

EVANSVILLE WESTERN RAILWAY, INC. RAIL TERMINAL FACILITY

Evansville Western Railway, Inc.

Winter Haven, Florida



Development of Regional Impact

Recommended Conditions of Approval

DRI No. 1207-92

CFRPC Public Hearing: August 13, 2008

Prepared by

**Central Florida Regional Planning Council
555 East Church Street
Bartow, Florida 33830**

**SUMMARY OF ACTIONS TAKEN AT THE
CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PUBLIC HEARING
FOR
EVANSVILLE WESTERN RAILWAY, INC (CSX ILC)
Development of Regional Impact (DRI)**

BARTOW – At its regularly scheduled meeting, the Central Florida Regional Planning Council (CFRPC) considered the Development of Regional Impact (DRI) application for Evansville Western Railway, Inc. (locally known as CSX ILC). The meeting was held on August 13, 2008, at the City of Winter Haven Chain of Lakes Complex, Pool Room, 210 Cypress Gardens Boulevard, in Winter Haven, 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 Evansville Western Railway, Inc. (CSX ILC) DRI at 9:00 a.m. The Council voted 10-1 to forward the staff recommendation of sixty-one (61) conditions of approval to the City of Winter Haven.

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



RECOMMENDED CONDITIONS OF APPROVAL



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Question 12 - Vegetation and Wildlife

- 1) Surveys for listed wildlife species shall be conducted prior to clearing and other site preparation activities. Surveys shall follow the methodologies used during the pre-application surveys and shall be appropriately timed for the target species.
- 2) The Applicant shall coordinate with Florida Fish and Wildlife Conservation Commission (FWC) and U.S. Fish and Wildlife Service (FWS) as appropriate on the management, relocation, and/or monitoring of any listed wildlife species identified by the pre-clearing surveys.
- 3) Surveys for listed plant species shall be conducted prior to clearing and other site preparation activities. Any plant species listed as endangered, threatened, or commercially exploited by the Florida Department of Agriculture and Consumer Services, or as critically imperiled, imperiled, or rare by the Florida Department of Community Affairs, that are identified on the site shall be transplanted to appropriate habitat areas offsite, as is feasible.
- 4) 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.
- 5) Prior to commencing any work on the project site that occurs within 660 feet of the active Bald Eagle nest PO-060, the Applicant shall obtain written authorization from FWC and/or FWS on the proposed mitigation actions.
- 6) The Applicant shall obtain all necessary permits from the FWC and the FWS prior to the relocation of any wildlife species.
- 7) The Applicant shall comply with all recommendations made by the FWC and the FWS consistent with obtaining necessary permits.

Question 13 - Wetlands

- 8) 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 permits for the work have been issued.
- 9) 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.



- 10) The rail terminal facility shall be designed, to the maximum extent feasible, to avoid impacts to any Cutthroat Seeps, if any viable Seeps remain on site. The submission of engineered site plans to the City of Winter Haven shall include accompanying documentation on actions verifying the absence of Seeps or to minimize the impacts.

Question 14 - Water

- 11) The Applicant shall use stormwater, reuse water or other alternative water for site irrigation.
- 12) The Applicant shall 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.
- 13) 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.
- 14) Irrigation should not exceed $\frac{3}{4}$ inch per week per irrigated acre.
- 15) Reuse connections shall be metered.
- 16) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- 17) The Applicant shall provide monitoring of the surface water management discharges and surficial aquifer monitoring wells to insure that the surface and ground water quality is not contaminated by site activities.
- 18) The Applicant/developer shall provide a surficial aquifer monitoring plan and surface water management monitoring plan for discharges with quarterly sampling and testing within 60 days of approval of the Development Order for review and approval of the Central Florida Regional Planning Council staff and the City of Winter Haven.
- 19) The Applicant/developer shall report the results of the surficial aquifer and surface water monitoring plan quarterly within 60 days of sampling and summarize the results in the annual report to the City of Winter Haven and the Central Florida Regional Planning Council.



Question 15 - Soils

- 20) The Applicant 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.
- 21) The Applicant shall report all sinkhole activity on site to the City of Winter Haven and the Central Florida Regional Planning Council within 24 hours of recognizing the occurrence.
- 22) If a sinkhole develops on site, the Applicant shall immediately take measures to prevent contamination (from petroleum or other pollutants) entering the sinkhole and stabilize the subsurface and structures.
- 23) If a sinkhole develops, provide a plan for corrective action to the City of Winter Haven and the Central Florida Regional Planning Council staff for review and approval within 30 days of the occurrence.

Question 16 - Floodplains

- 24) The development shall provide compensating storage for any development within the 100-year floodplain.

Question 17 - Water Supply

- 25) The development shall connect to and be served by centralized municipal potable water supplies.
- 26) The development shall connect to a centralized municipal supply for reuse water for irrigation if available.
- 27) The Applicant shall install water saving devices of the type recommended by SWFWMD.



Question 18 - Wastewater Management

- 28) This development shall connect to and be served by centralized municipal wastewater sources.

Question 19 – Stormwater Management

- 29) The Applicant/developer shall provide to the City of Winter Haven and the Central Florida Regional Planning Council a copy of all Environmental Resource Permit (ERP) applications including all correspondence.
- 30) The Applicant/developer shall provide all approved ERP permits to City of Winter Haven and the Central Florida Regional Planning Council.
- 31) The Applicant/developer shall report on the operation, maintenance and revisions of the stormwater management facilities in the annual report to the Central Florida Regional Planning Council.
- 32) The Applicant 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 shall provide documentation of the operation, maintenance and revisions to the surface water discharge permits in the annual report to the Central Florida Regional Planning Council.

Question 20 – Solid Waste/Hazardous Waste/Medical Waste

Deleted at pre-application conference.

Question 21 – Transportation

- 33) Within 60 days of the effective date of the Development Order, the Applicant shall present a proposed methodology for an Annual Traffic Monitoring Program to a staff committee comprised of representatives of the Central Florida Regional Planning Council, Florida Department of Transportation, the Polk Transportation Planning Organization, Polk County and the City of Winter Haven for approval. Other local governments will be provided an opportunity to comment on the proposed methodology. This methodology shall include the use of weekday traffic count data recorded at the gated entrance to the rail terminal facility in order to produce a quarterly average of daily vehicle trip generation for the facility.
- 34) The Annual Traffic Monitoring Program will include quarterly reports detailing the amount of traffic generated by the facility and a comparison with the estimates from the DRI analysis.
- 35) If the facility generates more than 115 percent of the originally forecast external trip generation, the Applicant shall undergo a substantial deviation determination.



- 36) The sole means of vehicular access to the proposed Rail Terminal Facility shall be Pollard Road from the south.
- 37) The intersection of SR 60 and Pollard Road shall be monitored on a quarterly basis to determine whether traffic signal warrants are met. The methodology for the collection of these counts will be included in the methodology for the Annual Traffic Monitoring Report.
- 38) The Applicant shall signalize the intersection of SR 60 and Pollard Road when signal warrants are met and approved by the Florida Department of Transportation (FDOT). Signalization costs include design, materials, construction, installation and right-of-way acquisition, if needed.
- 39) Polk County is considering the posting of a “No Through Truck” restriction on Old Bartow-Lake Wales Road and CR 653 (Rattlesnake Road) and will monitor compliance with such a restriction. At the request of Polk County, the Applicant will provide a notice to truck drivers and/or trucking companies regarding this restriction, if the restriction is adopted.
- 40) The Florida Department of Transportation (FDOT) is conducting a Project Development and Environmental (PD&E) Study to evaluate a potential new alignment for a limited access highway to provide a direct connection between SR 60 and SR 570 (Polk Parkway). The Applicant will provide relevant traffic or project data, as available, to assist with any future evaluation.

Question 22 – Air and Noise

- 41) Best Management Practices for fugitive dust control will be employed during construction.
- 42) The Applicant shall establish noise monitors on areas of the site adjacent to residential uses. The Applicant shall monitor noise levels and implement noise abatement measures if noise levels exceed 42 dBA at any residential property line.

Question 23 – Hurricane Preparedness

Deleted at pre-application conference.

Question 24 – Housing

None

Question 25 – Police and Fire

None

Question 26 – Recreation and Open Space

Deleted at pre-application conference.



Question 27 – Education

Deleted at pre-application conference.

Question 28 – Health Care

Deleted at pre-application conference.

Question 29 - Energy

- 43) The facility will utilize electrical cranes or other energy efficient equivalent.
- 44) All on-site lighting shall be directed downward and inward within the 318 acre site. Direct illumination toward or upon adjacent properties or road rights-of-way shall be prohibited. The developer shall utilize shielded fixtures (full cutoff lighting with zero candela at an angle of 90 degrees or above) and provide a photometric plan to Polk County and the City of Winter Haven illustrating how the light intensity at the boundary of the site has been minimized.

Question 30 – Historical and Archeological Sites

None

Question 34 – Industrial Plants and Industrial Parks

- 45) Best Management Practices, including those identified in the ADA, shall be employed during site preparation and construction.
- 46) The Applicant shall provide a noise and visual buffer between the development site and the adjacent residential neighborhood. The specific plan shall be submitted to Polk County for review and to the City of Winter Haven for review and approval.
- 47) The use of potable water sources for on-site landscape irrigation and dust control shall be prohibited except during the first 30 days after installation and construction. On-site landscape irrigation and dust control shall utilize either captured stormwater run-off or reuse water supplies.
- 48) The transfer or distribution of bulk chemicals or hazardous materials between containers shall be prohibited. Transfer of bulk chemicals, hazardous materials, medical waste or construction debris is only allowed in sealed intermodal transport containers. A plan for storage, monitoring, transfer and remediation of any spill or breach of container must be approved by the City of Winter Haven and the Central Florida Regional Planning Council staff.
- 49) Fuel storage on-site shall be limited to that fuel needed for on-site operations.
- 50) This facility shall utilize watering trucks and/or other dust suppression measures daily in accordance with federal and state requirements.



- 51) Prior to construction, the applicant shall coordinate construction access with the Florida Department of Transportation (FDOT), Polk County, and the City of Winter Haven.
- 52) Prior to construction plan approval by the City of Winter Haven, the Applicant shall provide courtesy copies of the engineered site plan to Polk County with accompanying documentation of compliance with development order conditions.
- 53) The Central Florida Regional Planning Council (CFRPC) and the Department of Community Affairs (DCA) shall receive notice of any development activity that is proposed by the Applicant to occur within the 930 acre parcel located adjacent to the subject rail terminal facility, e.g., industrial, warehouse, or business park uses. Therefore, the adjacent development shall be aggregated into this subject Development of Regional Impact (DRI) as a Substantial Deviation. A transportation analysis shall then be conducted to determine the cumulative impacts of this aggregated DRI over an expanded project impact area and identify additional off-site mitigation measures that would be required in an amended Development Order. In any event, future transportation analyses for development adjacent to the rail terminal facility must include vested or background traffic generated by this facility.

Question 36 - Petroleum Storage Facilities

- 54) Provide copies of all monitoring, operation, notification of spills and/or leaks, system repairs, construction activities/permits and corrective action to the City of Winter Haven and the Central Florida Regional Planning Council in the annual report.
- 55) Provide notification to the City of Winter Haven and the Central Florida Regional Planning Council within 48 hours of the identification of a petroleum spill.
- 56) Provide copies of all site investigations to identify the petroleum contamination and the proposed corrective action and monitoring to the City of Winter Haven and the Central Florida Regional Planning Council.

Annual Report

- 57) The Applicant shall provide documentation of the implementation of these conditions in the annual report. The annual report shall be submitted to the Central Florida Regional Planning Council and the City of Winter Haven. The initial annual report shall be submitted 6 months from the issuance of the Certificate of Occupancy and on that annual anniversary date for three years thereafter.
- 58) The City of Winter Haven and the Central Florida Regional Planning Council agree that one annual report can be presented by the Applicant, which includes the requirements of both agencies.



- 59) 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.
- 60) The annual report shall identify and indicate the intended use of lands, purchased, leased, or optioned by the Applicant or a representative of the Applicant in Polk County.
- 61) 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 the City of Winter Haven and Central Florida Regional Planning Council’s GIS), Excel[®], Word[®], etc.