

**SUMMARY OF ACTIONS TAKEN AT THE
CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PUBLIC HEARING
FOR
LAKE PLACID GROVES
Development of Regional Impact (DRI)**

SEBRING – At its regularly scheduled meeting, the Central Florida Regional Planning Council (CFRPC) considered the Development of Regional Impact (DRI) application for Lake Placid Groves. The meeting was held on June 9, 2010, at the Highlands County Commission Chambers, 600 South Commerce Avenue, in Sebring, Florida. The purpose of this public hearing was to consider testimony from state and regional agencies and local governments on the impact of the proposed development on state and regional resources.

The CFRPC Council heard the Lake Placid Groves DRI at 9:30 a.m. The Council voted 9-0 to forward the staff recommendation and addition of two (2) conditions, totaling seventy-four (74) conditions of approval, to the Highlands County Board of County Commissioners.

The CFRPC Council added two conditions which are provided as Condition 61 regarding Police and Fire, and Condition 63 regarding Education.

The CFRPC Council recommended conditions of approval are provided on the following pages.



**RECOMMENDED
DEVELOPMENT ORDER CONDITIONS**



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RECOMMENDED

DEVELOPMENT ORDER CONDITIONS

Question 12 - Vegetation and Wildlife

- 1) All lands referred to in the DRI ADA as preservation or conservation shall be placed under a conservation easement. This includes the proposed wildlife corridor. Specific boundaries of these lands shall be determined via surveys subsequent to the permitting process.
- 2) Conservation management plans shall be developed with coordination from Florida Fish and Wildlife Conservation Commission (FWC), US Fish and Wildlife Service (US FWS), and CFRPC that address and provide mechanisms for the long-term conservation and management of all on-site conservation areas and associated protected vegetation and wildlife species. This is to include the development of a conservation management plan for the proposed wildlife corridor. The conservation management plan shall include, but not be limited to, resource descriptions, management strategies, monitoring plans, management costs, funding sources, time line, and mechanism for coordination with appropriate regulatory agencies and the CFRPC.
- 3) The Applicant/Developer shall implement Black Bear community education programs such as the FWC's "Be Bear Aware" best management practices and outreach/education program. In addition, Black Bear presence and crossing signs should be placed throughout the development.
- 4) The Applicant/Developer agrees to participate in meetings and coordination efforts with agencies including Highlands County, FDOT, FWC, and/or US FWS to establish megafauna underpasses on US 27 and/or CR 17, if determined to be needed by said agencies.
- 5) The Applicant/Developer shall ensure that all future landowners are made aware of the need for prescribed fire to manage natural areas on and off site, including provisions for community deed restrictions. All future landowners will be required to acknowledge the necessity for, and agree to the implementation of these prescribed management techniques.
- 6) No development activities, including site preparation and clearing, can commence until such time as all necessary permits and approvals have been received from the US FWS for a proposed impact to Sand and Blue-Tail Mole Skinks and their habitat.
- 7) Surveys for listed wildlife species for a specific development parcel shall be conducted prior to clearing and other site preparation activities. Surveys shall follow the methodologies recommended by FWC and/or the US FWS and shall be appropriately



timed for the target species. Additionally, the Applicant/Developer shall comply with any recommendations made by FWC and/or US FWS.

- 8) The pre-clearing wildlife surveys shall include a survey for Gopher Tortoise and shall comply with the FWC Gopher Tortoise Permitting Guidelines.
- 9) The Applicant/Developer shall coordinate with FWC and/or US FWS as appropriate on the management, relocation, monitoring, and/or mitigation of any listed wildlife species identified by the pre-clearing surveys. The Applicant/Developer shall obtain all necessary permits from FWC and/or US FWS prior to the relocation of any wildlife species.
- 10) Surveys of all known and potential wading bird nesting areas shall be conducted prior to clearing and other site preparation activities. If nesting wading bird species or nests are identified, no disturbances shall occur to the habitat as well as a buffer surrounding it (width to be specified by FWC) until such time as nesting is completed and juveniles have left the area.
- 11) Best management practices shall be utilized through the duration of development activities to ensure impacts to the natural communities that are not undergoing development are minimized.

Question 13 - Wetlands

- 12) The Applicant/Developer shall provide for the protection of all wetlands to be preserved under a conservation easement as proposed in the DRI ADA. All necessary permits and approvals shall be obtained from the FDEP and/or the SWFWMD. This is to include the submission of conservation management plans for all wetlands placed into a conservation easement.
- 13) No clearing, grading, or other site development work shall take place in and around the existing wetlands and surface waters on the project site until such time as state environmental resource permits and/or ACOE permits for the work have been issued.
- 14) All wetland areas adjacent to active construction operations will be protected from degradation. Best management practices shall be utilized and include installation of silt fences landward of wetland boundaries, turbidity barriers within water bodies, and regular monitoring and maintenance to ensure no breaches occur.
- 15) All necessary best management practices shall be employed to protect wetlands adjacent to the project site from direct and indirect impacts from the development activities.



Question 14 - Water

- 16) The Applicant/Developer will continue to participate with the various agencies in the evaluation of the impacts of agricultural chemicals on surface and ground waters from the on-site sampling activities. The Applicant/Developer will report annually to Highlands County and the CFRPC the results of the evaluation.
- 17) The Applicant/Developer will begin to collect and report the quarterly surface and groundwater monitoring Plan of Study (POS) on an annual basis to Highlands County and the CFRPC after development occurs in a sub-basin that the POS covers (see Map I-2 and POS Map of sampling stations).
- 18) The Applicant/Developer shall, at a minimum, install water saving devices of the type recommended by Southwest Florida Water Management District (SWFWMD) such as installation of high-efficiency (low volume) plumbing fixtures, appliances and other water conserving devices as required by the Florida Building Code.
- 19) The development landscape design and maintenance shall implement all reasonable water conservation measures, including, but not limited to, Xeriscape/Florida Friendly landscape techniques, installation of rain sensor shut-offs, or soil moisture sensors, and low volume efficient irrigation technology systems. Dual lines will be installed to accommodate use of reclaimed water.
- 20) Ecologically viable portions of existing native vegetation that are determined to be able to maintain natural viable existence shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated, except as needed for the establishment of the initial planting of any enhancement vegetation.
- 21) The Applicant/Developer shall provide monitoring of the stormwater management discharges and surficial aquifer monitoring wells to ensure that the surface and ground water quality is not contaminated by development activities. Prior to construction of a portion of the stormwater management treatment system within a sub-basin, the Applicant/Developer shall submit a surficial aquifer and surface water monitoring and sampling program to Highlands County and CFRPC for approval. Highlands County and the CFRPC shall have 30 days from submittal of the monitoring plans for review and for the CFRPC to approve, for that sub-basin as specified in Map I-1 and Map I-2.
- 22) The Applicant/Developer shall report the results of the quarterly stormwater treatment system surficial aquifer and surface water monitoring plan annually and summarize the results in the annual report to Highlands County and the CFRPC.



Question 15 - Soils

- 23) The Applicant/Developer shall be required to implement the following proposed erosion control measures as presented in the application to contain erosion and protect surface waters during construction:
- a. Early construction of stormwater facilities to ensure the treatment of stormwater runoff.
 - b. Use of erosion and sediment control measures such as berms, sediment basins, grassing, sodding, sand bagging, baled hay or straw, silt barriers, etc. will be provided and maintained until the permanent facilities are completed.
 - c. Re-vegetation of and stabilization of disturbed ground surfaces as soon as possible.
 - d. All fill material placed around newly installed structures will be fully compacted.
 - e. During construction all sediment and erosion control measures will be in compliance with applicable National Pollutant Discharge Elimination System (NPDES) guidelines.
- 24) The Applicant/Developer shall report all sinkhole activity on-site to Highlands County and the CFRPC within 24 hours of recognizing the occurrence.
- 25) If a sinkhole develops on-site, the Applicant/Developer shall immediately take measures to prevent contamination from entering the sinkhole and stabilize the subsurface and structures.
- 26) If a sinkhole develops, the Applicant/Developer shall provide a plan for corrective action to Highlands County and the CFRPC staff for review and approval within 30 days of the occurrence.

Question 16 - Floodplains

- 27) Compensating storage will be provided for any development within the 100-year floodplain.
- 28) The Applicant/Developer will abide by the adopted FIRM mapping in the development of the project.
- 29) The Applicant/Developer will provide on-site storage and treatment of stormwater to prevent an increase in post-development flooding off-site.



Question 17 - Water Supply

- 30) The development shall connect to centralized water and wastewater treatment facilities that are to be constructed in Phase I for reuse water for irrigation if available. Phase IA development may be served by temporary facilities subject to approval by Highlands County through the Development Agreement process.
- 31) The development landscape design and maintenance shall implement all reasonable water conservation measures, including, but not limited to, Florida Friendly landscape techniques, installation of rain sensor shut-offs, or soil moisture sensors, and low-volume efficient irrigation technology systems. Dual lines will be installed to accommodate use of reclaimed water.
- 32) Encourage the implementation of water-wise design standards.
- 33) Use Energy Star/water efficient applications and fixtures in the homes and businesses.
- 34) Investigate the potential for water conservation through using the lakes as a source of irrigation during certain times of the year. The Applicant/Developer shall report the results of these investigations to Highlands County and the CFRPC annually.
- 35) Promote the use of reuse through non-potable fixtures for wastewater design.
- 36) Agricultural wells converted to potable use shall be tested for agricultural chemicals (including Aldicarb) or their by-products for suitability for potable use prior to conversion to potable use.
- 37) Agricultural/potable wells shall be protected from contamination by the Applicant/Developer to protect the water quality.
- 38) The Applicant/Developer shall use reclaimed water for irrigation to lessen the need for fertilizer application and groundwater withdrawals to the extent possible.
- 39) The Applicant/Developer shall use reclaimed water for irrigation of any proposed golf course, residential lawns, and common areas to the extent possible.

Question 18 - Wastewater Management

- 40) This development shall connect to and be served by a centralized wastewater treatment facility to be constructed in Phase I. Phase IA development may be served by temporary facilities subject to approval by Highlands County through the Development Agreement process.
- 41) The wastewater treatment facility shall provide reuse water for irrigation purposes when available.



Question 19 – Stormwater Management

- 42) The Applicant/Developer shall include in the design of the stormwater treatment system, at a minimum, the design concepts presented in the *Stormwater Management System Conceptual Methodology Statement* as found in the second sufficiency response to this DRI.
- 43) The Applicant/Developer shall include a reclaimed water management component to the stormwater management plan to limit the runoff of nutrient-rich reclaimed water into adjacent surface waters.
- 44) The Applicant/Developer shall design the stormwater treatment system to prevent reduced flows to Josephine Creek which are necessary to meet the Lake Istokpoga Minimum Flows (MFL) criteria, while complying with the necessary nutrient load reductions.
- 45) The Applicant/Developer shall design the stormwater treatment system to ensure that only treated stormwater shall be allowed to enter the existing lakes and wetlands.
- 46) The Applicant/Developer shall provide to Highlands County and the CFRPC a copy of all Environmental Resource Permit (ERP) applications including all correspondence.
- 47) The Applicant/Developer shall provide all approved ERP permits to Highlands County and the CFRPC.
- 48) The Applicant/Developer shall report on the operation, maintenance and revisions of the stormwater management facilities in the annual report to Highlands County and the CFRPC.
- 49) The Applicant/Developer shall provide copies of any surface water discharge permit applications and correspondence including but not limited to, National Pollution Discharge Elimination System (NPDES) permits. The Applicant/Developer shall provide documentation of the operation, maintenance and revisions to the surface water discharge permits in the annual report to Highlands County and the CFRPC.

Question 20 – Solid Waste/Hazardous Waste/Medical Waste

None.

Question 21 – Transportation

- 50) Development producing trips not exceeding those defined in Phase IA is approved subject to meeting local requirements. No building permits for development beyond this phase (excluding utilities) will be issued until an additional regional traffic analysis is performed. Phase IA is defined as an amount of development equivalent to:



- Daily - 6,399 external trip ends
 - A.M. Peak Hour - 226 external trip ends (152 entering and 74 exiting)
 - P.M. Peak Hour - 392 external trip ends (160 entering and 232 exiting)
- 51)** Before requesting any building permits (development generating trip ends as identified above in Condition 50), construction shall commence on any intersection improvements required for Phase IA identified in the process, which are the responsibility of the Applicant/Developer.
- 52)** Prior to proceeding with development of Phase IB, the Applicant/Developer shall enter into an approved traffic methodology with the CFRPC, FDOT and Highlands County to perform a regional traffic analysis to determine traffic impacts as defined by level of service standards and procedures in effect at such time.
- 53)** The regional traffic analysis will include a land use conversion matrix which will become the mechanism by which changes in the development plan can be made without exceeding trip generation thresholds for additional phases.
- 54)** At time of the regional traffic analysis, a new Proportionate Share calculation shall be submitted to the CFRPC, FDOT, and Highlands County. The Proportionate Share shall quantify the following:
- List of roadway improvements to maintain level of service standard
 - Increased service volume provided by each contributing improvement
 - Length of segment and cost per mile
 - Improvement cost including engineering, right of way, construction, and CEI
 - Project traffic impact
 - Proportionate share contribution in percent
 - Proportionate share amount

This table will be reviewed by the CFRPC, FDOT and Highlands County to confirm the appropriateness of inputs and the proportionate share calculations. They shall also determine if a roadway improvement identified by the Applicant/Developer as a targeted transportation improvement(s) for proportionate share spending to mitigate impacts is appropriate.

- 55)** Before issuing any building permits for development beyond Phase IA (excluding utilities), the Applicant/Developer shall enter into a Proportionate Share Agreement for the payment of the Proportionate Share Contribution as mitigation for the DRI traffic impacts or the construction of an improvement by the Applicant/Developer to meet such proportionate share. The Agreement should include:
- Roadways impacted by the DRI project that are contributing towards the Proportionate Share Amount



- Amount of the Proportionate Share
- Improvements which will be accomplished with the Proportionate Share Amount
- A binding and legally enforceable commitment to transfer funds to Highlands County or FDOT or to otherwise ensure construction or improvement of the facility, or
- Detailed schedule of targeted transportation improvement(s) construction in lieu of Proportionate Share contribution.

The development order will be amended to attach the Proportionate Share Agreement.

- 56)** The Applicant/Developer shall conduct a biennial Transportation Monitoring Report. At a minimum, each monitoring report will be required to include:
- Amount of development that has been issued a certificate of occupancy
 - Estimate of daily and peak hour trips generated by the development as calculated in accordance with the approved methodology
 - Assessment of whether the traffic impacts of the development have been mitigated substantially consistent with the Development Order
- 57)** The methodology by which the monitoring analysis will be conducted will be proposed by the Applicant/Developer within 120 days of approval of the Development Order by Highlands County and before any building permits are issued. The methodology will be developed in conjunction with the CFRPC, FDOT and Highlands County.

Question 22 – Air and Noise

- 58)** Best Management Practices for fugitive dust control will be employed during construction.

Question 23 – Hurricane Preparedness

None.

Question 24 – Housing

- 59)** The Applicant/Developer shall ensure that a minimum of 200 dwelling units are available within the Lake Placid Groves DRI at a sale price or monthly rental rate which is initially affordable to individuals and families whose annual income does not exceed 140% of the Highlands County average median income (as provided by the U.S. Department of Housing and Urban Development). These units may be provided in any number of ways, including but not limited to: community land trusts, accessory dwelling units, multi-family rentals, down-payment assistance, public/private partnerships and/or land dedication to non-profit housing entities.



Question 25 – Police and Fire

- 60) Prior to initiation of development subject to the Development Order, the Applicant/Developer shall provide documentation of the ability of the Highlands County Sheriff's Office, Division of Fire Services, and Emergency Medical Services to serve the project.
- 61) The Applicant/Developer shall coordinate with Highlands County to determine an adequate site for a police/fire/emergency service facility if determined needed by Highlands County.

Question 26 – Recreation and Open Space

None.

Question 27 – Education

- 62) Prior to initiation of residential development subject to the Development Order, the Applicant/Developer shall provide documentation of the ability of the School Board of Highlands County to serve the project consistent with the CIE.
- 63) The Applicant/Developer shall coordinate with the Highlands County School Board to determine an adequate site for a future public school facility on the site if determined needed by the Highlands County School Board.

Question 28 – Health Care

- 64) The Applicant/Developer shall incorporate walkable features into the development to promote a healthy community.

Question 29 - Energy

- 65) The Applicant/Developer shall implement the energy saving provisions described in the application and supporting document in order to reduce energy consumption.

Question 30 – Historical and Archeological Sites

None.

Question 31 – Airports

Deleted at pre-application conference.



Question 32 – Attractions and Recreation Facilities

Deleted at pre-application conference.

Question 33 – Hospitals

Deleted at pre-application conference.

Question 34 – Industrial Plants and Industrial Parks

Deleted at pre-application conference.

Question 35 – Mining Operations

Deleted at pre-application conference.

Question 36 - Petroleum Storage Facilities

Deleted at pre-application conference.

Question 37 – Port and Marina Facilities

Deleted at pre-application conference.

Question 38 – Schools

Deleted at pre-application conference.

Annual Report

- 66) The Applicant/Developer shall provide documentation of the implementation of these conditions in the annual report. The annual report shall be submitted to the CFRPC and Highlands County.
- 67) Highlands County and the CFRPC agree that one annual report can be presented by the Applicant/Developer, which includes the requirements of both agencies.
- 68) The annual report shall include a list and copy of any local, state, and federal permits which have been obtained, submitted or are pending approval by agency, type of permit, permit number, any results of sampling and monitoring required, and the purpose of each permit.
- 69) The annual report shall identify and indicate the intended use of lands purchased, leased, or optioned by the Applicant/Developer or a representative of the Applicant/Developer in Highlands County, consistent with the requirements of Section 380.0651(4), Florida Statutes.



- 70) The annual report shall be submitted in “paper” and electronic format. The electronic format shall include copies in PDF, and original format such as GIS (compatible with Highlands County’s and CFRPC’s GIS), Excel[®], Word[®], etc.

General Conditions

- 71) The Applicant/Developer shall utilize the Highlands County landfill.
- 72) The Applicant/Developer shall incorporate walkable features into the development to promote a healthy community.
- 73) It is not the intent of this Development Order for monitoring requirements outlined herein to continue in perpetuity. Continued monitoring requirements may be evaluated for their merit at the time of the annual reporting. Determination may be made by the CFRPC, Highlands County or applicable agencies recommending monitoring be discontinued as deemed appropriate.
- 74) Applicant/Developer shall mean its assigns, designees, agents, and successors.