collier County shall contain the provisions that:

- a. All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b. The developer shall submit a biennial report on the development of regional impact to the (issuing jurisdiction), the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection 380.06(18), Florida Statutes. The report must include an assessment of the Developer's and City's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by the City, the SWFRPC or the Department of Community Affairs as being significant;
- c. The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified

within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.

- d. If the local governments, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the development order was based on substantially inaccurate information provided by the developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred. The monitoring checklist contained in Appendix IV shall be used as a guide by the local government in determining additional substantial regional impacts.
- e. Pursuant to Chapter 380.06(16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.
- f. The local development order shall state the land uses approved in gross square feet, acreages and parking (if applicable) consistent with the statewide guidelines and standards in Chapter 380.0651 Florida Statutes.
- g. If the applicant requests a land use conversion ability so they can increase and decrease approved land uses, the Development Order shall include a table to indicate how much can be converted without requiring a Notice of Proposed Change. Any such table shall indicate increase or decrease in the number of vehicle trips or water demand with land use conversions, and shall be subject to approval of the jurisdiction issuing the Development Order, regulatory and permitting agencies, DCA (or successor agency) and the SWFRPC. Conversions outside the range will require a formal Notice of Proposed Change to the DRI Development Order. Thirty (30) days notice of any conversion must be provided to the County, The Regional Planning Council, and The Department of Community Affairs. In addition, the amount of conversion must be reported as part of the subsequent biennial monitoring report.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL'S STAFF FINDINGS  
AND RECOMMENDATIONS****LOCAL**

**IT IS THE RECOMMENDATION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL THAT THE APPLICATION FOR DEVELOPMENT APPROVAL DATED AS AMENDED BY THE SUFFICIENCY REPORTS DATED JULY 17, 2006, NOVEMBER 13, 2006, JULY 29, 2010, OCTOBER 26, 2010 AND MARCH 7, 2011 IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

The applicant has estimated that a total of 658 school age children will likely be generated by the Hacienda Lakes development.

**RECOMMENDATIONS**

Any Master DRI Development Order issued by Collier County shall contain the following provisions:

- 1) A school site of up to 20 developable acres with wetland impact mitigated on the site as approved by permitting agencies shall be provided within the DRI.
- 2) Water and sewer connections shall be available at site.
- 3) The site must accommodate typical 900+/- student capacity elementary school, with other facility requirements such as parking, sidewalks, water management, recreational facilities and other standard facilities.
- 4) The site shall be zoned for school use as part of the overall approval for the Hacienda Lakes DRI/MPUD.
- 5) The site location will be in lands designated Urban Residential Fringe in the County's Future Land Use Element that is west of the one mile line east from County Road 951.
- 6) Student's residing within the project must be within 1.5 miles of the school site.
- 7) The Developer shall attempt to keep the school's frontage road(s) at two (2) lanes for attempted safer walking conditions.
- 8) The school site shall have direct legal access to a public road right-of way.
- 9) School District's acceptance of the dedication shall be contingent upon School Board approval and a satisfactory site feasibility study demonstrating that the land is suitable for the School District's intended use as an elementary school site with appropriate environmental conditions, usable acreage and direct legal access.

- 10) Owner shall be compensated for the school site by way of school impact fee credits as set forth in a Tri-party Developer Contribution Agreement, the amount determined upon land valuation under a mutually agreed land appraisal mechanism and valuation described in such Agreement to be negotiated within two years of the approval of this development order.
- 11) Public facilities such as parks, libraries and community centers shall be collocated with schools. The Elementary school shall be encouraged as focal points for neighborhoods.

## **2. POLICE AND FIRE PROTECTION (Refer to Appendix II, Section B)**

Collier County Sheriff's Department will provide law enforcement to the development. Golden Gate and East Naples Fire Departments will provide fire protection to the development.

### **RECOMMENDATIONS**

Any DRI Development Order issued by the Collier County should contain the following provisions:

- 1) An EMS site on Lord's Way Road will be donated which will allow quicker response times in the development and surrounding area and help alleviate the strain on already busy surrounding units. The donation of the one acre site shall be subject to an Emergency Service Impact Fee credit based on the fair market value of the donated property.
- 2) The Developer shall meet with the Sheriff's Department prior to initial construction, and again at least every 24 months thereafter, if requested by the Sheriff's, to establish programs and incorporate crime prevention measures during each phase of the site development.
- 3) Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the Collier County or recommended guidelines developed by the National Fire Protection Association.
- 4) Facilities qualifying under the Superfund Amendments Reauthorization Act, Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with Sections 302, 303, 304, 311, 312, or 313 thereof. Applications shall be updated annually by each reporting facility.
- 5) Any on-site facilities with commercial pool operations should comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.
- 6) During the site planning process, a utility master plan should be developed that will address fire flow and the fire districts should be consulted during the preparation of the plan.
- 7) Portions of the commercial and residential developments may utilize natural gas as a source of energy. Coordination with the local fire departments should occur for those developments through the site plan review process.
- 8) Appropriate Crime Prevention Through Environmental Design (CPTED) strategies as adopted by Collier County should be used when designing sites, buildings, streets, signs,

landscaping and parking, and the County may submit such designs to the Sheriff's Office for comments and consideration during the County's site plan review process.

- 9) Coordination with the Collier County Sheriff's Office has been addressed in conclusions of law 8.A. of the draft D.O. The applicant will carefully plan the details of the community. The safety of its future residents is of the utmost concern. The CPTED design consideration are normally addressed during the preliminary site design and engineering. CPTED efforts should be coordinated at that time.
- 10) The applicant should coordinate with Collier County Public Works to ensure underground gas lines drawings are provided to the responding Fire Departments.

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

Recreational facilities and open space will include the Florida Sports Park Swamp Buggy grounds and arena, Junior Deputy passive recreational area, lakes, trails and preserves, as well as community recreation and social spaces integrated into the residential development areas. The development intent of the Hacienda Lakes MPUD is to provide recreational open spaces and natural open areas in Passive Recreation and Preserve Tracts and also provide recreational and social spaces within the residential portions of the development in the form of clubhouse space and outdoor recreational opportunities such as, but not limited to swimming pools, tennis courts, playgrounds and green spaces. No parks and/or open space will be dedicated to the City or county. However, up to 1,549 acres of natural preserve area is intended to be dedicated to the State. The Hacienda Lakes DRI will provide a long-term restoration and maintenance program for its onsite open space and recreation lands.

### **RECOMMENDATIONS**

Any Master DRI Development Order issued by Collier County shall contain the following provisions:

- 1) Recreational facilities and open space will include the Florida Sports Park Swamp Buggy grounds and arena, Junior Deputy passive recreational area, lakes, trails and preserves, as well as community recreation and social spaces integrated into the residential development areas. Map I1 locates the preserves, lakes, passive recreation site, and the attraction (Swamp Buggy), but does not include open spaces within individual tracts.
- 2) The following land uses would be permitted in the Passive Recreation Tract of the Mixed-Use Planned Unit Development:
  - a. Principal Uses:
    - i. Open space and recreational uses;
    - ii. Hiking, biking, fishing, boating, camping, picnicking and nature trails;
    - iii. Sporting and recreational camps;
    - iv. Caretaker's residence, limited to one two for the PR designated area;
    - v. Wetland preserves;
    - vi. Upland preserves.
  - b. Accessory Uses:
    - i. Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

- ii. Boardwalks, nature trails, shelters, pavilions, viewing piers, viewing platforms, educational signs, kiosks, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks;
  - iii. Covered camping pavilion(s) (i.e.: concrete, or similar hard surface, that is roofed, and may, or may not be enclosed with screen plastic sheeting, or walls), which may include kitchen/cooking facilities, office and restroom facilities;
  - iv. Passive parks and passive recreational uses;
  - v. Pervious roads, driveways, and pervious and/or impervious parking facilities;
  - vi. Project identification and directional signage;
  - vii. Water management structures in accordance with Collier County, SFWMD, DEP, and USACOE permitting requirements;
  - viii. Restrooms/bath houses:
    - ix. Roofed or unroofed storage for maintenance and recreational equipment;
    - x. Fencing and security gates, which may include barbed wire;
    - xi. Archery and air rifle range(s).
- 3) Public access to the Project's Preserve will be consistent with the State management plan, upon conveyance.
  - 4) The Hacienda Lakes DRI will not impact a recreation trail designated pursuant to Chapter 260, F. S., and Chapter 16D-7, F.A.C.
  - 5) No parks and/or open space will be dedicated to the City or county. However, up to 1,549 acres of natural preserve area is intended to be dedicated to the State. The Hacienda Lakes DRI will provide a long-term restoration and maintenance program for its onsite open space and recreation lands.
  - 6) The development of the Hacienda Lakes DRI will be consistent with the goals, objectives and policies of the Collier County Growth Management Plan through the implementation of the County's Transfer of Development Rights program (TDR). The criteria for utilizing the TDR program will address the goals of the Natural Resources Element of the Strategic Regional Policy Plan through implementation of restoration, provision for maintenance, and dedication of high quality natural areas. The lands intended to be dedicated to the State will provide for recreation opportunities and open spaces as contemplated by the local and regional policy.
  - 7) The applicant, at a minimum, shall comply with Collier County Level Of Service requirements at the time of Development Order issuance.
  - 8) As part of the DRI biennial monitoring process, the Developer shall identify compliance with the requirements listed above.

County of Collier

ATTACHMENT II

CLERK OF THE CIRCUIT COURT

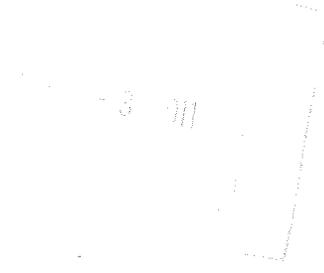
COLLIER COUNTY COURTHOUSE  
3301 TAMiami TRAIL EAST  
P.O. BOX 413044  
NAPLES, FLORIDA 34101-3044

Clerk of Courts  
Accountant  
Auditor  
Custodian of County Funds

Dwight E. Brock  
Clerk of Courts

November 1, 2011

Mr. Daniel Trescott  
DRI Coordinator  
SWFL Regional Planning Council  
1926 Victoria Avenue  
Ft. Myers, Florida 33901



**Re: Collier County Resolution 2011-201/DO 2011-05: Hacienda Lakes**

Dear Mr. Trescott:

Transmitted herewith is a **certified copy** of the above referenced document, adopted by the Board of County Commissioners of Collier County, Florida, on Tuesday, October 25, 2011.

Very truly yours,

DWIGHT E. BROCK, CLERK

Ann Jennejohn,  
Deputy Clerk

Enclosure

**RESOLUTION NO. 2011-201****DEVELOPMENT ORDER 2011-05**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY APPROVING A DEVELOPMENT ORDER FOR HACIENDA LAKES, A DEVELOPMENT OF REGIONAL IMPACT LOCATED IN SECTIONS 11 THROUGH 14 AND 23 THROUGH 25, TOWNSHIP 50 SOUTH, RANGE 26 EAST, AND SECTIONS 19 AND 30, TOWNSHIP 50 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA; WHICH WILL ALLOW 1,760 RESIDENTIAL DWELLING UNITS, 327,500 SQUARE FEET OF RETAIL USE, 70,000 SQUARE FEET OF PROFESSIONAL AND MEDICAL OFFICE, A 135-ROOM HOTEL, 140,000 SQUARE FEET OF BUSINESS PARK OR EDUCATIONAL FACILITY, AND CONTINUATION OF EXISTING JUNIOR DEPUTIES PASSIVE RECREATION AND EXISTING SWAMP BUGGY ATTRACTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONCLUSIONS OF LAW; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on July 21, 2006, Toll-Rattlesnake, LLC, in accordance with Subsection 380.06(6), Florida Statutes, filed an Application for Development Approval (ADA) of a Development of Regional Impact (DRI) known as Toll-Rattlesnake with Collier County (DRI-2006-AR-10147) and the Southwest Florida Regional Planning Council (DRI No. 06-492); and

WHEREAS, pursuant to Florida Administrative Code's DRI Rule 29I-4.001(5) the Executive Director of the Southwest Florida Regional Planning Council (SWFRPC) administratively approved an initial 45-day sufficiency response extension, and the Regional Planning Council approved nine (9) subsequent sufficiency response extensions; and

WHEREAS, on January 26 and 27, 2010, Wilton Land Company, LLC obtained title to the majority portion of lands within the DRI; and

WHEREAS, on October 14, 1982, Swamp Buggy Day, Inc. (now known as Swamp Buggy, Inc.) obtained title to a minor portion of the lands within the DRI; and

WHEREAS, on December 27, 1995, Collier County Junior Deputies League, Inc. obtained title to a minor portion of the lands within the DRI; and

WHEREAS, Hacienda Lakes of Naples, LLC is authorized by Wilton Land Company, LLC, Swamp Buggy, Inc., and Collier County Junior Deputies League, Inc., (hereinafter collectively "Owner") to continue to pursue Development of Regional Impact approval of the property subject of this Development Order. (The term Owner shall include its successors and assigns of each of the Owners); and

WHEREAS, for the purposes of this Development Order, the "Owner" commitments set forth herein are applicable to Hacienda Lakes of Naples, LLC, its successors, and/or assigns. The "Owner" commitments herein shall not be enforceable upon Swamp Buggy, Inc., nor Collier County Junior Deputies League, Inc., except to the extent it is a requirement related to the land owned by same; and

WHEREAS, on July 21, 2010, Hacienda Lakes of Naples, LLC, (herein "Developer"), responded to the fourth sufficiency review with a revised Application for Development Approval (ADA) of a Development of Regional Impact (DRI) now known as Hacienda Lakes filed with Collier County and the SWFRPC under the same review agency application reference numbers. (The term Developer shall include its successors and assigns); and

WHEREAS, Developer has obtained all necessary approvals from Collier County agencies, departments, and boards required as a condition to Planned Unit Development zoning, Comprehensive Plan Amendment, and DRI approval; and

WHEREAS, the Board of County Commissioners as the governing body of the unincorporated area of Collier County having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval (ADA) for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Chapter 380 and the Collier County Zoning Ordinance have been satisfied; and

WHEREAS, the Collier County Planning Commission has reviewed and considered the report and recommendations of the Southwest Florida Regional Planning Council (SWFRPC) and held a public hearing on the ADA on August 4, 2011 and September 1, 2011; and

WHEREAS, the Board of County Commissioners approved Resolution No. 11-32 and Ordinance No. 2011-40 which approved changes to the Comprehensive Plan as included in application No. CP-2006-11 for the property; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 2011-41 on October 25, 2011, which rezoned the subject property to The Hacienda Lakes MPUD; and

WHEREAS, the issuance of a Development Order pursuant to Section 380.06, Florida Statutes, does not constitute a waiver of any powers or rights regarding title issuance of other development permits consistent herewith by the County or State; and

WHEREAS, on October 25, 2011, the Board of County Commissioners, at an open public hearing in accordance with Section 380.06, Florida Statutes, having considered the Application for Development Approval of a Development of Regional Impact submitted by Developer; the report and recommendations of the SWFRPC; the record of the documentary and oral evidence presented to the Collier County Planning Commission; the report and recommendations of the Collier County Planning Commission; the recommendations of Collier County Staff and the Environmental Advisory Council; and the record made at said hearing, makes the following Findings of Fact and Conclusions of Law.

## FINDINGS OF FACT

1. The real property which is the subject of the ADA is legally described as set forth in Exhibit "A".
2. The application is consistent with Subsection 380.06(6), Florida Statutes, (2010).
3. The Developer submitted to Collier County, the SWFRPC, and Florida Department of Community Affairs an ADA and sufficiency responses, which are available for review at each respective agency.
4. The Developer proposes development of the Hacienda Lakes Development of Regional Impact, as shown on the Series of Map H attached hereto as Exhibit "B", and consisting of 2262.10 acres, which includes:
  - A. 1,760 residential dwelling units;
  - B. 327,500 square feet of Gross Floor Area (GFA) of retail use (convenience, general and specialty retail);
  - C. 70,000 square feet of GFA of professional and medical office;
  - D. A 135-room hotel;
  - E. 140,000 square feet GFA of Business Park or Educational Facility;
  - F. Continuation of Junior Deputies passive recreation facilities;
  - G. Continuation of the existing Swamp Buggy attraction, without the opportunity to include outdoor shooting ranges for firearms;
  - H. 1,544.1 acres of preserves;
  - I. 19.55 acres, or less if approved by the School Board, of elementary school site to serve up to 919 students; and
  - J. 1.3 acres of Emergency Medical site.

5. The development is consistent with the report and recommendations of the SWFRPC submitted pursuant to Subsection 380.06(12), Florida Statutes.

6. The development shall not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

7. A comprehensive review of the impact generated by the development has been conducted by the appropriate County departments and agencies and by the SWFRPC.

8. The development is not in an area designated an Area of Critical State concern pursuant to the provisions of Section 380.05, Florida Statutes, as amended.

9. The development is consistent with the current land development regulations and the Growth Management Plan of Collier County, as amended.

10. The development is consistent with the State Comprehensive Plan.

#### CONCLUSIONS OF LAW

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Collier County, Florida, in public meeting, duly constituted and assembled on this, the 25<sup>th</sup> day of October, 2011, that the Hacienda Lakes Application for Development Approval submitted by Developer is hereby approved, subject to the following conditions:

1. **ENERGY**

The Hacienda Lakes Development of Regional Impact will incorporate the following energy conservation features as a part of each Site Development Plan or plat approval for all phases and land uses:

A. Provision of a combination bicycle/pedestrian system to be placed along public arterial and collector roads within the DRI which will connect with public and private bicycle/pedestrian systems in the DRI.

B. Provision of bicycle racks or bicycle storage facilities in recreational, commercial, and multi-family residential areas.

C. Prior to the issuance of a certificate of occupancy for the first 75,000 square feet of retail land uses, the Developer or Owner shall construct, at its sole expense, a Collier Area Transit (CAT) stop/shelter fronting the Commercial Tract C that shall include a 10'x 20' pavilion shelter with benches and protection from the elements, and include a minimum of three (3) bike racks. The location of the CAT shelter is generally depicted and provided for on ADA Map O. Additionally, prior to the issuance of a certificate of occupancy for the first 70,000 square feet of business park land uses, or prior to the issuance of a certificate of occupancy for a school or educational facility in the Business Park Tract BP, the Developer shall construct, at its sole expense, a Collier Area Transit (CAT) stop/shelter fronting the Business Park Tract BP that shall include a 10'x 20' pavilion shelter with benches and protection from the elements, and include a minimum of three (3) bike racks. The location of the CAT shelters is generally depicted on ADA Map O. Owner shall be responsible for maintenance of the bus stops/shelters unless Owner elects to convey to County at no cost to County easements for the bus shelters.

D. Developer and Owner shall require builders to:

- (1) use prevailing, practicable energy-efficient features in window design;
- (2) install operable windows and ceiling fans; and
- (3) install Energy Star qualified appliances and equipment.

E. Deed restrictions, covenants, and design guidelines shall include provisions requiring compliance with G through P.

F. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.

G. Use of water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute, or the use of the prevailing energy efficient bathroom fixtures available.

H. Use of native plants, trees, and other vegetation and landscape design features in accordance with Section 4.06.05D.1.a., of the Collier County Land Development Code that reduce requirements for water, fertilizer, maintenance, and other needs shall be required.

I. Planting of native shade trees for each residential unit.

J. Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.

K. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

L. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

M. Provision for structural shading wherever practical when natural shading cannot be used effectively.

N. Inclusion of porch or patio areas in residential units.

O. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

P. The development will participate in Collier County's Single Stream Recycling (SSR) program.

Q. Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent/electronic ballasts, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association.

R. The developer shall not prohibit potential home buyers to select photovoltaic cells, solar hot water heaters, green roofs and other alternative energy or energy efficient features as an option at their own expense. The above conditions shall be reported in the annual monitoring report.

S. Site development shall comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards, if required of all developers by Collier County.

## 2. HISTORICAL/ARCHAEOLOGICAL

A. The Owner shall preserve in perpetuity the five archaeological sites 8CR556, 8CR878, 8CR881, 8CR879, and 8CR880 within Hacienda Lakes property and such sites shall be recorded as denoted AP (Archaeological Preserve) on Sheets 3-12 in the MPUD Master Plan set. Such annotation (i.e., AP, Archaeological Preserve) shall appear on all applicable plats, and development order site plans that may be proffered in the future that are within 50 feet of the five defined archaeological sites.

B. In areas where the archeological sites are located in the vicinity of proposed development, a buffer or conservation easement, a minimum of 25 feet in width shall be preserved, or upon approval of County equivalent protections, such as temporary fencing or other structural barriers, shall be constructed around the archaeological sites.

C. The five archaeological sites shall remain undeveloped. An access easement of 15 feet, outside the conservation easement, around the archaeological sites for

potential digs and further study shall be provided by the Owner upon County request at no cost to County. Disturbance to these five protected archaeological sites may only occur with County approval, and any disturbance shall only be permitted under the direct supervision of a qualified archaeologist.

D. Historical/archeological areas shall not be used to meet preserve requirements.

E. The Developer shall reasonably accommodate the Florida Division of Historical Resource's (DHR) investigation of these sites by allowing access to the archaeological sites by properly credentialed investigators, whenever such access can be reasonably accommodated.

F. If any additional archaeological/historical sites are uncovered during the proposed development activities, all work in the immediate vicinity of such sites shall cease immediately, and the Owner shall contact DHR, SWFRPC and Collier County so that a state certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

### 3. HURRICANE EVACUATION/FLOODPLAINS

A. (1) The following supplies and equipment shall be purchased by the Developer for Collier County Emergency Management in accordance with its specifications and in some cases sole source provider and delivered in new condition, free on board (FOB) to the Collier County Emergency Services Center.

(2) The following contributions shall be a one-time contribution in full mitigation of all requirements of the current project scope of the Hacienda Lakes DRI:

(a) Two (2) new 45kw towable portable generators with heavy duty diesel engine, sound insulated, manufactured by Godwin Pump and Generator to exactly

match the supplies, equipment, and power distribution systems approved and currently in use; or near the time of equipment acquisition by the Developer, as approved by the Collier County Emergency Management Department. This is a sole source procurement to ensure compatibility and parallel operations of generators within Collier County's existing fleet and insure the ability to provide essential emergency portable power to additional evacuation shelter spaces consumed by the increased shelter census created by the Hacienda Lakes DRI. Collier County will assume all maintenance, repair, and replacement of these generators following satisfactory acceptance by Collier County beyond the warranty period. Delivery of the first portable generator shall occur prior to the issuance of the first residential certificate of occupancy. Delivery of the second generator shall occur at the earlier of (i) 24 months from the issuance of the first residential certificate of occupancy or (ii) the issuance of the certificate of occupancy of the 300<sup>th</sup> residential unit within the development.

(b) Two (2) new enclosed utility trailers for the storage and transport of the supplies noted above. Collier County will own and maintain these trailers and augment them with other minor disaster supplies in a fashion similar to its current disaster response unit (DRU) shelter supply delivery system. These trailers shall be new, from a Collier County approved list of vendor(s) and be at least 16 feet in length, dual axle load rated at 7,000 lbs. with trailer brakes, with laminate finish interior wall and floor finish, cabinets, shelving and load secure devices, Florida Department of Transportation approved for highway use, dropdown rear door and curbside door and extended tongue hitch length. At least one of the two trailers noted above shall include interior AC wiring, lighting, a generator connection, circuit breaker and roof mounted air conditioning to allow the empty trailer to be used for special post disaster field offices, damage assessment and relief efforts identical to the County's existing fleet of disaster supply trailers. Delivery of the utility trailers shall occur at the earlier of (i) 12 months

from the issuance of the first residential certificate of occupancy or (ii) the issuance of the certificate of occupancy of the 150<sup>th</sup> residential unit within the development.

(c) Four hundred and twenty-two (422) new military type adult folding disaster cots from a Collier County approved list of eligible vendors and approved type and style. Said cots shall be compatible with Collier County's existing storage and delivery systems and shall be provided at the earlier of (i) 48 months from the issuance of the first residential certificate of occupancy, or (ii) the issuance of the certificate of occupancy for the 1200<sup>th</sup> residential unit within the development.

(d) Seventy-two (72) new special needs disaster cots from a Collier County approved list of eligible vendors and approved type and style. Said cots shall be compatible with Collier County's existing storage and delivery systems and shall be provided at the earlier of (i) 36 months from the issuance of the first residential certificate of occupancy, or (ii) the issuance of the certificate of occupancy of the 900<sup>th</sup> residential unit within the development.

(e) All deeds to property located within Hacienda Lakes shall be accompanied by a disclosure statement in the form of a covenant stating that the property is located in a hurricane vulnerability zone, that the hurricane evacuation clearance time for Collier County or the Southwest Florida Region is high, and/or hurricane shelter spaces are limited.

B. The Developer has provided off-site hurricane shelter mitigation for the Hacienda Lakes DRI per Paragraph A above pursuant to commitments made as a result of negotiations with Collier County officials.

#### **4. STORMWATER MANAGEMENT**

A. The Hacienda Lakes DRI shall require a South Florida Water Management District (SWFMD) Environmental Resource Permit for conceptual approval of the proposed

development, for construction and operation of the proposed surface water management system, and for proposed impacts to onsite wetlands and other surface waters.

B. The Owner shall procure SFWMD Water Use Permits for the proposed surface and/or groundwater withdrawals for landscape irrigation and for certain dewatering activities, as determined by the SFWMD, proposed for construction of project lakes and/or road or building foundations.

C. At the time of permit application, the Owner shall provide verification that the proposed system designs will meet SFWMD criteria in effect at that time.

D. During construction activities, the Developer shall employ best management practices for erosion and sedimentation control. These practices shall be included with or presented on all construction plans, and shall be subject to approval by the appropriate agencies prior to their implementation.

E. Any construction silt barriers or hay bales, and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of applicable construction.

F. The final stormwater management plan shall consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales are preferred and shall be used, whenever possible, rather than closed systems.

G. Any banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SFWMD and Collier County requirements and shall be planted in native emergent or submergent aquatic vegetation.

H. The Developer shall conduct annual inspections of the Hacienda Lakes Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

I. The Developer shall confirm to the satisfaction of all applicable federal, state, and local review agencies, and the SFWMD, that the proposed stormwater management system will not impact habitat of any state or federally listed plant and/or animal species occurring on site, or that such impacts shall be mitigated to the benefit of regional populations of those species.

J. The Developer shall undertake a regularly (every other month) scheduled vacuum sweeping of all common streets and parking areas within the development, The Developer shall encourage any private commercial parcel owners within the development to institute regularly scheduled vacuum sweeping of their respective streets and/or parking areas.

K. In areas adjacent to retail and office uses, the Developer or the individual site developers, shall provide at least one-half inch of dry pre-treatment (retention or detention); or an equivalent alternative as determined by the appropriate regulatory agencies; in order to provide reasonable assurance that hazardous material will not enter the stormwater management system.

L. Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or appropriate native vegetation.

M. The grassed stormwater treatment areas shall be mowed as part of the normal lawn maintenance of the development. Any debris that may accumulate in project

lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and underdrain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired immediately.

N. The best management practices matrix and techniques shall be used in the Hacienda Lakes DRI, consistent with the requirements of the SFWMD.

O. Underdrain systems and grease baffles, if utilized within the Hacienda Lakes DRI, shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

P. Stormwater management system maintenance requirements shall include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.

Q. To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as Gambusia affinis.

R. The Owner shall conduct a predevelopment determination of surface water quality in the portion of the Henderson Creek Canal proximal to the Hacienda Lakes DRI. The water quality parameters of total phosphorous, total nitrogen, biochemical oxygen demand, total suspended solids, lead, zinc, copper, and common lawn care pesticides shall be analyzed by a licensed vendor on a monthly basis at two sampling locations. The water quality monitoring program shall be conducted for an approximate five month period overlapping the dry season and wet season.

S. Measures which will be utilized to mitigate potential adverse effects upon surface water and shallow groundwater at, and adjacent to, the Hacienda Lakes DRI will include all proven effective best management practices (BMP's) which are appropriate at this Hacienda Lakes DRI. More specifically, these shall include proper timing and minimum applications of fertilizers, pesticides, and herbicides on the common areas of the property.

T. Best management practices shall also be utilized to mitigate any adverse impacts from stormwater runoff. These BMP's shall include utilization of detention ponds, vegetative systems such as grassed swales, and water quality inlets (e.g. oil/grit separators).

U. The proposed surface water management system shall consist of 5 basins. Controlled discharge from basin 1, 2, 3, and 4 shall be to the large wetland located to the east of the property with the following exception. The remaining basin 5 is the Junior Deputy League and Swamp Buggy Basin, and this basin shall discharge to the Collier Boulevard Canal in a manner generally consistent with the existing water management permit for the Swamp Buggy and Junior Deputy League property.

The following is a summary of the Best Management Practices that will be utilized to accomplish additional water quality treatment beyond what is required by SFWMD:

- i. Construction Pollution Prevention Plan outlining construction techniques and maintenance practices to reduce or eliminate the sources of stormwater pollution.
- ii. Urban Stormwater Management Program of non-structural controls intended to improve the quality of stormwater runoff at the source of contaminants.
- iii. 50% additional stormwater runoff volume to be retained.
- iv. Phyto-Zones-Basins within the detention areas that provide an area for runoff into the lake to disperse, so as to allow biological pretreatment.
- v. Planted Littoral Zone-providing increased water quality by removing pollutant by biological uptake of nutrients and other ions.
- vi. Increased Flow Path-Locate inflow and outflow structures to maximize effective treatment time.

V. Spreader Swale use as the last step in the discharge train to provide additional water quality and decrease erosion, based on energy diffusion (spreading of discharge over a grassed weir instead of discharging through a single pipe).

W. The project shall not substantially adversely impact the Rookery Bay National Estuarine Research Reserve. Negative impacts shall be avoided by following all regulations for water quality treatment and water quantity attenuation within The South Florida Water Management District Basis of Review Volume IV. The project shall also go above and beyond the water quality treatment by providing 150% of the required treatment. In addition, the project has been reduced from 0.15 cfs/acre per Collier County Ordinance 90-10 to 0.06 cfs/acre.

X. Developer shall install several culverts under Sabal Palm Road to improve the sheetflow across the Road from north to south.

Y. The master homeowner association, or community development district shall maintain the stormwater management system.

Z. The stormwater management system of the project shall be consistent with the recommendations of the Southwest Florida Regional Planning Council (SWFRPC) with regard to the use of fertilizers and stormwater treatment as described in resolutions SWFRPC 07-01 and SWFRPC 08-011, to the extent adopted by Collier County.

## 5. TRANSPORTATION

The following commitments shall be completed prior to the projected build-out date, or a date that may be approved extending the projected build-out date.

A. The Developer shall provide efficient pedestrian and bicycle movement within and between the development's components, and to adjacent properties as reasonably deemed necessary by Collier County.

B. The Developer shall promote transit service through the inclusion of bus stops or other appropriate transit access points in site design, consistent with Collier County transit plans.

C. The neighborhoods shall be developed with a multi-modal street system that can accommodate pedestrians and bicyclists, thereby promoting alternative modes of transportation and reducing greenhouse gas emissions.

D. All residences shall be within a two radial miles of the commercial land uses.

E. For the purposes of the following commitments, it must be understood that the property was divided into three main areas:

North area being north of The Lord's Way extension;

South area being south of Rattlesnake Hammock Road plus School;

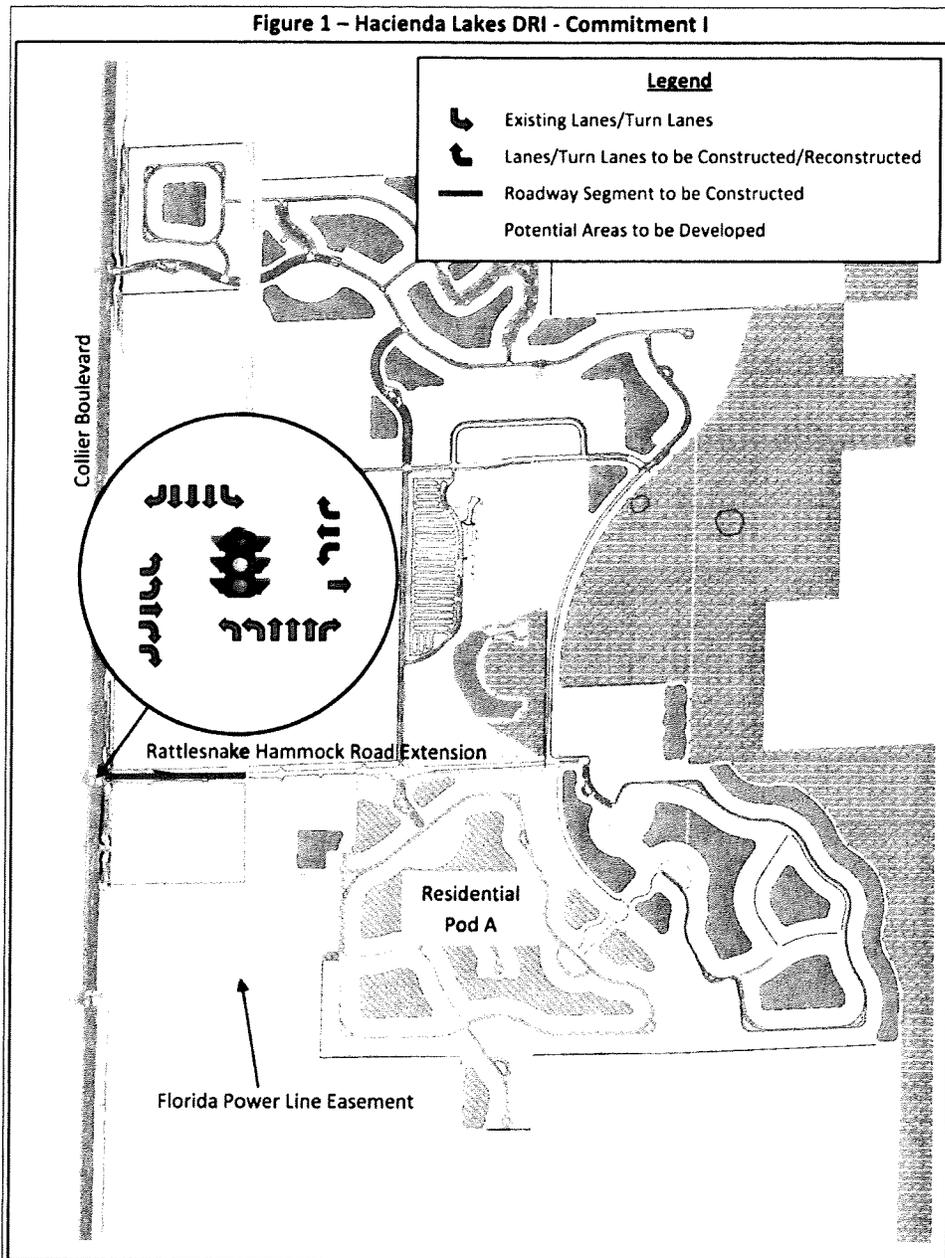
Benfield Road Improvements.

The South area commitments shall be constructed in a sequential manner. However, the rest of the commitments are not sequential and can be accomplished in no specific order. Similarly, the three areas identified above are not required to be developed in a sequential manner.

#### SOUTH AREA

I. The Owner shall construct (here forward to mean "constructed to meet minimum County requirements for acceptance"), at its sole expense without road impact fee credits, the initial two lanes (south side) of Rattlesnake Hammock Road Extension from C.R.951 to Florida Power Line Easement (approximately 0.25 miles). In addition, the Owner shall construct the Collier Boulevard/Rattlesnake Hammock Road intersection interim geometry as shown in Figure 1, below and to improve the bridge on Rattlesnake Hammock Road Extension

over the canal to the interim geometry as shown in Figure 1, below. Upon completion (here forward to mean “completed construction to County minimum requirements, and reserved for future conveyance to the County at the County’s request.”) of all of such improvements, the Owner shall be allowed to develop up to 327,500 square feet of Retail Land Uses, or Residential Pod A, or some combination of the two land uses. However, the total number of gross trips to be generated by this portion of development shall not exceed 1,409 PM peak hour trips. In the event that Residential Pod A is developed, access to Pod A will be either an internal private roadway or via an extension of Rattlesnake Hammock Road to the entrance of Pod A. These improvements and the areas allowed to develop upon completion of these improvements are depicted in Figure 1, below. All of these improvements are site-related improvements.



II. The Owner shall construct, at its own expense and without road impact fee credits, Rattlesnake Hammock Road Extension from Florida Power Line Easement to the road leading into Swamp Buggy grounds (approximately 0.25 miles) and improve the bridge on Rattlesnake Hammock Road Extension over the canal to the final geometry as shown in Figure 2, below. These improvements are site-related improvements. Upon completion of such improvement, the Owner shall be allowed to develop the following additional land uses: 20,000

Square Feet of General Office, and;

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50,000 Square Feet of Medical Office, and;

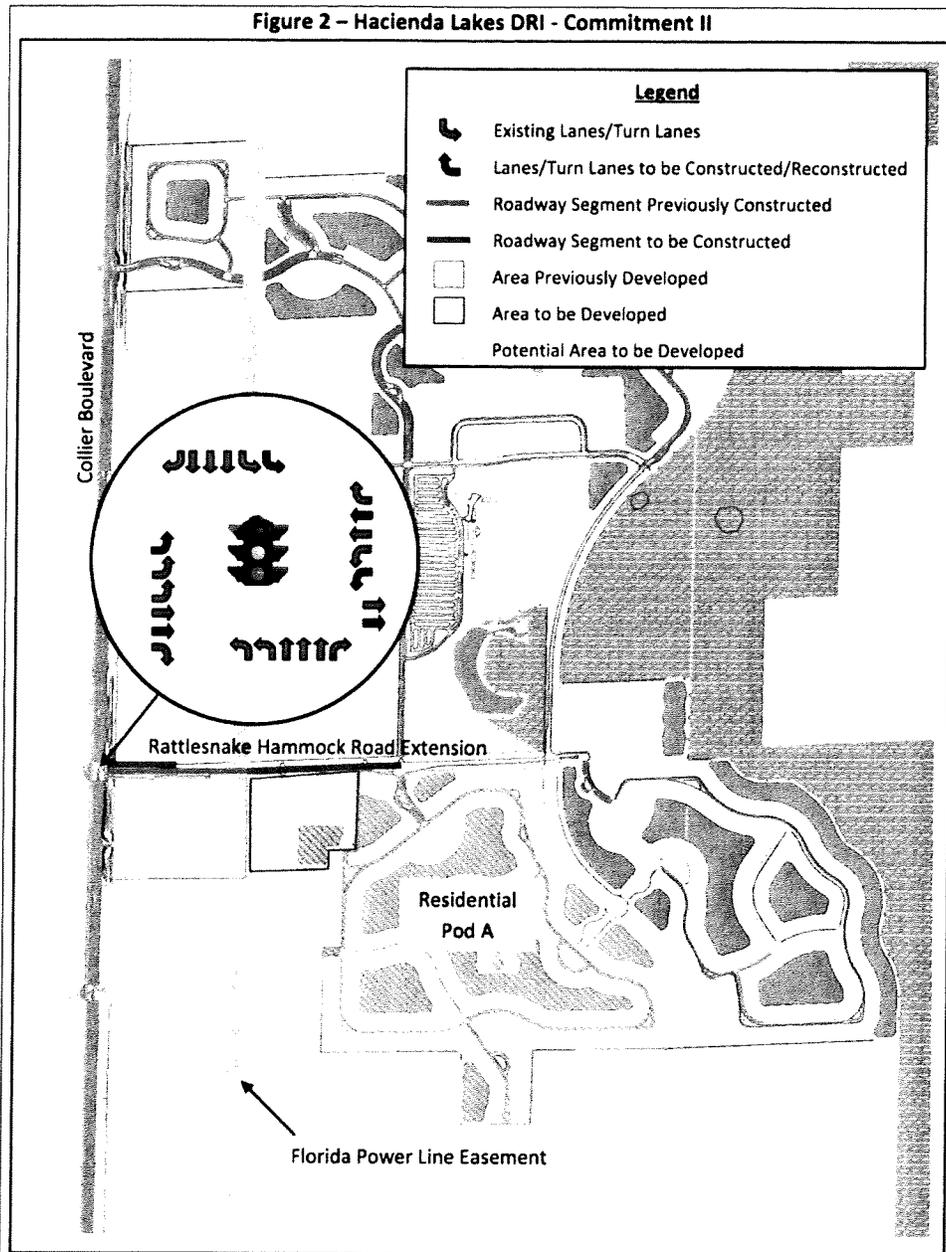
135 Room Hotel, and;

Remaining portion of the 327,500 Square Feet of Retail (if applicable pursuant to Commitment I), and;

Remaining portion of Residential Pod A (if applicable pursuant to Commitment I), and;

Required residential uses within Activity Center land use;

These improvements and the area allowed to develop upon completion of these improvements are depicted in Figure 2, below.

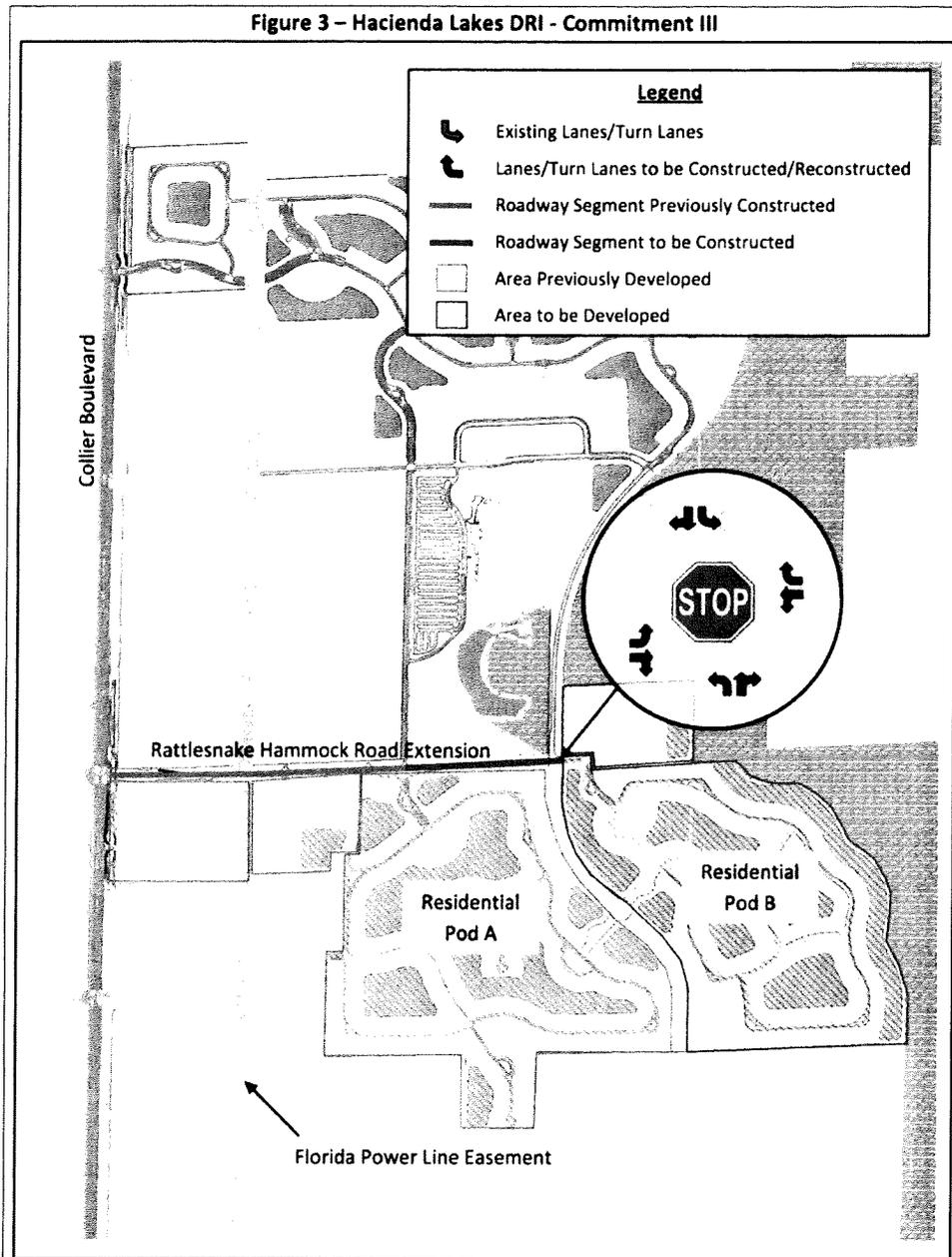


III. The Owner shall construct, at its sole expense, Rattlesnake Hammock Road Extension from the road leading into Swamp Buggy grounds to the future Benfield Road as a two lane road, including construction of the Rattlesnake Hammock Road Extension at Benfield Road intersection. Upon completion of such improvement, the Owner shall be allowed to develop the following additional land uses:

919 Student Elementary School, and;

Residential Pod B.

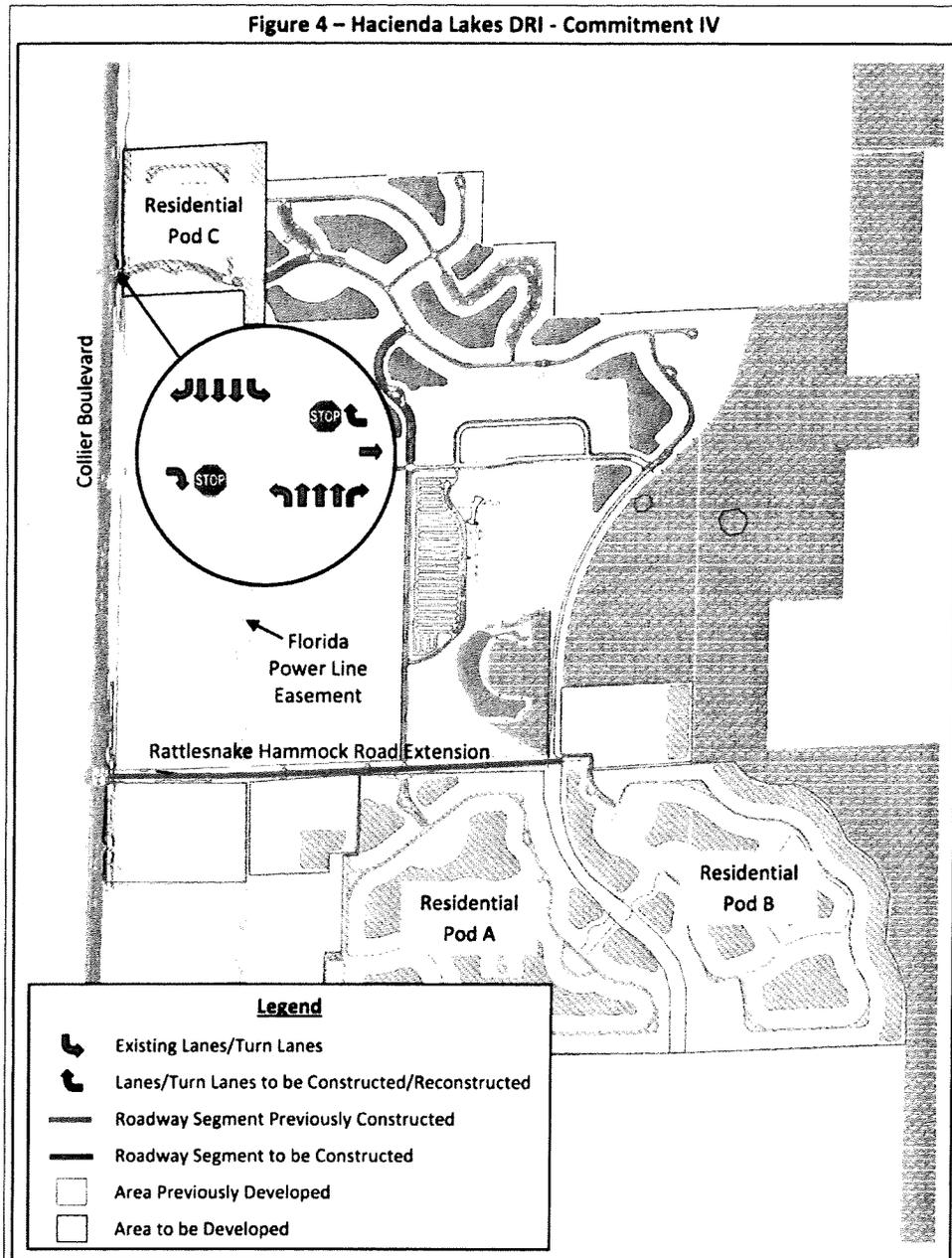
Since only a portion of the capacity to be provided by this two lane section will be consumed by the Hacienda Lakes DRI, the Owner shall receive road impact fee credits equal to 50% of the cost of this improvement. The cost of this improvement will be determined at the time of construction, and shall include the fair market value of the land or easement when the Owner conveys the road right-of-way to the County, free and clear of liens and encumbrances. Fair market value has been determined to be \$30,000 per acre. This improvement and the area allowed to develop upon completion of this improvement are depicted in Figure 3, below. Fifty percent (50%) of the cost of this improvement is deemed a site-related improvement.



**NORTH AREA**

IV. With no improvement other than a bridge to be constructed by the Owner, at its sole cost and without road impact fee credit, over the water canal that runs parallel to C.R.951 at the northern project site access, the Owner shall be allowed to develop Residential Pod C (not to exceed 300 PM peak hour trips at the connection to C.R.951). This improvement and the area allowed to develop upon completion of this improvement are depicted in Figure 4,

below. At no time will the County accept ownership of this bridge. This improvement is a site-related improvement.



V. The Owner shall, at its sole expense and without road impact fee credits, complete the reconstruction of The Lord’s Way from C.R.951 to Florida Power Line Easement and construct the extension of The Lord’s Way from Florida Power Line Easement to the west entrance to the Business Park with a two lane undivided cross section. In addition, when the

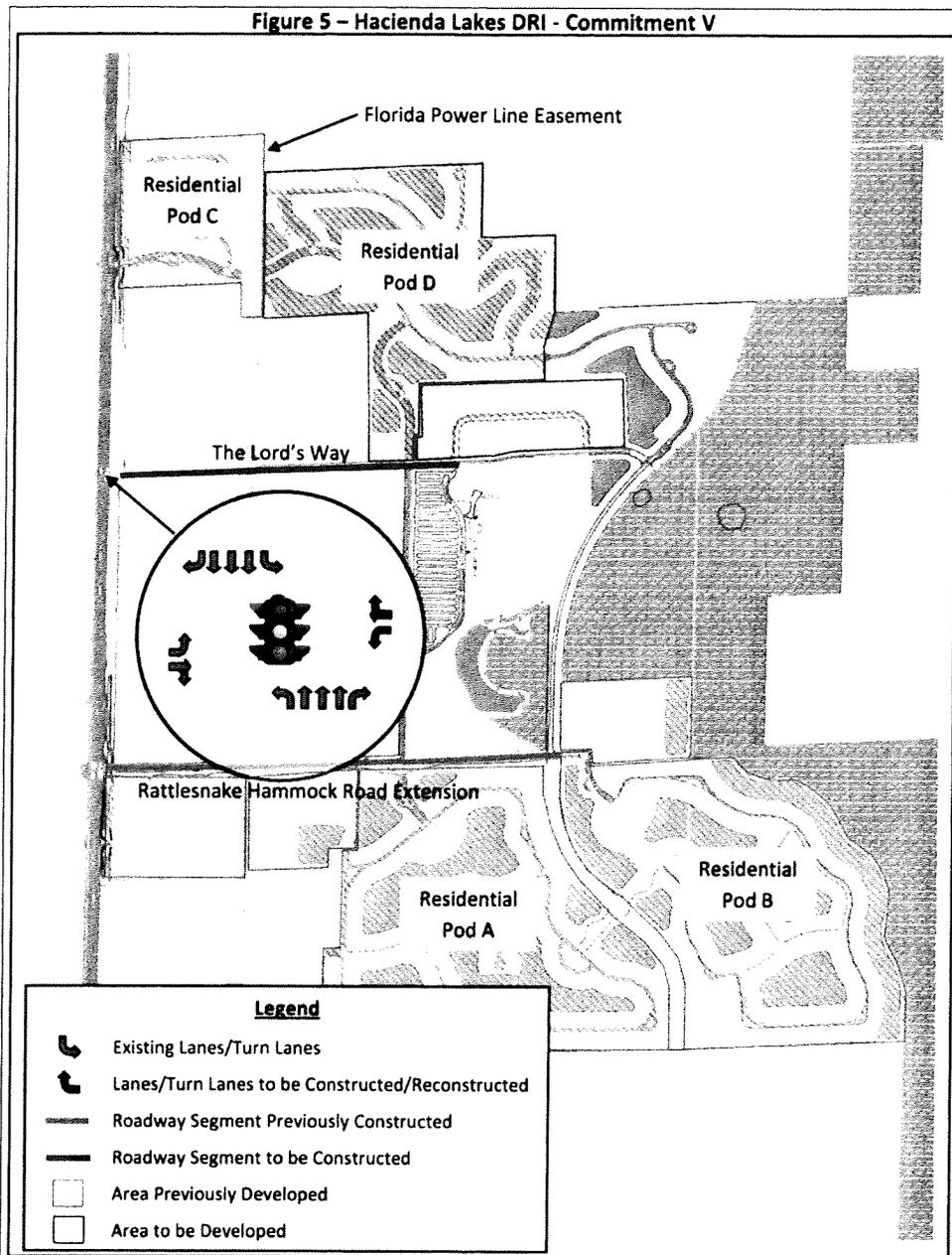
Collier Boulevard at The Lord's Way intersection is signalized upon meeting warrants, the cost of the signalization of this intersection will be shared proportionately among the Owner and other developments located in the area (east and west of C.R.951) and at no cost to Collier County and without road impact fee credits. Upon completion of such road improvement, the Owner shall be allowed to develop the following additional land uses:

Business Park, and;

Residential Pod D.

These improvements and the area allowed to develop upon completion of these improvements are depicted in Figure 5, below.

When the DRI has received certificates of occupancy for 66 percent of the total commercial and residential development authorized by the DRI, Collier County will perform an evaluation and inform the Owner if it is necessary to convey road right-of-way to the County for the section of The Lord's Way Extension from the west entrance to the Business Park/School to Benfield Road. If Collier County requests the road right-of-way, the Owner shall convey by road easement to the County the needed road right-of-way up to a width of 60 feet free and clear of all liens and encumbrances and shall receive impact fee credits equal to 100 percent of the fair market value of the road easement conveyed to the County which has been determined to be \$30,000 per acre. No further certificates of occupancy shall be issued until the road easement conveyance is recorded in the public records of Collier County. If this segment of The Lord's Way is not deemed necessary (through documentation, or lack thereof, in the LRTP or the CIE) by the time the development achieves 66 percent of the total approved development quantities, this commitment shall be considered expired.



**BENFIELD ROAD IMPROVEMENTS**

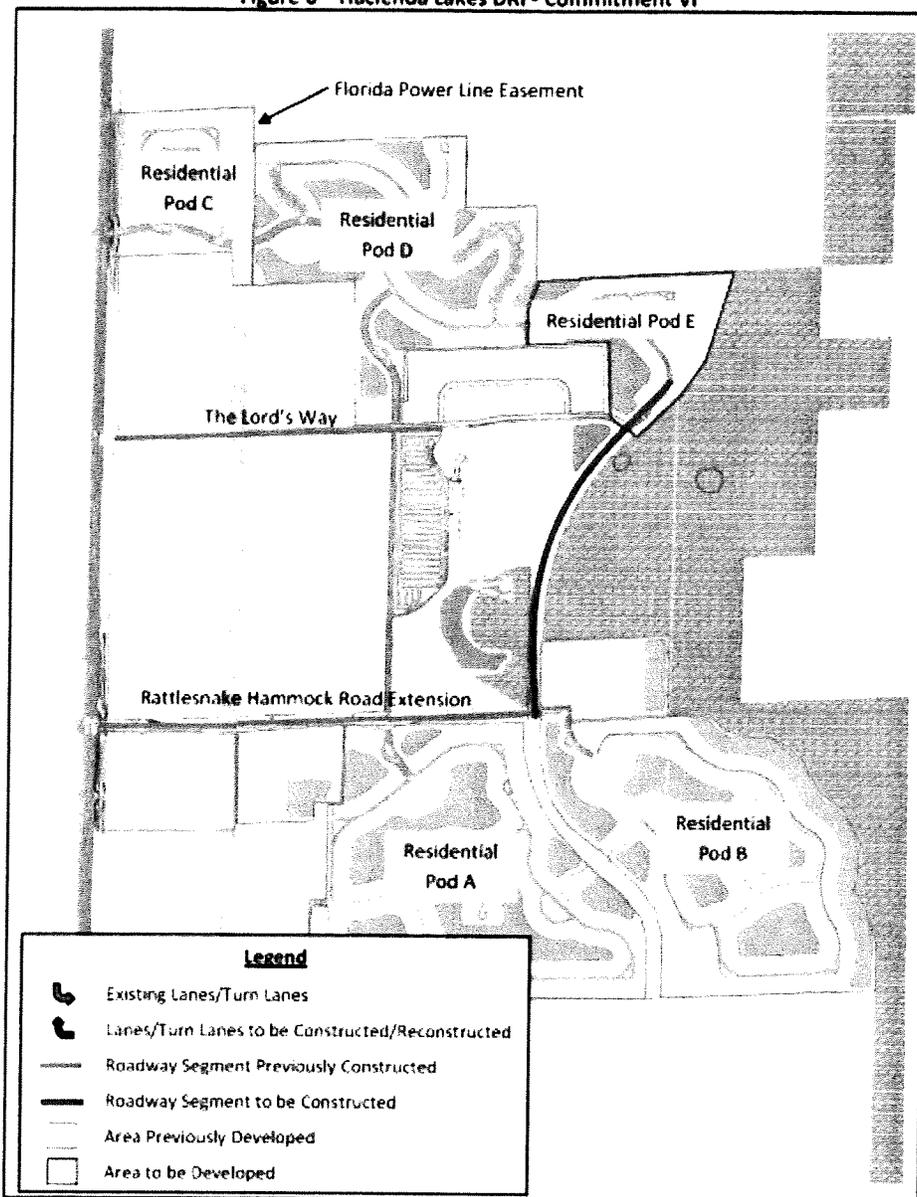
VI. The Owner shall construct, at its sole expense Benfield Road from Rattlesnake Hammock Road Extension to the entrance of Residential Pod E with a two lane undivided cross section and reserve the right-of-way necessary for the final 4 lane divided cross section. Residential Pod E shall be connected in a consistent manner with the County's right-of-way reservation plans or construction plans for future Benfield Road sections. Upon completion of such improvement and acceptance by Collier County of the improvements, the Owner shall

convey to the County a road easement for the road right-of-way needed for this section of Benfield Road up to a width of 120 feet free and clear of all liens and encumbrances. Upon recordation of the road easement in the public records of Collier County, the Owner shall receive road impact fee credits for 50% of the fair market value of the road easement necessary for this section of Benfield Road and for the increase in cost resulting from the construction of the road according to County Standards (arterial) instead of as a local subdivision road. The fair market value of 50% of the road right-of-way easement to the County has been determined to be \$30,000 per acre. Fifty percent (50%) of the fair market value of the road right-of-way easement and the total cost of the improvements are site-related improvements. The cost of this improvement will be determined at the time of construction. Upon completion of such improvement, the Owner shall be allowed to develop the following additional land uses:

Residential Pod E.

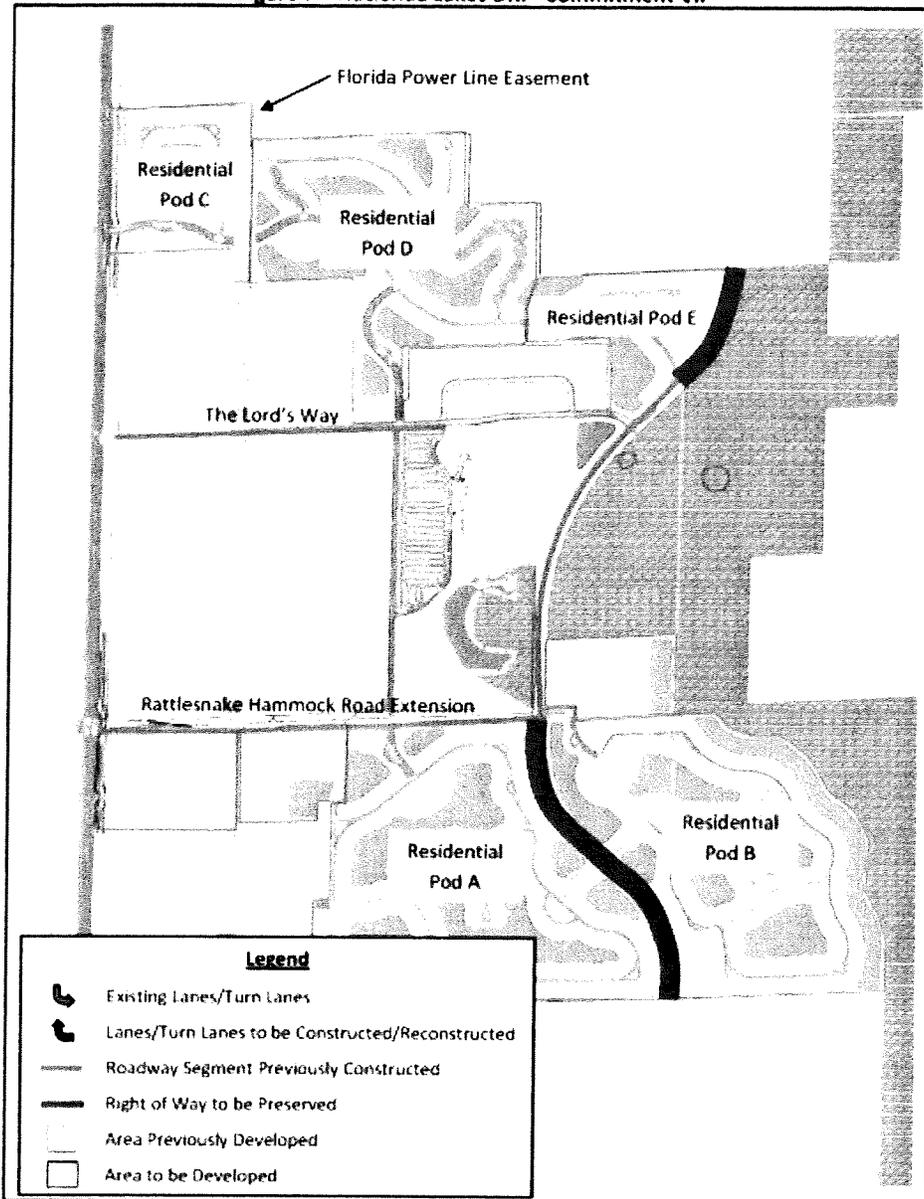
These improvements and the area allowed to develop upon completion of this improvement are depicted in Figure 6, below.

Figure 6 – Hacienda Lakes DRI - Commitment VI

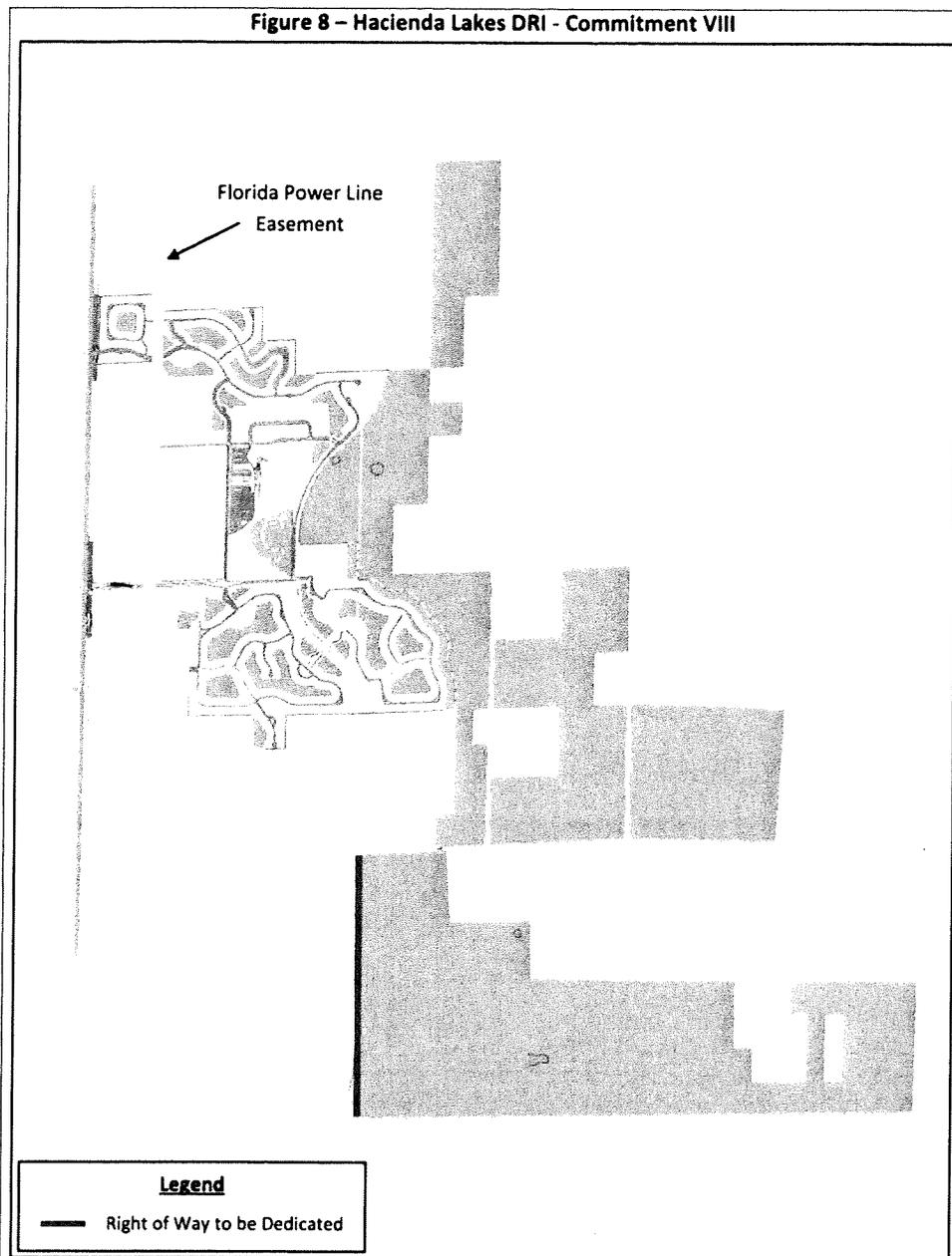


VII. Benfield Road South of Rattlesnake Hammock Extension and north of Residential Pod E connection to Benfield Road: the Owner will convey right-of-way to Collier County by road easement for Benfield Road on areas not to be built by Owner up to a width of 120 feet free and clear of all liens and encumbrances. Upon such conveyance, Collier County will provide road impact fees credits for 100% of the fair market value of the road easement. The value of the right-of-way has been determined to be \$30,000 per acre. The area to be conveyed is depicted in Figure 7, below.

Figure 7 – Hacienda Lakes DRI - Commitment VII



VIII. Benfield Road South of Sabal Palm Road: the Owner shall convey by road easement to the County the right-of-way needed for the future construction of Benfield Road south of Sabal Palm Road (approximately 1.00 mile) up to a width of 120 feet free and clear of all liens and encumbrances and at no expense to the County. In addition, the Owner shall receive no impact fee credits for such right-of-way conveyance. The area to be dedicated is depicted in Figure 8, below.



IX. As part of its State and Federal permits, the Owner shall pay for mitigation required for and State or Federal environmental impacts arising from the permitting for portions of Benfield Road described in Commitments VI and VII. In addition to this commitment, the Owner shall at no cost to County either: (1) Convey drainage easement(s) to the County for their stormwater management facility needs free and clear of all liens and encumbrances, or (2) agree to accept stormwater from Benfield Road into the Project's stormwater management system.

These are site-related contributions.

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F. At two thresholds during construction of this DRI, the Owner shall provide to Collier County a transportation analysis which compares the value of the Owner's contribution to the County's public road network against the DRI's proportionate share (as defined in the State of Florida's HB 7207) of impacted County and State road segments. If Owner's contribution is less than its impact based on the transportation analysis, then Owner shall pay to County the difference in three installments starting 90 days after the transportation analysis is agreed to by both parties, and then each 90 days thereafter until paid in full. The transportation contribution by the Developer shall be defined as the sum of all road impact fees paid to date, the costs of the non site-related transportation improvements (those receiving road impact fee credits) on Rattlesnake Hammock Road, Benfield Road and the Lords Way, plus the value of any road right-of-way conveyance by donation to the County, unless otherwise calculated as an impact fee credit. The first transportation analysis shall be submitted to the County when 33% of approved development trips (1,109 total gross trips) have been permitted based on building permit issuance, without projecting forward growth. The second transportation analysis will be submitted when 66% of the approved development trips (2,219 total gross trips) have been permitted based on building permit issuance, with a projection toward build out. The second analysis and reconciliation will finalize any transportation related assessments owed by the Developer for the build out of the Project. With the annual PUD monitoring report, Developer shall provide an annual trip generation analysis of trips approved by Site Development Plan approval and building permit issuance compared to total trips approved within the DRI. Upon triggering 33% or 66% as described above, Developer shall submit the transportation analysis described in this paragraph within six months. No certificates of occupancy shall be issued until the traffic analysis and annual trip generation analysis required

by this paragraph and any payments due have been delivered to County, unless the BCC grants an extension.

G. DRI traffic studies identified an off-site impact at the interchange of I-75 and S.R. 951 Ramps Intersection, specifically in the left-turn movement serving the northbound S.R. 951 to westbound (northbound) I-75 turning movement. Assessments of this operation in 2011 indicate that changes to lane usage and signage could augment the acceptable operation of the intersection and delay the impacts of the DRI. Hacienda Lakes traffic becomes significant (exceeds five percent of service volume) at this location at 46.2 percent of site traffic generation. When the first transportation analysis required under section 5.F. is undertaken (e.g. at 33 percent of site traffic generation), the existing traffic flow and level of service at this location will be reviewed and projected to the build-out of the DRI. If the 2011 operational assessment is confirmed and the intersection is, or will be, operating at an unacceptable level of service as determined by County or FDOT, then the Developer will identify a solution to offset its impacts and/or restore acceptable operating conditions, and contribute its proportionate share, per section 5.F., of the cost of the improvement to the appropriate government agency. If a proportionate share payment is identified as needed, the owner shall receive road impact fee credits for 100 percent of this contribution.

H. If Owner conveys to County mitigated land for the real property conveyances described in Subsections III, V, VI and VII of this Article 5, Transportation, then Owner shall be entitled to a transportation impact fee credit for the value of the State and Federal environmental mitigation, as a cost of construction for public facilities. The value of the mitigation shall be a per acre value calculated at the total cost of state and federal mitigation of the environmental impacts including wetland and wildlife impacts divided by the impacted acreage of 718 acres. Developer shall provide documentation acceptable to the County to verify

this cost. The cost of State and Federal mitigation shall include land costs for onsite preserves used for mitigation, environmental permitting costs, exotic removal, enhancement of preservation lands, creation of wildlife habitat, hydrological improvements and any mitigation activity required in the Army Corps of Engineers permit and South Florida Water Management District permit for the project in order to address the project's mitigation. State and Federal mitigation does not include County required mitigation. In lieu of transportation impact fee credits for environmental mitigation, the County reserves the right to transfer to Developer or Owner County-owned State or Federal panther and wetlands credits equal to the value of the transportation impact fee credits calculated pursuant to this Subsection H.

## **6. VEGETATION AND WILDLIFE/WETLANDS**

A. The Hacienda Lakes DRI shall preserve no less than 982.89 acres of native vegetation.

B. The need for wildlife crossings and fencing designs for roadways crossing of the preserve areas shall be reviewed by the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission ("FFWCC") as part of the ERP permit process.

C. Review of State listed species and habitat impacts/mitigation shall be addressed in coordination with FFWCC during the ERP permit process based on specific site plan details. At a minimum, the draft Hacienda Lakes Preserve Area Management Plan submitted on March 18, 2011, shall be implemented for the preserve areas shown in the master plan Exhibit "B".

D. The Owner shall enhance the preserved wetlands and the wetland hydroperiods and shall maintain them to provide for the natural wet and dry cycles, providing foraging and habitat for wading birds.

E. The Owner shall enhance wetland and upland areas to include the hand-removal of exotic and nuisance vegetation and supplemental plantings installed in areas with greater than 50 percent exotic coverage.

F. The Owner shall preserve, enhance, and place in a conservation easement the 1,544± acres of preserves, including approximately 73 percent (1,283± acres) of the wetlands on-site. In addition, 3± acres of SFWMD Other Surface Waters shall be enhanced and preserved, and shall be placed in a conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the SFWMD. Approximately 982.89 acres of the preserve is required native vegetation (by Collier County), that shall be preserved, enhanced and placed in a conservation easement in favor of Collier County, but maintained by Owner.

G. Prior to commencement of construction, the limits of wetland preserves shall be staked and roped to prevent encroachment by construction activities. In addition, best management practices for erosion control shall be implemented during construction of the project. Prior to commencement of construction, erosion control devices shall be installed where appropriate to control and reduce soil erosion, sediment transport, and turbidity. Such devices, which include haybale barriers, silt fencing, sediment booms, and temporary sediment traps, shall remain in place throughout the duration of construction until construction zones and surrounding areas are stabilized.

H. The on-site wetland preserves shall be enhanced through exotic removal and supplemental plantings, which will result in preserves that are more suitable as foraging habitats for the listed wading birds observed on-site, as well as providing potential roosting areas.

I. Where a minimum 15± foot upland buffer adjacent to wetland preserves is not feasible, structural buffers as set forth in the SFWMD's Basis for Review shall be provided. Structural buffers planted with native vegetation will be used throughout the Project along all areas that border wetland preserve areas to restrict access from the development to the preserve area. Generally, in areas where development is located adjacent to the conservation area or the property line, the structural buffer will be a 15-foot wide berm planted on the back slope with native tree, shrub, and ground cover vegetation.

J. Emergent wetland acres shall be increased through the planting of littoral zones in the lakes created as part of the development.

K. Enhancement of the wetland and upland preserves shall include the removal of exotic vegetation such as melaleuca, Brazilian pepper, and downy rose myrtle. Exotic vegetation removal shall be done by hand removal. In general, the exotics shall be treated in place with an appropriate herbicide and left standing, or exotics shall be cut, the cut vegetation removed or stacked in place, and the remaining stump treated with an appropriate herbicide. Supplemental plantings of native vegetation shall be installed in areas of greater than 50 percent exotic coverage. In addition, as part of the mitigation plan, areas of degraded wetlands, including monocultures of melaleuca, shall be enhanced through the mechanical removal of exotics, grading to wetland elevations, and planting with native vegetation. The grading plan for these areas will include the establishment of marshes for wading bird foraging habitat. These marshes shall be graded to varying depths to allow the concentration of prey for wading birds at alternating times of the year as water levels seasonally rise and recede. The surface water management system shall be designed to maintain appropriate wetland hydroperiods within the enhancement areas. The wetland hydroperiods shall be maintained to provide for the natural wet and dry cycles, to provide foraging for wading birds.

L. In addition to Paragraph A above, native landscaping shall be used to meet the criteria of Sub-section 4.06.05 D.1.a., of the Collier County Land Development Code which requires 75% of the required trees and 50% of the required shrubs to be native plants.

M. According to the Listed Species Management Plan (revised May 2011), the wetland and upland preserves, excluding reserved right-of-ways and access easements, will be placed in a conservation easement or equivalent deed restriction with inspection, enforcement, and approval rights granted to the South Florida Water Management District (SFWMD). The date(s), receiver of the easement or deed title, and record reference for each conservation easement or fee-simple donation of conservation/preservation areas filed will be provided at the time of filing to the SWFRPC and referenced in the biennial DRI report.

N. Review of federal listed species and habitat impacts/mitigation shall be addressed in coordination with the USFWS during the USACOE permit process or as Section 10 reviews based on specific site plan details. At a minimum, the Hacienda Lakes Preserve Area Management Plan dated May, 2011, shall be implemented for the preserve areas shown in the master plan Exhibit "B" and the measures recommended by the USFWS in consultation with the USACOE for conservation of the Florida panther, wood stork, red-cockaded woodpecker, eastern indigo snake, and any other federal listed species encountered will be employed to avoid and minimize the proposed project's impact on both individual animals and their habitats. The mitigation plan for unavoidable impacts to these species, including the location, management plan, and method of assurance of permanent protection and management for these listed species and proposed actions that would minimize the likelihood of adverse human/animal interactions will be reported in the Hacienda Lakes Preserve Area Management Plan and revisions thereof.

O. The initial habitat restoration and preservation efforts will be conducted by the Developer prior to the anticipated deeding of the lands to the State.

P. The Owner anticipates deeding portions of the preserves to the State in order to complement the adjacent Picayune Strand State Forest. The preserve areas would be maintained in accordance with the Wetland Mitigation/Monitoring/Maintenance Plan (to be approved as part of SFWMD Environmental Resource Permit Application 100126-5) and managed to provide habitat for listed species. In the event that the transfer of ownership to the State does not occur, the responsibility of perpetual management for these conservation areas would become the responsibility of a Home Owners Association (HOA) or another similar entity. In this case, the contract of responsibility for the HOA shall include a mechanism for perpetual funding, assurances that the approved management plan would be followed, and assurances that management activities would be conducted by a qualified entity.

Q. Developer shall coordinate pedestrian access and horse trails leading to and through the Picayune Strand with the owner of the Picayune Strand.

**7. UTILITIES – COLLIER COUNTY WATER SEWER DISTRICT (CCWSD)**  
**INFRASTRUCTURE**

A. In accordance with the current Collier County 2008 Water and Sewer Master Plan Update, the parties acknowledge that the Hacienda Lakes development may be located within the Collier County Water-Sewer District Boundaries, and; upon Board of County Commissioners approval of this Development Order Resolution , the Collier County Consolidated Impact Fee Ordinance shall apply.

B. Developer shall follow existing well field protection requirements identified in the Collier County Land Development Code (LDC) in Section 3.06.00. Developer shall show all well sites and pipeline easements located on and close to this development on all future site development plans (SDP), plans and plats (PPL) and any other site plan applications.

C. The project shall connect to the CCWSD potable water system at a location determined by CCWSD, when capacity is available..

D. The project shall connect to the CCWSD wastewater collection and conveyance system at a location determined by CCWSD, when capacity is available.

E. The project shall connect to the CCWSD Irrigation Quality water system at a location determined by CCWSD, when capacity is available.

F. Should the Collier County Water-Sewer District determine that it does not have sufficient capacity to serve the project, the Developer shall either construct interim potable water, wastewater treatment and/or non-potable water facilities, or shall postpone development until such time as the Collier County Water-Sewer District service capacity is available to service the project. Any interim facilities constructed by the Developer shall be constructed to Collier County Utilities Division Standards, and shall be dismantled, at the Developer's expense, upon connection to the Collier County Water-Sewer District facilities. Whether potable water, wastewater treatment and/or non-potable water facilities are provided onsite or offsite, the Developer shall demonstrate to Collier County that adequate capacity is available at the time of final utilities plan submittal.

G. Temporary septic systems may be utilized in conjunction with construction and sales offices, model homes, and rest shelters. Septic systems shall not be allowed onsite, other than for construction and sales offices, model homes and rest shelters. All temporary septic systems shall be properly abandoned and/or removed by a professional licensed to install and remove septic systems at the time when permanent or interim wastewater treatment facilities become available.

H. All utility facilities shall be designed and constructed in accordance with Ordinance 2004-31, and any amendments or successors thereto. Prior to commencement of

construction all design and construction documents pertaining to utility facilities shall be reviewed and approved by the CCWSD.

(1) The utility facility shall include but not be limited to: all construction plans, technical specifications and proposed plats, as applicable, for the proposed water distribution systems, wastewater collection and conveyance systems, irrigation quality distribution systems and any possible onsite treatment facilities.

I. All potable water infrastructures shall be conveyed to the CCWSD.

J. All wastewater collection and conveyance infrastructure shall be conveyed to the CCWSD.

K. All customers shall be customers of the Collier County Water Sewer District.

#### **8. EMERGENCY, POLICE AND FIRE PROTECTION.**

A. The Developer shall meet with the Sheriff's Department prior to initial construction, and again at least every 24-months thereafter, if requested by the Sheriff, to establish programs and incorporate crime prevention measures during each phase of the site development process. Written results of any meeting(s) shall be provided as a part of the local development order application.

B. Fire protection shall be provided according to existing standards or fire flow criteria promulgated by Collier County or recommended guidelines developed by the National Fire Protection Association.

C. (1) In order to mitigate for the project impacts and demand on Emergency Medical Services (EMS), the Developer shall provide a one acre parcel to Collier County. Such public facility site is identified as "PF": on Maps H-2 and H-3 of Exhibit "B".

(2) The dedication of the one acre site shall be by deed to Collier County at no cost to Collier County and is subject to an Emergency Medical Services Impact Fee credit based on the fair market value of the donated property.

(3) The valuation of the one acre site dedication has been determined to be \$30,000 per acre, and such dedication shall occur at the earliest of (i) 48 months from the issuance of the first residential certificate of occupancy, or (ii) no later than at the time the 500<sup>th</sup> residential unit is included in a development order application (site development plan, or plat), subsequent to the adoption of the DRI Development Order.

(4) If Owner conveys to County mitigated land for the real property conveyances described in this Article 8, Emergency, Police and Fire Protection, then Owner shall be entitled to an EMS impact fee credit for the value of the mitigation, as a cost of construction for public facilities. The value of the mitigation shall be a per acre value calculated at the total cost of state and federal mitigation of the environmental impacts including wetland and wildlife impacts divided by the impacted acreage of 718 acres. Developer shall provide documentation acceptable to the County to verify this cost. The cost of State and Federal mitigation shall include land costs for onsite preserves used for mitigation, environmental permitting costs, exotic removal, enhancement of preservation lands, creation of wildlife habitat, hydrological improvements and any mitigation activity required in the Army Corps of Engineers permit and South Florida Water Management District permit for the project in order to address the project's mitigation. State and Federal mitigation does not include County required mitigation. In lieu of EMS impact fee credits for environmental mitigation, the County reserves the right to transfer to Developer or Owner County-owned State or Federal panther and wetlands credits equal to the value of the EMS impact fee credits calculated pursuant to this paragraph.

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

E. Any on-site facilities with commercial pool operations shall comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

F. During the site planning process, a utility master plan shall be developed that will address fire flow and the fire districts shall be consulted during the preparation of the plan.

G. Portions of the commercial and residential developments may utilize natural gas as a source of energy. Coordination with the local fire departments shall occur for those developments through the site plan review process.

H. Appropriate Crime Prevention Through Environmental Design (CPTED) strategies, as adopted by Collier County, shall be used when designing sites, buildings, streets, signs, landscaping and parking, and the County may submit such designs to the Sheriff's Office for comments and consideration during the County's site plan review process.

I. The Developer shall coordinate with Collier County Public Utilities to ensure underground gas lines drawings are provided to the responding Fire Departments.

## **9. PHASING**

The project shall be developed in one overall phase that will include the entire development program. The phasing schedule is set forth on Exhibit "B", MAPS H-2 through H-4.

## 10. SOLID/HAZARDOUS/MEDICAL WASTE

A. The Developer shall incorporate the solid waste demands of the project into the county solid waste management program and all development components (i.e.: residential, commercial et al) shall participate in all conservation practices such as recycling, trash compaction, and mechanical shredding.

B. Any business located within the Hacienda Lakes DRI, which generates hazardous waste (as defined by Florida Statutes, Subsection 403.703(21) and Rule 17-730.030, Florida Administrative Code), shall be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such businesses. However, there shall be no siting of hazardous waste storage facilities contrary to Collier County Zoning Regulations.

C. The Project shall be bound by all applicable recycling requirements effective in Collier County at the time of the development.

D. Areas within buildings where hazardous materials or waste are to be used, displayed, handled, generated or stored shall be constructed with impervious floors, with adequate floor drains leading to separate impervious holding facilities which are adequate to contain and safely facilitate cleanup of any spill, leakage, or contaminated water.

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

F. All hazardous materials shall be handled, stored and applied in accordance with applicable regulations.

G. All commercial uses shall meet Federal, State and local hazardous materials' compliance requirements.

H. The local fire departments shall be informed, through the local government development order process, of any development where natural gas is to be used.

I. There shall be no discharge of medical waste from medical facilities into the sewage system.

J. Grease traps shall be required to comply with local and state codes. Additionally, the captured grease is to be hauled off by a licensed hauler.

#### **11. SCHOOL SITE**

As set forth in a tri-party Developer Contribution Agreement, the Owner shall, no later than the issuance of the 500th residential building permit, dedicate to the District School Board of Collier County a 19.55 acre elementary school site, or less if agreed to by the School Board within the Hacienda Lakes DRI with the following characteristics:

(a) A school site of 19.55 developable acres, or less if agreed to by the School Board, with wetland impact mitigated on the site as approved by permitting agencies, shall be provided for within the DRI;

(b) Water and sewer connections shall be available at site.

(c) The site shall accommodate typical 900+/- student capacity elementary school, with other facility requirements such as parking, sidewalks, water management, recreational facilities and other standard facilities.

(d) The site shall be zoned for School use as part of the overall approval for the Hacienda Lakes DRI/MPUD.

(e) The site location will be in lands designated Urban Residential Fringe in the County's Future Land Use Element, that is west of the one mile line east from County Road 951.

(f) Students residing within the project shall be within 1.5 miles of the school site.

(g) The Developer shall attempt to keep the school's frontage road(s) at 2 lanes for safer walking conditions.

(h) The school site shall have direct legal access to a public road right-of-way.

(i) School District acceptance of the dedication shall be contingent upon School Board approval and a satisfactory site feasibility study demonstrating that the land is suitable for the School District's intended use as an elementary school site with appropriate environmental conditions, usable acreage and direct legal access.

(j) It is anticipated that there will be no concurrency issues at the time of development, but the project will be subject to school concurrency at the time of site development plan review. A preliminary school impact analysis estimating the total number of students by housing type generated by the Hacienda Lakes DRI/MPUD is estimated in the table below.

Proposal: Estimated Number of Students Generated by Housing Type

<b>Dwelling Unit Type</b>	<b>Units</b>	<b>Elementary</b>	<b>Middle</b>	<b>High</b>	<b>Total Students</b>
Single Family	704	112.64	70.40	84.48	267.52
Multifamily	1056	211.20	84.48	95.04	390.72
Mobile Home					
Condo/Coop		0.00	0.00	0.00	0.00
Government					
<b>Total</b>	<b>1760</b>	<b>324</b>	<b>155</b>	<b>180</b>	<b>658</b>

(k) The Owner shall be compensated for the school site by way of school impact fee credits as set forth in a Tri-party Developer Contribution Agreement, the amount determined upon land valuation under a mutually agreed land appraisal mechanism and valuation

described in such Agreement to be negotiated within two years of the approval of this development order.

(l) Public facilities such as parks, libraries and community centers shall be permitted to be collocated with schools. The Elementary school shall be encouraged as focal points for neighborhoods.

## **12. CONSISTENCY WITH THE LOCAL COMPREHENSIVE PLAN**

A. Collier County has determined that the Hacienda Lakes DRI project is consistent with the Collier County Comprehensive Plan and that the project's phasing is consistent with the County's Concurrency Management System relative to public facilities necessary to support the project.

B. The project furthers the Rural Fringe Mixed Use District objectives by severing Transfer of Development Rights ("TDRs") from approximately 1,517 acres of lands designated Sending Lands on the FLUM. Those Sending Lands which generate the TDRs will be placed under a permanent conservation mechanism and ultimately be deeded to a public entity, if accepted by them.

C. The residential density of the proposed PUD is in compliance with the Density Rating System of the Future Land Use Element (FLUE), and is limited to 1,760 single-family and multi-family residential units. The overall Project gross density will not exceed 0.78 dwelling units per acre.

D. Owner and Developer will implement Policy 3.1 of the FLUE through on-site well field protection measures, preservation of Natural Resource Protection Area (NRPA) lands within the Project, preservation of archaeological sites within the Project, and the safe and convenient vehicular and pedestrian movement within the Project.

E. Owner and Developer will implement Policy 5.6 of the FLUE through the use of clustered development and utilization of the TDR program within the Rural Fringe Mixed Use District.

F. Owner and Developer will implement Policies 7.1, 7.2, 7.3, and 7.4 of the FLUE by providing for vehicular and pedestrian interconnections with off-site public roadways and adjacent greenways. Additionally, public access and roadway easements will not be vacated to preclude access to off-site private and public lands.

### **13. RECREATION AND OPEN SPACE**

A. Recreational facilities and open space will include the Florida Sports Park Swamp Buggy grounds and arena, Junior Deputy passive recreational area, lakes, trails and preserves, as well as community recreation and social spaces integrated into the residential development areas. Map II locates the preserves, lakes, passive recreation site, and the attraction (Swamp Buggy), but does not include open spaces within individual tracts.

B. The following land uses would be permitted in the Junior Deputy Tract of the Mixed-Use Planned Unit Development:

- a. Principal Uses:
  - i. Open space and recreational uses;
  - ii. Hiking, biking, fishing, boating, camping, picnicking and nature trails;
  - iii. Sporting and recreational camps;
  - iv. Caretaker's residence, limited to two for the JD designated area;
  - v. Wetland preserves;
  - vi. Upland preserves.

b. Accessory Uses:

i. Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

ii. Boardwalks, nature trails, shelters, pavilions, viewing piers, viewing platforms, educational signs, kiosks, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks;

iii. Covered camping pavilion(s) (i.e.: concrete, or similar hard surface, that is roofed, and may, or may not be enclosed with screen plastic sheeting, or walls), which may include kitchen/cooking facilities, office and restroom facilities;

iv. Passive parks and passive recreational uses;

v. Pervious roads, driveways, and pervious and/or impervious parking facilities;

vi. Project identification and directional signage;

vii. Water management structures in accordance with Collier County, SFWMD, DEP, and USACOE permitting requirements;

viii. Restrooms/bath houses:

ix. Roofed or unroofed storage for maintenance and recreational equipment;

x. Fencing and security gates, which may include barbed wire;

xi. Archery and air rifle range(s).

C. Public access to this Project's Preserve Tract will be consistent with the State's Management Plan, upon conveyance to a public agency.

D. The Hacienda Lakes DRI will not impact a recreation trail designated pursuant to Chapter 260, F. S., and Chapter 16D-7, F.A.C.

E. No parks and/or open space will be dedicated to the County. However, up to 1,549 acres of natural preserve area is intended to be dedicated to the State. The Hacienda Lakes DRI will provide a long-term restoration and maintenance program for its onsite open space and recreation lands.

F. The development of the Hacienda Lakes DRI will be consistent with the goals, objectives and policies of the Collier County Growth Management Plan through the implementation of the County's Transfer of Development Rights program (TDR). The criteria for utilizing the TDR program will address the goals of the Natural Resources Element of the Strategic Regional Policy Plan through implementation of restoration, provision for maintenance, and dedication of high quality natural areas. The lands intended to be dedicated to the State will provide for recreation opportunities and open spaces as contemplated by the local and regional policy.

G. The Developer, at a minimum, shall comply with Collier County Level Of Service requirements at the time of Development Order issuance.

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

#### **14. MPUD DOCUMENT**

There is a MPUD Document (Ordinance No. 2011-41) approved by the Collier County Board of County Commissioners on October 25, 2011, which also governs the Hacienda Lakes DRI. The Developer acknowledges that the conditions and commitments of the PUD Document also govern the development and use of property within the Hacienda Lakes DRI, even though the MPUD Document (Ordinance No. 2011-41) is specifically not made a part of this Development Order.

## 15. GENERAL CONSIDERATIONS

A. All commitments and impact mitigating actions provided by the Owner within the Application of Development Approval (and supplementary documents) may be used to interpret specific conditions for DRI approval outlined above if officially adopted as conditions for approval.

B. The Developer shall submit a biennial report on this Development of Regional Impact to Collier County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in subsection 380.06(18), Florida Statutes.

C. The development is on a one Phase schedule as set forth on Exhibit "B" Maps H-2 through H-4. If Development Order conditions and Developer commitments incorporated within the Development Order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue unless otherwise provided in 2011-139, Laws of Florida (2011).

D. If Collier County, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred. The monitoring checklist form contained in Appendix IV to the SWFRPC's official recommendations for the Hacienda Lakes DRI shall be used as a guide by Collier County in determining additional substantial regional impacts.

E. The following land use conversions are anticipated within the DRI:

(1) 1.0 residential unit equates to 2.73 Recreational Vehicle units/spaces (not to exceed 290 RV units in the entire PUD), or 4 Senior Housing Care Units (not to exceed 450 Senior Housing Care Units in the entire PUD).

(2) Up to 1,232 of the total 1,760 residential units may be multi-family as defined in the Land Development Code.

(3) Non-residential land use conversions may include: a conversion of retail allocation to office allocation at a one to one (1:1) ratio, not to exceed 25% of the retail land use allocation; and from the hotel allocation of 92,000 square feet to 60,000 square feet of Business Park land uses if no hotel is developed in the DRI. In no event shall the DRI exceed 3,328 PM Peak Hour Trips. Any land use change that would result in an aggregate project traffic impact greater than 3,328 PM Peak Hour Trips shall require the filing of a Notice of Proposed Change, if required by applicable law at the time.

(4) If any conversions are used, Developer shall provide written notification to SWFRPC and the Florida Department of Economic Opportunity.

## **16. APPLICATION OF THIS DEVELOPMENT ORDER**

A. For the purposes of this Development Order, the “Owner” commitments set forth herein are applicable to Hacienda Lakes of Naples, LLC, its successors, and/or assigns. The “Owner” commitments below shall not be enforceable upon Swamp Buggy, Inc., nor Collier County Junior Deputies League, Inc., except to the extent it is a requirement related to the land owned by same. The commitments may only be assigned by written notice to the Growth Management Division Administrator and confirmation that the Administrator has received such notice.

B. One entity (hereinafter the Managing Entity) shall be responsible for PUD and DRI monitoring until close-out of the PUD and DRI, and this entity shall also be responsible for satisfying all PUD/DRI commitments until close-out of the PUD and DRI. At the time of this PUD approval, the Managing Entity is Hacienda Lakes of Naples LLC. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD and DRI by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD and DRI are closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD and DRI commitments.

#### **17. LEGAL ACCESS**

A. Access to Parcel "A," as described in Exhibit "C" of this document shall be via a new roadway easement from the Owner to the owner, successor, or assigns of Parcel A that includes Parcel Folio Numbers 00467320802, and 00467320501 that shall be recorded in the Public Records of Collier County, and shall run in a north-south direction from the existing 30-foot roadway easement recorded in O.R. Book 857, Page 1800. This easement shall be recorded within 90-days of approval of the Hacienda Lakes MPUD.

B. Access to Parcel "B," as described in Exhibit "D" of this document, shall be via the existing roadway and ingress/egress easements recorded in O.R. Book 271, Page 505, O.R. Book 6222, Page 1609, O.R. Book 245, page 124, , and O.R. Book 287, Page 18.

C. No existing public access/roadway easements shall be vacated to preclude reasonable access to off-site private and public lands without providing replacement access easements. This new easement shall be equivalent to the existing easement and shall be recorded concurrently with the vacation.

## 18. PLANNING

A. Prior to the issuance of the first residential SDP or Plat Approval in the Hacienda Lakes DRI, Base TDR Credits and Early Entry TDR Bonus Credits shall be severed and redeemed from all Sending Lands to be preserved within one mile of the Urban Residential Fringe and there shall be executed and filed a Limitation of Development Rights Agreement(s) for such lands at that time.

B. A permanent conservation mechanism, including such Limitation of Development Rights Agreement(s), shall be attached/or applied to all Sending Lands to be preserved beyond one mile of the Urban Residential Fringe prior to final approval of the first SDP or Plat Approval for the Hacienda Lakes DRI project.

C. This Development Order states the land uses approved in gross square feet, acreage and parking (if applicable) are consistent with the statewide guidelines and standards in Chapter 380.0651, Florida Statutes.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Collier County, Florida, that:

1. The County Manager or designee shall be the local official responsible for assuring compliance with the Development Order.
2. This Development Order shall remain in effect for 15 years from the date of adoption.

3. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development order.

4. Pursuant to Subsection 380.06(15)(c)3, Florida Statutes, this project is exempt from down-zoning or intensity or density reduction for a period of 15 years from the date of adoption of the Development Order, subject to the conditions and limitations of said Subsection of the Florida Statutes.

5. The Developer or its successor in title to the subject property shall submit a report biennially, commencing two years from the effective date of this Development Order, to the Board of County Commissioners of Collier County, the Southwest Florida Regional Planning Council, and the Department of Community Affairs. This report shall contain the information required in Section 9J-2.025(7), Florida Administrative Code. This report shall be prepared in accordance with the "DRI Monitoring Format", as may be amended, provided by the SWFRPC. Failure to submit the biennial report shall be governed by Subsection 380.06(18), Florida Statutes.

6. Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners of Collier County, after due notice and hearing, that one or more of the following is present. Upon a finding that one or more of the following is present, the Board of County Commissioners of Collier County may take any action authorized by Chapter 380.06(19), Florida Statutes, pending issuance of an amended development order:

A. A substantial deviation from the terms or conditions of this Development Order, a substantial deviation to the project development phasing schedule, a failure to carry out conditions, commitments or mitigation measures to the extent or in accord with the timing schedules specified herein, or substantial deviation from the approved development plans which

create a reasonable likelihood of additional regional impacts or other types of regional impacts which were not previously reviewed by the Southwest Florida Regional Planning Council; or

B. An expiration of the period of effectiveness of this Development order as provided herein; or

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

D. If Owner or Developer desires to develop “stadium, training and practice facilities for professional baseball (Group 7941)”, a Notice of Proposed Change or Substantial Deviation Application for Development Approval shall be processed in accordance with Section 380.06, F.S. or any successor statute, and this Development Order shall be amended. If state law changes such that a DRI review or other state review is no longer required, then this provision shall terminate.

7. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all other applicable local, state or federal permitting procedures,

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

9. Appropriate conditions and commitments contained herein may be assigned to or assumed by a Community Development District formed pursuant to Chapter 190, Florida Statutes.

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

11. This Development Order shall be binding upon the County, the Owner, and the Developer, their assignees or successors in interest.

12. This Development Order shall become effective as provided by law.

13. Certified copies of this Order shall be provided to the Department of Economic Opportunity and the Southwest Florida Regional Planning Council as provided in Subsection 380.06(25)(g), Florida Statutes.

This Resolution adopted after motion, second and favorable vote this 25<sup>th</sup> day of October, 2011.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

by: [Signature]  
Deputy Clerk  
Attest as to Chairman's  
Signature only.

By: Fred W. Coyle  
FRED W. COYLE, Chairman

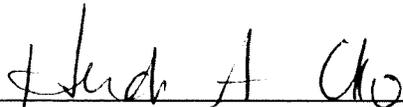
State of FLORIDA  
County of COLLIER

I HEREBY CERTIFY THAT this is a true and correct copy of a document on file in Board Minutes and Records of Collier County. WITNESS my hand and official seal this 1st day of November, 2011.

DWIGHT E. BROCK, CLERK OF COURTS

by: [Signature]

Approved as to form  
and legal sufficiency:



Heidi Ashton- Cicko  
Assistant County Attorney  
Section Chief, Land Use/Transportation

Attachments: Exhibit A – Legal Description  
Exhibit B – Maps H-1 through H-4 including phasing schedule  
Exhibit C – Access to Parcel A  
Exhibit D – Access to Parcel B  
Exhibit E – ADA Map O

CP\10-CPS-01022\115

**ADA DEVELOPMENT ORDER EXHIBIT "A"  
LEGAL DESCRIPTION**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER, LYING IN SECTION 11 THROUGH 14 AND 23 THROUGH 25, TOWNSHIP 50 SOUTH, RANGE 26 EAST AND SECTION 19 AND 30, TOWNSHIP 50 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE S.89°10'42"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 2835.68 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE S.89°11'14"W. ALONG SAID SOUTH LINE FOR 2906.24 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE S.89°09'39"W. ALONG THE SOUTH LINE OF SAID SECTION FOR 2693.18 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE S.89°11'01"W. ALONG SAID SOUTH LINE FOR 2693.80 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE N.00°13'35"W. ALONG THE WEST LINE OF SAID SECTION FOR 2636.34 FEET TO THE WEST QUARTER CORNER OF SAID SECTION; THENCE N.00°14'15"W. ALONG SAID WEST LINE FOR 2637.01 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE N.87°07'13"E. ALONG A LINE COMMON TO SAID SECTION 24 AND 25 FOR 1704.07 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N.01°08'02"E. ALONG THE EAST LINE OF SAID FRACTION FOR 684.58 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.87°12'28"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 340.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE N.01°04'11"E. ALONG THE WEST LINE OF SAID FRACTION FOR 2052.01 FEET TO THE NORTHWEST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE S.87°28'21"W. ALONG SAID NORTH LINE FOR 2025.64 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 23 AND 24; THENCE S.89°01'58"W. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23 FOR 1328.51 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE S.01°18'52"W. ALONG THE WEST LINE OF SAID FRACTION FOR 679.65 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S.89°22'00"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 663.28 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.01°14'38"E. ALONG THE WEST LINE OF SAID FRACTION FOR 675.75 FEET TO THE NORTHWEST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE S.89°01'58"W. ALONG SAID NORTH LINE FOR 664.25 FEET; THENCE CONTINUE S.89°01'58"W. ALONG SAID LINE FOR 627.16 FEET; THENCE N.01°01'15"E. FOR 1699.99 FEET; THENCE S.89°01'58"W. FOR 701.42 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 170 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S.01°01'15"W. ALONG SAID EAST LINE FOR 68.31 FEET; THENCE S.89°01'58"W. FOR 1232.97 FEET TO AN INTERSECTION WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 21, AT PAGE 183 OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY; THENCE N.00°51'54"E. ALONG SAID EAST LINE FOR 956.27 FEET TO AN INTERSECTION WITH A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE SOUTH LINE OF SAID SECTION 14; THENCE N.87°37'31"E. ALONG SAID PARALLEL LINE FOR 1237.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE N.01°01'15"E. ALONG SAID EAST LINE FOR 30.05 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE N.87°37'31"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 1337.24 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE N.00°48'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 2683.32 TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE EAST HALF OF

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE S.87°31'38"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 334.19 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°48'11"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1341.38 FEET TO THE NORTHWEST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.87°28'42"W. ALONG SAID SOUTH LINE FOR 1002.41 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE EAST LINE OF SAID FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE N.00°48'45"E. ALONG SAID WEST AND EAST LINE FOR 335.13 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE S.87°27'58"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1236.32 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 21, AT PAGE 183; THENCE N.00°49'30"E. ALONG SAID EAST LINE FOR 1004.62 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 11; THENCE N.00°50'27"E. ALONG SAID EAST LINE FOR 344.07 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N.87°28'56"E. ALONG SAID NORTH LINE FOR 1235.95 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.00°49'13"W. ALONG THE EAST LINE OF SAID FRACTION FOR 342.92 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 14; THENCE N.87°25'45"E. ALONG SAID NORTH LINE FOR 1336.32 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION; THENCE CONTINUE N.87°25'45"E. ALONG SAID NORTH LINE FOR 668.16 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE S.00°47'37"W. ALONG THE EAST LINE OF SAID FRACTION FOR 671.11 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14; THENCE N.87°27'14"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 668.22 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.00°47'14"W. ALONG THE EAST LINE OF SAID FRACTION FOR 671.39 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N.87°28'42"E. ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 14 1336.55 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION AND THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE N.87°30'06"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 1328.72 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N.00°38'50"E. ALONG THE EAST LINE OF SAID FRACTION FOR 1345.26 FEET TO THE NORTHEAST CORNER OF SAID FRACTION AND THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE N.00°41'44"E. ALONG THE WEST LINE OF SAID FRACTION FOR 2707.07 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.87°40'34"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 1321.29 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.00°36'23"W. ALONG THE EAST LINE OF SAID FRACTION FOR 2701.30 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION SAID POINT BEING THE NORTH QUARTER CORNER OF SAID SECTION 13; THENCE S.87°26'11"W. ALONG THE NORTH LINE OF SAID SECTION FOR 662.90 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.00°35'02"W. ALONG THE EAST LINE OF SAID FRACTION FOR 1345.93 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.87°30'06"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 664.36 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION AND SAID SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE S.00°38'50"W. ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER FOR 672.63 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.87°32'03"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 665.09 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.00°35'02"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER FOR 672.97 FEET TO THE SOUTHEAST CORNER OF SAID

FRACTION; THENCE S.87°33'59"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 665.81 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE S.00°38'51"W. ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER FOR 1345.10 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.87°37'27"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 667.27 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S.00°42'40"W. ALONG THE WEST LINE OF SAID FRACTION FOR 1344.51 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 24; THENCE N.87°40'54"E. ALONG SAID NORTH LINE FOR 2006.20 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S.00°56'29"W. ALONG THE WEST LINE OF SAID FRACTION FOR 1368.25 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.87°34'58"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 1343.68 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N.00°41'32"E. ALONG THE EAST LINE OF SAID FRACTION FOR 1365.31 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE N.87°41'38"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER FOR 1337.58 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE S.00°26'32"W. ALONG THE EAST LINE OF SAID SECTION FOR 1703.00 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S.87°33'18"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 672.60 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S.00°34'02"W. ALONG SAID WEST LINE FOR 1022.89 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.87°28'21"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 674.89 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 19; THENCE S.88°12'42"E. ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER FOR 3093.52 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.03°39'20"W. ALONG THE EAST LINE OF SAID FRACTION FOR 2676.74 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE N.88°56'10"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 2940.59 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE S.87°07'20"W. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 FOR 2726.50 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION; THENCE S.87°07'13"W. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER FOR 807.16 FEET; THENCE S.03°18'31"E. FOR 1451.00 FEET; THENCE N.88°56'54"E. FOR 1582.00 FEET; THENCE S.00°31'35"E. FOR 1130.61 FEET; THENCE S.89°15'59"E. FOR 1823.18 FEET TO THE EAST QUARTER CORNER OF SAID SECTION; THENCE N.89°57'58"E. ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 30 FOR 2200.53 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S.00°37'14"W. ALONG THE WEST LINE OF SAID FRACTION FOR 1344.51 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.89°34'43"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 365.01 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE WEST HALF OF THE SOUTH HALF; THENCE S.00°41'48"W. ALONG THE WEST LINE OF SAID FRACTION FOR 671.03 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.89°23'00"E. ALONG THE SOUTH LINE OF SAID FRACTION FOR 364.14 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N.89°22'35"E. FOR 710.09 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE N.00°52'45"E. FOR 1334.78 FEET TO THE NORTHEAST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE S.89°46'12"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 356.23 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.00°49'34"E. ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF FOR 668.60 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE N.89°57'58"E. ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 30 FOR 2497.82 FEET TO THE EAST

QUARTER CORNER OF SAID SECTION; THENCE S.01°12'08"W. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION FOR 2640.60 FEET TO THE POINT OF BEGINNING.  
101,084,043 SQUARE FEET OR 2,320.6 ACRES +/-

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS:

PARCEL "A"

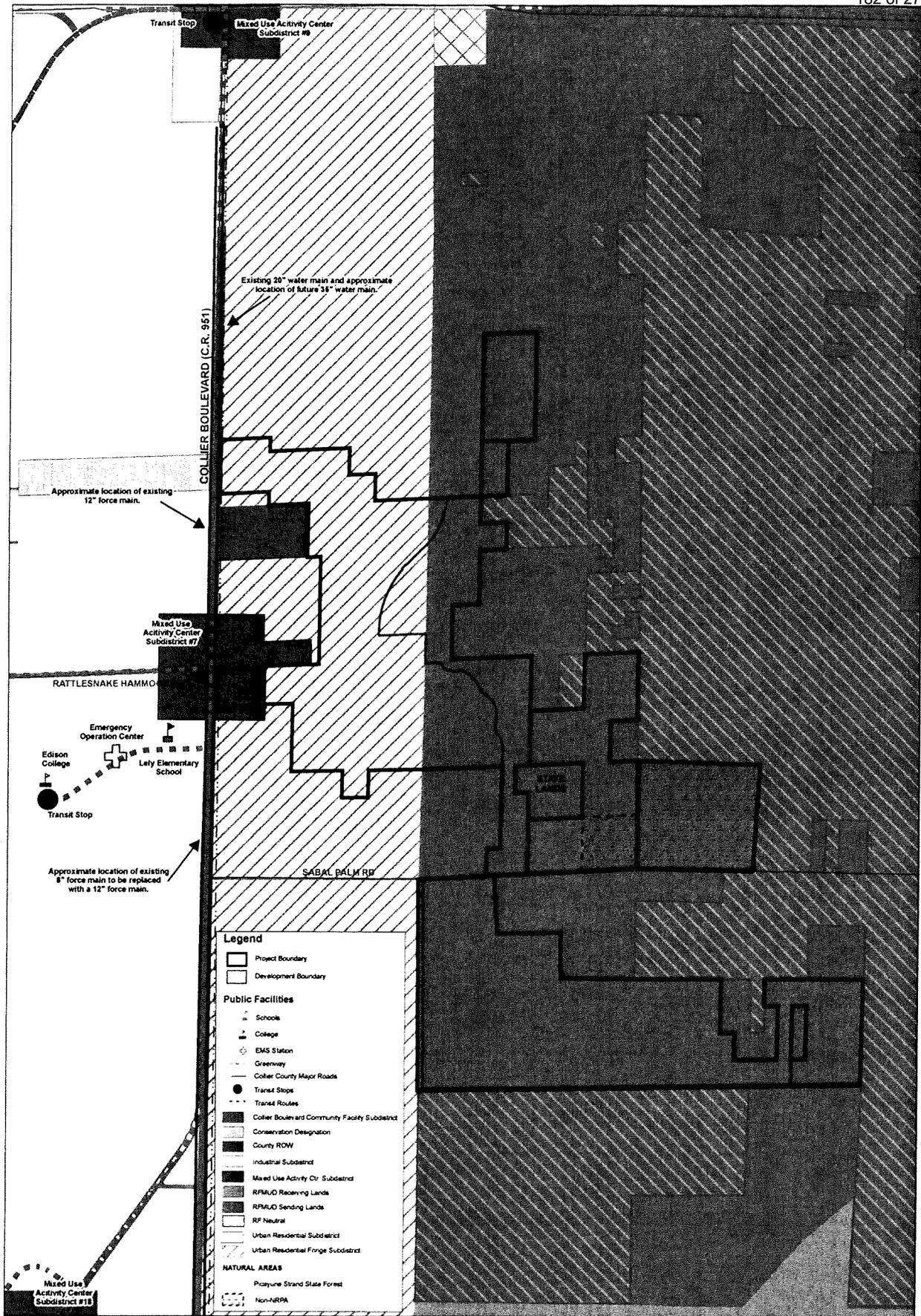
BEGINNING AT THE NORTHEAST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF OF SAID SECTION 30; THENCE S.00°59'10"W. FOR 1329.95 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE S.89°22'35"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 355.05 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°55'57"E. FOR 1332.36 FEET TO THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE N.89°46'12"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 356.23 FEET TO THE POINT OF BEGINNING.

473,270 SQUARE FEET OR 10.9 ACRES +/-

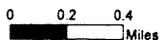
PARCEL "B"

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE N.87°28'21"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 1349.77 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.00°40'10"W. ALONG THE EAST LINE OF SAID FRACTION FOR 1361.17 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.87°17'48"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 1356.51 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°56'29"E. ALONG THE WEST LINE OF SAID FRACTION FOR 682.86 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S.87°23'02"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 338.41 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.01°00'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 683.43 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.87°28'21"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 337.61 FEET TO THE POINT OF BEGINNING.

2,072,100 SQUARE FEET OR 47.6 ACRES +/-

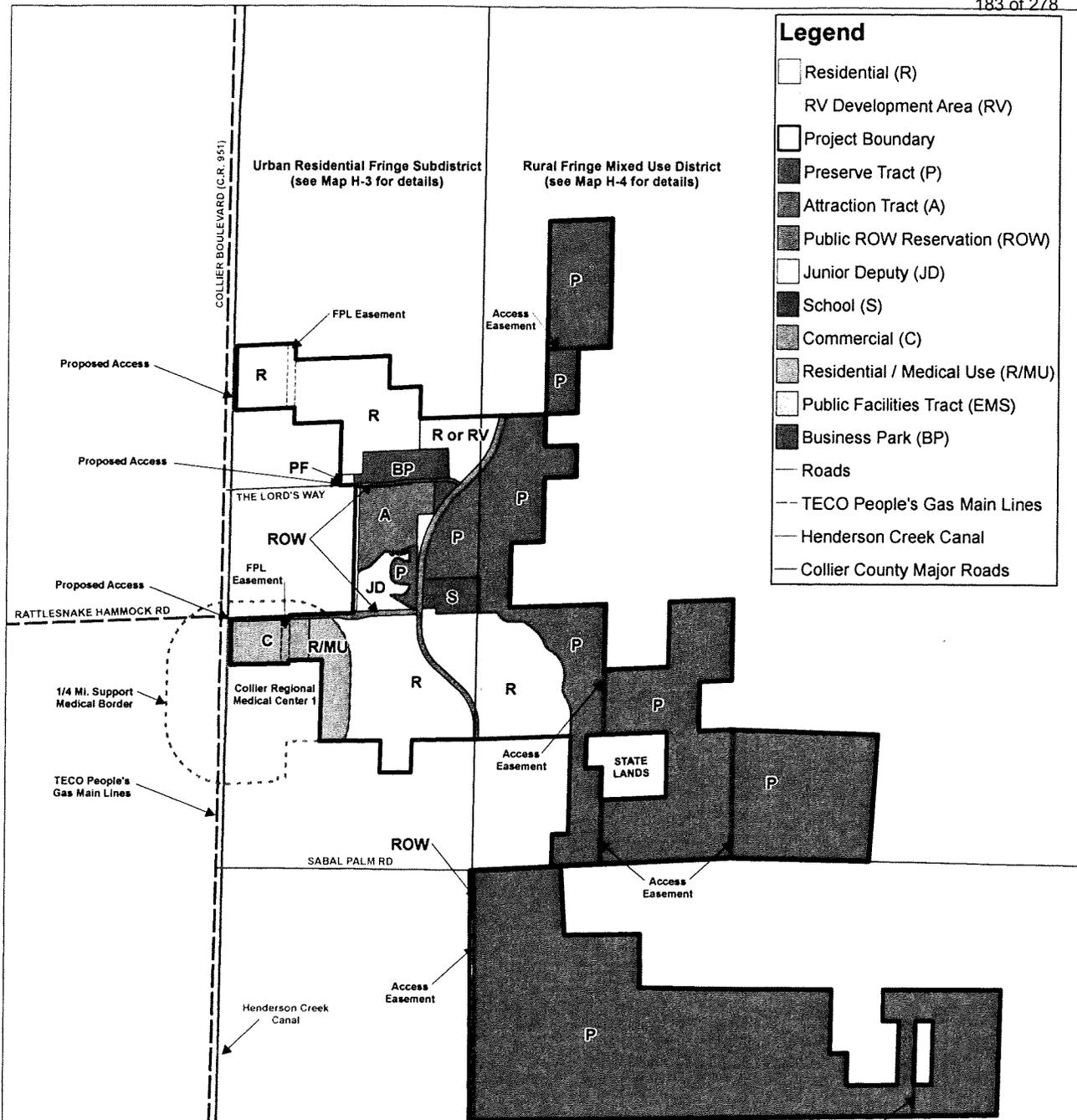


Hacienda Lakes  
 Map H-1  
 ADA DEVELOPMENT ORDER EXHIBIT "B"



**Legend**

- Residential (R)
- RV Development Area (RV)
- Project Boundary
- Preserve Tract (P)
- Attraction Tract (A)
- Public ROW Reservation (ROW)
- Junior Deputy (JD)
- School (S)
- Commercial (C)
- Residential / Medical Use (R/MU)
- Public Facilities Tract (EMS)
- Business Park (BP)
- Roads
- TECO People's Gas Main Lines
- Henderson Creek Canal
- Collier County Major Roads



**ESTIMATED DEVELOPMENT SCHEDULE**

Stage One							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2012	50 Units	20 Units	30 Units	27,500 SF	0.0 SF	0.0 SF	
2013	200 Units	100 Units	100 Units	150,000 SF	20,000 SF	0.0 SF	
2014	200 Units	100 Units	100 Units	150,000 SF*	25,000 SF	40,000 SF	
2015	250 Units**	100 Units	150 Units	0.0 SF	25,000 SF	0.0 SF	
2016	250 Units	100 Units	150 Units	0.0 SF	0.0 SF	0.0 SF	
	950 Units	420 Units	530 Units	327,500 SF	70,000 SF	40,000 SF	

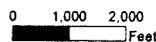
**ESTIMATED DEVELOPMENT SCHEDULE**

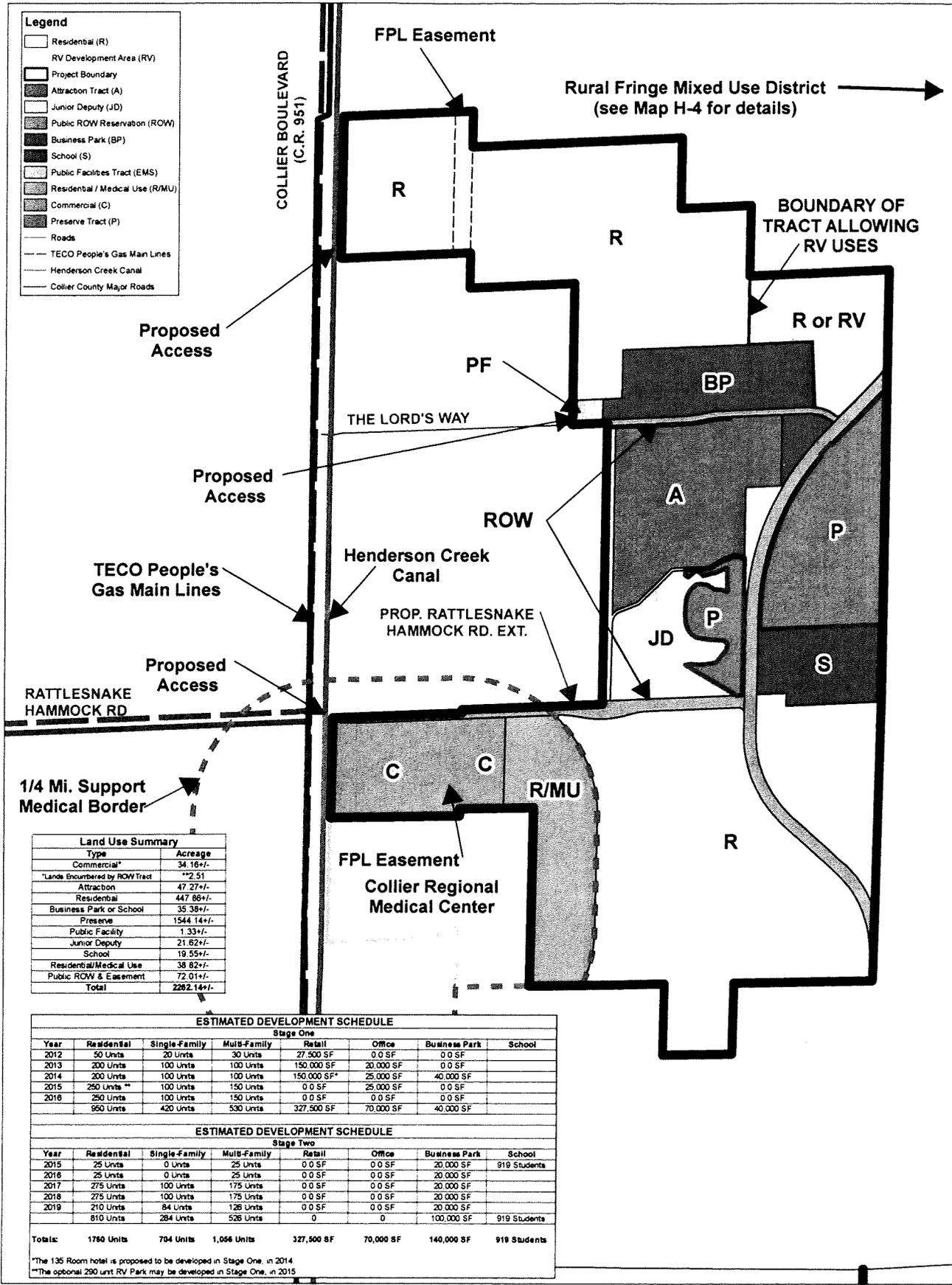
Stage Two							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2015	25 Units	0 Units	25 Units	0.0 SF	0.0 SF	20,000 SF	919 Students
2016	25 Units	0 Units	25 Units	0.0 SF	0.0 SF	20,000 SF	
2017	275 Units	100 Units	175 Units	0.0 SF	0.0 SF	20,000 SF	
2018	275 Units	100 Units	175 Units	0.0 SF	0.0 SF	20,000 SF	
2019	210 Units	84 Units	126 Units	0.0 SF	0.0 SF	20,000 SF	
	810 Units	284 Units	526 Units	0	0	100,000 SF	919 Students
<b>Totals:</b>	<b>1760 Units</b>	<b>704 Units</b>	<b>1,056 Units</b>	<b>327,500 SF</b>	<b>70,000 SF</b>	<b>140,000 SF</b>	<b>919 Students</b>

\*The 135 Room hotel is proposed to be developed in Stage One, in 2014  
 \*\*The optional 290 unit RV Park may be developed in Stage One, in 2015

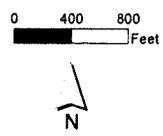
Access Easement

Land Use Summary	
Type	Acres
Commercial*	34.16+/-
*Lands Encumbered by ROW Tract	**2.51
Attraction	47.27+/-
Residential	447.86+/-
Business Park or School	35.38+/-
Preserve	1544.14+/-
Public Facility	1.33+/-
Junior Deputy	21.62+/-
School	19.55+/-
Residential/Medical Use	38.82+/-
Public ROW & Easement	72.01+/-
<b>Total</b>	<b>2262.14+/-</b>





Hacienda Lakes  
 Map H-3  
 ADA DEVELOPMENT ORDER EXHIBIT "B"  
 (Revised 9-7-11)

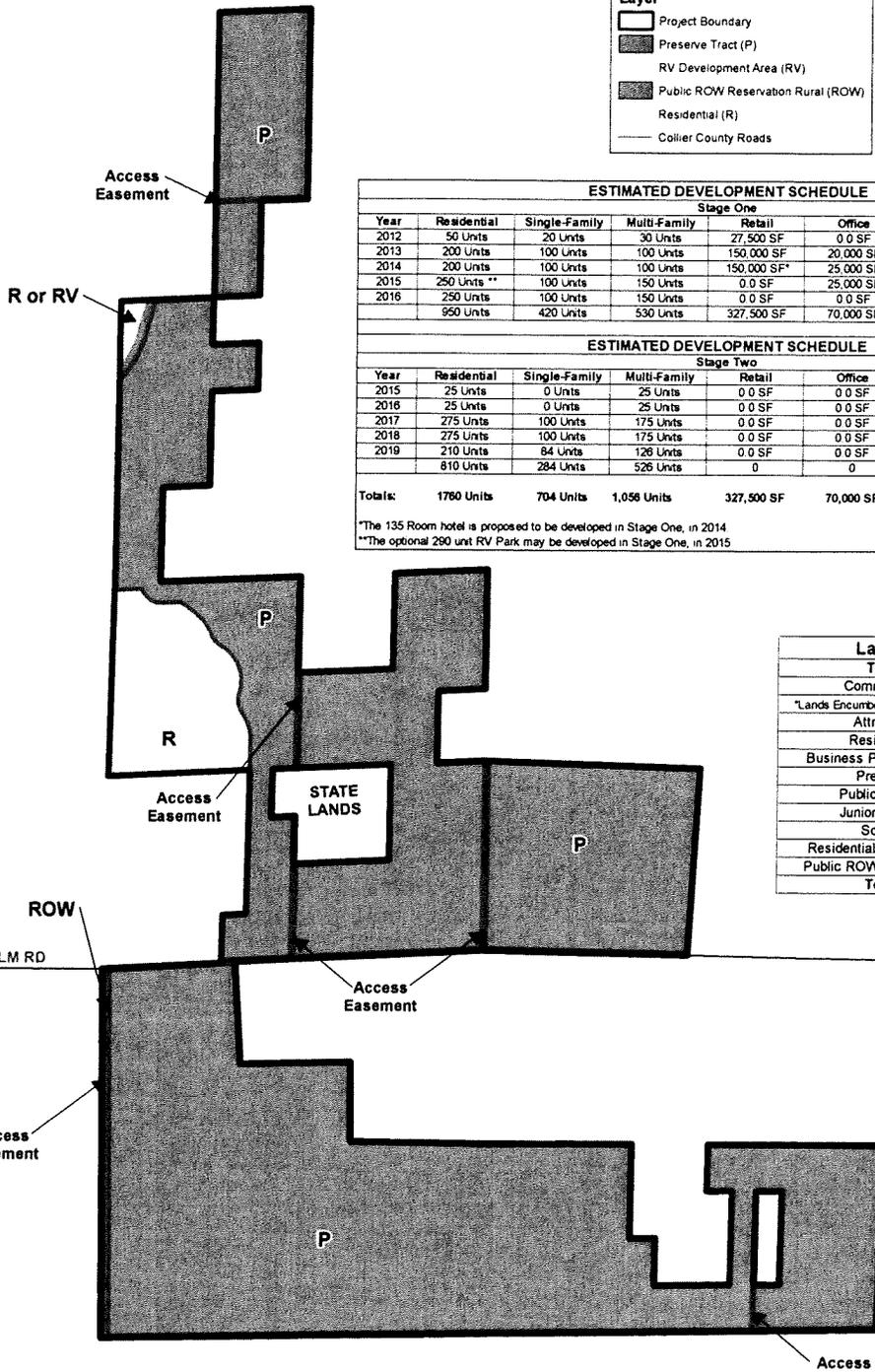


← Urban Residential Fringe Subdistrict  
(see Map H-3 for details)

**Legend**

**Layer**

- Project Boundary
- Preserve Tract (P)
- RV Development Area (RV)
- Public ROW Reservation Rural (ROW)
- Residential (R)
- Collier County Roads



**ESTIMATED DEVELOPMENT SCHEDULE**

Stage One							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2012	50 Units	20 Units	30 Units	27,500 SF	0 0 SF	0 0 SF	
2013	200 Units	100 Units	100 Units	150,000 SF	20,000 SF	0 0 SF	
2014	200 Units	100 Units	100 Units	150,000 SF*	25,000 SF	40,000 SF	
2015	250 Units **	100 Units	150 Units	0 0 SF	25,000 SF	0 0 SF	
2016	250 Units	100 Units	150 Units	0 0 SF	0 0 SF	0 0 SF	
	950 Units	420 Units	530 Units	327,500 SF	70,000 SF	40,000 SF	

**ESTIMATED DEVELOPMENT SCHEDULE**

Stage Two							
Year	Residential	Single-Family	Multi-Family	Retail	Office	Business Park	School
2015	25 Units	0 Units	25 Units	0 0 SF	0 0 SF	20,000 SF	919 Students
2016	25 Units	0 Units	25 Units	0 0 SF	0 0 SF	20,000 SF	
2017	275 Units	100 Units	175 Units	0 0 SF	0 0 SF	20,000 SF	
2018	275 Units	100 Units	175 Units	0 0 SF	0 0 SF	20,000 SF	
2019	210 Units	84 Units	126 Units	0 0 SF	0 0 SF	20,000 SF	
	810 Units	284 Units	526 Units	0	0	100,000 SF	919 Students

**Totals:**    1760 Units    704 Units    1,056 Units    327,500 SF    70,000 SF    140,000 SF    919 Students

\*The 135 Room hotel is proposed to be developed in Stage One, in 2014  
 \*\*The optional 290 unit RV Park may be developed in Stage One, in 2015

**Land Use Summary**

Type	Acreage
Commercial*	34.16+/-
*Lands Encumbered by ROW Tract	**2.51
Attraction	47.27+/-
Residential	447.86+/-
Business Park or School	35.38+/-
Preserve	1544.14+/-
Public Facility	1.33+/-
Junior Deputy	21.62+/-
School	19.55+/-
Residential/Medical Use	38.82+/-
Public ROW & Easement	72.01+/-
<b>Total</b>	<b>2262.14+/-</b>

Hacienda Lakes  
 Map H-4  
 ADA DEVELOPMENT ORDER EXHIBIT "B"  
 (Revised 9-7-11)

0    800    1,600 Feet



**ADA DEVELOPMENT ORDER EXHIBIT "C"**

## PARCEL "A"

BEGINNING AT THE NORTHEAST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF OF SAID SECTION 30; THENCE S.00°59'10"W. FOR 1329.95 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE S.89°22'35"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 355.05 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°55'57"E. FOR 1332.36 FEET TO THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE EAST HALF OF THE SOUTH HALF; THENCE N.89°46'12"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 356.23 FEET TO THE POINT OF BEGINNING.

473,270 SQUARE FEET OR 10.9 ACRES +/-

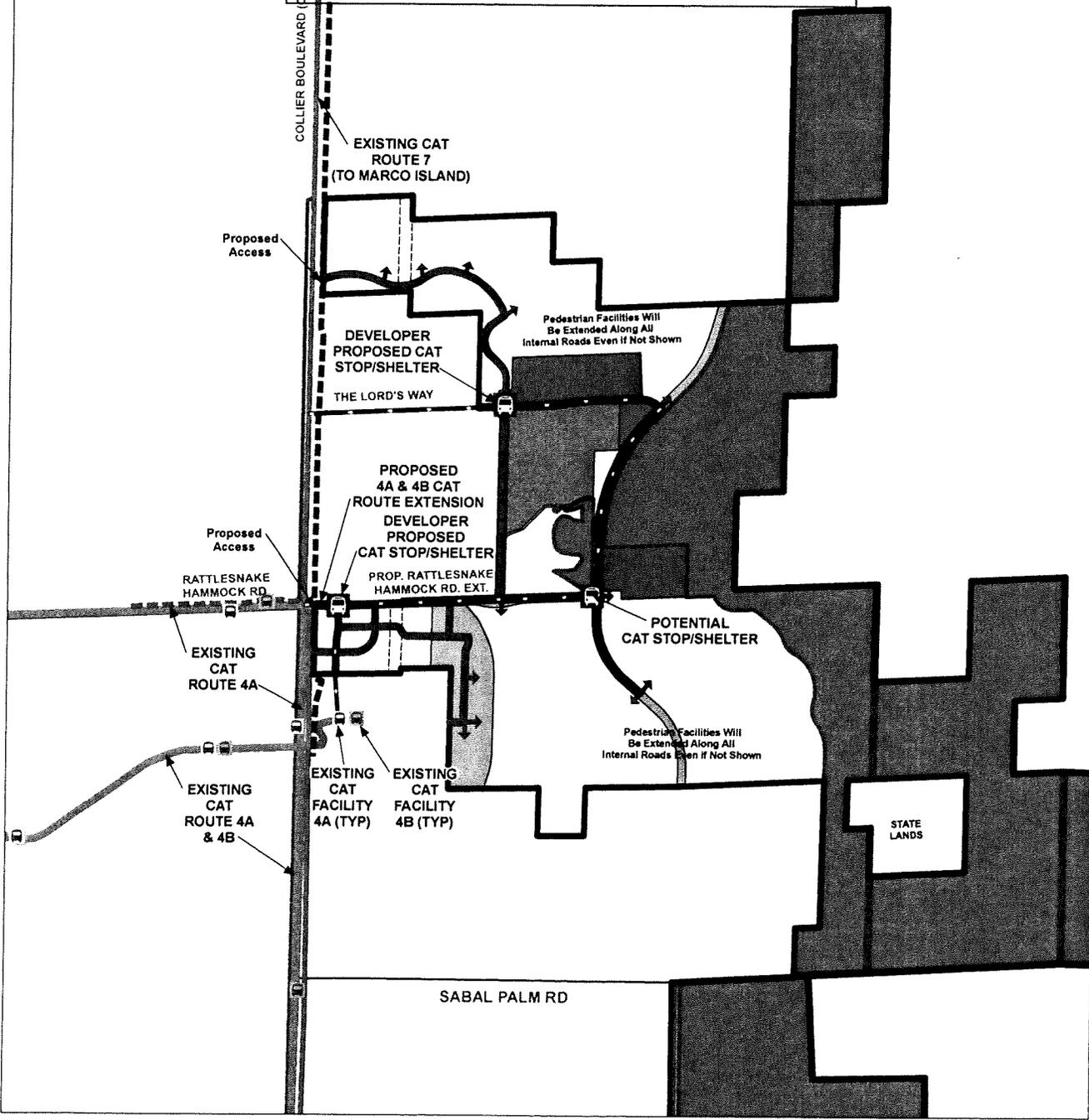
**ADA DEVELOPMENT ORDER EXHIBIT "D"**

## PARCEL "B"

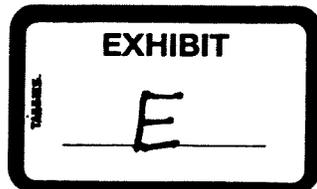
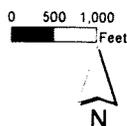
BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE N.87°28'21"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 1349.77 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S.00°40'10"W. ALONG THE EAST LINE OF SAID FRACTION FOR 1361.17 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.87°17'48"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 1356.51 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°56'29"E. ALONG THE WEST LINE OF SAID FRACTION FOR 682.86 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S.87°23'02"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 338.41 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.01°00'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 683.43 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.87°28'21"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 337.61 FEET TO THE POINT OF BEGINNING.

2,072,100 SQUARE FEET OR 47.6 ACRES +/-

Legend		Land Use	
	CAT STOP/SHELTER		Attraction Tract
	Proposed CAT Route 4A & 4B Extension		Business Park or School
	Existing CAT Route 4A & 4B		Commercial
	Existing CAT Facility 4A		Preserve Tract
	Existing CAT Facility 4B		Public Facilities Tract (EMS)
	Existing CAT Route 7		Junior Deputy
	Proposed Pedestrian Facilities		School
	Existing Shared Use Path		Residential Tract
	Project Boundary		Residential / Medical Use
	Development Boundary		Public ROW Reservation



Hacienda Lakes  
Map O  
(Revised 8-26-11)



\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8d

Pelican Landing DRI – Notice of  
Proposed Change

8d

8d

**PELICAN LANDING  
DRI #10-9293-121  
NOTICE OF PROPOSED CHANGE**

**Background:**

The Lee County Board of County Commissioners approved the Pelican Landing Development of Regional Impact (DRI) on August 29, 1994. However, the Development Order (DO) was appealed by the Florida Department of Community Affairs (DCA) and did not become effective until November 14, 1994. The Pelican Landing DRI began as an expansion of an existing residential/golf course development in the Bonita Springs area of Lee County (see Attachment I, Location Map), and once includes a portion of the previously existing Spring Creek DRI. However, the Pelican Land Amendment that included Spring Creek West is considered vested under the terms and conditions of the Spring Creek DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing.

On April 3, 2002, the City of Bonita City Council approved the Tenth Development Order Amendment to reflect the incorporation of the City of Bonita Springs, in southern Lee County. Approximately, 1,249.8 acres of the DRI are located in the City of Bonita Springs; the remaining 1,217.9 acres is located in Lee County; and approximately 282 +/- acres of the total constitute the Spring Creek West DRI, which is located in the City of Bonita Springs. As currently approved, the Pelican Landing DRI (without Spring Creek West) includes: 3,912 residential units (930 single family and 2,982 multifamily), 300,000 gross square feet of retail space, 475,000 gross square feet of office space, 750 hotel/motel rooms, a 50,000 square foot conference center (part of the retail), 65 wet boat slips and 150 dry boat storage spaces, and recreational amenities (24 tennis courts, 77 holes of golf, canoe parks, an existing boat ramp, and a beach park), all on approximately 2,749.7 +/- acres. There are 143.81 acres of upland habitat preserve, 678.5 acres of salt and freshwater marsh, 247.49 acres of water management lakes, 162.16 acres of public and private rights-of-way, 3.2 +/- acres of off-site parking, 6 acres of utilities and .11 acre cemetery site (see Attachment II, Master Development Plan). Build out is May 20, 2018 with a termination date of May 2021. These dates were recently extended by 4 years based on HB 7207.

The most recent annual/traffic monitoring report for 2011 reviewed by Regional staff indicated that the Pelican Landing DRI contained 41 wet slips, 2,606 residential units, 229,222 square feet of office space, 11,000 square feet of retail space (6,000 square feet of retail and a 5,000 square foot restaurant), 70 holes of golf, 22 tennis courts and the 450 room Hyatt Coconut Point Resort

**Previous Changes:**

There have been nineteen previous changes to the Pelican Landing DRI. These changes are as follows:

- 1) On March 22, 1995, the Lee County Board of County Commissioners (LCBCC) approved the First Development Order Amendment to the Pelican Landing DRI. This amendment was for the purpose of addressing the issues of the DCA Appeal and resulting Settlement Agreement. The amendment added new development order provisions regarding Affordable

Housing (requiring a housing re-analysis prior to initiation of the second planning horizon/phase of the DRI), Vegetation and Wildlife, Wastewater Management/Water Supply and Stormwater Management.

- 2) On August 16, 1995, the LCBCC approved the Second Development Order Amendment. This amendment, in combination with a simultaneous Eighth Amendment to the Spring Creek DRI (#10-7677-9), incorporated the Spring Creek DRI conditions into the Pelican Landing DRI.
- 3) On September 13, 1995, the LCBCC approved an amendment to the Pelican Landing Zoning criteria and Master Concept Plan. This amendment recognized the attachment of the Spring Creek West property to the Pelican Landing DRI and adjusted zoning provisions accordingly.
- 4) On November 4, 1996, the LCBCC approved the Third Development Order Amendment. This amendment altered the mix of land uses for the project, while maintaining previously approved traffic impacts. Retail gross square footage was reduced from 600,000 to 540,000. Office space was increased from 210,000 square feet to 245,000 square feet. The number of residential units was increased from 4,050 to 4,400.
- 5) On November 17, 1997, the LCBCC approved the Fourth Development Order Amendment. This amendment increased the approved number of hotel/motel rooms from 450 to 750, and decreased retail space from 540,000 square feet to 461,000 square feet.
- 6) On September 21, 1998, the LCBCC approved the Fifth Development Order Amendment. This amendment added approximately 204 acres to the northern portion of the DRI. The total number of residential units was not increased, thereby reducing the overall density of the development. The wetland acreages were adjusted based on the addition of the 204 acres. The parcels that were added were commonly identified as the Kersey Smoot parcels. The Eco-Park conditions were adjusted based on the addition of the Kersey Smoot property and reallocated approved land uses to encompass the new acreage.
- 7) On June 21, 1999, the LCBCC approved the Sixth Development Order Amendment to the Pelican Landing DRI. This amendment reduced approved retail space from 461,050 gross square feet to 300,000 gross square feet. Simultaneously, office space was increased from 245,000 gross square feet to 475,000 gross square feet.
- 8) On December 6, 1999, the LCBCC approved the Seventh Development Order Amendment. This amendment added 72 acres, adjacent to the southwest boundary of the DRI. This property is known as the Baywinds Parcel. The land addition increased the size of Pelican Landing from 2,304 acres to 2,376 acres (not including Spring Creek West). The change also reallocated 141 approved multi-family units onto the Baywinds Parcel. Additionally, 12 new tennis courts (for a total of 24) were added to the DRI. The Baywinds parcel had existing gopher tortoises and wetlands. The DRI DO addressed how the wetlands and listed species issues related to the Baywinds parcel would be addressed.
- 9) On August 7, 2000, the LCBCC approved the Eighth Development Order Amendment. The

purpose of this change was to add a 3.2-acre parcel, north of Coconut Road, to the DRI for relocation of an existing parking area. The parking area will be utilized by residents and guests of Pelican Landing who are traveling (by shuttle craft) to the development's private beach on Big Hickory Island. Relocation of the parking area was made necessary by construction of the Hyatt Hotel within Pelican Landing.

- 10) On September 18, 2000, the LCBCC approved the Ninth Development Order Amendment. This amendment added approximately 140 acres to the eastern side of the DRI. The property, known as the "Skebe Tract", accommodated an additional nine holes of golf and allowed for reconfiguration of the development's previously approved Eco-Park. As part of the reconfiguration of the Eco-Park, approximately 22 acres of Park area within the original DRI were deleted and replaced by lands within the Skebe Tract. The reconfiguration resulted in a net gain for the Eco-Park of 12 acres of upland habitat and 54 acres of forested wetlands. Overall, the park will expand to approximately 144 acres. The overall size of Pelican Landing was increased from 2,376 acres to 2,516 acres. No additional development was approved.
- 11) On February 26, 2002, the LCBCC approved the Tenth Development Order Amendment. On April 3, 2002, the City of Bonita City Council approved the Tenth Development Order Amendment. The purpose of the change was to amend the Development Order and Master Development Plan Map (Map H) for the DRI to reflect the incorporation of the City of Bonita Springs, in southern Lee County. In addition, a jurisdictional boundary change as required by the approval of the Ninth Amendment, referenced above was completed.
- 12) The City of Bonita Springs adopted a DRI DO, Ordinance 02-05, for that portion of the DRI located within the City of Bonita Springs due to incorporation. The City of Bonita Springs DRI was adopted on April 3, 2002.
- 13) On October 7, 2002, the LCBCC approved the Eleventh Development Order Amendment to first adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and second extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively.
- 14) Twelfth Development Order Amendment, adopted December 4, 2006, County Case DRI2005-00001: A one point forty-five (1.45) acre parcel was added to the DRI as part of the Twelfth Development Order Amendment and the total number of units was reduced from 4,400 to 3,912 residential units and there as a reduction in multi-family units from 3,735 to 2,982, and an increase in single family units from 665 to 930.
- 15) Thirteenth Development Order Amendment, LU-07-07-1098.JJJ., adopted October 2, 2007, pursuant to House Bill 7203: The BOCC extended the build out, termination and phase dates by three (3) years. The build out date was changed to 2012.
- 16) City of Bonita Springs Resolution 07-115, adopted October 17th, 2007, extended the build

out date from May 20, 2009 to May 20, 2012, and the termination date was extended from May 20, 2012 to May 20, 2015.

- 17) The City of Bonita Springs, Resolution 09-07 was adopted September 4, 2009, extended the build out date for the City portion of the DRI from May 20, 2012 to May 20, 2014.
- 18) The City of Bonita Springs, Resolution 11-051 was adopted to provide a 4 year build out extension from May 20, 2014 to May 20, 2018 with a termination date from May 20, 2017 to May 20, 2021. This extension was allowed by HB 7207.
- 19) Lee County adopted the fourteenth DO amendment on November 15, 2011 to extend the build out date from May 20, 2012 to May 20, 2016 with a termination date from May 20, 2015 to May 20, 2019. This extension was allowed by HB 7207.

### **Proposed Changes:**

On January 7, 2011, the Southwest Florida Regional Planning Council (SWFRPC) received an Application for a Notice of Proposed Change (NOPC) for the Pelican Landing DRI. The applicant for the proposed changes, WCI Communities, LLC., is proposing to extend the build out and termination dates for the DRI. The proposed build out date is May 21, 2020 with a termination date of May 20, 2026. Initially, the NOPC contained a six year extension. However, with the adoption of HB 7207 in April of 2011, which granted an automatic 4 year extension, the NOPC in affect is only proposing a two year extension.

There are a few adjustments to DO conditions that reflect the passage of time and the completion of some of the items required by the conditions. The applicant is also proposing to end the interface zone water quality monitoring as the monitoring data has established that the management plan is adequate to protect the water quality. To address eliminating the water quality monitoring language in the DO the following language is proposed by the applicant.

“The monitoring has been ongoing for a period of fifteen +/- years and there have been no water quality violations. The conditions and the management plan for the application of herbicides, pesticides, and fertilizers is effective and has protected and will continue to protect the water quality. The Developer does not have to continue the groundwater monitoring because it has been established that the DRI DO conditions and the management plan have been and continue to be effective.”

### **Regional Staff Analysis:**

The elimination of the interface zone water quality monitoring falls under the provisions of Chapter 380.06(19)(e)3.F.S., which states:

“Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government”.

As part of a NOPC for the Pelican Landing DRI Camp Dresser and McKee, Inc. (CDM) has prepared a request for the WCI Communities, Inc. to eliminate the long term water quality monitoring for the site that is located at the monitoring wells and stormwater outfalls of the stormwater management system associated with the project's golf course interface with the adjacent wetlands of Estero Bay. After 15 years of semi-annual monitoring the data indicates that for those parameters with numeric standards the measured constituents have not exceeded state standards for water quality. Therefore, one can assume that the stormwater management system of the DRI and Best Management Practices (BMP) are working to prevent water quality standards from deteriorating Estero Bay and as such regional staff concludes that the proposal to eliminate the groundwater interface zone water quality monitoring is acceptable. However, Lee County Natural Resources would like the applicant to continue monitoring surface water quality monitoring, because two months in 2009 out of 15 years of monitoring showed a sudden increase in lead and zinc. Regional staff recommends future water quality monitoring is coordinated with Lee County on who will be responsible for taking the surveys.

The initial six year extension was considered a Chapter 380.06(19)(c)1.F.S., which states:

“An extension of the date of build out, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation.” This presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government”.

In an effort to rebut the presumption of a substantial deviation from the original 6 year extension proposal a comparative transportation analysis was prepared, which indicates that there is not an increase in the number of significantly and adversely impacted transportation links and that there is no level of service impacts result in any roadway link in the area of influence. However, according to the City's transportation planning consult

“even though the DRI Monitoring Report shows fewer links being impacted by the proposed development in the build-out year, it does not adequately address the impact on the intersections. This DRI has already gone through 2 or 3 extensions from the original build-out year without having adequately addressed the impact on the intersections. We can allow the current extension to 2020 with the condition that any future extension beyond 2020 would require detailed link and intersection analyses deemed appropriate by the City staff.”

**Character, Magnitude, Location:**

The time extension and elimination of the interface zone water quality monitoring will not change the character, magnitude or location of the DRI.

**Regional Goals, Resources or Facilities:**

No regional goals are being affected adversely by the changes. Furthermore, no regional resources or facilities are being impacted negatively by the changes.

### **Multi-jurisdictional Issues:**

The proposed changes could be regarded as multi-jurisdictional in nature, because the DRI is within two local jurisdictions (Lee County and the City of Bonita Springs). While staff does not anticipate multi-jurisdictional problems, the build out dates of the two DO amendments need to be consistent as discussed in the Acceptance of the Proposed DO Language section below.

### **Need For Reassessment of the DRI:**

Council staff does not believe that the Pelican Landing DRI requires reassessment as a result of the proposed changes, primarily because a comparative transportation analysis was prepared, which indicates that there is not an increase in the number of significantly and adversely impacted transportation links and that there is no level of service impacts result in any roadway link in the area of influence.

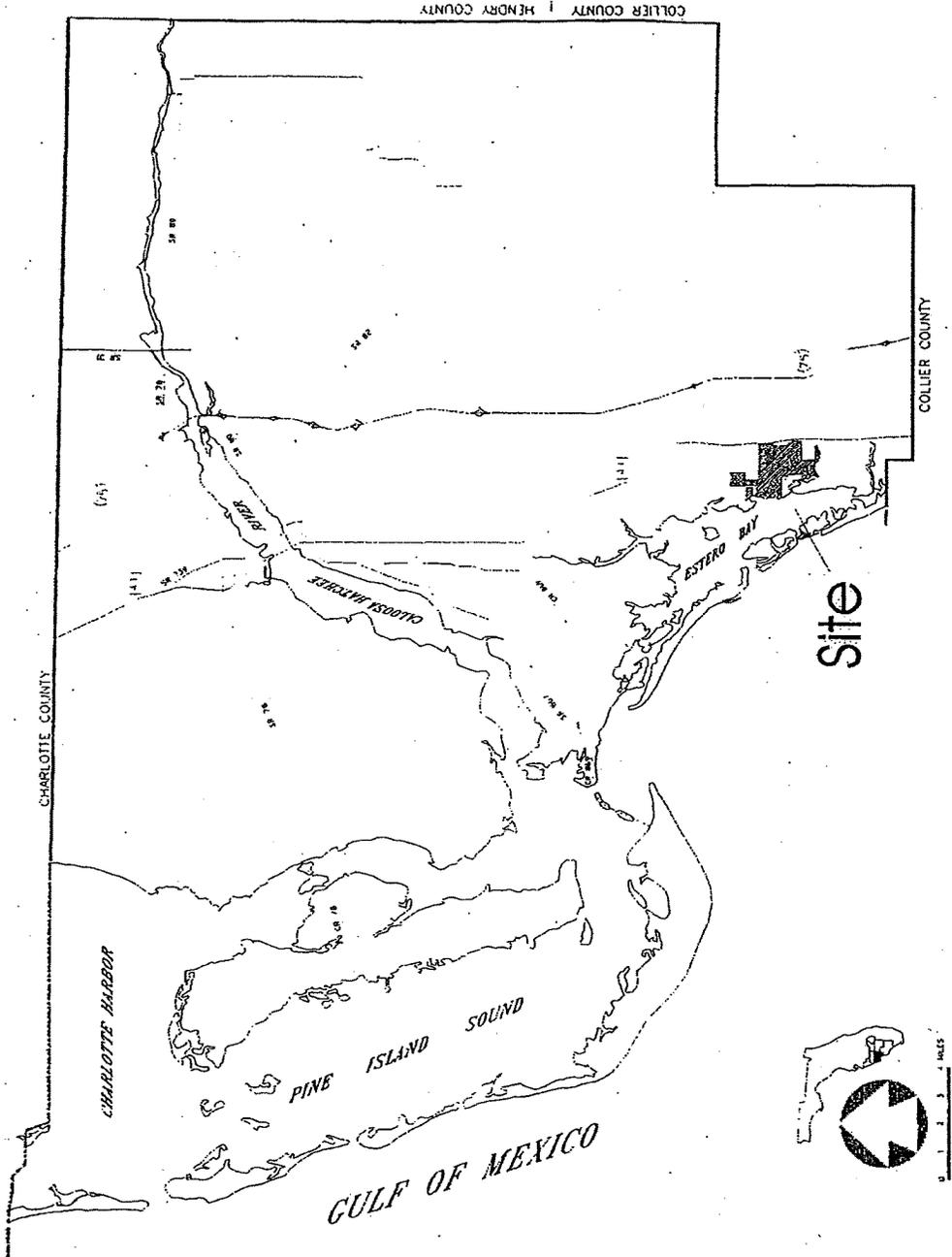
### **Acceptance of Proposed Development Order Language:**

The NOPC includes the sections of the development order that require language changes to address the changes proposed. The language changes are acceptable, except the City of Bonita Springs draft DO dated 1/3/11 attached to the original NOPC application has an incorrect total number of units on page 10 or 104 and the same for Exhibit F on page 60 of 104. Associated with the second sufficiency submittal the Lee County proposed DO dated 3/21/11 has the proposed build out and termination dates are off by 2 years. Also, amendments eighteen and nineteen listed in the previous DO amendments section above do not have consistent development order build out or termination dates. Changes can be made as scrivener's errors. Finally, include the following language in the transportation sections of each DO" any future extension beyond 2020 would require detailed link and intersection analyses deemed appropriate by the City, County and SWFRPC staff." Regarding the water quality interface zone monitoring, we recommend future water quality monitoring is coordinated with Lee County on who will be responsible for taking the surveys.

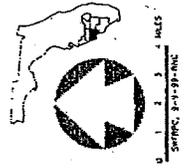
- RECOMMENDATIONS:**
1. Assuming the above DO amendment language is included, notify Lee County, the City of Bonita Springs, the State Land Planning Agency and the applicant that the proposed changes will not create additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
  2. Request Lee County and City of Bonita Springs staffs provide SWFRPC staff with copies of any development orders, or development order amendments, related to the proposed changes.

12/15/11

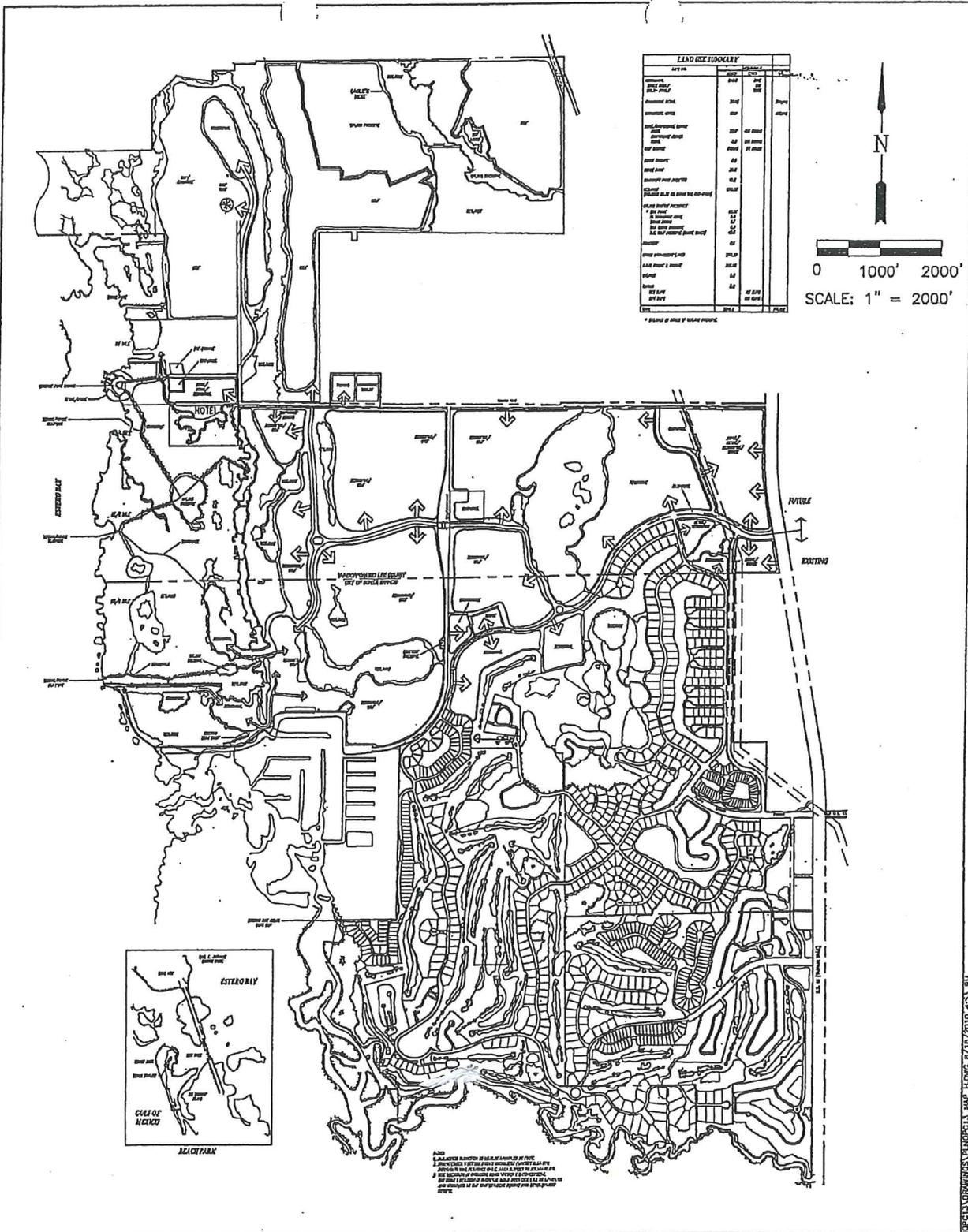
ATTACHMENT I



**ATTACHMENT I  
GENERAL LOCATION MAP  
PELICAN LANDING DRI**



ATTACHMENT II



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**PELICAN LANDING DRI**

MAP H

SCALE: 1" = 2000'  
 JOB CODE: PLM0613  
 DATE: AUGUST 2010  
 FILE NAME: PLM0613 MAP H  
 SHEET 1 OF 1

EX-1000 - PLANNING PELICAN LANDING DRI MAP H DATE 07/18/2010 04:51 PM

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8e

Heron Creek DRI – Notice of  
Proposed Change

8e

8e

**HERON CREEK  
(FKA Marsh Creek)  
DRI # 11-9697-137  
NOTICE OF PROPOSED CHANGE**

**Background:**

On September 11, 2000 the North Port City Commission approved the Heron Creek Development Order (DO) (Ordinance 2000-13). The Development of Regional Impact (DRI) consists of 831 ± acres and north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of the Blueridge Waterway, abutting Sumter Boulevard, and approximately 2 miles south of Interstate 75 (see Attachment I and II: Location Maps). At the time of Development Order (DO) approval (September 11, 2000), the development was entitled to construct 1,970 residential units (903 single-family units and 1,067 multi-family units), 500,000 gross square feet of commercial retail/service space and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27-holes of golf, buffers and tennis center with 12 courts, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management and 5 acres of internal road rights-of-ways. The Original DO established a build out date of 2017.

A third DO amendment approved on February 26, 2007 discussed below in previous changes and shown on Attachment III, Map H, is what the DRI is now approved for which includes 1,203 residential units (903 single family and 300 multifamily), 43,000 square feet of medical professional, 40,000 square feet of general office, 745,500 square feet of retail shopping center, 27 holes of golf and 5 tennis courts. As of the 2011 biennial monitoring report, the Heron Creek DRI contained 828 single-family residential units; 192,315 square feet of commercial retail space; 27 holes of golf; and 5 tennis courts.

**Previous Changes**

There have been three previous changes to the Heron Creek Development Order that have been adopted by the North Port City Commission. The two changes were as follows:

<u>Resolution Number</u>	<u>Date of Adoption</u>	<u>Change to Development Order</u>
(1) Resolution 01-R-5	February 05, 2001	Corrected the legal description;
(2) Ordinance 05-28	July 11, 2005	Modified Section 4 dealing with Local Conditions; Changed Section 4.2 addressing sheltered bus stops; Changed Section 4.6 addressing sidewalks; Added specific number of trips to Item 2 (Affordable Housing under Exhibit B);
(3) Ordinance 06-46	February 12, 2007	Amended the proposed development table to the current version and to address certain

transportation issues of the DO. Amend the Development Order and the Map H as follows:

- Reduce the number of Multi-family dwelling units from 1,067 to 300 (a reduction of 767 units)
- Reduce the number of tennis courts from 12 courts to 5 courts (a reduction of 7 courts)
- Reduce the amount of medical office square footage from 130,000 square feet to 43,000 square feet (a reduction of 87,000 square feet)
- Reduce the amount of general office square footage from 120,000 square feet to 40,000 square feet (a reduction of 80,000 square feet)
- Increase the amount of retail commercial from 500,000 square feet to 745,500 square feet (an increase of 245,500 square feet)

### **Proposed Changes**

The Notice of Proposed Change (NOPC) was submitted to Regional staff in March, 2010. The applicant for the proposed change is Heron Creek Associates, Ltd. The NOPC has been prepared to revise 4 aspects of the currently approved DRI DO and Map H. These revisions are as follows. The strike-through underlined language is also proposed for the DO amendment.

- a. Map H (Attachment III) has been updated to reflect the current existing and proposed development. The current Map H was approved in 1996, and did not specify the layout of any tracts on the north side of Price Boulevard. The revised Map H is being provided to provide the current layout of existing and proposed development at this location as well as to depict other minor changes in the geometry of the tract layouts in other areas of the development area. Additionally, the Land Use Table below is being revised to match what has been approved in previous NOPC approvals.
- b. Due to the changing market conditions, specifically pertaining to commercial development, a Conversion Matrix is proposed that will offer the Applicant flexibility in meeting the needs of the City and the real estate market demand in general. The matrix below demonstrates how residential, retail, office and medical office space can be converted through the local development order process, without exceeding thresholds which would otherwise trigger a substantial deviation.

Land Use	Phase I (’97-2001)	Phase II (’02-2006)	Phase III (’07-2011)	Phase IV (’12-2017)
Residential Single Family	275 DU	377 DU	251 DU	
Residential Multi-Family	125 DU		175 DU	
Golf Course	18 Holes	9 Holes		
Tennis Club		5 Courts		
Medical/Professional			43,000 GLA	
Office General			40,000 GLA	
Retail Shopping Center	90,000 GLA	30,000 GLA	488,000 GLA	137,500 GLA

The Land Use Table, as specified above, may be modified by the Developer without further amendment to this Development Order, subject to the following.

1. This transfer or conversion may occur subject to the following conversion table.
2. This transfer or conversion may occur provided that: 1) the external trips (2,761) approved for the DRI remain the same and 2) no additional impact will occur to other public facilities (such as sewer and water). Further, no alteration to the Map H may occur as a result of the conversion.
3. Forty Five (45) days notice of any conversion must be provided to the City, FDCA and SWFRPC. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof.
4. The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

Land Use		To				
		Single Family (d.u.)	Multi Family (d.u.)	Medical/Professional (sq.ft.)	Office General (sq.ft.)	Retail Shopping Center (sq.ft.)
From	Single Family (Per d.u.)	1	1.5	443	685	365
	Multi Family (Per d.u.)	0.7	1	291	450	239
	Medical/ Professional (Per 1,000 sq.ft.)	2.3	3.4	1000	1544	822
	General Office (Per 1,000 sq.ft.)	1.5	2.2	648	1000	533
	Retail Shopping Center (Per 1,000 sq.ft.)	2.7	4.2	1216	1878	1000

- c. Development Order Condition 5f states that the Developer will contribute 50 feet of right-of-way to the City of North Port along the Myakkahatchee Creek between Appomattox and Price Boulevards, for the purpose of constructing a greenway/bicycle and pedestrian pathway. It is the City's desire to make this greenway/bicycle and pedestrian pathway part of larger, city-wide trail system over the coming years. As a result of discussions between the City and the Developer/Applicant, this stipulation is proposed to be revised.

~~5.f. — The applicant shall dedicate 50 feet of right of way for a greenway/bicycle and pedestrian pathway extending on the west side of the property, running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.~~

5.f. The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomattox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.

d. As required by Development Order Stipulation 2, Affordable Housing, revised language and requirements regarding Affordable Housing based on reports prepared by the Applicant and requests/input from the City of North Port and the Regional Planning Council is proposed.

2. ~~Prior to commencement of Phase II or 2177 trips and subsequent phases of the project, the Applicant or project employers shall provide supply data such as multiple Listing Services data) showing vacant, for, sale and /or or rent units available within a 10-mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for, the DRI, whether in one phase of cumulatively for the entire DRI, the Applicant shall mitigate, the need by following one, of the options outlined in Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.~~

~~Applicant proposes to file an application for development approval (ADA) for a substantial deviation by May 31, 2007. Otherwise, Applicant shall, by the same date, file a notice of proposed change (NOPC) to address affordable housing impacts.~~

2. Prior to obtaining a certificate of occupancy for development in excess 364,000 square feet of existing and future Retail Shopping Center Uses (LUC 820) , the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant, for sale and /or for rent units available within a 10-mile/20 minute radius of the project. To the extent the City of North Port or SWFRPC collect reliable data as to the adequate housing need or supply, then the determination of adequate housing supply for Heron Creek shall take such data into account. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, whether in one phase or cumulatively for the entire DRI, the Applicant shall mitigate the need by following one of the options outlined in .Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.

### **Regional Staff Analysis:**

The proposed changes are considered Chapter 380.06(19)(e)3. type changes. The statutory language is as follows.

(19)(e)3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

Assuming the above proposed DO conditions are followed no additional regional impacts not previously reviewed by the SWFRPC will occur. Therefore, the applicant has rebutted the presumption of a substantial deviation.

**Character, Magnitude, Location:**

No impact on these issues will occur from the proposed changes.

**Regional Goals, Resources, and Facilities:**

No impact on these issues will occur from the proposed changes.

**Multi-Jurisdictional Issues:**

Multi-jurisdictional impacts will not occur from the changes assuming the revised DO conditions are followed.

**Need For Reassessment Of The DRI:**

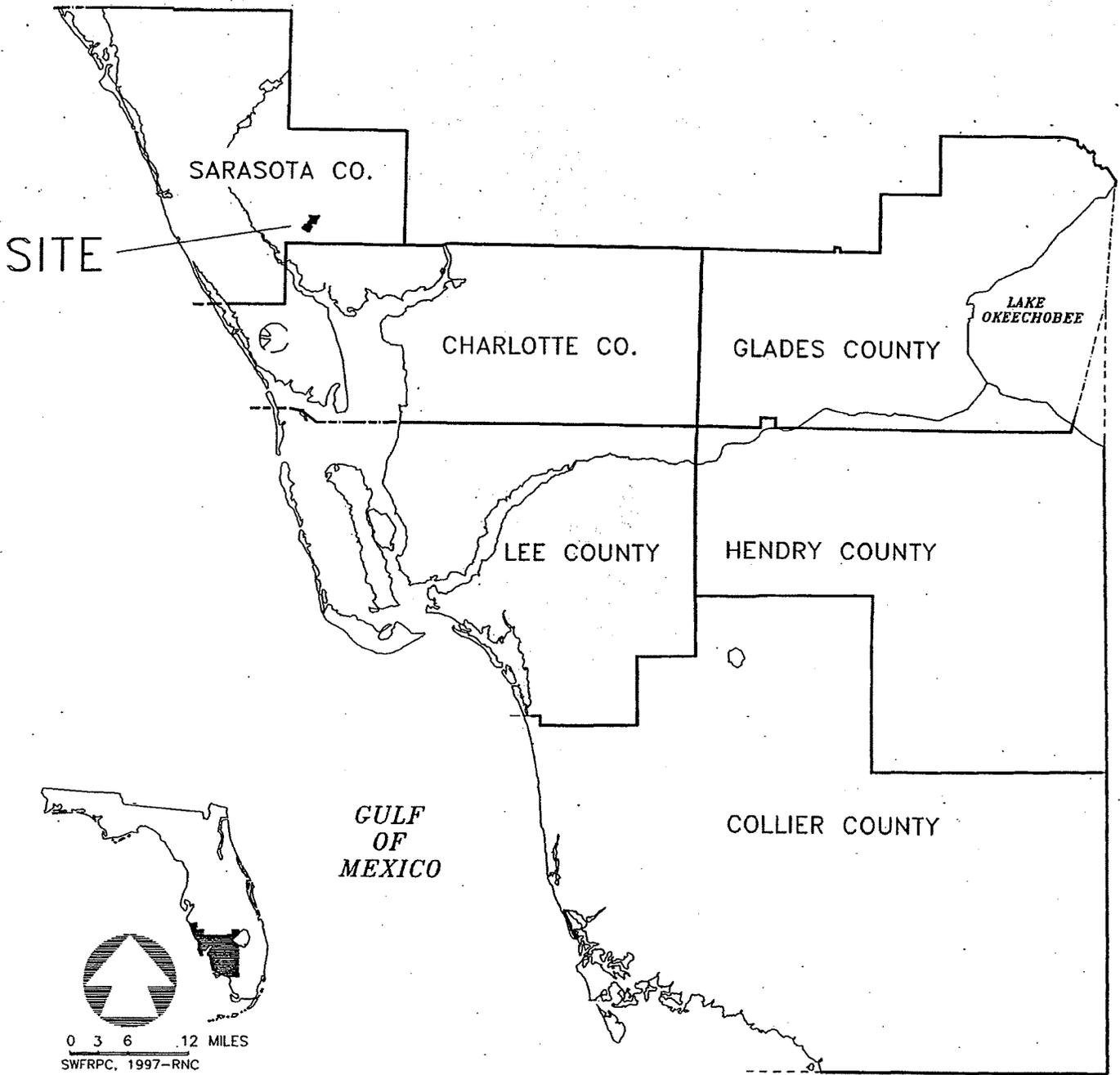
By the standards set in Chapter 380.06(19)(e)3. Florida Statutes the requested changes are presumed to create a substantial deviation, which can be rebutted by clear and convincing evidence. The presumption of a substantial deviation has been rebutted by clear and convincing evidence contained in the proposed DO language. Therefore, the DRI does not currently need to be reassessed.

**Acceptance of Proposed D.O. Language:**

Need to change bi-annual (twice a year) language in the DO to biennial (every two years). Otherwise, Regional staff recommends that the applicant codify any previous and proposed DO language prior to the adoption of the DO by the City of North Port.

- RECOMMENDED ACTIONS:**
1. Notify the City of North Port, the State Land Planning Agency and the applicant that the proposed DRI changes do not create additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC.
  2. Render a codified Development Order.
  3. Request that the City of North Port provide a copy of the development order amendment, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the Notice of Proposed Change.

ATTACHMENT I



**GENERAL LOCATION MAP**





# Agenda Item

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8f

Southwest Florida Hazardous  
Materials Awareness Week –  
January 22-28, 2012

8f

8f

**EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT  
(EPCRA)  
HAZARDOUS MATERIALS AWARENESS WEEK  
IN SOUTHWEST FLORIDA**

The Florida Division of Emergency Management and Florida State Emergency Response Commission have recommended the week of January 22-28, 2012, Florida's "**Hazardous Materials Awareness Week.**" It is anticipated that Governor Rick Scott will follow with an endorsement of Hazardous Materials Awareness Week.

**BACKGROUND**

Representatives of the eleven local emergency planning committees (LEPCs) in Florida initially met during a quarterly statewide meeting held October 1991 and discussed the idea of an annual Emergency Planning and Community Right-To-Know Chemical Awareness Week in their respective communities. Over the years, Florida's eleven LEPCs have conducted "Hazardous Materials Awareness Week" activities such as promoting federal and state hazardous materials reporting requirements, and providing outreach initiatives to the public regarding chemical safety.

Hazardous Materials Awareness Week was established to generate a greater sense of community awareness regarding the role of LEPCs and those agencies involved in managing hazardous materials and related chemical incidents. As in previous years, the Southwest Florida Local Emergency Planning Committee is planning to conduct and participate in media events, How-to-Comply seminars, and other forums to provide EPCRA information to potentially subject facilities and the public. The SWFRPC can participate and contribute to the awareness campaign by officially designating January 22-28, 2012, as "Hazardous Materials Awareness Week," and by endorsing the attached proclamation.

**LOCAL GOVERNMENT ISSUE:**

During the recent Southwest Florida Regional Planning Council's meeting of November 16, 2012, Lee County Commissioner Brian Bigelow noted that there was disconnect following a chemical scare in Lee County. Commissioner Bigelow explained that County Commissioners were not informed of the event in a timely fashion and asked regional staff to ensure that this issue is addressed. As such, the issue of disconnect will be discussed during the official quarterly meeting of the Southwest Florida Local Emergency Planning Committee (LEPC), December 2, 2011. Following the LEPC meeting, the Regional Hazardous Materials Teams Group of Southwest Florida will meet and the issues will be addressed again during that regional forum.

Additionally, Emergency Managers and Fire Officials will be asked to take a few minutes to discuss their respective protocol of informing government officials of major weapons of mass destruction or chemicals incidents during a real-time event.

It is recommended that this issue be formally addressed when hazardous materials awareness week is acknowledged during the formal local government meetings and the proclamation is accepted. Moreover, when a proclamation is received by Emergency Management or Fire Officials, the respective protocol could be shared by officials following comments regarding the importance of the hazardous materials awareness week recognition.

### **LOCAL GOVERNMENT PARTICIPATION:**

Local governments of Southwest Florida can participate in the process by incorporating the following activities:

- (1) Drafting of a similar instrument for inclusion in a future county/city agenda package.
- (2) Submittal of invitation to any of the following to officially receive the adopted instrument during a formal City or County meeting.
  - # County Emergency Management Officials
  - # Local Government Fire Chief
  - # Local Government Emergency Preparedness Coordinator
- (3) Return of a copy of the local government's adopted instrument to the Southwest Florida Regional Planning Council for public display during the EPCRA Week observances at the Council.
- (4) Allow emergency responders to discuss their protocol to inform government officials of major chemical incidents occurring during real-time episodes.

Authorized the Interim Executive Director of the SWFRPC to forward a copy of the Proclamation to local jurisdictions of Southwest Florida for formal consideration.

**RECOMMENDATIONS:**

- (1) Declare the week of January 22-28, 2012, the "Emergency Planning and Community Right to Know Act Hazardous Materials Awareness Week" throughout Southwest Florida by enacting and endorsing the attached proclamation or a similar instrument.
- (2) Encourage local jurisdictions to develop a similar instrument at the local level for promulgation during the local government's official meeting.
- (3) Encourage local governments of Southwest Florida to invite the County Emergency Manager or the Fire Chief to receive the instrument during an official government meeting.





## PROCLAMATION 2011-1

THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
BY PROCLAMATION  
DECLARES

JANUARY 22-28, 2012

### Emergency Planning and Community Right-To-Know Act "Hazardous Materials Awareness Week"

**WHEREAS**, the safe use of hazardous material is essential to business, industry and local governments to maintain economic stability, and to protect the citizens of the Ninth Planning District of Florida, and;

**WHEREAS**, it is essential to plan and prepare for the accidental release of hazardous materials and to protect the well being of all citizens and visitors in the District, and;

**WHEREAS**, response teams, such as fire, police, and emergency medical services must know the types of hazardous materials and chemicals that are being used and stored in the event of an incident to respond safely, and;

**WHEREAS**, all citizens have a Right-to-Know about the types of hazardous substances in their communities and the procedures to take in the case of a chemical emergency.

**NOW, BE IT THEREFORE KNOWN** that the Southwest Florida Regional Planning Council recognizes the importance of community awareness of the “Emergency Planning and Community Right-to-Know Act” enacted by the United States Congress, and hereby declares the week of January 22-28, 2012, as “Hazardous Materials Awareness Week” in Southwest Florida.

\_\_\_\_\_  
**Commissioner Karson Turner, Chairman  
Southwest Florida Regional Planning Council**

**Date:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**Ms. Liz Donley, Interim Executive Director  
Southwest Florida Regional Planning Council**

**Date:** \_\_\_\_\_

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8g

Glades County  
Comprehensive Plan  
Amendment (DCA 11-2ESR)

8g

8g

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
GLADES COUNTY**

The Council staff has reviewed proposed amendments to the Glades County Comprehensive Plan (DCA 11-2ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

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

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

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DCA 11-2ESR (COMP11-03)	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

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



**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda  
 Collier County, Everglades City, Marco Island, Naples  
 Glades County, Moore Haven  
 Hendry County, Clewiston, LaBelle  
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel  
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

## Attachment I

### Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

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

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

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

#### Regional Planning Council Review

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

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

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**

**Attachment II****SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW  
FORM 01****LOCAL GOVERNMENT:**

Glades County

**DATE AMENDMENT RECEIVED:**

October 31, 2011

**DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:**

November 28, 2011

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

**DESCRIPTION OF AMENDMENT(S):**

Glades County has initiated text amendments to the County's Comprehensive Plan to create an Economic Development Element and revising the Future Land Use Element to provide consistency between the two elements. The Goal of the new Economic Development Element is to allow Glades County to strive to create a positive business climate for economic development and for increased job creation. The new element proposed to achieve this goal by promoting the County's location for development and job creation, identify the County's transportation network and infrastructure as available for connectivity with consumer markets, and state that the County will strive to identify and attract new businesses and industries, while promoting expansion of existing businesses and supporting existing entrepreneurs. Additionally, the new Economic Development Element will promote and support actions that will allow the County to become an international hub for exporting, importing, manufacturing and distribution and promote and support the County's efforts to become a center for tourism utilizing the County's access to Lake Okeechobee and the Caloosahatchee River. The new element also provides for support for the development and training of the workforce.

Additionally, the County is requesting to amend its Future Land Use Element to promote economic development by allowing large scale commercial and industrial projects in all land use categories, except those designated as Conservation, Institutional, Landfill, American Prime Community or Park, if the proposed development meets significant identified locational criteria. The proposed locational requirements allow the County to provide controls on any future commercial or industrial development based on the proposed project's potential impacts to adjacent property owners. The proposed development criteria require the future projects to have minimal sizes and to be approved through Planned Development rezoning actions as provided in the County's Land Development Code.

**ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

Council staff has reviewed the requested changes and finds that the proposed amendments do not produce adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan because of the locational criteria identified in the proposed amendments. In addition, Council staff finds that the proposed amendments do not produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region if the location criteria in the proposal are met.

**Request a copy of the adopted version of the amendment?  Yes  No**

**Attachment III**

# **Maps**

**Glades County  
DCA 11-2ESR**

**Proposed Comprehensive Plan Amendments  
Site Locations**

**Glades County Comprehensive Plan Amendments**

**DEO 11-2ESR**

Because these amendments request only textual changes to the County's Comprehensive Plan that impact the entire County, there are no specific maps associated to the proposed changes.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8h

Charlotte County  
Comprehensive Plan  
Amendment (DEO 11-3ESR)

8h

8h

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
CHARLOTTE COUNTY**

The Council staff has reviewed the proposed amendment to the Charlotte County Comprehensive Plan (DEO 11-3ESR). The amendment was developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. 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>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
PA-11-07-13-LS (Don Pedro Island State Park)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP
PA-11-07-14-LS (Prairie / Shell Creek Preserve)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP

PA-11-07-15-LS (Rotonda Preserve)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP
PA-11-07-16-LS (Tippicanoe II Extension)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP
PA-11-07-17-LS (Thornton Key Preserve)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP
PA-11-07-18-LS (Oyster Creek Regional Park)	no	no	no	(1) not regionally significant; (2) no significant adverse effects on regional resources (3) consistent with the SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Charlotte County.

12/11

**Attachment I****LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT****Local Government Comprehensive Plans**

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda  
 Collier County, Everglades City, Marco Island, Naples  
 Glades County, Moore Haven  
 Hendry County, Clewiston, LaBelle  
 Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel  
 Sarasota County, Longboat Key, North Port, Sarasota, Venice

## Attachment I

### Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

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

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

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

#### Regional Planning Council Review

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

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

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**

**Attachment II****SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW  
FORM 01****LOCAL GOVERNMENT:**

Charlotte County

**DATE AMENDMENT RECEIVED:**

November 3, 2011

**DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:**

November 30, 2011

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

**1. AMENDMENT NAME**

DCA 11-3ESR  
PA-11-07-13-LS  
Don Pedro Island State Park

**DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County Future Land Use Map (FLUM), to change the existing land use designation from Parks and Recreation to allow for a new land use designation of Preserve. The subject site includes land on the mainland of West County and on Don Pedro Island. The subject site is located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775). The site contains a total of 239.04 ± acres.

**ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

The subject site is owned by the State of Florida and consists of the mainland and island sections of the Don Pedro Island State Park. The FLUM designation of the parks was amended by the County in 2002 from Medium Density Residential to Parks and Recreation (PKR), effectively removing all residential density from the site. Recently, County staff was contacted by the Park Manager for Cayo Costa, Don Pedro Island, Gasparilla Island, and Stump Pass Beach State Parks. The Park Manager recently contacted the County to ascertain whether a permanent residence could be built on the mainland portion of the Don Pedro Island State Park in order to allow a resident park ranger to live in the park and whether a few trailers could be placed in the park to allow volunteers to temporarily live on park lands while they were working in the park. The Park Manager was informed by the County staff that all the residential density had been removed from the park lands under the current land use designation of Parks and Recreation.

County staff conferred with the Park Manager and it was agreed that the most appropriate land use designation for the site would be Preservation. This land use designation would allow the park to develop three units of density and better represent the State's intent to maintain the island and the mainland portions of the park for passive recreational uses. This determination was achieved because a small portion of the park on the island was not included in the prior plan amendment to the PRK designation. This small area is designated as Coastal Residential on the FLUM and would allow three residential units. The proposed change to the new Preservation land use designation will not increase or decrease the current overall density on the park lands.

Council staff has reviewed the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) and concurs with the County staff report that states that the subject property contains three units and that the Preservation land use designation would meet the goal of the Park Manager to allow a permanent residence on the island with two units for the use of volunteers. This arrangement would allow a presence on the island that would help protect the public's health, safety and welfare, while providing for volunteers a place to stay while they provided labor to help maintain the island's ecosystem. Council staff agrees and supports the County finding that the various goals, objectives and policies set forth in Smart Charlotte are consistent with the proposed comprehensive plan amendment.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

## 2. AMENDMENT NAME

DCA 11-3ESR  
PA-11-07-14-LS  
Prairie / Shell Creek Preserve

### **DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County FLUM, to change the existing land use designation on a parcel of land adjacent to the Prairie / Shell Creek Preserve that the County is attempting to purchase from Low Density Residential to allow for a new land use designation of Preserve. According to the County staff report, if the County does not succeed in purchasing this property prior to adoption deadline, the County staff will withdraw this application. The portion of the site that subject to the proposed amendment is located north of Shell Creek, south of Royal Palm Drive, east of the Peace River and west of Duncan Road (U.S. 17), in the East County area and contains 67.76 ± acres.

### **ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

At the present time, the County is under contract to purchase approximately 107 acres of land owned by New Monic Books Inc. The subject site is located north of Shell Creek, west of Duncan Road (U.S. 17), and east of the Peace River in the Punta Gorda area. The County is using a federal grant along with Conservation Charlotte money, as a matching fund to buy the property in order to protect environmentally-sensitive resources. It is anticipated by the County staff that the purchase will be completed by the time this petition comes back before the Board of County Commissioners for adoption.

The requested amendment covers a portion of the property targeted to be purchased that is currently designated on the FLUM as Low Density Residential. The remainder of the site is already designated as Preservation with a zoning category of Environmentally Sensitive. The County's Community Development Department has been working with the County's Park and Natural Resources Division to initiate this plan amendment from Low Density Residential (LDR) to Preservation (PR) in order to preserve the lands and protect the site's natural resources in perpetuity.

The subject property is currently located in the Rural Services Area and it contains environmentally sensitive resources such as wetlands and habitat for endangered species. The proposed Preservation future land use designation will allow the site to be maintained as an aquatic preserve, wilderness area, wildlife sanctuary, and similar uses for the protection of open spaces, natural lands, natural water bodies, wetlands, and watersheds. The proposed change has been determined to meet the goals, objective and

policies of Smart Charlotte that states that special places should be preserved to avoid future infrastructure costs and help the County maintain its unique and beautiful places.

The subject site is surrounded by State-owned (SWFWMD) environmentally sensitive lands to the north and east (Prairie / Shell Creek Preserve) and environmentally sensitive lands owned by the current owner to the west and south. The Peace River is located further to west and Shell Creek, which is adjacent to and through which anyone desiring to visit the site must travel.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

### **3. AMENDMENT NAME**

DCA 11-3ESR  
PA-11-07-15-LS  
Rotonda Preserve

#### **DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County FLUM to change the land use designation on the Rotonda Preserve from Commercial to Preservation; change the Framework designation (FLUM Series Map #2) from Maturing Neighborhood to Agriculture/Rural; and remove the property from the Urban Service Area. The subject site contains 16.68 ± acres and is located southeast of Oakland Hills Road, northwest of State owned environmental lands and east of Annapolis Lane, in the Rotonda area.

#### **ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

The subject site was purchased by the County as a mitigation area for Florida scrub-jay impacts that will occur during the extension of Winchester Boulevard. The County Community Development Department staff has worked with the County's Park and Natural Resources Division to change the FLUM designation on the site from Commercial to Preservation in order to make the designation consistent with the uses of the property as a mitigation area. The proposed change will also remove the subject property from the Urban Service Area and Maturing Neighborhood, which will better protect the site and ensure that no development occurs on the land in the future.

The subject site is located in the Rotonda area and is in a U.S. Fish and Wildlife Service (FWS) scrub-jay review area. It contains upland habitats that may be utilized by numerous species listed by the FWS or Florida Fish and Wildlife Conservation Commission (FWCC). To the southwest, the site is bordered by State-owned preservation lands. To the north and east, the site is bordered by vacant residential lands, while to the west the site is bordered by single-family residential homes. The proposed land use change will have no adverse effect on the adjacent land uses.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

#### **4. AMENDMENT NAME**

DCA 11-3ESR  
PA-11-07-16-LS  
Tippecanoe II Extension

#### **DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County FLUM to change the land use designation on the Tippecanoe II Extension site from Low Density Residential to Preservation. The subject site contains 28.63 ± acres and is located on the west side of Flamingo Boulevard in the Port Charlotte area.

#### **ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

The subject site is purchased by the County as a mitigation area for Florida scrub-jay impacts that will occur during the development of Murdock Village. The County Community Development Department staff has worked with the County's Park and Natural Resources Division to change the FLUM designation on the site to Preservation in order to make the designation consistent with the uses of the property as a mitigation area, provide better protection on the property, and to ensure that no development occurs on the land in the future.

The subject site is located on Flamingo Boulevard and is in a U.S. Fish and Wildlife Service (FWS) scrub-jay review area. It contains upland habitats that may be utilized by numerous species listed by the FWS or Florida Fish and Wildlife Conservation Commission (FWCC). The Tippecanoe Environmental Park is located to the west of the subject site and currently has a FLUM designation of Resource Conservation. The

Tippecanoe II Mitigation Area is located directly to the south and is designated as Preservation. To the north, east and southwest of the site, there are vacant lands zoned for residential land uses and there are scattered houses on some of the parcels. The proposed land use change will have no adverse effect on the adjacent land uses.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

## 5. AMENDMENT NAME

DCA 11-3ESR  
PA-11-07-17-LS  
Thornton Key Preserve

### **DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County FLUM to change the land use designation on the Thornton Key Preserve site from Coastal Residential to Preservation. The subject site contains 35.04 ± acres and is located on Thornton Key, a bridgeless barrier island, at the north end of Hel-Lew Court.

### **ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

The subject site is located on Thornton Key, which is a bridgeless barrier island. The Thornton Key Preserve was purchased by Conservation Charlotte, which is a County program that purchases environmentally sensitive lands in order to preserve them from future development. The subject site is currently designated on the FLUM as Coastal Residential. In order to minimize the potential of residential development on a bridgeless barrier island, the County Community Development Department staff has worked with the County's Park and Natural Resources Division to change the FLUM designation on the site to Preservation in order to make the designation consistent with the uses of the property as a mitigation area, provide better protection on the property, and to ensure that no development occurs on the land in the future.

The subject site is bordered on the north and south by single-family residential land uses and is bordered on the east by Lemon Bay. The proposed change to the property's land use designation will adverse impacts on the adjacent land uses.

The subject site is currently designated as Coastal Residential on the County's FLUM. This designation is an inactive FLUM designation that was intended for single-family residential dwelling units, multi-family residential dwelling units, and recreational facilities within the Tropical Storm and Category 1 Hurricane Storm Surge Zones. The enrollment of these lands in the Conservation Charlotte program makes the requested designation of Preservation more appropriate and helps improve the public's health, safety and welfare by removing residential development from the surge zones.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

## 6. AMENDMENT NAME

DCA 11-3ESR  
PA-11-07-18-LS  
Oyster Creek Regional Park

### **DESCRIPTION OF AMENDMENT(S):**

This amendment is a County initiated request to the Charlotte County FLUM to change the land use designation on a large portion of the Oyster Creek Regional Park from Parks and Recreation to Preserve. The subject site contains 106.97 ± acres and is located northwest of San Casa Drive, south of S. McCall Road (S.R. 776), and east of Oyster Creek Drive in the Englewood area.

### **ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:**

The subject property is owned by Charlotte County and makes up a portion of the Oyster Creek Regional Park. The property was purchased with Florida's Communities Trust (FCT) grant. In 2008, the Board of County Commissioners approved Comprehensive Plan amendment to changed approximately 135.93 acres of land from Low Density Residential to Parks and Recreation. The subject site is part of the land that was included in that amendment. However, the grant terms require that the site be designated Preservation.

The subject property is in the Rural Service Area. It contains upland and wetland environmentally sensitive habitats used by species listed as endangered by the FFWCC and FWS. The site adjoins Oyster Creek with over 2,000 feet of frontage on the Creek. Across Oyster Creek, to the west there is an existing residential neighborhood. Oyster

Creek Mobile Home Park is located directly to the north. To the northwest and east of the site is the remainder of the park. The proposed change is compatible with the surrounding land uses.

The County Community Development Department staff has worked with the County's Park and Natural Resources Division to determine what portions of the subject property should be amended to Preservation based on the existing uses on the site. As a result, the County is requesting to change the FLUM designation on 106 acres of the 135 total acres of site from Parks and Recreation to Preservation in order to make the designation consistent with the terms of the grant and use of the site as a conservation areas as part of the regional park serving Englewood and Grove City.

Council staff finds that the proposed amendment does not produce significant adverse effects on any regional resources or regional facilities that are identified in the Strategic Regional Policy Plan; nor does the requested amendment produce any extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other affected local government within the region. Council staff also finds that the proposed amendment to the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte) consistent with the Goals, Strategies and Actions found in the Strategic Regional Policy Plan.

**Request a copy of the adopted version of the amendment?  Yes  No**

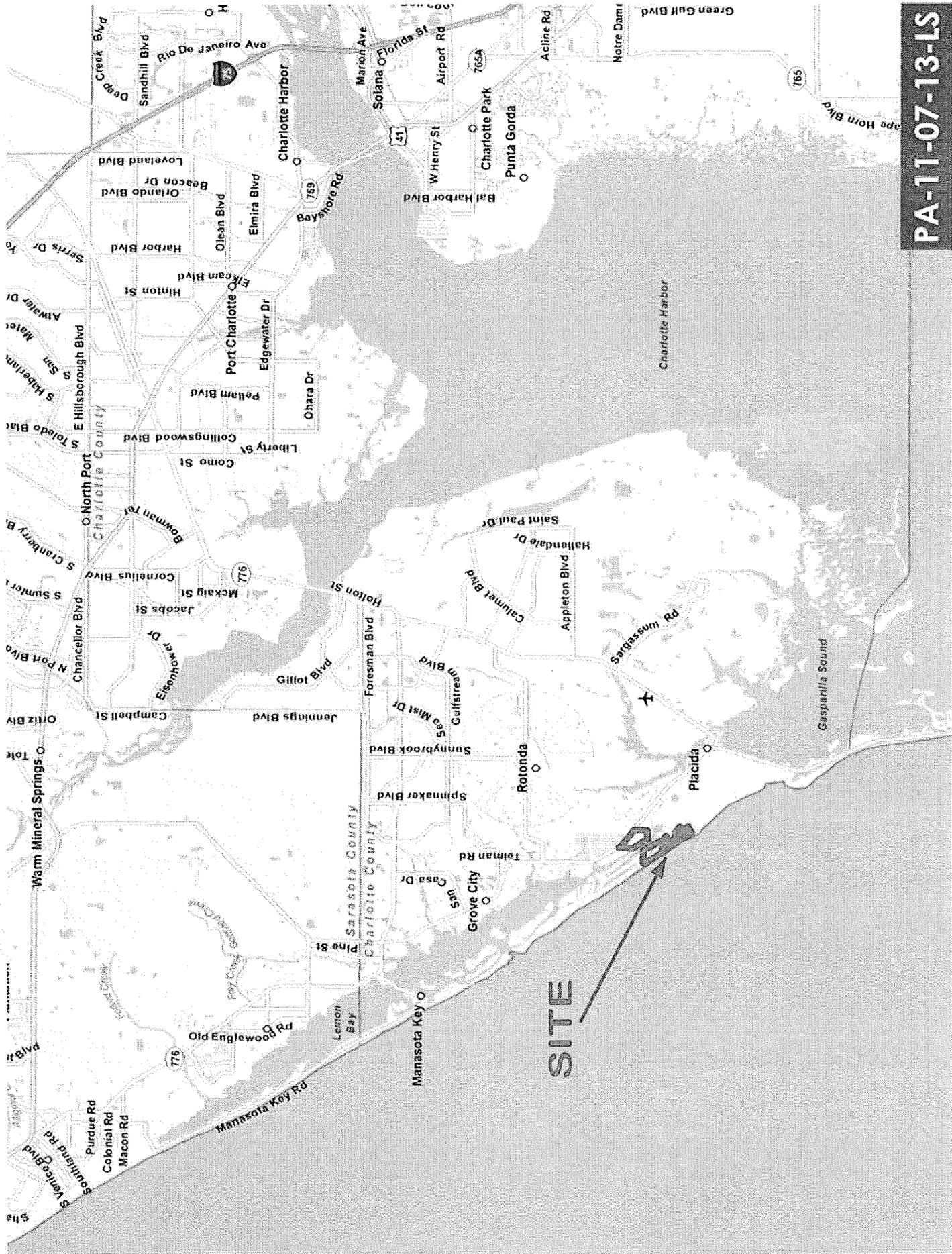
**Attachment III**

# **Maps**

**Charlotte County  
DEO 11-3ESR**

**Proposed Comprehensive Plan Amendments  
Site Locations**

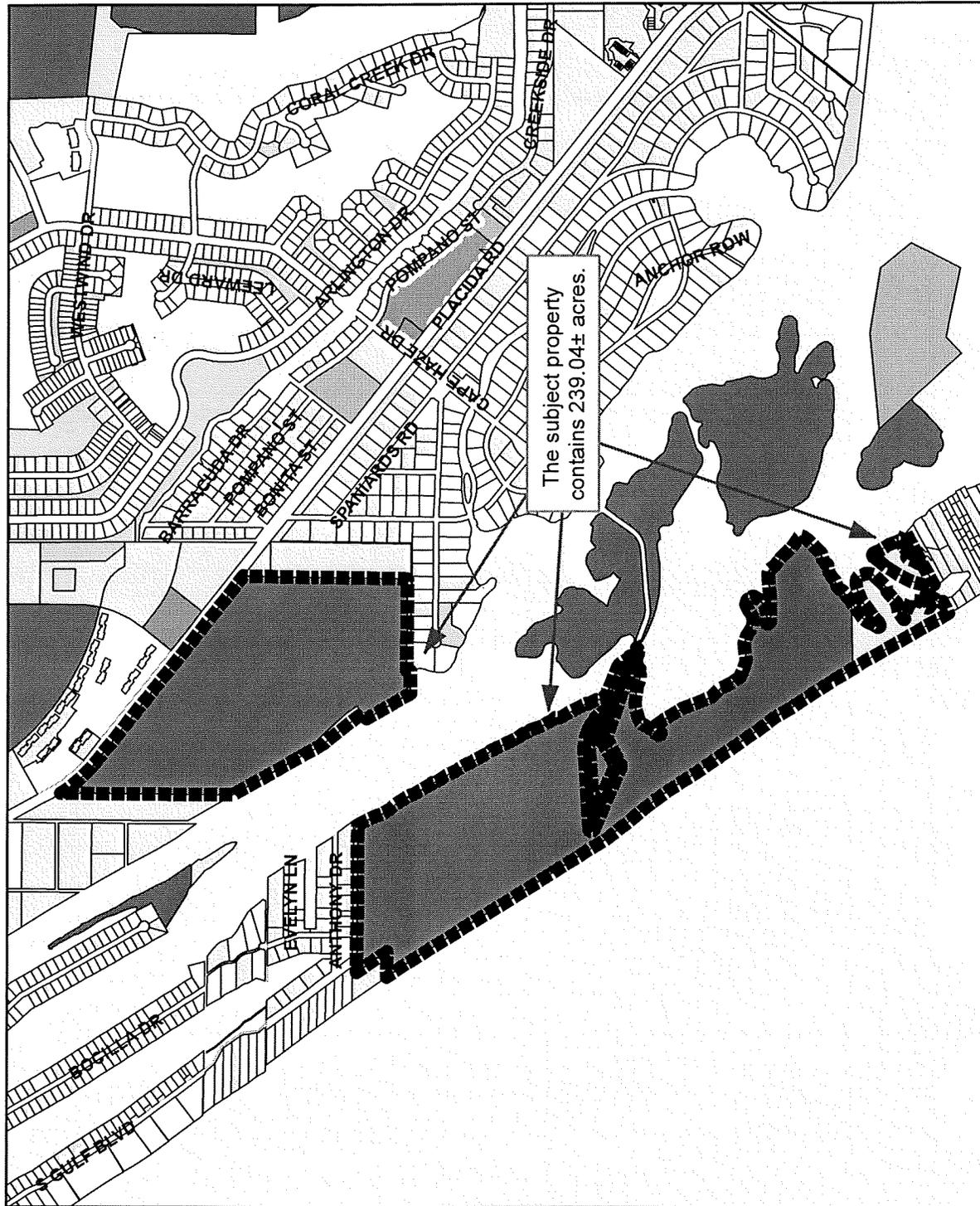
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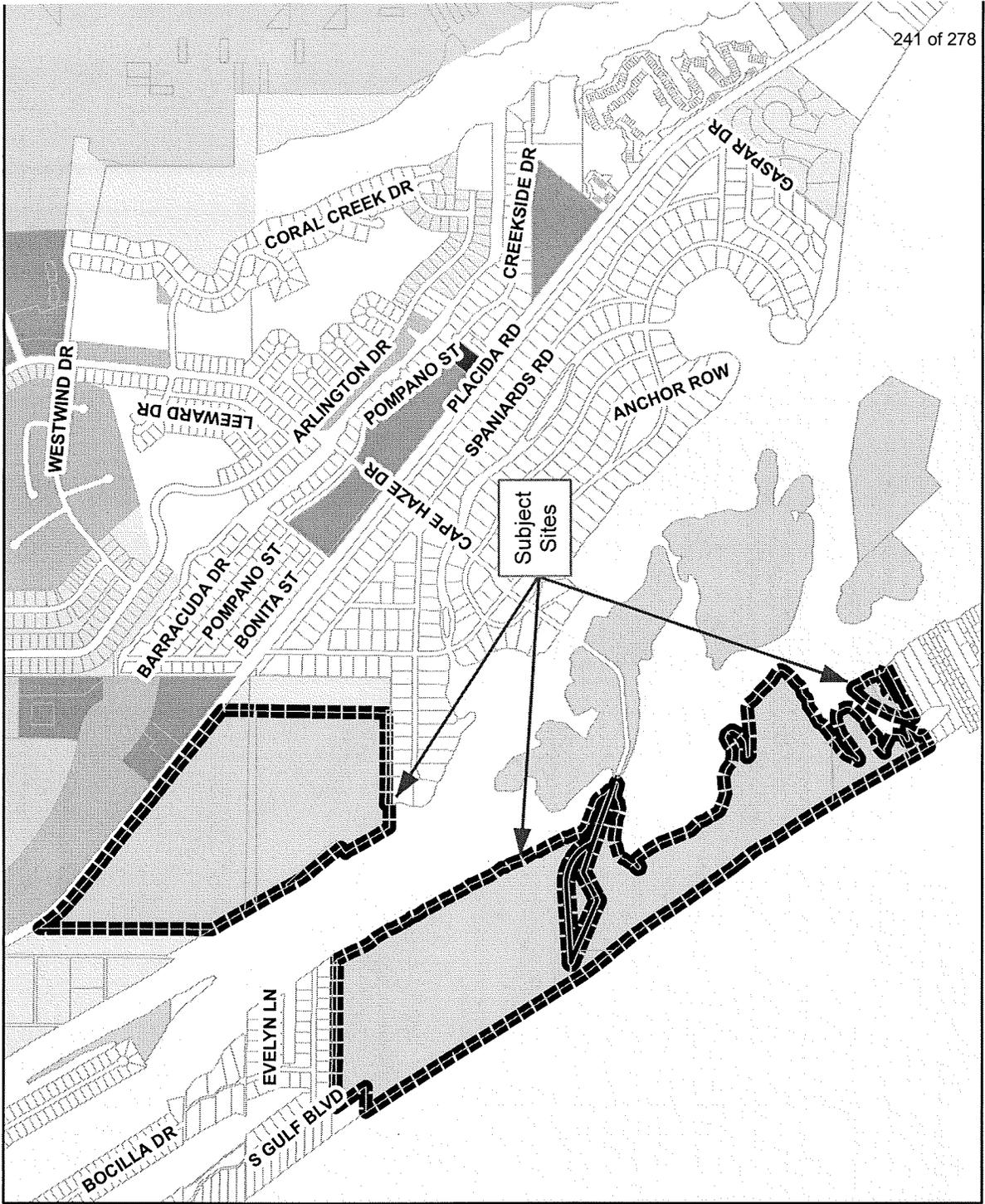


- legend**
- Residential
  - Commercial
  - Industrial
  - Agricultural
  - Recreational
  - Conservation
  - Educational
  - Medical
  - Public Buildings & Grounds
  - Mining Sites
  - Burial Grounds
  - Marina
  - Institutional
  - Water
  - Miscellaneous
  - Vacant





# PA-11-07-13-LS Proposed 2030 FLUM



## Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DR1 Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (inactivated)
- Rural Estate Residential (inactivated)





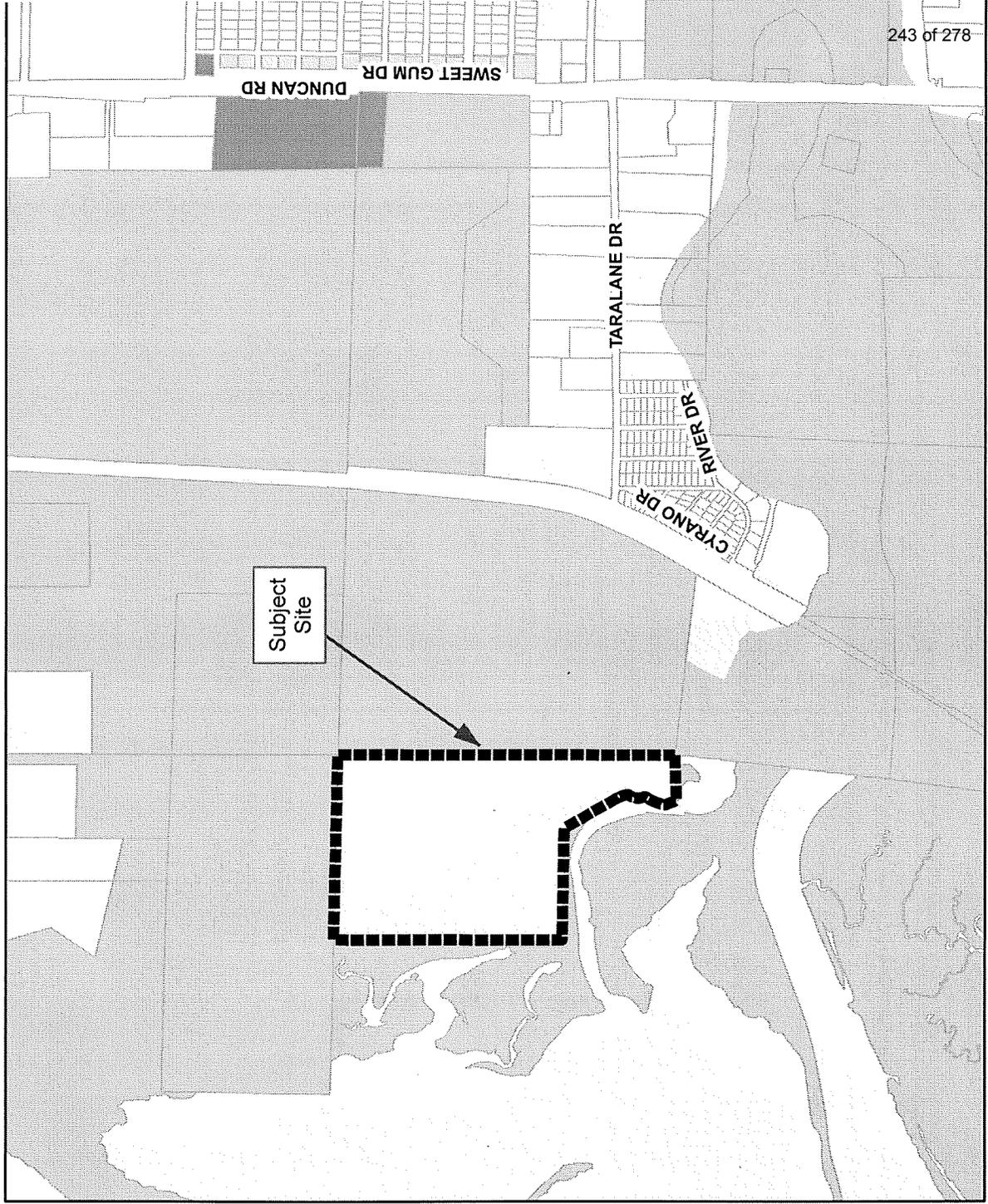


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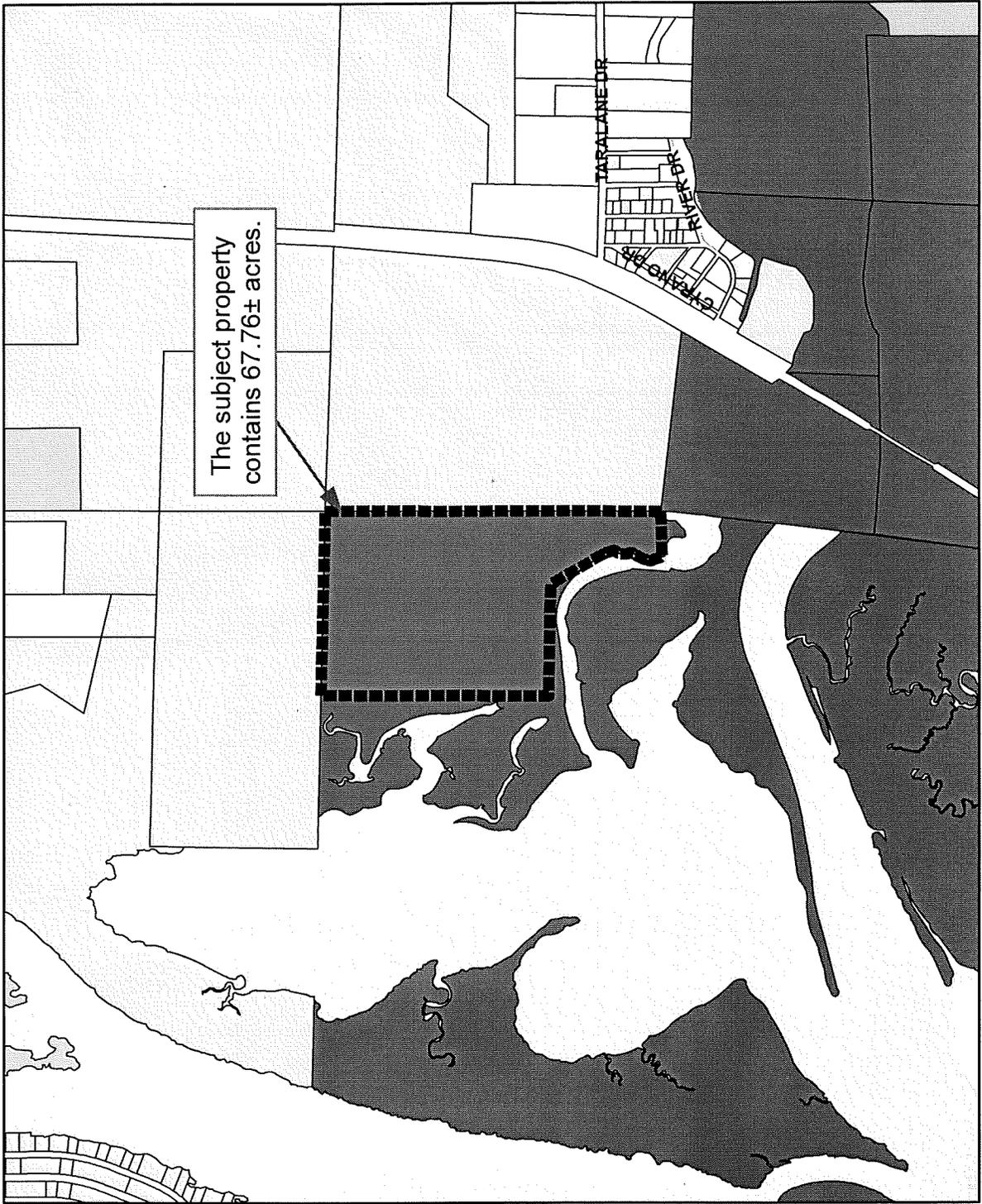
## Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DRI Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (Inactivated)
- Rural Estate Residential (inactivated)





# PA-11-07-14-LS Existing Land Use Map



- legend**
- Residential
  - Commercial
  - Industrial
  - Agricultural
  - Recreational
  - Conservation
  - Educational
  - Medical
  - Public Buildings & Grounds
  - Mining Sites
  - Burial Grounds
  - Marina
  - Institutional
  - Water
  - Miscellaneous
  - Vacant



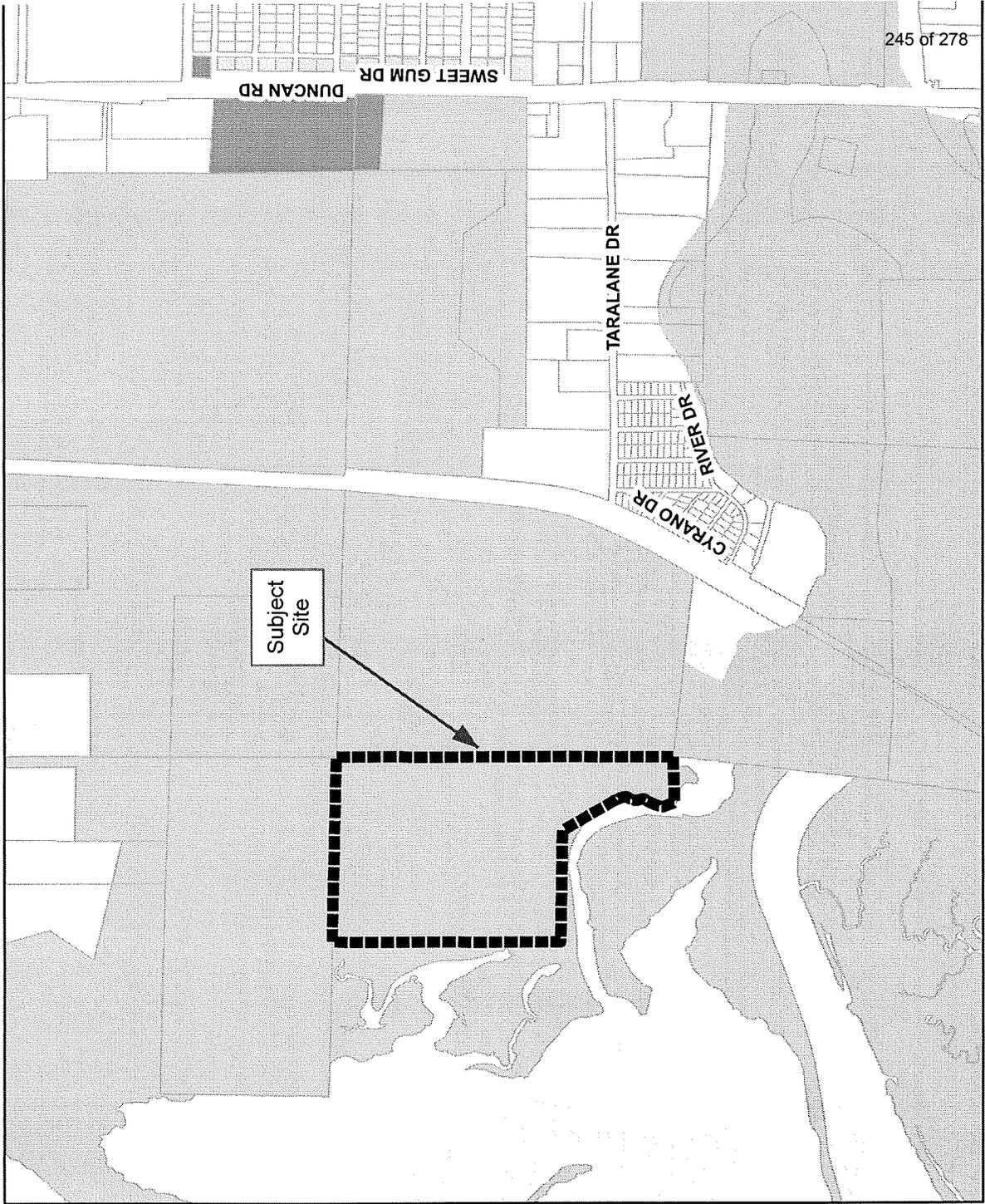


# PA-11-07-14-LS Proposed 2030 FLUM



## Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DRI Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
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- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
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- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
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- Rural Estate Residential (inactivated)

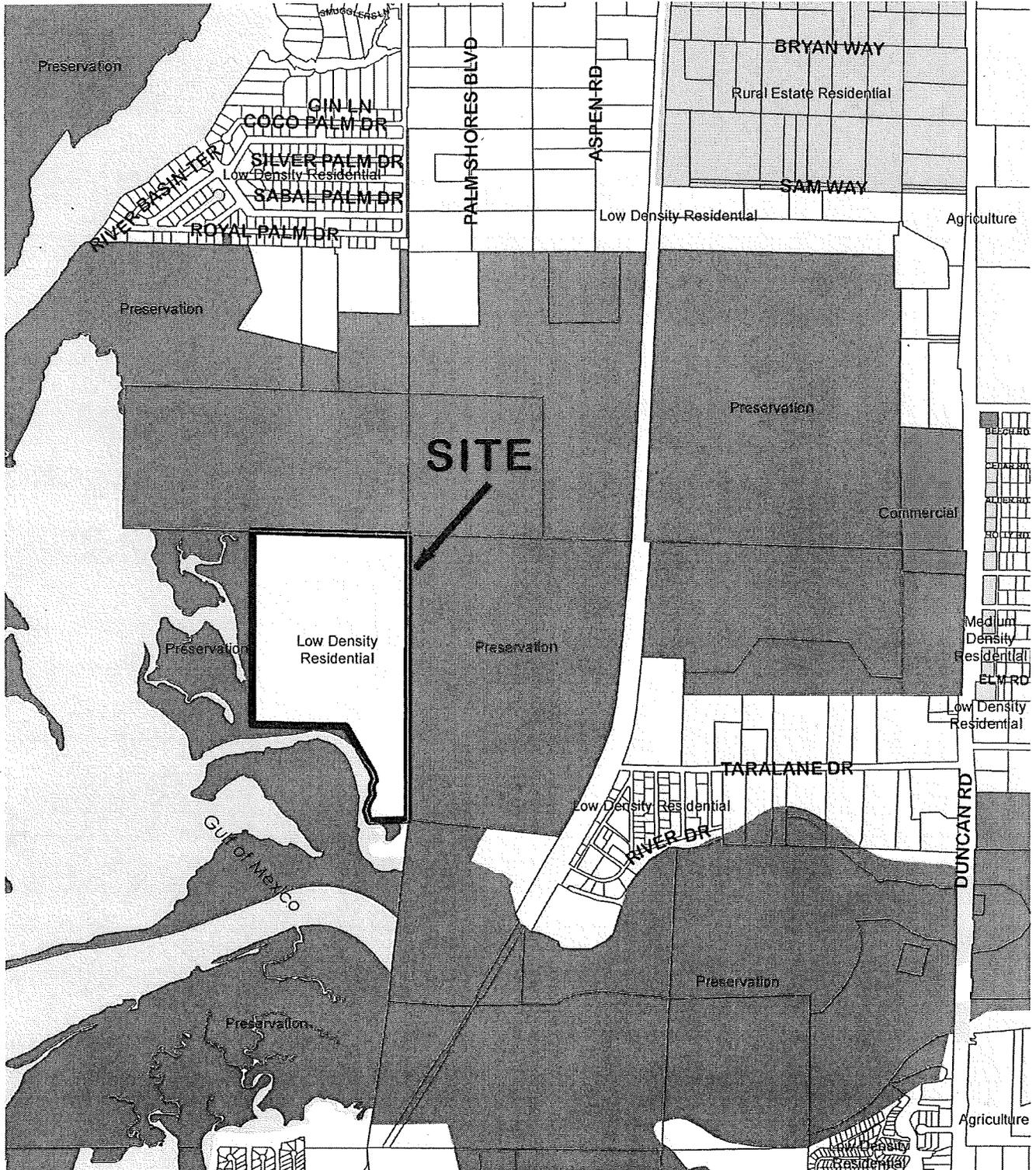




Open for Business

PA-11-07-14-LS  
BoCC / Burchers Property Preservation  
2030 Future Land Use Designations

Map Prepared By  
Charlotte County  
Community Development  
Department



23/40/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise as to its use. This is not a survey, nor is it to be used for design. Future Land Use & Zoning Designation boundaries are assumed to meet at the centerline of the road right of way unless otherwise determined by the Growth Management Director. Created 08-15-2011

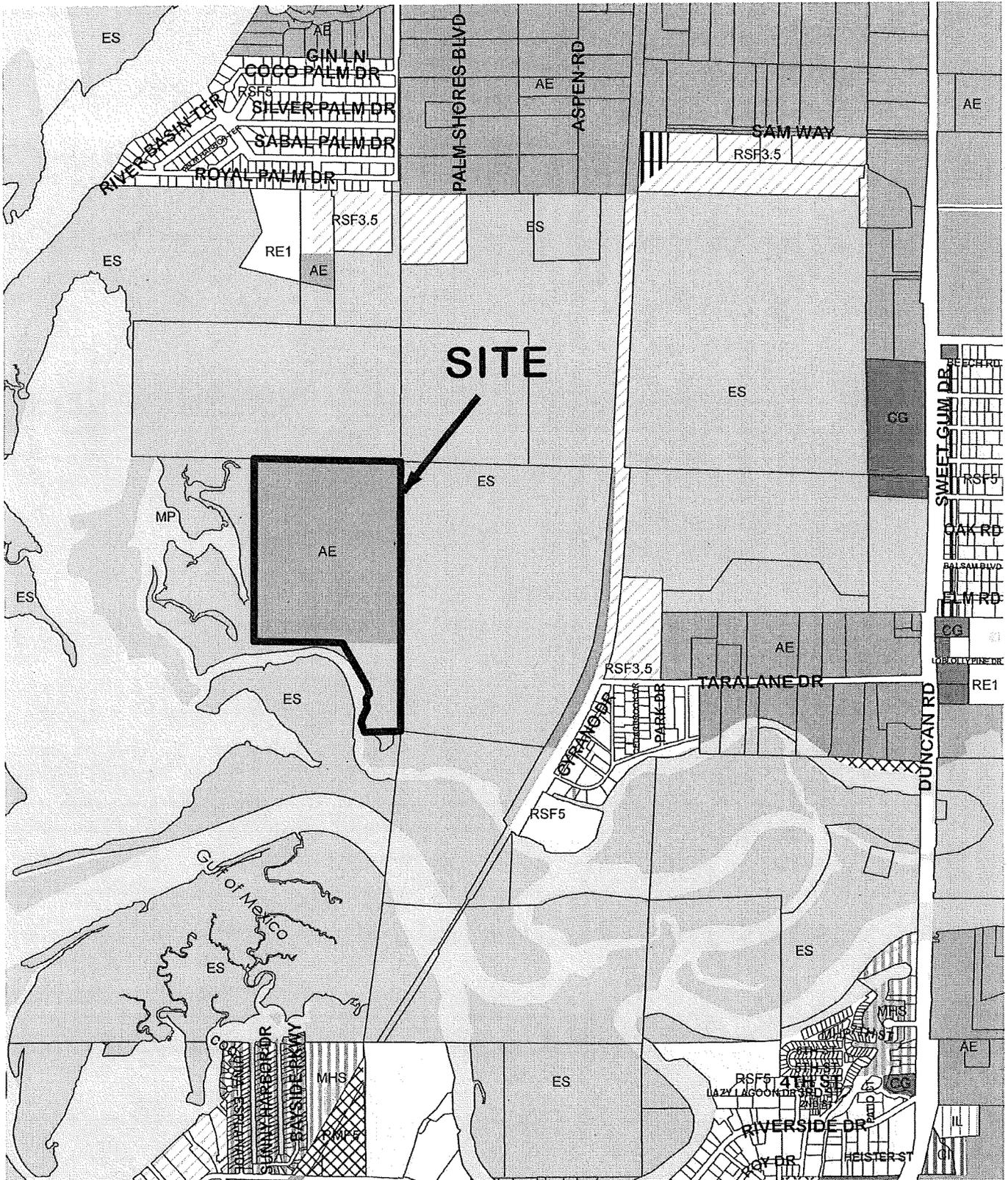




Open for Business

# PA-11-07-14-LS BoCC / Burchers Property Preservation Zoning Districts

Map Prepared By  
Charlotte County  
Community Development  
Department



## 23/40/23 East County

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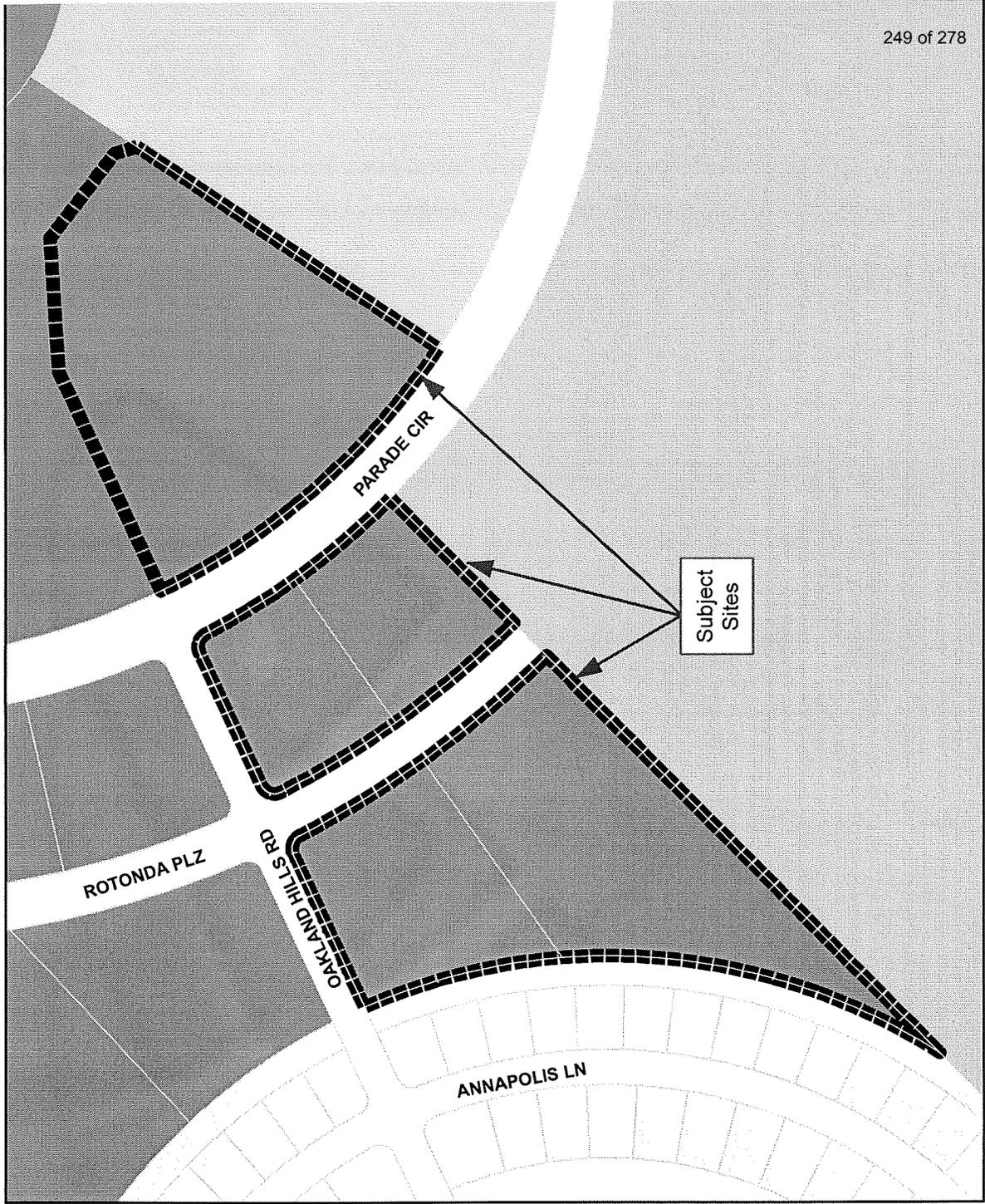


# PA-11-07-15-LS Existing 2030 FLUM



## Legend

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- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DRI Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
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- Rural Estate Residential (inactivated)

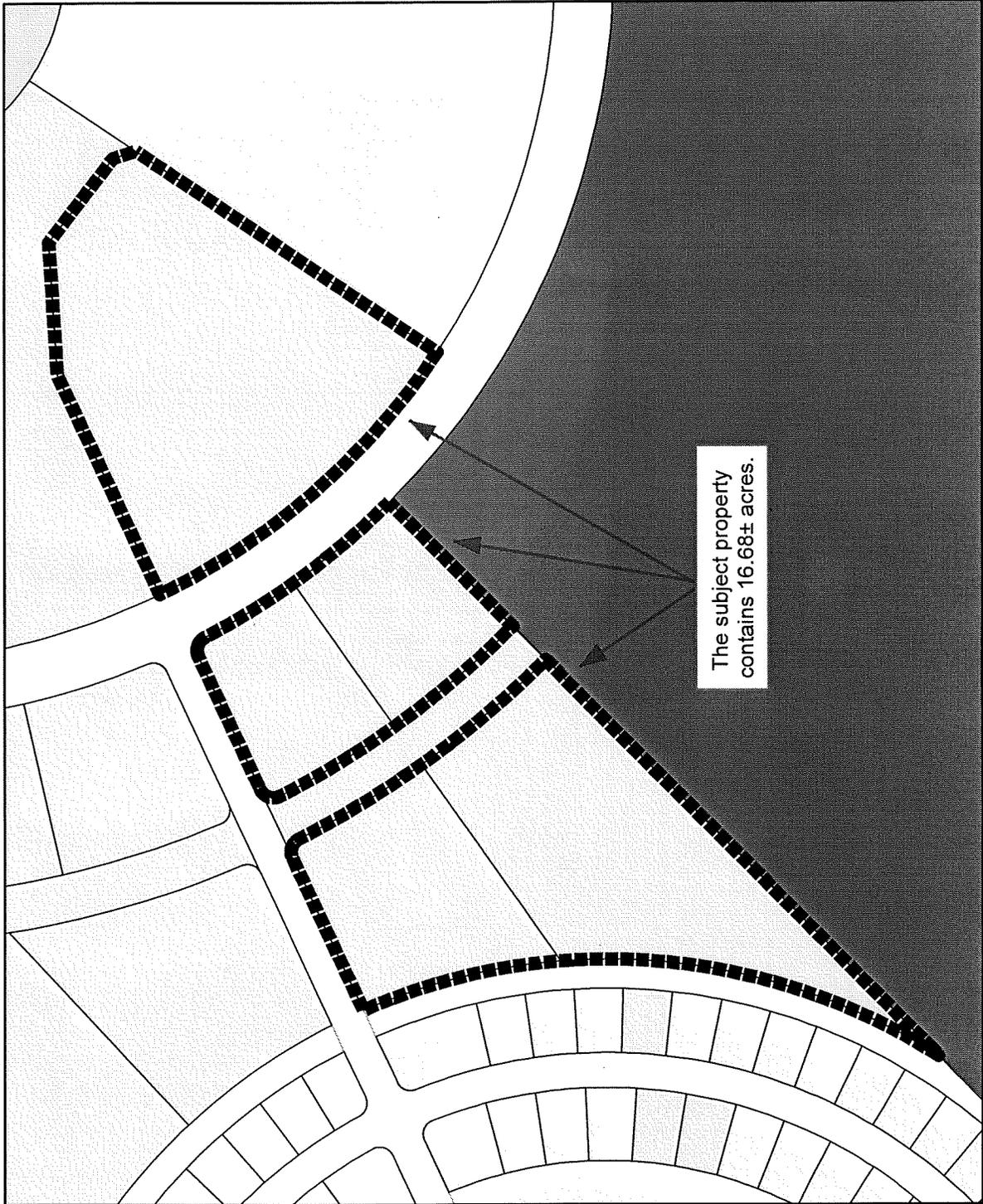




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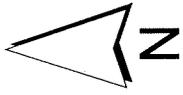


- .legend**
- Residential
  - Commercial
  - Industrial
  - Agricultural
  - Recreational
  - Conservation
  - Educational
  - Medical
  - Public Buildings & Grounds
  - Mining Sites
  - Burial Grounds
  - Marina
  - Institutional
  - Water
  - Miscellaneous
  - Vacant



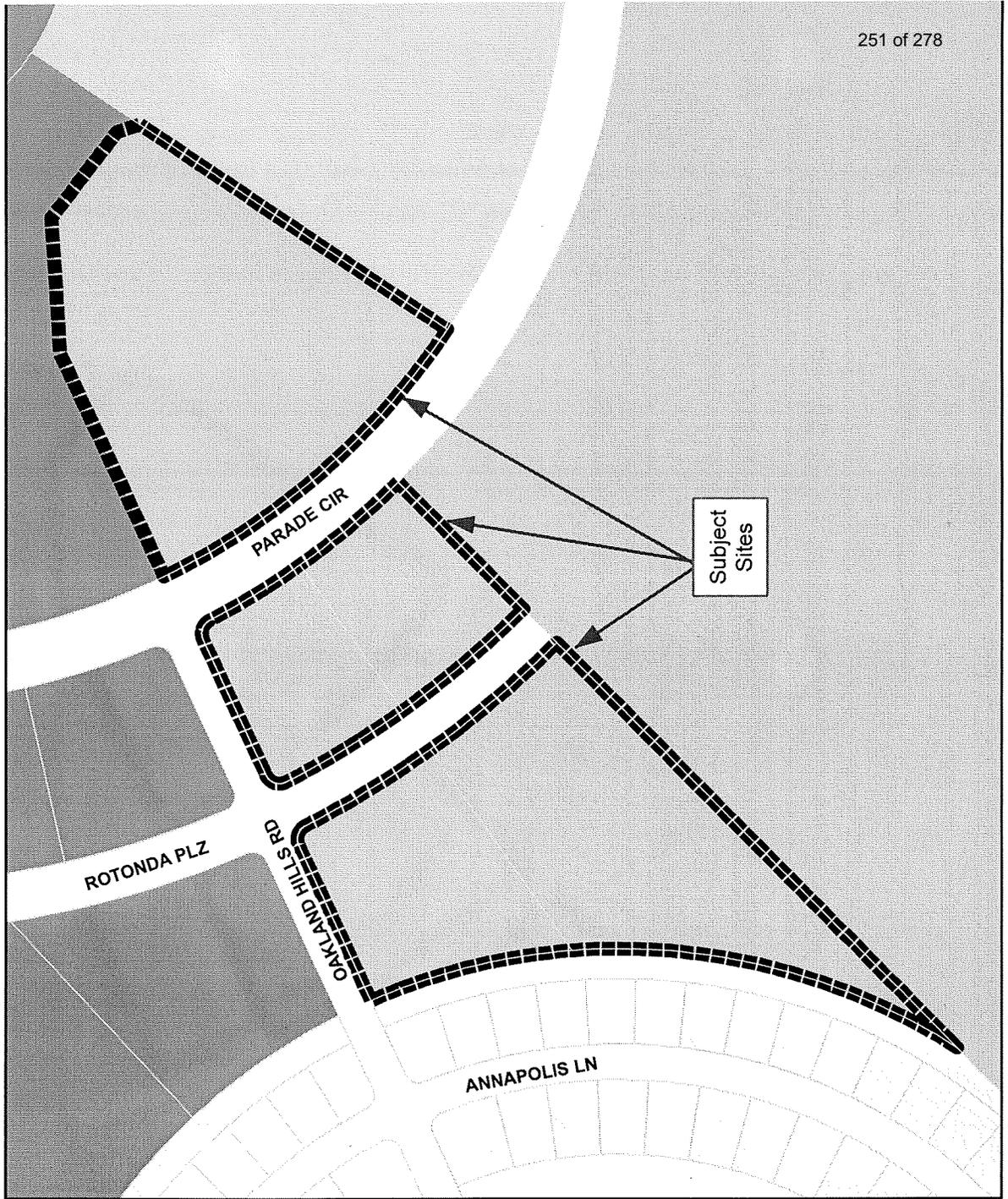


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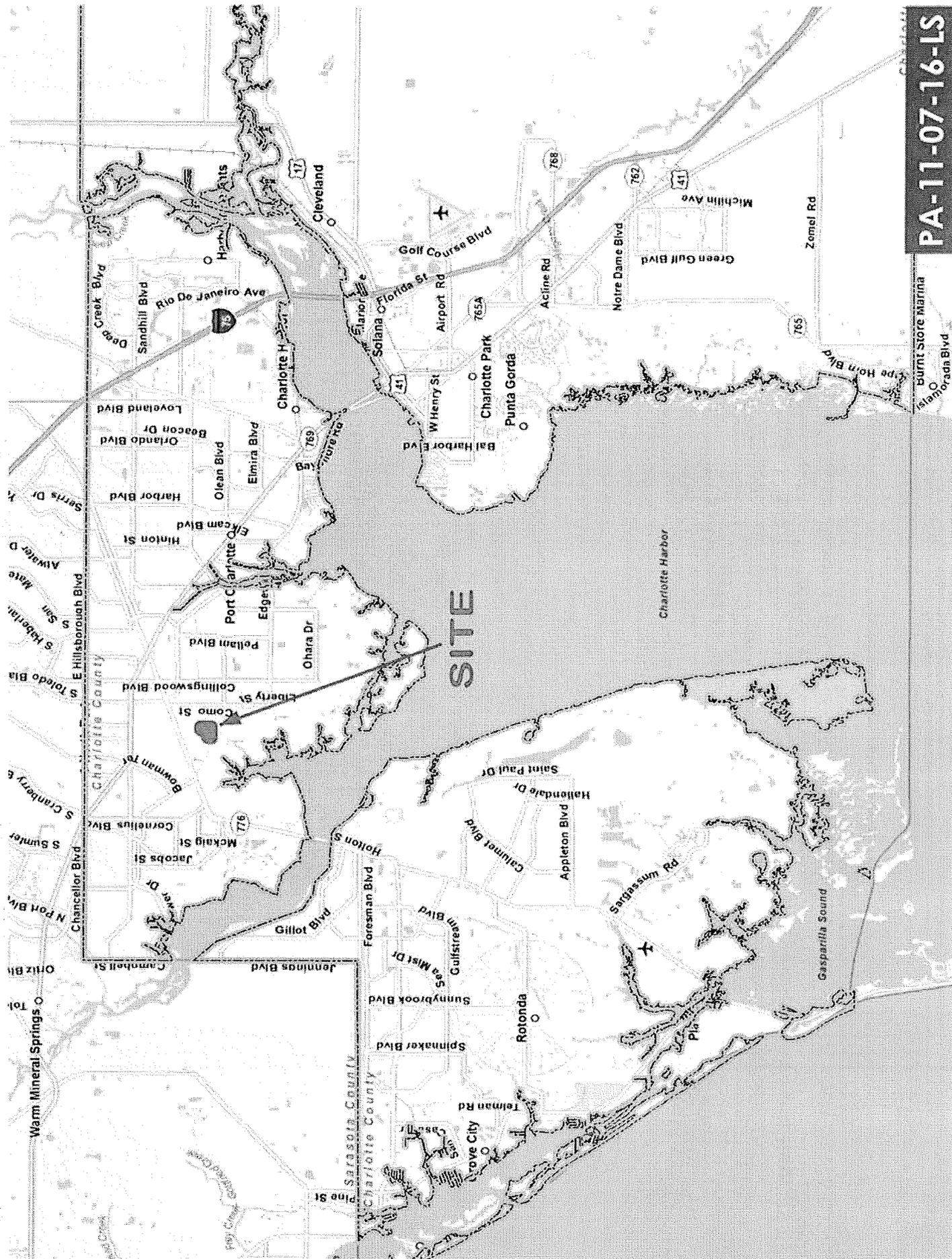


## Legend

-  Agriculture
-  Babcock Mixed Use
-  Burnt Store Limited Development
-  Burnt Store Village Residential
-  City
-  Commercial
-  Office & Institutional
-  Enterprise Charlotte Airport Park
-  Mineral Resource Extraction
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Low Intensity Industrial
-  High Intensity Industrial
-  Murdock Village Mixed Use
-  DRI Mixed Use
-  Compact Growth Mixed Use
-  Parks & Recreation
-  Preservation
-  Public Lands & Facilities
-  Resource Conservation
-  Rural Community Mixed Use
-  US 41 Mixed Use
-  Charlotte Harbor Coastal Residential
-  Charlotte Harbor Tourist
-  Charlotte Harbor Mixed Use
-  Charlotte Harbor Commercial
-  Charlotte Harbor Neighborhood Business/Residential
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PA-11-07-16-1S



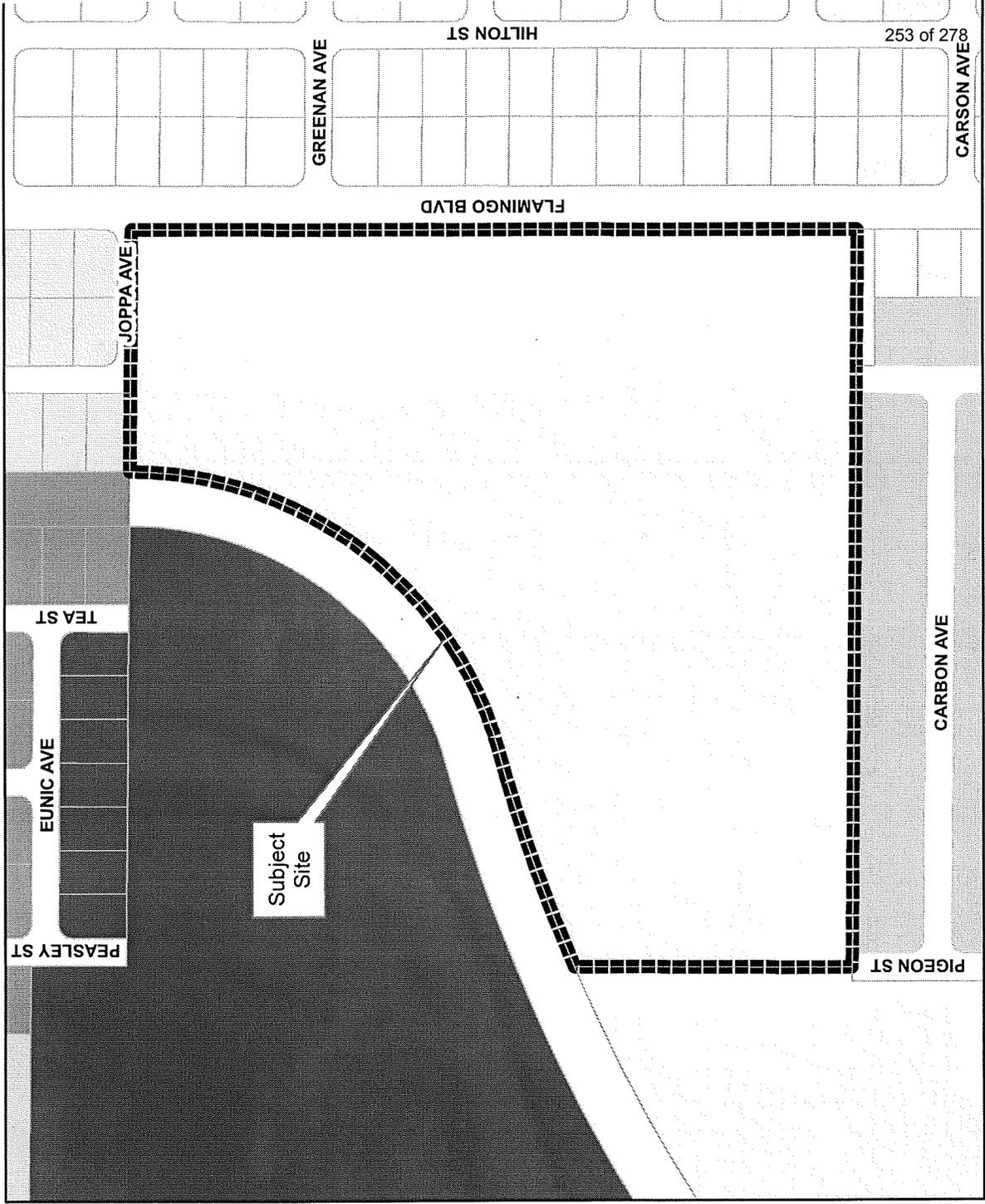


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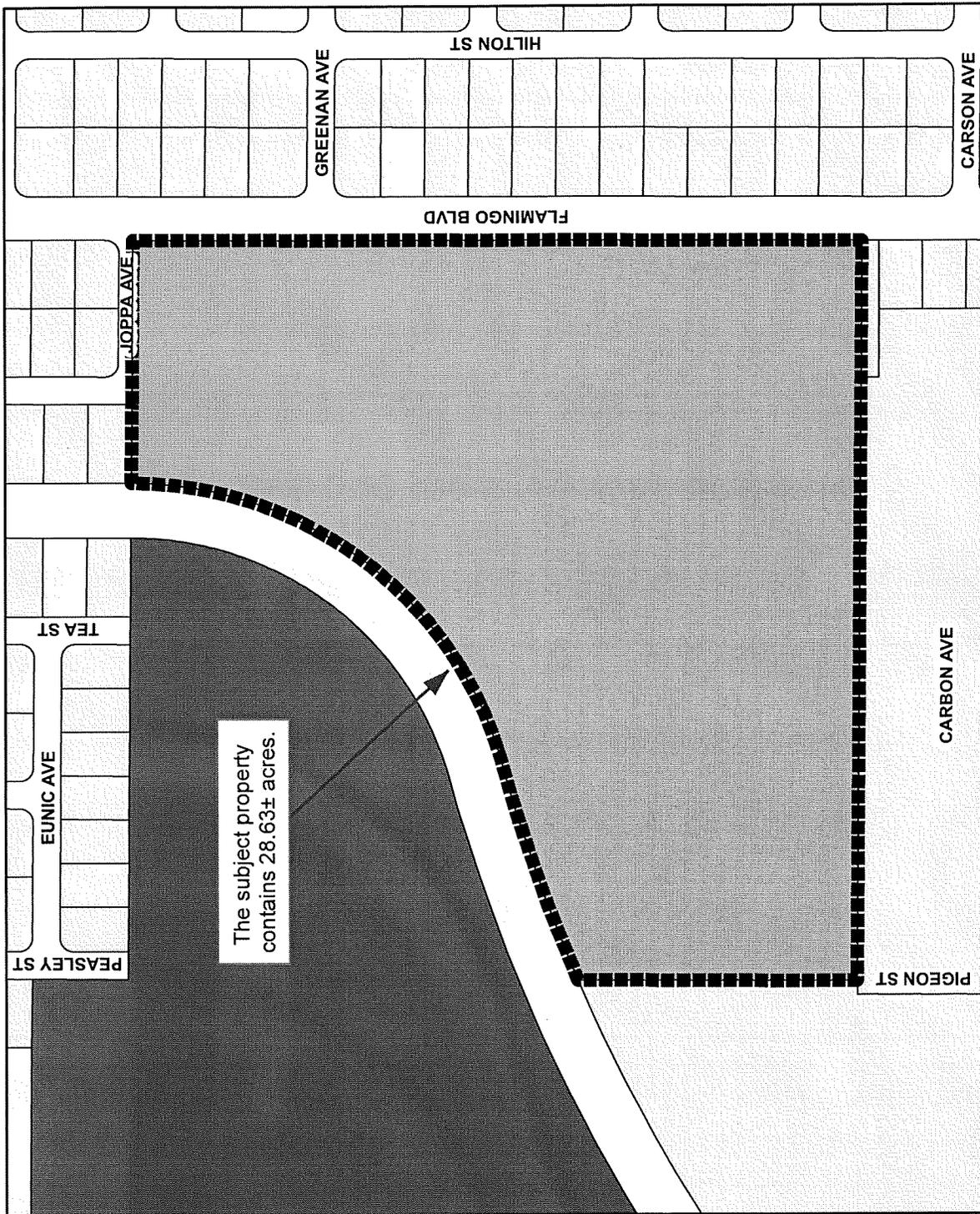
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# PA-11-07-16-LS Existing Land Use Map



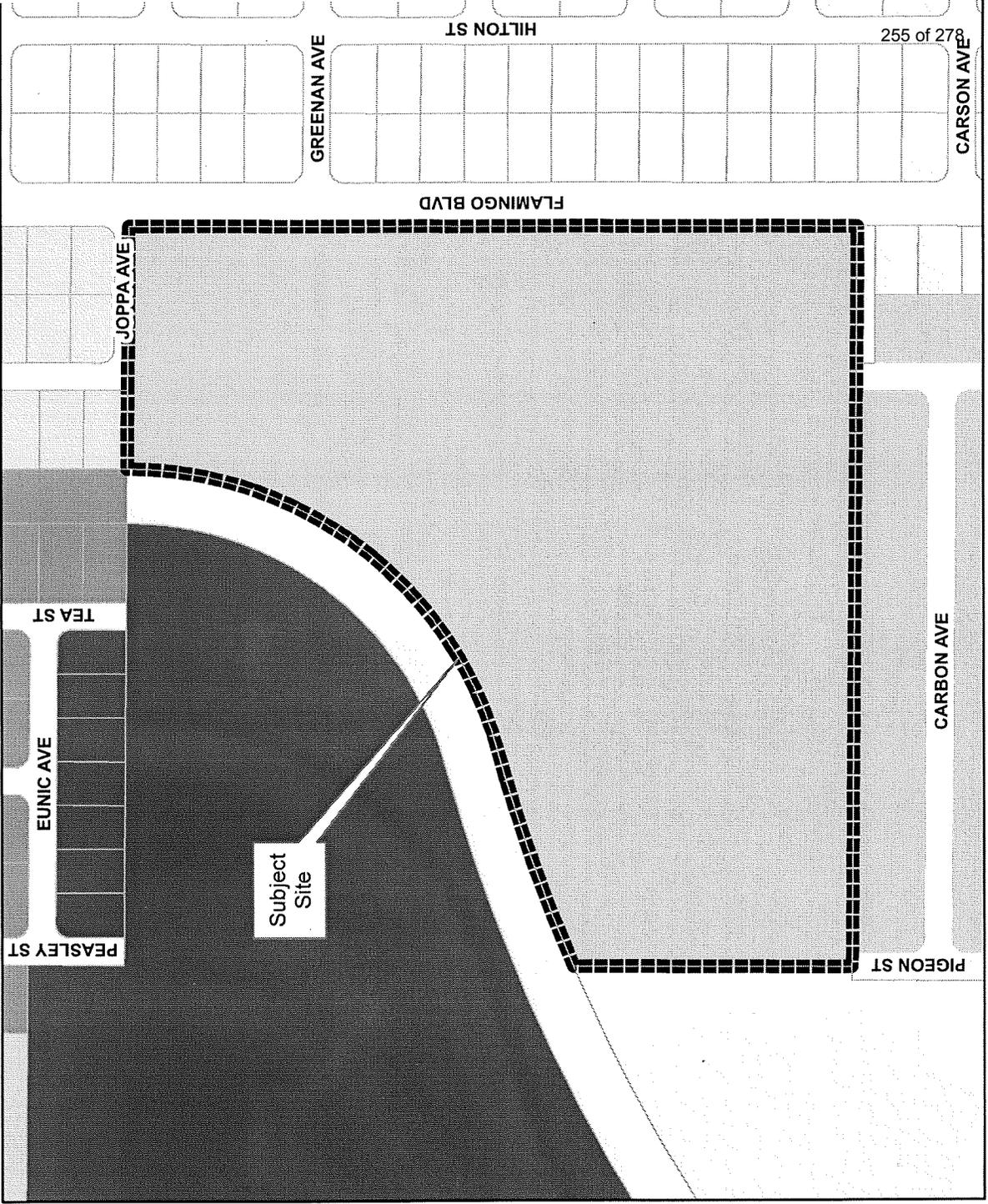
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- Residential
- Commercial
- Industrial
- Agricultural
- Recreational
- Conservation
- Educational
- Medical
- Public Buildings & Grounds
- Mining Sites
- Burial Grounds
- Marina
- Institutional
- Water
- Miscellaneous
- Vacant





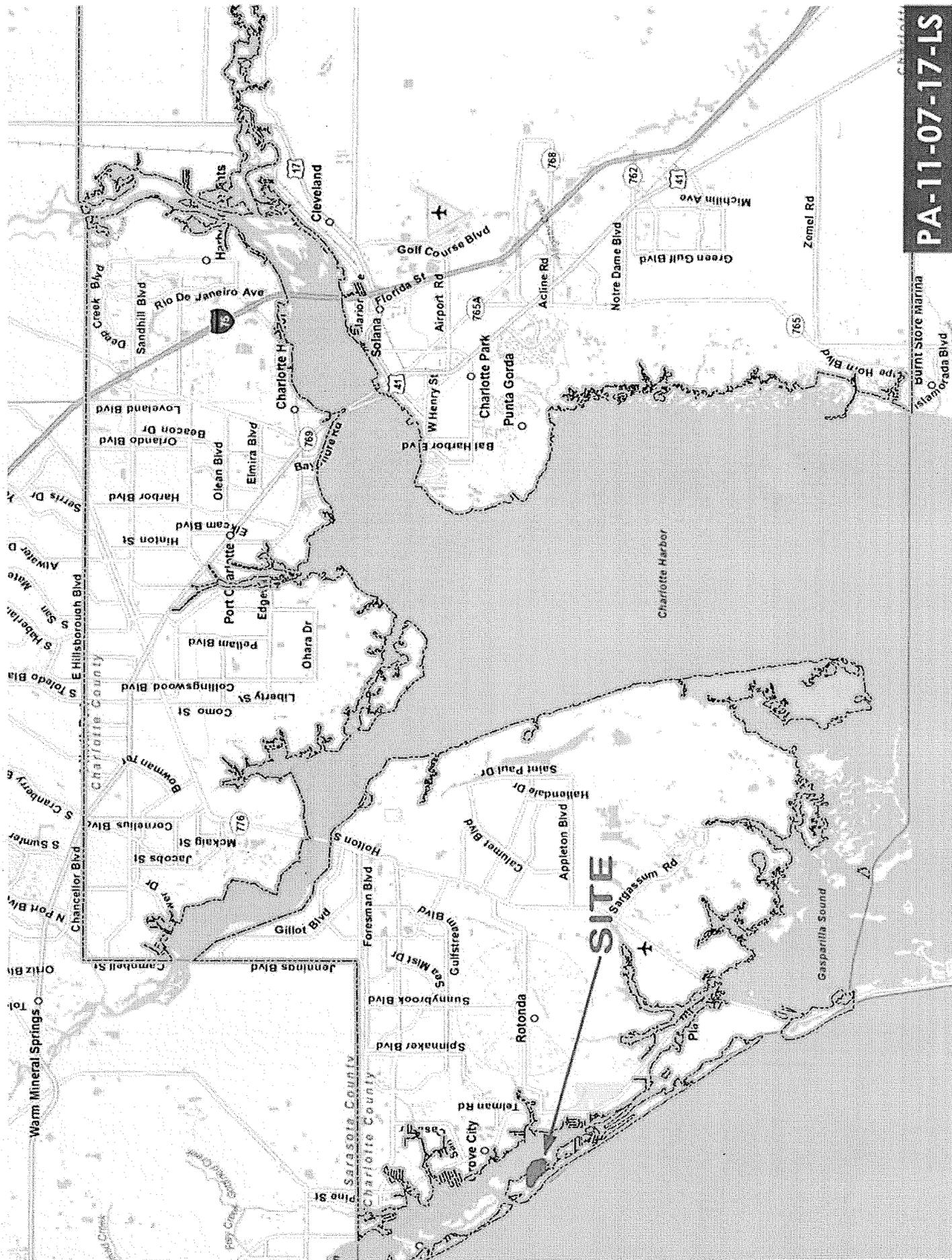
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## Legend

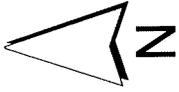
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PA-11-07-17-LS

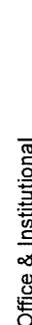
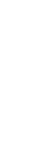


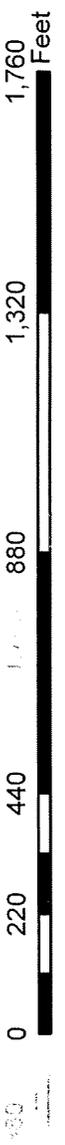
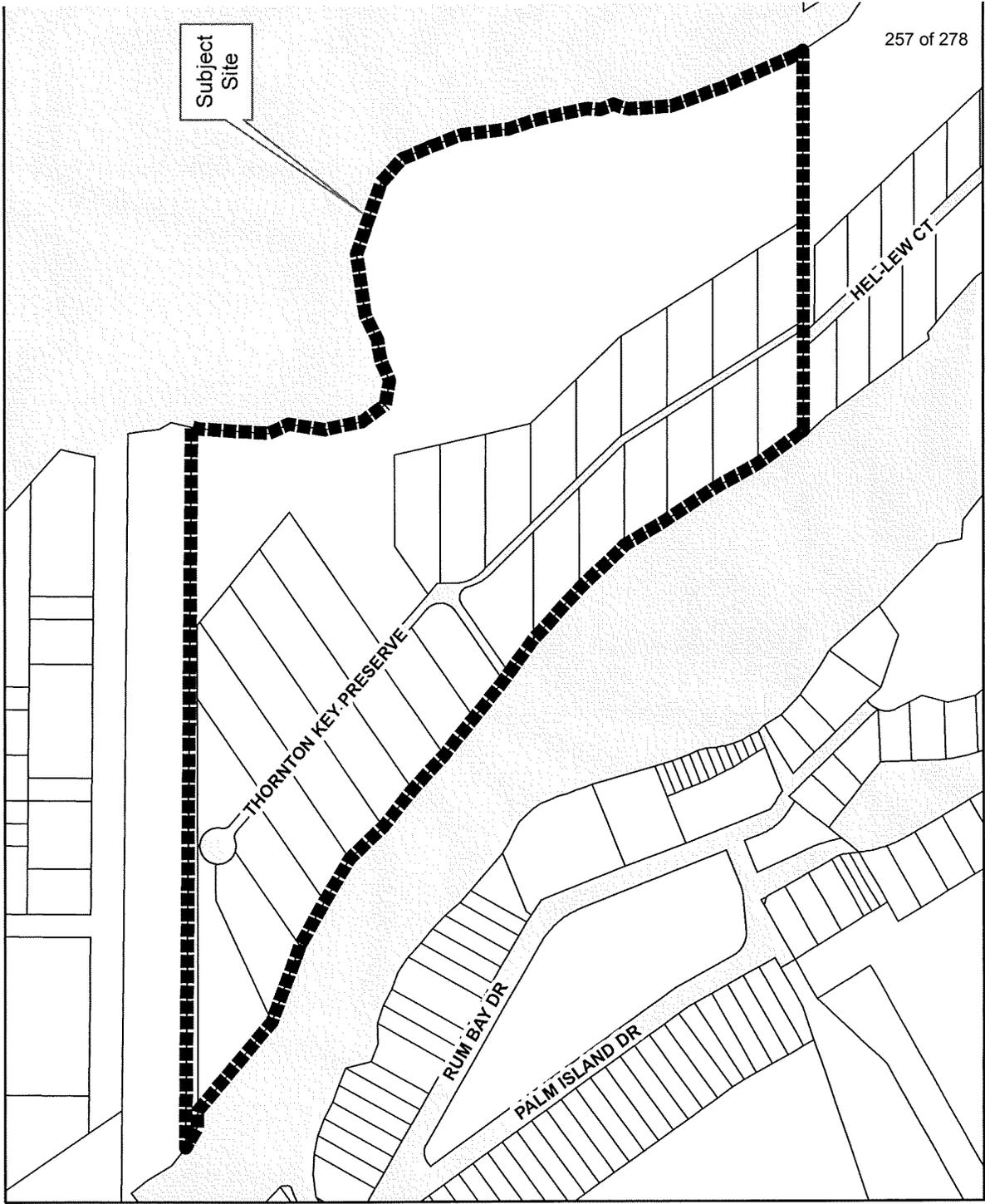


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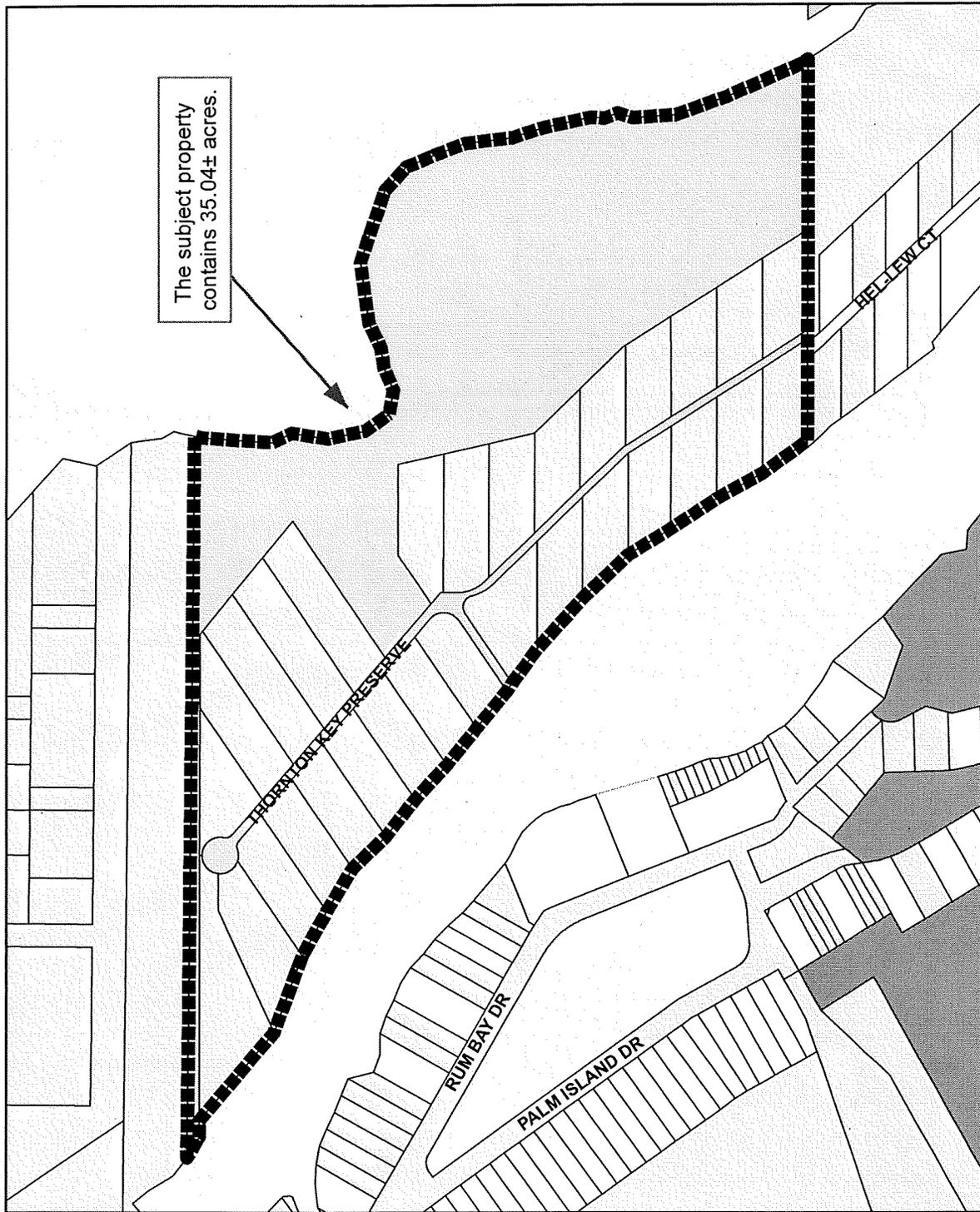
## Legend

-  Agriculture
-  Babcock Mixed Use
-  Burnt Store Limited Development
-  Burnt Store Village Residential
- City**
-  Commercial
-  Office & Institutional
-  Enterprise Charlotte Airport Park
-  Mineral Resource Extraction
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-  Low Intensity Industrial
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-  Murdock Village Mixed Use
-  DRI Mixed Use
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-  US 41 Mixed Use
-  Charlotte Harbor Coastal Residential
-  Charlotte Harbor Tourist
-  Charlotte Harbor Mixed Use
-  Charlotte Harbor Commercial
-  Charlotte Harbor Neighborhood Business/Residential
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-  Recreational Vehicle Park (inactivated)
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-  Rural Estate Residential (inactivated)

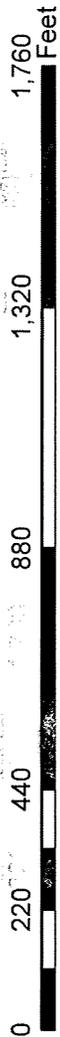




# PA-11-07-17-LS Existing Land Use Map

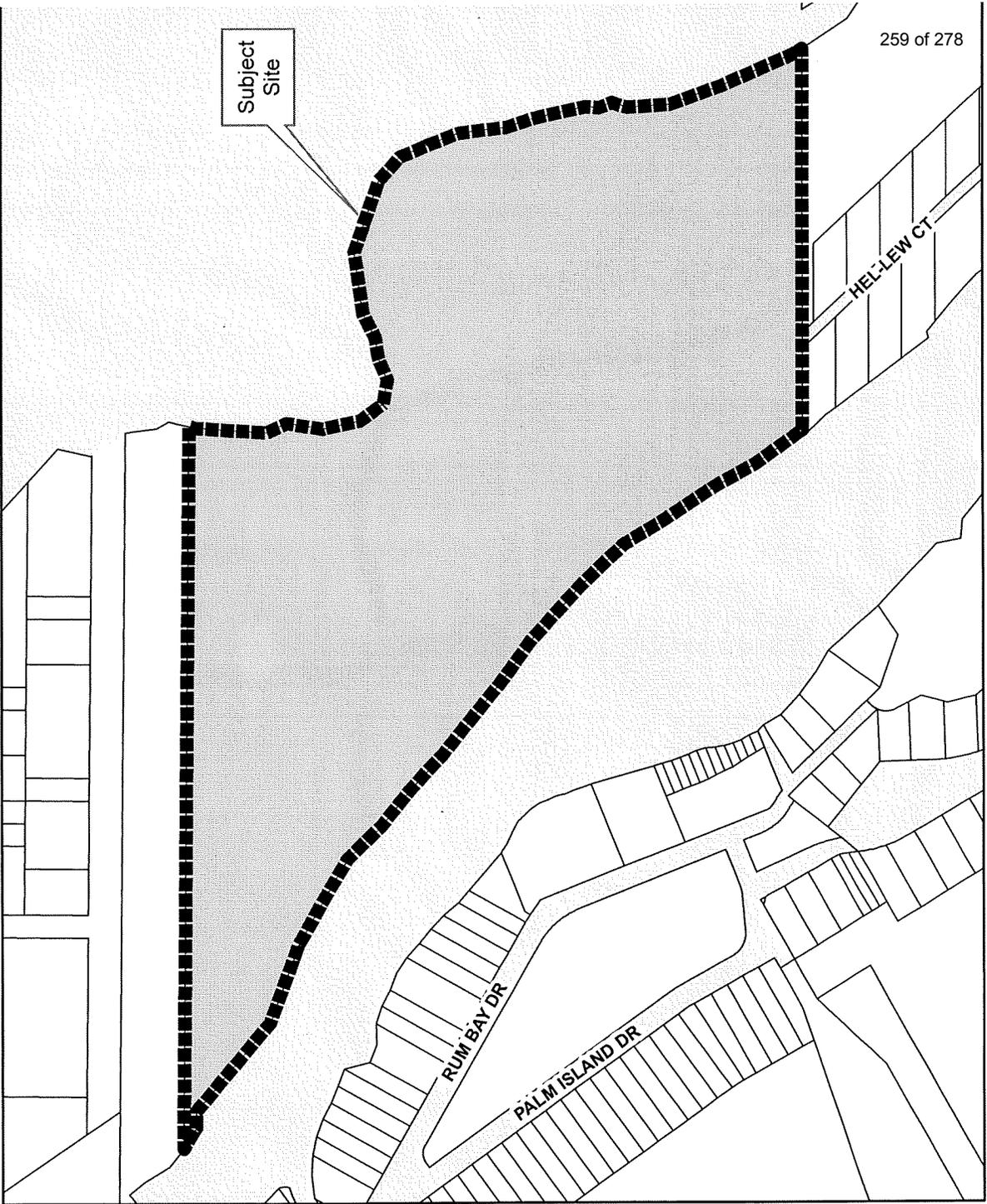


- Legend**
- Residential
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  - Industrial
  - Agricultural
  - Recreational
  - Conservation
  - Educational
  - Medical
  - Public Buildings & Grounds
  - Mining Sites
  - Burial Grounds
  - Marina
  - Institutional
  - Water
  - Miscellaneous
  - Vacant



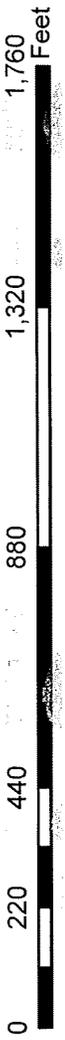


# PA-11-07-17-LS Proposed 2030 FLUM



### Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
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- High Intensity Industrial
- Murdock Village Mixed Use
- DRI Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (inactivated)
- Rural Estate Residential (inactivated)





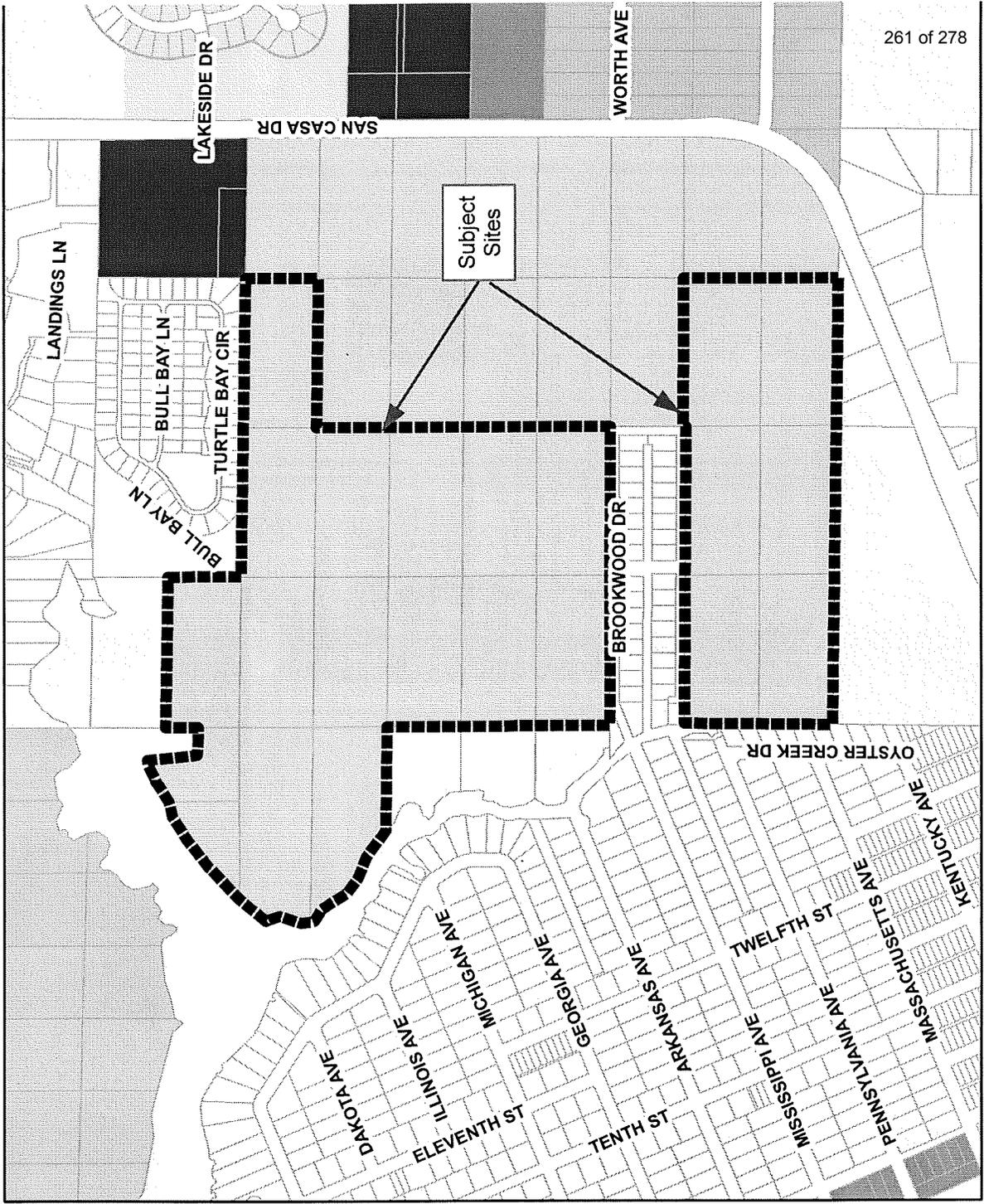


# PA-11-07-18-LS Existing 2030 FLUM



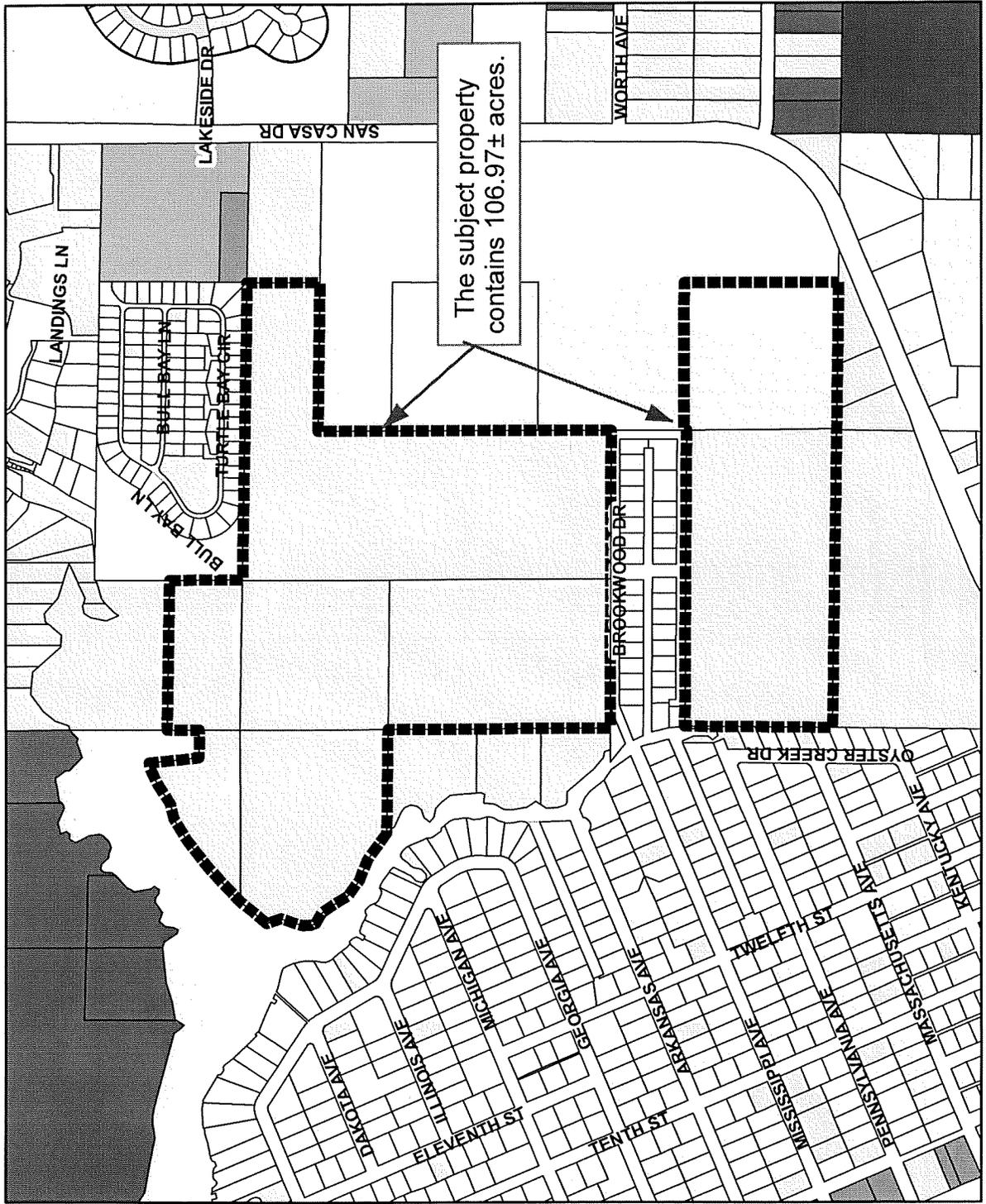
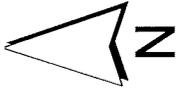
## Legend

-  Agriculture
-  Babcock Mixed Use
-  Burnt Store Limited Development
-  Burnt Store Village Residential
-  City
-  Commercial
-  Office & Institutional
-  Enterprise Charlotte Airport Park
-  Mineral Resource Extraction
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Low Intensity Industrial
-  High Intensity Industrial
-  Murdock Village Mixed Use
-  DRI Mixed Use
-  Compact Growth Mixed Use
-  Parks & Recreation
-  Preservation
-  Public Lands & Facilities
-  Resource Conservation
-  Rural Community Mixed Use
-  US 41 Mixed Use
-  Charlotte Harbor Coastal Residential
-  Charlotte Harbor Tourist
-  Charlotte Harbor Mixed Use
-  Charlotte Harbor Commercial
-  Charlotte Harbor Neighborhood Business/Residential
-  Charlotte Harbor Industrial (inactivated)
-  Recreational Vehicle Park (inactivated)
-  Coastal Residential (Inactivated)
-  Rural Estate Residential (inactivated)





# PA-11-07-18-LS Existing Land Use Map



The subject property  
contains 106.97 ± acres.

- legend**
- Residential
  - Commercial
  - Industrial
  - Agricultural
  - Recreational
  - Conservation
  - Educational
  - Medical
  - Public Buildings & Grounds
  - Mining Sites
  - Burial Grounds
  - Marina
  - Institutional
  - Water
  - Miscellaneous
  - Vacant



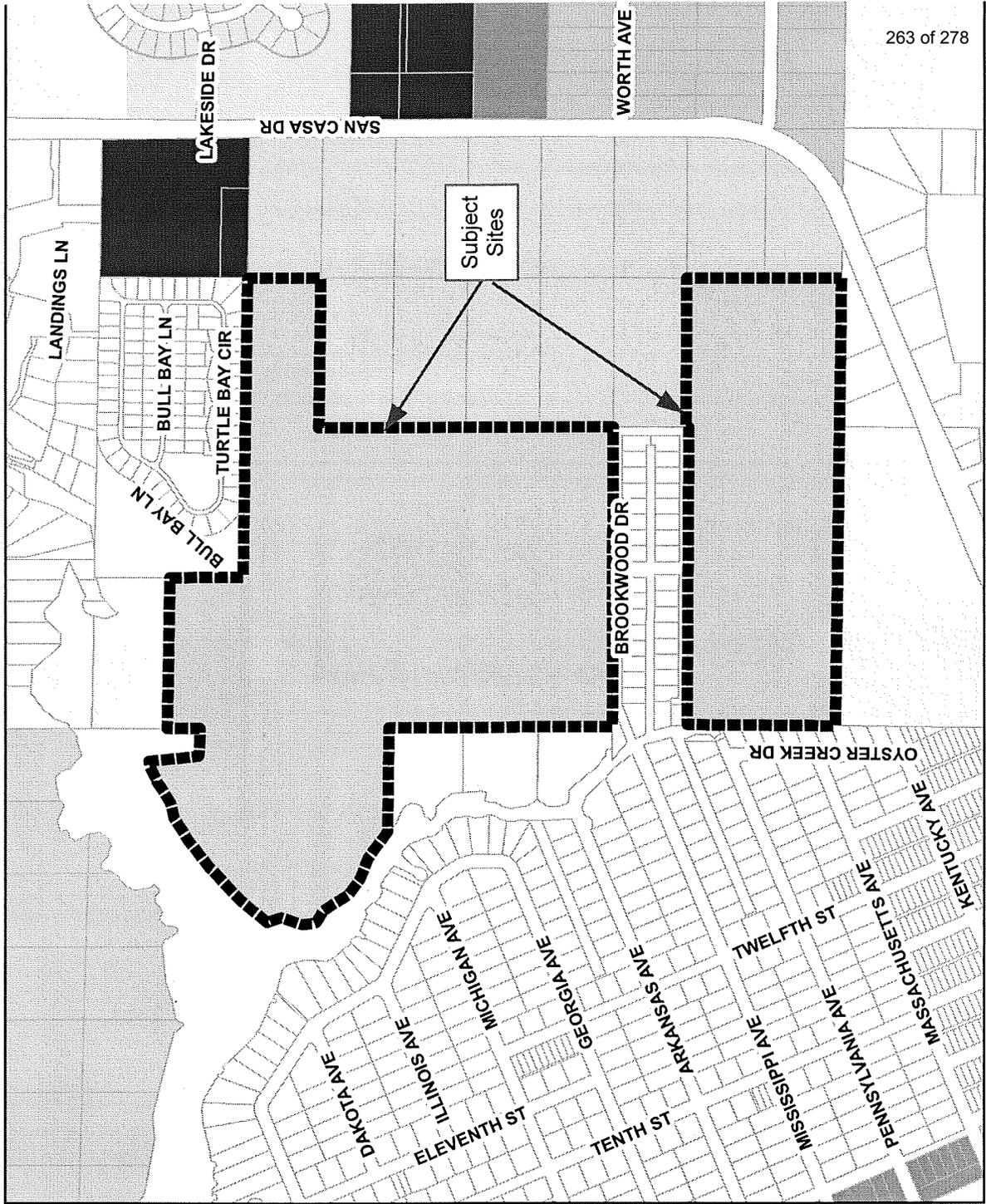


# PA-11-07-18-LS Proposed 2030 FLUM



## Legend

- Agriculture
- Babcock Mixed Use
- Burnt Store Limited Development
- Burnt Store Village Residential
- City
- Commercial
- Office & Institutional
- Enterprise Charlotte Airport Park
- Mineral Resource Extraction
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Low Intensity Industrial
- High Intensity Industrial
- Murdock Village Mixed Use
- DRI Mixed Use
- Compact Growth Mixed Use
- Parks & Recreation
- Preservation
- Public Lands & Facilities
- Resource Conservation
- Rural Community Mixed Use
- US 41 Mixed Use
- Charlotte Harbor Coastal Residential
- Charlotte Harbor Tourist
- Charlotte Harbor Mixed Use
- Charlotte Harbor Commercial
- Charlotte Harbor Neighborhood Business/Residential
- Charlotte Harbor Industrial (inactivated)
- Recreational Vehicle Park (inactivated)
- Coastal Residential (inactivated)
- Rural Estate Residential (inactivated)



\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

8i

SWFRPC Fixed Assets  
Removal

8i

8i

## **SWFRPC FIXED ASSETS REMOVAL**

The attached list has been approved by both the Network Administrator and Interim 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.

**12/2011**



# SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL COMPUTER DISPOSAL POLICY

Effective Date: December 14, 2007

**Policy Statement:**

All Council-owned electronic equipment, including but not limited to, computers, monitors, faxes, copy machines, cell phones, and personal digital appliances (PDAs) with a printed circuit board that the Network Administrator has deemed to be surplus or non-usable shall be disposed of in a manner that is consistent with Federal, state and local statutes and regulations, with recycling being the preferred method. All equipment identified as surplus shall be recycled by the Council's selected and approved vendor list. In addition, all surplus computers or servers that contain hard drives shall be wiped clean or shall be destroyed by magnetic degaussing.

If equipment is recycle/disposed through the Lee County Government Solid Waste Division there is a fee which is subject to change.

**Responsibility:**

The administration of the recycling program shall be under the Network Administrator and the Executive Director. The Network Administrator identifies equipment as surplus to the needs for the Council, the Executive Director, reviews, and approves these declarations and brings the matter before the Council for final approval.

**Action:**

The initial action is the Network Administrator presents the Executive Director a list of surplus equipment. This list depicts: purchase date, current capital value, and reason for designation as surplus and recommended method of disposal. Once a list is approved by the Executive Director, it is placed on the Council's Agenda in the Administrative Items section for final approval.

Possible methods of disposal include: in-house auction of equipment, donation to other agencies, recycling, disposal or any other method deemed to be consistent with the purpose and mission of the Council.

## Surplus Equipment - December 2011

<b>Computer Towers*</b>				
<b>Inventory #</b>	<b>Make</b>	<b>Model</b>	<b>Purchase Date</b>	<b>Purchase Cost</b>
546	Dell	Optiplex GX 280	6/14/2005	\$1,004.28
551	Dell	Optiplex GX520	3/1/2006	\$816.48
558	Dell	Precision 380	6/14/2006	\$2,360.19

<b>Monitors*</b>				
<b>Inventory #</b>	<b>Make</b>	<b>Model</b>	<b>Purchase Date</b>	<b>Purchase Cost</b>
202	CTX	CRT	11/30/2005	\$118.00
203	Viewsonic	Optiquest	12/5/2006	\$200.00
222	Viewsonic	Optiquest	n/a	n/a
223	Dell	CRT	n/a	n/a
232	Dell	CRT	n/a	n/a
234	Dell	CRT	n/a	n/a
235	Dell	CRT	n/a	n/a

\*All equipment listed on this sheet is "End of Life" no longer operational.  
All computers are phased out of the network at 5 years old.

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9

Administrative Issues

9

9

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9a

9a

2012 Nominations Committee

9a

9a

## NOMINATIONS COMMITTEE

Section 29I-1.005 of the Rules of the Southwest Florida Regional Planning Council provides:

- "(1) The regular January monthly meeting shall be the Annual Meeting for conducting business and electing.....officers.
- (2) A Nominating Committee comprised of at least three Council Members, each from a different county, shall be appointed by the Chairman at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year."

**RECOMMENDED ACTION:**

Authorize the Chairman to appoint a Nominating Committee.

12/11

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b

9b

SWFRPC Committee Reports

9b

9b

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b1

9b1

Executive Committee  
(Verbal Report)

9b1

9b1

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b2

9b2

Executive Director Search  
Committee (Verbal Report)

9b2

9b2

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b3

9b3

Budget & Finance Committee  
(Verbal Report)

9b3

9b3

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b4

9b4

Regional Watersheds  
Committee (Verbal Report)

9b4

9b4

\_\_\_\_\_ Agenda  
\_\_\_\_\_ Item

9b5

9b5

Legislative Affairs  
Committee

9b5

9b5

## **2012 Legislative Priorities**

**November 29, 2011**

***The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity representing Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties since 1973. The SWFRPC consists of 34 elected officials from local jurisdictions, gubernatorial appointees, and representatives of state agencies, school and water districts.***

The SWFRPC supports legislative actions consistent with our mission to *plan, protect and improve the physical, economic and social environments for the benefit of future generations.*

The SWFRPC opposes actions inconsistent with *effectively implementing the SWFRPC Strategic Regional Policy Plan.*

### **Key policy priorities for 2012:**

- 1. Support the Southwest Florida Regional Planning Council's initiatives to promote and sustain regional economic development**
  - Collaborate with state to implement the Six Pillars of Southwest Florida's Economy; and
  - Initiate cooperative SWFRPC/state streamlining of the growth management process.
- 2. Support implementing a state comprehensive renewable energy action plan**
  - Promote long-term economic security through increased conservation, energy efficiency of land use and transportation, and renewable energy production;
  - Establish a renewable energy portfolio standard, feed-in tariffs and net metering;
  - Encourage market incentives for sustainable energy sources such as solar and bio-fuels, and electric vehicles for transportation services;
  - Facilitate distributed residential and commercial renewable power generation; and
  - Retain current State and Federal bans on offshore drilling for oil and gas.
- 3. Oppose unfunded mandates and pre-emption of local authority generally, and specifically regarding fertilizer and stormwater rules.**