

HENDRY COUNTY COMPREHENSIVE PLAN



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TABLE OF CONTENTS

		Pages
Chapter 1	Future Land Use Element	1-88
	Future Land Use Categories	8-45
	Innovative Planning Techniques and Land Use Categories/Overlays	45-82
	• SR 82 Mixed Use District	46-50
	• West Hendry Planning Overlay	50-59
	• Rodina Sector Plan	59-80
	• Western Oxbow Mixed Use District	80-82
Chapter 2	Housing Element	89-95
Chapter 3	Recreation & Open Space Element	96-101
Chapter 4	Conservation Element	102-123
Chapter 5	Infrastructure Element	124-261
	A. Sanitary Sewer	125-128
	B. Potable Water	128-131
	C. Solid Waste	131-132
	D. Stormwater Management	132-135
	E. Natural Groundwater/Aquifer Recharge	135-136
	F. Ten (10) Year Water Supply Facilities Work Plan	137-253
Chapter 6	Traffic Circulation Element	262-273
Chapter 7	Concurrency Element	274-279
Chapter 8	Capital Improvements Element	280-313
	• Schedule of Capital Improvements Projects	301-313
Chapter 9	Intergovernmental Coordination Element	314-320
Chapter 10	Economic Development Element	321-325
Chapter 11	Public Schools Facilities Element	326-349
	Definitions	350-358

LIST OF MAPS

	Page
Future Land Use Elements maps	
• Future Land Use Map	83
• West Hendry Planning Overlay Map	84
• West Hendry Planning Overlay Sending & Receiving Areas	85
• Rodina Sector Plan Map	86
• Felda Community Overlay Map	87
• Western Oxbow Mixed Use District	88
Conservation Element Maps	
• FEMA Flood Prone Areas	116
• Land Cover	117
• Land Surface Elevations	118
• Oil Well Fields and Cones of Influence	119
• Extractive Uses	120
• Florida Panther Habitat and Dispersal Zones	121
• Historic and Archeological Sites	122
• Soils Map	123
Infrastructure Element Maps	
• Water Resources	254
• Significant Natural Resources	255
• Top of Lower Tamiami Aquifer Contours	256
• Bottom of Lower Tamiami Aquifer Contours	257
• Top of Sandstone Aquifer Contours	258
• Bottom of Sandstone Aquifer Contours	259
• Surficial Aquifer System /Ambient Ground Water Quality Monitor Wells	260
• Surface Water Master Plan/FEMA Flood Maps	261
Traffic Circulation Elements Maps	
• Traffic Circulation Plan – 2040	269
• Long-Range Transportation Plan – 2040	
○ Existing & Committed Roadway Network	270
○ Priority Roadways 2010-2040	271
• West Hendry Transportation Needs Plan	272

- Rodina Transportation Network

CHAPTER 1: FUTURE LAND USE ELEMENT

INTRODUCTION

The Future Land Use Element, and its attendant Future Land Use Map, are both outcomes of the other elements of the Comprehensive Plan. The locations and the densities of land use categories are shaped to a large extent by information from the other elements of this Comprehensive Plan, and the other elements of the Plan are influenced by and support the Future Land Use Element. It is the Future Land Use Element (along with the Future Land Use Map) that states the sizes, locations, densities (intensities), and other characteristics of the land use categories for future land development in Hendry County.

The purpose of the Future Land Use Element is the designations of future land use patterns in Hendry County by providing land use classifications for all lands in the County, and presenting them on the Future Land Use Map. The Goals, Objectives, and Policies of this Element establish the meaning and definitions of the land use categories on the Future Land Use Map, and present the criteria for development within the specific categories.

Both the land use categories and the criteria for development are based on analyses of the County's facilities and resources, and their relative locations. These facilities and resources include the infrastructure to support existing development and future growth, and the conditions and capacities of the natural resources to support development. Most of these natural resources are environmentally sensitive to varying degrees. The small Future Land Use Maps presented in this text are for general illustrative purposes only, and are not intended for regulatory purposes. The official Future Land Use Map presents land use patterns to the year 2040.

Data and analysis supporting the Hendry County Comprehensive Plan is not adopted as a part of this Comprehensive Plan, but is the basis for developing the goals, objectives and policies of this Comprehensive Plan. The following section highlights some conclusions from data and analysis.

The Future Land Use Element Goals, Objectives, and Policies are found in the final section of this Element. Because of the nature of the Future Land Use Element, the Goals, Objectives, and Policies in this Element draw upon many issues concluded from the various other elements.

CONCLUSIONS FROM THE DATA AND ANALYSIS

This section highlights the conclusions from the data and analysis for the Future Land Use Element. Baseline population data are necessary to guide the designation of future land uses for accommodating future populations, and the provision of services as addressed in other elements of the Comprehensive Plan.

To anticipate the future land use and development patterns, it is important to first identify, locate, and analyze the existing land uses in Hendry County and the nature of existing development in the County. The Data and Analysis for the Future Land Use Element also draws upon the results of the analyses in nearly all of the other elements to relate the land uses to the locations of public facilities and natural (although man-altered) resources within the County. The Data and Analysis

projects the future land uses, the land requirements, the density of uses, and the redevelopment needs. Proposed generalized future land uses for Hendry County are presented through goals, objectives, policies and maps within this Element and its Rural Lands Sub Element.

The Future Land Use Element has been prepared using the best available data and analysis, pursuant to Section 163.3177 Florida Statutes. The Element utilizes the medium-range population projections prepared by the University of Florida’s Bureau of Economic and Business Research (BEBR). These data reflect Hendry County’s new five-year (2010-2015) and long-term (2040) planning timeframes. At the time of this analysis, BEBR projections extended only through a 2035 projection horizon. Pursuant to guidance from the former Florida Department of Community Affairs, Hendry County utilized a linear projection methodology to extrapolate the BEBR projections through the 2040 planning horizon. **Table 1** shows Hendry County’s projected population growth through 2040, based on the BEBR and DCA-required methodology.

Table 1. Hendry County Population Projections

BEBR	2009	2010	2015	2020	2025	2030	2035	2040*
Medium	41,320	41,026	43,200	45,900	48,500	51,100	53,500	55,219

*Projections for 2040 were generated using a linear growth method, based on data from the 2009-2035 projection base period. This method was applied pursuant to guidance from the Florida Department of Community Affairs.

Source: BEBR (2010) Florida Population Studies Bulletin #156, Volume 43.

The Future Land Use Element Goals, Objectives, Policies and LOS standards were evaluated and updated based on the BEBR medium-range population projections current at the time of the Element’s preparation. However, for the zero- to five-year (2010-2015) planning horizon, BEBR projections were reconciled with facility usage and demand data reported by the primary service providers. Service-provider data show a decline in service connections and reduction in usage, which reflect a decrease in service demand within the utility service area. Hendry County anticipates that development will occur during the first five years of the 2040 planning horizon, but that this growth will serve only to balance the lower service demand reflected in the service-provider data. Therefore, Hendry County has assumed a zero-net change in the service demand for the zero- to five-year (2010-2015) period.

Hendry County anticipates population growth, and corresponding service demand, to increase during the 2016-2020 planning period. Development proposals currently under review by Hendry County staff project a 10- to 15-percent build-out rate during the 2016-2020 planning timeframe. This will allow the population growth rates to return to the levels projected by BEBR by 2020. LOS standards will be reviewed and modified, as warranted, based on the build-out during this planning period. Through the 2040 horizon of the Hendry County Comprehensive Plan, Hendry County will assume that population growth will come back in line with the BEBR medium-range projections. Hendry County will continue to use the BEBR projections and other best-available at the time of each update, pursuant to Section 163.3177 Florida Statutes.

Hendry County is comprised of 1,189 square miles of which 37 square miles is comprised of water and 1,152 square miles is comprised of land. From 2003 – 2006 development pressures were

placed on the County in the form of major comprehensive plan amendments and rezone petitions, mostly in the northwestern portion of the County. On April 13, 2010, the Hendry County Board of County Commissioners adopted three future land use map amendments. These were adopted as Ordinances 2010-12, 2010-13, and 2010-14 and comprise the West Hendry Planning Overlay; the SR 82 Mixed Use District; and Rodina Community Overlay, respectively. The Florida Department of Community Affairs found each of these amendments to be Not In Compliance with Chapter 163, F.S., and as of October 12, 2010, the DCA, other agencies, County staff, and landowners were working towards Stipulated Settlements Agreements to bring the amendments into compliance. At the time of adoption of the EAR-based amendments, these three amendments were not in effect.

Historically, residential uses developing within Hendry County were in large part mobile homes placed on individual lots. Some of these are located in areas with adequate public facilities, but some are not and continued concentrations of development in some areas may require extensions of centralized potable water and/or sewer facilities in the future.

The Port LaBelle community provides a large area with the potential for varying densities in accordance with its Development of Regional Impact development orders. Port LaBelle has centralized sewer and water facilities which are now owned and operated by the County and primarily serve that development. In 1994, Hendry County amended its Future Land Use Map for the Port LaBelle DRI whereby approximately 15,000 acres were returned to agriculture. The DRI was amended because the developer, Atlantic Gulf Communities, went bankrupt and the developer did not have the resources to develop the DRI. As such, approximately 15,000 acres reverted to agriculture. This, of course, decreased the residential density that was previously allowable on the FLUM. The remaining Port LaBelle DRI lands not converted to Agriculture are still classified as Special Density and Use.

While the agricultural uses in Hendry County in general have undergone some transformation to citrus, this land use has also increased as a result of the 1994 Comprehensive Plan Amendment which reverted a portion of the Port LaBelle DRI to agricultural. Presently approximately 578,864 acres are designated for agricultural uses Hendry County has approximately 85,155 acres in citrus and 50,000 acres in sugar. Of the 578,864 acres designated as agricultural, approximately 403,179 acres are considered pasture land.

As part of Plan Amendments in 1997, Leisure/Recreation was added as a land use category. The Leisure/Recreational use was established primarily due to Berry Groves, whereby, there was a proposal to develop a parcel known as Murphy Groves for a recreational vehicle (RV) park with ancillary facilities. Murphy Groves lies north of SR 80, just east of the Lee County line and along the banks of the Caloosahatchee River. This site encompasses approximately 200 acres which would be developed as a recreational vehicle park. In addition to the 200 acres that would be developed for recreational purposes, 24 acres were proposed for commercial uses to accommodate the RV park. In reviewing the proposed amendment, DCA felt that there were several inconsistencies with the existing policies of the Comprehensive Plan which dealt with the delivery of services such as potable water and sanitary sewer. Other DCA issues included the need for recreational activities and facilities outside of Hendry County's residential areas. As part of the review process, an alternative was made in addressing this policy. The amendment then proposed a policy change which would allow recreational activities and facilities in agriculture areas. A Policy was established to provide standards for the development of a Leisure/Recreation category. In 2004, the Comprehensive Plan was amended to allow High Density residential on this site, which was followed by a zoning change

granted to the Bonita Bay Group for a mixed-use development. The development has not commenced although a preliminary subdivision plat was approved by the Local Planning Agency.

Additionally, a result of some discrepancies in the original Future Land Use Map, the FLUM was amended in 1994 to accurately reflect existing conditions as well as future trends. The following is a brief narrative for the areas referenced in said Ordinance and adopted as Plan and accompanying map amendments.¹

Double "J" Acres - This development is approximately two miles east of the Lee-Hendry County line and south of State Road #80. Double "J" Acres was originally developed in the late 1960's. The lot sizes range from one to five acres. There are currently 44 dwelling units in Double "J" Acres, which are mostly mobile homes. Double "J" Acres was appropriately designated as Residential: Pre-Existing Rural Estates on the Future Land Use Map of the Comprehensive Plan as of 1994.

Highway Business Center - This unrecorded subdivision begins two miles east of the Lee-Hendry County line and continues easterly approximately one and one-half miles along the south right-of-way of SR 80. The name of this development is a misnomer as there is no commercial activity. In actuality, there were approximately 75 lots, most being approximately one acre in size. None of these lots were used for commercial activity, but there were residential units on 37 lots with a mixture of mobile homes and conventional housing. Due to the already developed character of this strip of land it was designated Residential: Pre-Existing Rural Estate as of 1994.

Less than one mile east of the Lee-Hendry County line, and immediately north of CR 78, there is an unrecorded residential development with lots ranging from two to five acres in size. These lots were divided in the late sixties or early seventies. There were 25 residential homes as of 1994. Only a few vacant lots remained in this area. Due to the characteristics of this development, it was designated as Residential: Pre-Existing Rural Estates on the Future Land Use Map of the Comprehensive Plan as of 1994.

Big Oak Acres - This subdivision, in the North LaBelle area, is approximately one-quarter of a section in size. The lots in Big Oak Acres were five to ten acres in size while the remainder of North LaBelle developed at a much greater density. As a result of the greater density in most of North LaBelle, and the proximity to the City of LaBelle, this area was designated as Medium Density - Residential on the Future Land Use Map in 1994. The designation allows a maximum of two units per acre.

Being concerned about the character of their subdivision, residents of Big Oak Acres appeared before the Board of County Commissioners at a final public hearing on the 1994 Comprehensive Plan. Upon hearing their concerns, the Board of County Commissioners acknowledged the unique characteristics and designated the area as Residential: Pre-Existing Rural Estates in 1994.

¹The reference and descriptions of the map changes are included in the currently adopted Comprehensive Plan as Attachments to the Ordinance adopted on 9-27-94, Exhibit "A," Future Land Use 2000, June 1992, and Exhibit "B", Proposed Future Land Use Map Amendments. Additional changes since the adoption of the 1994 Ordinance are marked as such.

Unfortunately, within the area designated Commercial immediately east of Big Oak Acres in North LaBelle, residential structures were developed at a density of two dwelling units per acre. Obviously, the acreage was inadvertently designated Commercial on the FLUM. The appropriate land use designation should be Medium Density Residential.

Commercial Area #1 - This commercial area had its origins in the late 1960's, long before Hendry County adopted its first Comprehensive Plan. The first business establishment manufactured modular housing units and additions. In 1981, this business was sold with the new owner converting the facility into a farm equipment dealership. Subsequently, four other commercial facilities were developed on adjacent properties.

This commercial area encompassed less than 10 acres. Since it was a well established commercial area prior to the adoption of the Comprehensive Plan, the area was amended on the Future Land Use Map to Commercial as of 1994.

Within the general vicinity and adjacent to the ten acre Commercial tract mentioned above, another Commercial area was established. In the late 1970's, this two acre strip, which lies 300 feet to the east along SR 80, became an offshoot of the farm equipment dealership. The area was overlooked during the 1994 Plan Amendment and is identified as number 1 on the Proposed Future Land Use Map amendment.

Commercial Area #2 - Immediately south of SR 80, and west of Hendry Isles Boulevard is a shopping center known as Pioneer Plaza. This shopping center which serves the communities of Pioneer Plantation, Hendry Isles, and Horseshoe Acres in Glades County, and the motoring public, was built in 1983. Situated on approximately ten acres, this shopping center was designated Commercial on the Future Land Use Map in 1994.

City Outparcel - Concurrent with the preparation of the Comprehensive Plan, the City of LaBelle was in the process of annexing the LaBelle Airport and adjacent parcels. The Future Land Use Map of the Hendry County Comprehensive Plan was adjusted just prior to the adoption to identify those parcels which were to be annexed into the City of LaBelle. However, one parcel immediately west of the LaBelle Airport was not annexed as indicated.

This parcel which is approximately 20 acres in size lies between the east right-of-way line of SR 29 on the west, and the LaBelle Airport on the east. The westerly portion (eight or more acres) is owned by Hendry County, and was vacant. The easterly portion of this 20 acre parcel is divided among several owners, with land uses ranging from residential to industrial. Considering the variety of land uses, this 20 acre parcel was designated Transitional on the Future Land Use Map in 1994.

Reservation Parcel - There is an area of approximately 320 acres which was originally classified as Pre-Existing Rural Estate. This parcel is located immediately south of the Seven "K" Estates subdivision and northeast of the Midway Acres Subdivision. Analysis of the area indicated that the predominant use was agriculture with the exception of a couple of small parcels which had limited commercial use. Since there was no indication of future residential activity, the classification of the area was reverted to Agriculture, vesting any existing non-agricultural activity in 1994.

Several parcels surrounded by Port LaBelle, but were not part of the development, reverted to Agriculture in 1994 because they were highly productive parcels.

Commercial Area #3 - This area identified as number 2 on the Proposed Future Land Use Map, lies in Section 28, Township 43 South, Range 28 East on the north side of SR 80. The commercial uses in this area were established in the early 1970's. The area encompasses approximately two acres. When the Comprehensive Plan was adopted in 1991, because of the regional scope of the Future Land Use Map, this area was overlooked and the commercial use was inadvertently deleted.

South LaBelle - This area starting at the easterly section of Cowboy Way and extending along SR 29 identified as number 3 on the Proposed Future Land Use Map, lies in Section 17, Township 43 South, Range 29 East and is approximately 30 acres. The established residential uses came about during the high growth subdivisions of the 1920's which include Sheffield Terrace, Pinecrest Replat, Booth Subdivision, Hendry Smith, Royal Palm Estates, Favor Subdivision, and Lucky Subdivision. The majority of these subdivisions are non-conforming based on lot size and today's standards. The area consists of lots approximately 6,600 square feet in area. As a result of the nonconformity of these lots and the establishment of the residential use within the area, the preferable land use designation should be High Density Residential on the Future Land Use Map in lieu of the existing Transitional land use category. Furthermore, this area was originally designated High Density Residential when Hendry County adopted its first Comprehensive Plan.

In addition to the nonconforming subdivisions that were platted in the 1920's, another subdivision known as Sunshine Acres was established in this general area. The subdivision consists of one acre parcels with some agriculture use. Many of the residents keep farm animals such as horses and cows on the property. Based upon its location and surrounding uses, it should be designated Low Density Residential on the FLUM.

Commercial Area #4 - This area is located in Montura Ranch Estates. Commercial uses were established in the early 1920's as part of the boom-time subdivisions of Montura Estates. However, as a result of the 1991 Comprehensive Plan, the commercial uses were deleted inadvertently and replaced with the Recreational land use designation. To correct the technical map error, the Recreational land use category was shifted slightly to reflect the Montura Ranch Clubhouse and Park area. The commercial area that was removed was approximately two acres and is identified as number 7 on the Proposed Future Land Use Map.

It is anticipated that a community planning effort will begin in 2011 in Montura. This exercise may lead to land use changes as well as changes in the text of the Future Land Use Element.

Another area, which is identified as number 8 on the Proposed Future Land Use Map, lies in Sections 20 and 21, Township 45 South, Range 33 East, located immediately south of the City of Clewiston. The area is designated High Density Residential and covers a quarter section in both Sections 20 and 21. During the 1991 Comprehensive Plan amendment, the area was given a rather irregular shape and did not conform to any geographical boundary or platted subdivision. To correct the irregularity of the land use, plat maps and zoning maps were compared to determine the most appropriate boundary to delineate the land use. The area has been delineated along district property

lines to make interpretation easier and more accurate based on existing conditions. This area consists of 236 acres. In correcting this error, the Medium Density land use category is proposed to be extended farther east.

The remaining five map changes were technical in nature and were done to align the boundaries of the land uses with the Section lines for better interpretation. Prior to this form of delineation, it was difficult to determine the designation of properties on the Future Land Use Map especially in areas outside Clewiston as described above.

The location is the eastern boundary of Sections 16-21, Township 48 south, Range 30 east, which is a six square mile site. This site was designated Public on the Future Land Use Map. In amending the Comprehensive Plan, it was noted that the existing state prison site identified on the Future Land Use Map which is in Sections 31-33, Township 47 south, Range 30 east and Sections 4-6, Township 48 south, Range 30 east was incorrect and should be designated Agriculture. This map error is among six others that were identified while updating the Comprehensive Plan.

Concerns still remain that the Transitional land use category is difficult to manage due to the fact it was intended to represent areas in transition from urban to rural uses. It has become a land use district that has been a substitute for Medium Density Residential and Commercial.

Major Issues

The County has identified several major issues that would significantly impact future land use patterns. These major issues include the possibility of establishing Urban Service Areas adjacent to the cities of Clewiston and LaBelle, identifying areas suitable for commercial and industrial development in order to strengthen the County's economic base, and developing a land use plan to preserve viable agricultural land and protect Hendry County's rural character. The techniques and strategies for addressing these issues will help determine which areas are suitable for development and which should be preserved, and the applicability of creative land use techniques, including but not limited to, transfer of development rights (TDRs), new villages and hamlets, clustering and open space provisions, mixed-use developments, scenic corridors, transitional area development policies, and rural residential development standards.

The County has revised the goals, objectives, and policies in order to provide:

- Incentives for the long-term maintenance of agriculture and predominantly rural land uses in order to maintain and enhance economic viability, rural character, and aesthetic and cultural values;
- Appropriate protection measures for environmentally sensitive lands, including wetlands, natural water bodies, and other natural systems, as well as listed plant and animal species and their habitat;
- The orderly and timely conversion of rural and agricultural lands to other uses in appropriate locations and sustainable forms, while discouraging urban sprawl and directing incompatible land uses away from important natural systems and listed species;
- Utilization of creative land use techniques establishing both baseline standards and incentive based programs to balance agricultural viability, natural resource preservation, and protection of private property rights.

In addition, the County has embarked upon various community planning efforts. The first was in Felda, which led to changes as identified in the EAR and are implemented through changes contained herein. In addition, the County is working on community plans in Pioneer Plantation and Wheeler Estates (formerly known as East Lehigh Acres).

As a result of evaluating the existing land use patterns and policies in Hendry County and considering the projected need for future population accommodation, each future land use category has been revised to create internal consistency and assure the land use district criteria is consistent with County land use development regulations.

GOAL 1:

To ensure the development and maintenance of a functional and well related pattern of land use types that provides for population growth, land development and redevelopment, and the appropriate distribution, location and densities and intensities of use consistent with adequate services and facilities and consideration of natural resources.

OBJECTIVE 1.1 FUTURE LAND USE CATEGORIES AND MAP SERIES

The Future Land Use Map Series 2040, dated as of the effective date of this Comprehensive Plan, is hereby adopted as the County's Future Land Use Map and detailed map series and shall direct the pattern for future development and redevelopment of the unincorporated area of Hendry County. The Future Land Use Map presented in this text is for general illustrative purposes only, and is not intended to be regulatory. The following policies describe the land use categories located on the Future Land Use Map 2040, and describes the nature, densities, intensities, and criteria for permitting of various land uses within each land use category. The County shall explore the use of Transfer of Development Rights or Units programs to accommodate growth in areas where services are provided or are intended to be provided. In addition, the County shall develop standards for development that support residential development at densities to support building, expansion, and maintenance of utility facilities. At a minimum, these standards shall include density minimums, provisions for clustering, and smart growth features to achieve efficiency and rural resource protection. Public and conservation lands will be depicted as such on the Future Land Use Map series to the extent practicable.

Policy 1.1.1 Agriculture Future Land Use Category

Purpose

The purpose of the Agriculture Future Land Use Category is to define those areas within Hendry County which will continue in a rural and/or agricultural state through the planning horizon of 2040.

Description/Uses

Lands classified as Agriculture are primarily the rural areas of Hendry County and may be used for the following uses: Level one uses: State of Florida Everglades Restoration projects and activities specifically designed to meet the water quality and/or quantity goals related to restoration efforts and resource protection as outlined in the Comprehensive Everglades Restoration Plan (CERP), the production of food, feed, fiber, and other goods by the systematic growing and/or harvesting of plants, animals, and other life forms, specialty farms, animal husbandry, production and processing of agricultural products, including bi-products, ornamental horticulture, nurseries, confined feeding operations, food processing and production, rural residential, agricultural housing, agricultural supply and retail oriented to the agricultural uses and Level two uses: utilities, bio-fuel plants, mining and earth extraction and processing operations, solid waste facilities, resource recovery facilities, and other similar uses. Level one uses may occur as permitted uses, special exceptions or accessory uses in the Land Development Code. Level two uses require the rezoning of the property to a planned unit development at which time the appropriateness of the use on the particular parcel may be determined. Recreation uses are allowable in this land use category. The specific standards for recreational uses will be defined in the Land Development Code.

Location Standards

Areas classified as Agriculture are located within the rural areas of Hendry County. Lands in this category are not within the urban area, but may be adjacent to the urban area. Some of these lands may be converted to urban uses within the 2040 planning horizon. However, the majority of the lands classified Agriculture will remain in a rural, agricultural land use through the year 2040.

Residential Density

- Residential – One (1) unit per five (5) acres.
- Farm worker housing.
 - Six (6) units per acre for single family attached and detached homes/mobile homes/duplexes if potable central water and central sewer collection systems are provided.
 - Ten (10) units per acre for multi-family projects with potable central water and central sewer provided.

Non-Residential Intensity

- FAR – 0.40 for non-agricultural/non-residential uses.

Infrastructure/Roads

- Public arterial or collector, and private roads.
- Meet current LOS standards.

Water

- Private wells for rural residential.
- Central water system for farm worker housing.
- Central water system for clustered residential on lots ½ acre or smaller in size.

- Private wells or central water system for non-residential uses.

Wastewater/Septic Tanks

- Individual septic system for rural residential.
- Central system for farm worker housing.
- Central system for clustered units for residential on lots ½ acre or smaller in size..
- Individual septic or central system for non-residential uses.

Open Space

No minimum open space requirement.

Form of Development

Non-agricultural development may occur in any of the following forms:

- Individual large lots.
- Clustered developments.
- Mixed-use developments.
- Planned unit developments.

Policy 1.1.1a - Agriculture

Residential density and commercial intensity may be increased for properties located within and developed pursuant the West Hendry Planning Overlay, in accordance with Objective 2.2.

Policy 1.1.1b Agriculture/Conservation Future Land Use Category

Purpose

The purpose of the Agriculture/Conservation Future Land Use Category is to define those areas within Hendry County which will continue in a rural and/or agricultural state through the planning horizon of 2040 and are predominantly jurisdictional wetlands or contain a large proportion of wetlands.

Description/Uses

Lands classified as Agriculture/Conservation are the wetland areas within the Agricultural Future Land Use Category of Hendry County. State of Florida Everglades Restoration projects and activities specifically designed to meet the water quality and/or quantity goals related to restoration efforts and resource protection as outlined in the Comprehensive Everglades Restoration Plan (CERP) are permitted without exception. All other land uses shall be the same as for the Agriculture Future Land Use Category with the following exceptions:

- No industrial development (including agriculture related or extraction related) shall be permitted within a wetland.
- Non-residential development shall be limited to ensure that wetlands are preserved and that activities that impair the natural function of the wetland are prohibited.
- Residential development within wetlands, provided that those activities are designed to be compatible with the natural function of the wetland and do not impair that function.
- Recreational uses are allowable in this category and defined in the Land Development Code.

Location Standards

Areas classified as Agriculture/Conservation are located within the Agriculture Future Land Use Category and within the rural areas of Hendry County. Lands in this category are not within the urban area, but may be adjacent to the urban area.

Residential Density

- Residential – One (1) unit per twenty (20) acres if units are built within the Agriculture/Conservation designated lands

Non Residential Intensity

- FAR – 0.10 for non-agricultural/non-residential uses.

Infrastructure/Roads

- Public arterial or collector and private roads designed to minimize wetland impacts.

Water

- Private wells for rural residential.
- Private wells for non-residential uses.

Wastewater/Septic Tanks

- Individual septic tanks for rural residential.
- Individual septic for non-residential uses.

Open Space

No minimum open space requirement.

Form of Development

Non-agricultural development may occur in any of the following forms:

- Individual residential homes on parcels twenty (20) acres or larger or legal nonconforming lot of record smaller than 20 acres.
- Clustered developments for parcels larger than twenty (20) acres.

- Planned Unit rural development
- Transfer of Development Rights

Policy 1.1.2 Residential - Low-Density Future Land Use Category

Purpose

The purpose of the Residential – Low Density Future Land Use Category is to define those areas within Hendry County which are or will become residential areas predominately in a rural setting which are designed to operate without intensification of public investment into water, sewer, transportation, or general support services through the planning horizon of 2040.

Description/Uses

Lands classified as Residential – Low Density are primarily lands within the rural areas of Hendry County that have been or may become utilized for rural residential purposes. For the purposes of this document, Residential-Low Density shall be defined as residential development with the following characteristics: single family units, low density, sporadic, and generally isolated from the urban zones and in areas not planned for public infrastructure. Uses permitted within this category are conventional single family residential uses with customary accessory structures. Mobile home units are not permitted. Recreation facilities are permitted within this category. Agricultural activities in existence at the time of the adoption of this Comprehensive Plan Amendment may continue, but may not be enlarged, nor may new agricultural activities occur except in compliance with the Land Development Code.

Location Standards

Areas classified as Residential - Low Density are within the agricultural/rural areas of Hendry County and normally remote from urban services and facilities. Lands in this category are not within the urban area, nor are they intended to receive urban-style infrastructure and services through the planning horizon 2040.

Residential Density

- Residential – One (1) unit per acre.

Minimum acreage for Development: 160 acres

Non Residential Intensity

- FAR – 0.00.

Infrastructure/Roads

- Existing Public system or private roads.
- Meet current LOS standards.

Water

- Private wells or public central system.

Wastewater/Septic Tanks

- Individual septic tanks or public central systems.

Open Space

- None

Form of Development

- Individual large lots.
- Clustered developments.
- Planned Unit Developments.

Policy 1.1.2a - Residential/Low Density in WHPO

Residential Density: One (1) unit per acre Residential density may be increased for properties located within and developed pursuant the West Hendry Planning Overlay, in accordance with Objective 2.2. There is no minimum acreage requirement for development pursuant to the West Hendry Planning Overlay, Objective 2.2.

Non-Residential Intensity: 0.00

Commercial activity may occur for properties located within and developed pursuant the West Hendry Planning Overlay in accordance with Objective 2.2.

Policy 1.1.3 Residential – Rural Estates Future Land Use Category

Purpose

The purpose of the Residential – Rural Estates Future Land Use Category is to define those areas within Hendry County which have been or should be developed at a lower density in order to promote and protect the rural lifestyle through the planning horizon of 2040.

Description/Uses

Lands classified as Residential – Rural Estates are primarily lands within the rural areas of Hendry County that have been or may become utilized for rural residential purposes. Uses permitted within this category are residential with customary accessory structures. Residential may take the form of single family dwellings utilizing conventional building techniques, with mobile homes specifically prohibited. Recreation facilities are permitted with this category. Limited agricultural activities specifically designed to meet the needs of the residents living therein are also permitted, except where prohibited or restricted by the Land Development Code.

Location Standards

Areas classified as Residential – Rural Estates are within the agricultural/rural areas of Hendry County and normally remote from urban services and facilities. Lands in this category are not within the urban area, nor are they intended to receive urban-style infrastructure and services

through the planning horizon 2040.

Residential Density

- Residential – One (1) unit per acre.

Minimum acreage for Development: 160 acres

Non Residential Intensity

- FAR – 0.00.

Infrastructure/Roads

- Existing Public system or private roads.
- Meet current LOS standards.

Water

- Private wells or central systems.

Wastewater/Septic Tanks

- Individual septic tanks or central systems.

Open Space

- None

Form of Development

- Individual large lots.
- Clustered developments.
- Planned Unit Developments.

Policy 1.1.3a – Residential – Rural Estates Future Land Use Category in WHPO

Residential Density: One (1) unit per acre Residential density may be increased for properties located within and developed pursuant the West Hendry Planning Overlay in accordance with Objective 2.2

Non-Residential Intensity: 0.00

Commercial activity may occur for properties located within and developed pursuant the West Hendry Planning Overlay in accordance with Objective 2.2

Policy 1.1.4 Residential – Medium Density Future Land Use Category

Purpose

The purpose of the Residential – Medium Density Future Land Use Category is to identify those areas within Hendry County which currently are or should be encouraged to become the primary location of residential development offering a mixture of residential products at suburban/urban-style density through the planning horizon 2040.

Description/Uses

Lands classified as Residential – Medium Density are primarily in the urban/suburban areas of Hendry County and are intended to provide the primary housing for the workforce of Hendry County. Uses within this category include single family dwellings, mobile homes (when developed in mobile home subdivisions or mobile home parks), attached residential units, and multiple family units, thereby providing a cross-section of residential products available for housing the citizens and workforce of Hendry County. Customary accessory uses and amenities are permitted provided they are developed with and part of the residential community. Mixed-use developments may occur within this category, including residential and commercial uses. However, when this occurs, it must be through a Planned Unit Development rezoning. No more than 15% of the land area within the proposed Planned Unit Development may be utilized for commercial purposes. When a mixture of residential and commercial development is permitted, the following additional limitations shall apply: (1) limits on the size and character of the commercial use to those which primarily serve the needs of the residential portion of the proposed Planned Unit Development, other uses within the development, or nearby residential areas which are inadequately served by existing commercial uses; (2) the commercial uses must be located within the development so that they are primarily accessible from within the development and from other nearby areas which lack necessary commercial services, but not so located as to attract additional traffic from beyond a reasonable distance from the Planned Unit Development; and (3) the commercial property will require buffering to protect adjacent or nearby residential areas. Recreation uses are allowable in this category.

Location Standards

Areas classified as Residential – Medium Density are located within the urban/suburban areas of Hendry County. Lands in this category are intended to be the primary location of residential development through the planning horizon 2040. Properties designated in this category should be adjacent to arterial systems or have the ability to create collector systems which would connect directly to arterial systems. The arterial systems may be either existing or proposed arterial systems.

Residential Density

- Residential – Two (2) units per gross acre.

Non Residential Intensity

- FAR – 0.10 calculated upon the acreage of the commercial site only.

Infrastructure/Roads

- Public arterial or collectors system or private paved roads.
- Meet current LOS standards or make improvements to the transportation system, thereby meeting LOS standards.

Water

- Central water systems, either public or private.

Wastewater/Septic Tanks

- Central sewer systems, either public or private.

Open Space

- 30% open space.

Form of Development

- For parcels 10 acres or smaller:
 - Individual lots.
 - Clustered developments.
 - Mixed-use developments.
 - Planned Unit Developments.
- For parcels larger than 10 acres:
 - Mixed-use developments.
 - Planned Unit Developments.
- Development restrictions:
 - No more than 50% of the area designated Residential – Medium Density shall be developed during the planning horizon 2020, nor more than 75% developed by the year 2040.

Policy 1.1.5 Residential – High Density Future Land Use Category

Purpose

The purpose of the Residential – High Density Future Land Use Category is to define those areas within Hendry County which are or should become higher density residential development through the planning horizon 2040.

Description/Uses

Lands classified as Residential – High Density are areas with relatively good access to roads, central potable water, and centralized sewer systems, or are located such that provision of these facilities could be feasible within the planning horizon. These areas are located either in the

urban/suburban zone of Hendry County or are a logical extension thereof. Uses permitted within this Land Use Category are conventional residential units, including attached and detached single family dwellings, duplexes, multiple family dwellings, recreational uses, and customary accessory uses and amenities thereto when built as part of the residential community. Mixed-use developments, including residential uses and commercial uses, may be permitted in this category if developed and approved as a Planned Unit Development. Up to 15% of the land area within a Planned Unit Development may be developed as commercial uses.

When a mixture of residential and commercial development is permitted, the following additional limitations shall apply: limits on the size and character of the commercial use to those which primarily serve the needs of the residential portion of the proposed Planned Unit Development, other uses within the development, or nearby residential areas which are inadequately served by existing commercial uses; the commercial uses must be located within the development so that they are primarily accessible from within the development and from other nearby areas which lack necessary commercial services, but not so located as to attract additional traffic from beyond a reasonable distance from the Planned Unit Development; and the commercial property will require buffering to protect adjacent or nearby residential areas.

Recreation uses are allowable in this category.

Location Standards

Areas classified as Residential – High Density are primarily within the urban/suburban zone located so as to benefit from and add to the economic viability of the County, existing transportation arterials or regional park facilities and be serviced by or logical extensions of the existing infrastructure of the County.

Residential Density

- Residential – Six (6) units per acre when connected to central public water, but private wastewater.
- Residential – Ten (10) units per acre when connected to public central water and public central wastewater, direct access to the arterial road system, within an urban area of the county, and proximate to amenities or part of a mixed use planned unit development.

Non Residential Intensity

- FAR – 0.10 calculated upon the acreage of the commercial site only.

Infrastructure/Roads

- Public arterial system or private roads with the development being adjacent to and having direct access to the arterial system or not adjacent with the ability to create a collector system directly adjacent thereto. Private roads may also be permitted within a Planned Unit Development.
- Meet current LOS standards or make improvements to the transportation system which results in meeting the LOS standards.

Water

- Central water system, either public or private.

Wastewater/Septic Tanks

- Central wastewater system, either public or private.

Open Space

- 25%.

Form of Development

- For parcels 10 acres or smaller:
 - Individual lots.
 - Clustered developments.
 - Mixed-use developments.
 - Planned Unit Developments.
- For parcels larger than 10 acres:
 - Mixed-use developments.
 - Planned Unit Developments.
- Development restrictions:
 - No more than 50% of the area designated Residential – High Density shall be developed during the planning horizon 2020, nor more than 75% developed by the year 2040.

Policy 1.1.6 Residential – Special Density Future Land Use Category

Purpose

The purpose of the Residential – Special Density Future Land Use Category is to reflect land use approvals previously given for certain portions of Port LaBelle and Pinehurst Park.

Description/Uses

The lands classified as Residential – Special Density are those lands included within Port LaBelle Units 1 through 9 which were previously vested from the Development of Regional Impact Review process. Pinehurst Park, a portion of the area included in the Development of Regional Impact Application for the Master Development approvals, and a portion of Increment I (Units 10 through 13) which went through the Development of Regional Impact Review. The uses permitted in this land use category include those uses identified in the Application for Master Development Approval, the use for a 54.7 acre parcel known as Pinehurst Park, as it received zoning approval on July 26, 1973, and the Application for Incremental Development Approval for Increment I (Banyan Village) and those uses permitted in the granting of zoning and the approval of subdivision plats for Port LaBelle 1973 and the date of implementing the Development of Regional Impact Review process as outlined in Florida Statutes. Recreational facilities are permitted in this category.

Location Standards

The areas designated as Residential – Special Density are those areas described above and specifically limited thereto. No other areas of Hendry County shall be designated Residential – Special Density.

Residential Density

- Port LaBelle – Three (3) units per acre.
- Pinehurst Park – Six (6) units per acre.

Non Residential Intensity

- Port LaBelle FAR – 0.25.
- Pinehurst Park FAR – 0.

The total area of non-residential uses within a single development in this category shall not exceed 10% of the total area of the development. The total floor area of non-residential uses shall not exceed 200 square feet per planned residential unit at build-out. Non-residential uses may include retail and service commercial, governmental and support services, agriculture, and employment uses. Commercial development will be clustered when appropriate to provide services at appropriate locations within the total development.

Infrastructure/Roads

- Public arterial or collector system.
- Meet current LOS standards.

Water

- Private wells.
- Central water, either public or private.

Wastewater/Septic Tanks

- Individual septic tanks.
- Central system, either public or private.

Open Space

- Residential development – 25%.
- Non-residential development other than agriculture – 15%.

Form of Development

- Individual lots.
- Clustered developments.

- Mixed-use developments.
- Planned Unit Developments.

Policy 1.1.7 Residential – Pre-Existing Rural Estates Future Land Use Category

Purpose

The purpose of the Residential – Pre-existing Rural Estates Future Land Category is to establish regulations relative to large-scale lot developments and rural subdivisions that were established prior to the adoption of the Hendry County Future Land Use Categories.

Description/Uses

Lands in this category are areas that were established prior to the adoption of Hendry County’s Future Land Use Categories. These pre-existing developments constitute over 2.5% of the County’s land area. This category reflects the existence of large-scale lot developments and other rural subdivided parcels. Uses permitted within the Residential are a combination of residential and, in certain situations, non-residential uses and recreation uses.

Location Standards

Areas designated as Residential – Pre-existing Rural Estates are those areas specifically identified within this land use category, and the addition of lands to this land use category is specifically prohibited.

Density and Intensity

Development	Maximum Residential Density	Maximum Non-Residential Intensity *
a) Big Oak Acres	1 du/5ac	N/A
b) Double “J” Acres	1 du/2ac	0.25 FAR
c) Fort Denaud Acres	1 du/2ac	0.25 FAR
d) Highway Business Center	1 du/1ac	0.25 FAR
e) Montura/Flaghole	1 du/1ac	0.25 FAR
f) Pioneer Plantation	1 du/2ac	0.25 FAR
g) Scott and Wendy Lanes	1 du/2ac	N/A
h) All Others	1 du/2ac	0.25 FAR

* Commercial development shall be limited to Convenience Commercial (C-1 zoning) in all areas except Highway 80 frontage and Montura Ranch Estates, which may include General and High Intensity Commercial.

Infrastructure/Roads

- Public arterial or collector system and private roads.
- Meet current LOS standards.

Water

- Private wells.

Wastewater/Septic Tanks

- Individual septic tanks.

Open Space

- Residential – 50%.
- Non-residential/non-agricultural – 15%.

Form of Development

- Individual lots.

Policy 1.1.8 Felda Community Overlay

Purpose

The purpose of the Felda Community Overlay is to establish guidelines from the community plan adopted Felda. Changes made to the Future Land Use Map were the result of an extensive community planning process with the Felda Community Civic Association.

Description/Uses

Lands classified as the Felda Community Overlay are those properties contained within Sections 13 through 36 of Township 45S, Range 29E, Hendry County, Florida. Land uses contained in the Felda Community Overlay Land Use Category includes a variety of residential and agricultural land uses, along with non-residential activities.

Location Standards

The areas designated as the Felda Community Overlay on the Future Land Use Map are those areas specifically described above and limited thereto. No other areas of Hendry County shall be designated as Felda Community Overlay.

Residential Density

- Felda Estates Residential areas
 - o One (1) unit per two (2) acres.

- Agriculture areas
 - o Residential – One (1) unit per five (5) acres.
 - o Farm worker housing-
 - Six (6) units per acre for single family attached and detached home/mobile homes/duplexes if central potable water and central sewer collection systems are provided.
 - Ten (10) units per acre for multi-family with central potable water and central sewer provided

Non-Residential Intensity

- Non-residential/non-agricultural – 0.25 FAR
- Non-residential uses are allowable in Sections 16, 17, 20, 21, 28, 29, 32, and 33 within 500-feet of the right-of-way of SR 29.

Infrastructure/Roads

- Public arterial, collector, and local road system or private roads.

Water

- Private wells for rural residential.
- Private wells or central potable water for non-residential/non-agricultural.
- Central water system for farm worker housing.

Wastewater/Septic Tanks

- Individual septic tanks for rural residential.
- Individual septic tanks or central sewer system for non-residential.
- Individual septic tanks for agricultural activities.
- Central waste water for farm worker housing.

Open Space

- Residential – 50%.
- Non-residential/non-agricultural - 25%.

Form of Development

- Individual large lots.
- Planned Unit Development.

Special Considerations

- A Corridor Access Management Plan (CAMP) will be created limiting access to State Road 29 and providing interconnectivity between non-residential land uses. The interconnectivity will be achieved by having the non-residential uses utilize a common roadway or frontage road for access. This roadway can be located adjacent to State Road 29 right-of-way or at the rear of the non-residential uses. The required frontage road will not occupy the 500-foot dedicated to non-residential uses along SR 29.
- In all other portions of the Sections designated in this land use category, commercial uses are not allowed. Agriculture uses are permissible in this land use category and clustering of residential units is not allowed. All residential parcels must contain a minimum of two acres.
- Existing parcels within the Felda Community Overlay which are less than the minimum two (2) acre lot size for Felda Estates or less than the minimum five (5) acre lot size for the Agriculture category are considered “vested” for residential and non-residential uses in accordance with Land Development Code as of October 26, 2010.

Policy 1.1.9 Commercial Future Land Use Category

Purpose

The purpose of the Commercial Future Land Use Category is to identify those areas that currently are or logically should become the commercial centers for the urbanized area of Hendry County through the planning Horizon 2040.

Description/Uses

Lands classified as Commercial are those areas of the County intended to provide commercial opportunities for the urbanizing areas of Hendry County and should be so located to take advantage and benefit from the current infrastructure, including roads, central water, and central sewer, or be so located as to provide shopping needs to rural residential areas, thereby reducing the need for significant travel for basic services. Uses permitted within this category include the sale, rental, and distribution of products or performance of services, including retail, shopping, office, financial, medical, civic, governmental, and other related business uses. Residential uses may be permitted if ancillary to the commercial uses and built in a mixed-use format. Recreation uses are allowed in this category.

Location Standards

The areas designated as Commercial should be areas with direct access to collector and/or arterial roads or be designed within a mixed-use development so as to reduce the overall need for external trip generation and maximize internal trip capture. Rural commercial areas should also be considered at appropriate collector and/or arterial road intersections to provide basic services to the rural residential areas of Hendry County.

Residential Density

- Six (6) units per gross acre when built as part of a mixed-use development.

Non Residential Intensity

- Retail commercial – 0.25 FAR.
- Office – 0.50 FAR.
- 0.50 FAR for mixed-use building with a maximum of 25% retail and a minimum of 75% office.
- 0.30 FAR for mixed-use development with commercial on the first floor and residential on stories above the first floor.

Infrastructure/Roads

- Public arterial or collector system and private roads.
- Meet current LOS standards.

Water

- Private wells for rural commercial.
- Central water, either public or private, for commercial development within the urban/suburban area.

Wastewater/Septic Tanks

- Individual septic tanks for rural commercial.
- Central sewer, either public or private, for commercial within the urban/suburban area.

Open Space

- Residential development – 25%.
- Non-residential development – 15%.

Form of Development

- Rural areas – individual lots.
- Urban/suburban
 - Clustered developments.
 - Mixed-use developments.
 - Planned Unit Developments.

Policy 1.1.10 Industrial Future Land Use Category

Purpose

The purpose of the Industrial Future Land Use Category is to identify those areas within Hendry

County which currently are or should be classified for industrial development through the planning horizon of 2040.

Description/Uses

Lands classified as Industrial are primarily within the urban area of Hendry County with adequate infrastructure, including roads, water, sewer, and drainage systems. An exception to this location requirement would apply to mining and processing or to other industrial uses which can demonstrate that their use is not in direct support of and primarily intended to support the urban areas of Hendry County. Another example is AirGlades. Areas classified as Industrial should be of sufficient size and mass to permit long-term utilization of the industrial area to meet the needs of a growing urban community. Scattered locations should be discouraged. Uses permitted within the Industrial Future Land Use Category include: manufacturing, assembling, processing, storage (both inside and outside), distribution centers, batch plants, concrete plants, flex space for the service industry, mining and earth extraction and processing operations, electrical generation plants, recycling facilities, resource recovery facilities, similar uses, and ancillary uses specifically designed to service the industrial employment workforce. Ancillary uses shall be limited to restaurants, service stations, convenience stores, personal service uses and other similar uses designed to promote internal trip capture. Recreation uses are allowable in certain circumstances as defined by the provisions contained in the Land Development Code.

Location Standards

Areas classified as Industrial should be located within the urban area of Hendry County and have direct access to existing arterial roadway systems or be connected to those systems utilizing collector road systems built specifically for that purpose. These areas should also be conveniently located for the provision of central water and sewer. (Exceptions as shown above in Descriptions/Uses)

Residential/Density

- Residential – Not permitted. (Caretaker unit permitted)

Non Residential Intensity

- FAR – 0.75 for industrial uses.
- FAR – 0.25 for ancillary support facilities.
- Ancillary support facilities shall not constitute more than 20% of the total land area of an industrial park.

Minimum acreage: Industrial parks should be a minimum of 160 acres, while individual Industrial uses may be on less acreage if approved as a planned unit development.

Infrastructure/Roads

- Public arterial or collector system and private roads.
- Direct access onto existing arterial systems.
- Creation of collector roads specifically designed to connect to the arterial systems.

Water

- Central water systems, whether public or private.

Wastewater/Septic Tanks

- Central systems, whether public or private.

Open Space

Minimum open space – 15%.

Form of Development

Industrial development may occur in any of the following forms:

- Planned industrial park.
- Mixed-use planned development.

Policy 1.1.11 Public Future Land Use Category

Purpose

The purpose of the Public Future Land Use Category is to establish regulations relative to use and location of publicly-owned lands, semi-public lands, and private lands authorized for public purposes which currently exist or which may become public through the planning horizon 2040.

Description/Uses

Lands in this category are areas designated for public and semi-public uses, including governmental buildings, schools, churches and worship centers, utilities, solid waste handling and disposal facilities, airports, logistic centers when operated on public property, recycling facilities, and similar public and semi-public uses. This category may also include publicly-owned parks and other public/semi-public recreational facilities.

Location Standards

Specific location standards are as follows:

- Location of the facility and general area served.
- Whether the facility will have a positive or negative impact on the general area as currently developed, and whether future development will be impacted in a positive or negative way through the development of the facility.
- Whether the location and design is consistent with applicable state and federal standards.

Residential Density

- Residential development is not permitted within the Public Future Land Use Category, except caretaker houses.

Non Residential Intensity

- Government buildings – 0.30 FAR.
- Schools – 0.50 FAR.
- Churches – 0.30 FAR.
- All other uses FAR as determined by the Board of County Commissioners at time of approval.

Infrastructure/Roads

- Public arterial or collector or local system and private roads.
- Meet current LOS standards.

Water

- Private wells for parks, public uses in rural areas, landfills, and recycling centers.
- Central water, either public or private, for governmental buildings, schools, churches, utilities, airports, logistic centers, and other similar uses when located in an urban/suburban setting.

Wastewater/Septic Tanks

- Individual septic tanks for public uses in rural areas.
- Central system, either public or private, for public uses in the urban/suburban areas.

Open Space

- Governmental buildings – 30%.
- Schools – 30%.
- Churches – 30%.
- Utilities – 30%.
- Solid waste handling and disposal facilities – 15%.
- Airports – 50%.
- Logistic centers – 15%.
- All other uses as determined by the Board of County Commissioners.

Form of Development

- Individual lots/parcels.
- Part of mixed-use developments.

- Part of Planned Unit Developments.

Policy 1.1.12 Multi-Use Development Future Land Use Category

Purpose

The purpose of the Multi-Use Development Future Land Use Category is to promote new development and redevelopment of the properties located within this land use category.

Description/Uses

Lands classified as Multi-Use Development are generally located adjacent to existing urban/suburban areas or will become adjacent to the urban/suburban areas within the planning horizon. Uses permitted within this category include existing agricultural uses, recreational facilities, residential, commercial, and industrial uses.

Location Standards

The areas designated as Multi-Use Development are located adjacent to the primary transportation system of the County and existing or programmed utilities.

Residential Density

Maximum density – Four (4) units per acre with the following requirements:

- o Agricultural uses – One (1) unit per 5 acres.
- o Residential/urban uses – Four (4) units per acre when rezoned to a Planned Unit Development

Non Residential Intensity

- Retail commercial – 0.25 FAR.
- Office – 0.50 FAR.
- Industrial – 0.75 FAR
- 0.50 FAR for mixed-use buildings with a maximum of 25% retail and a minimum of 75% office.
- 0.30 FAR for mixed-use buildings with commercial on the first floor and residential on stories above and first floor.

Infrastructure/Roads

- Public arterial, collector, or local roads, and private roads.

Water and Sewer

All new development and redevelopment within the Multi-Use Development Future Land Use Category must connect to central water and sewer, when available.

Open Space

- Residential development – 30%.
- Non-residential development – 15%.

Form of Development

- Agricultural individual lots – minimum five (5) acres.
- Urban/suburban
 - o Clustered developments.
 - o Multi-use developments.
 - o Planned Unit Developments.

Note: Multi-Use Development must be accomplished through the filing of a Planned Unit Development rezoning.

Policy 1.1.13 Leisure/Recreation Future Land Use Category

Purpose

The purpose of the Leisure/Recreation Future Land Use Category is to define those areas within Hendry County which are used or may become used for free standing/independent leisure/recreation activities through the planning horizon 2040. This land use category includes various uses which, because of their nature, are intended to provide for the leisure and recreation activities of the residents of Hendry County and to encourage and promote recreation and or tourism in the County. Lands and uses in this category would not normally be part of a mixed use community nor be accessory uses for other principal uses

Description/Uses

Leisure/Recreation areas are sites which are currently developed for leisure/recreation facilities or undeveloped sites which are designated for development as leisure/recreation facilities. This land use category includes various uses which, because of their nature, are intended to provide for the leisure and recreation activities of the residents of Hendry County and to encourage and promote recreation and or tourism in the County. Uses allowed within this category shall be limited to sports facilities whether individually developed or in sports complexes, active and /or passive parks, recreation vehicle parks, campgrounds (whether primitive or improved), marinas, golf courses, equestrian centers and riding areas, sporting clay facilities, eco tourism activities, and similar leisure and recreation facilities and ancillary uses.

Location Standards

Sites designated Leisure/Recreation may be within the urban/suburban area of the community or within the rural/agricultural areas of the County. The determination of adequacy/appropriateness of location will be by the Board of County Commissioners utilizing the following guidelines:

- The impact the proposed use will have on the transportation system of the County.

- Proximity to recreational attractions or environmental features that would support the proposed development to include but not be limited to water bodies, governmental recreational facilities, natural amenities, ecosystems, or other tourist attractions.
- Appropriateness of location versus availability to provide public services, including water, wastewater treatment, police service, fire service, and EMS service.
- Relationship of proposed site to adjacent land uses to determine compatibility based upon hours of operation, noise, light, dust, traffic impact, impact on residential areas, and impact on natural areas.

Residential/Density

- RV parks – Five (5) units per acre.
- All others – 0, except caretaker units.

Non Residential Intensity

- FAR for ancillary facilities – 0.20.
- FAR for all primary uses determined by Board of County Commissioners based upon requested use.

Minimum Site Size

- The minimum site size shall be determined at the time of rezoning.

Infrastructure/Roads

- Public arterials, collectors or local roadways or private roads.

Water

- Private wells for golf courses, equestrian centers, ecotourism facilities, sporting clay facilities, marinas, and similar rural-style uses.
- Central water system for all recreation vehicle parks and improved campgrounds.

Wastewater/Septic Tanks

- Individual septic tanks for golf courses, equestrian centers, ecotourism facilities, sporting clay facilities, marinas, and similar rural-style uses.
- Central sewer system for all recreation vehicle parks and improved campgrounds.

Open Space

- Recreation vehicle parks – 25%.
- All others – 50%.

Form of Development

- Planned Unit Developments.

Special Development Requirement for RV Parks

- Density shall be computed using all dwelling units, whether campsites or hard surface RV parking stalls.
- No year-round occupancy will be allowed except for that required by the operational staff.
- Maximum stay in the RV Park shall be 180 days at any one time.
- Commercial activity shall be allowed provided it is specifically designed to provide services to the residents of the RV Park and is not located in such a fashion as to encourage use by persons or residents exterior to the RV Park. Maximum site size for commercial is 10% of RV Park up to a maximum of two (2) acres.

Special Regulations for Marinas

- Marinas shall comply with the Regional Marina Site Plan and shall not be constructed until all applicable state and federal permits are obtained.

OBJECTIVE 1.2: GREEN HOUSE GAS REDUCTION STRATEGIES

Hendry County shall identify and implement appropriate strategies to promote energy efficient land use patterns that encourage infill and new development, resulting in greenhouse gas emission reductions.

Policy 1.2.1: Hendry County shall assess the County wide development pattern to identify the areas that are primarily designated for single uses and determine the geographical relationship of residential areas, commercial areas, schools and centers of employment. Using the assessment, the County shall determine the approximate resulting energy consumption and vehicle miles traveled based on the existing development pattern.

Policy 1.2.2: Hendry County shall identify opportunities for more integrated forms of residential, commercial and employment development and redevelopment that results in reduced energy consumption and reduced vehicle miles traveled, where water and sewer capacity is adequate. These areas of opportunity for reducing energy consumption and reducing vehicle miles traveled shall be considered Energy Conservation Areas within the County.

Policy 1.2.3: The County shall establish and promote incorporate Energy Conservation Areas as new land use categories or overlays on the Future Land Use Map, and shall adopt accompanying policies supporting mix of uses, pedestrian and bicycle connectivity, and compact development standards that protect and incorporate natural areas such as wetlands, parks, and greenways.

OBJECTIVE 1.3: Hendry County will encourage the development of citizen initiated community plans for compact, geographically defined areas. Hendry County may undertake or facilitate community planning efforts for areas that do not have an organized private effort, or where a broad-based effort is necessary to

integrate private property rights and the protection of natural resources, community infrastructure, reduction of greenhouse gas emissions, and economic development opportunities.

Policy 1.3.1: Within well defined community planning boundaries, ensure that a consensus based planning process evolves, demonstrating a full involvement of stakeholders in education, communication, and participation, and that results in a plan that is based on the principles of long-term planning, respect for natural resources, greenhouse gas emission reduction strategies, and protection of private property rights. These plans should demonstrate vigorous input and review by the community, organizations associated with long-term planning, and full and fair access to the media and interested parties.

Policy 1.3.2: Assure that existing and ongoing community plans are coordinated with county-wide and regional plans.

Policy 1.3.3: Promote greenhouse gas reduction strategies during the community planning process by assessing the community's development pattern (the existing built environment, energy consumption, and vehicle miles traveled). The County shall use the assessment of the community's development pattern to evaluate options for alternatives that will reduce energy consumption and promote greenhouse gas reduction within the community. Such alternatives shall include:

- Identify opportunities for pedestrian and bicycle circulation routes for new sidewalk, bike path or multipurpose path connections within residential areas and within commercial areas, and new sidewalk, bike path or multipurpose path interconnections between residential areas, commercial areas, and areas of employment.
- Identify opportunities to re-designate property in predominately single-use areas to allow live/work uses or mixed residential/commercial/ office uses where appropriate as infill in existing communities or in future development areas.
- Identify opportunities for new neighborhood-oriented passive or active recreation facilities that are pedestrian- and bicycle-accessible and are located within ½-mile of existing and future single family and multifamily neighborhoods.
- Identify opportunities for developing transit links between concentrations of population and centers of employment or services, and coordinate with the Metropolitan Planning Organization to plan for development of alternative transportation modes over time.
- Identify incentive programs and opportunities for homeowners, business owners, builders, and developers to utilize energy efficient appliances and cooling systems, and solar energy technology.
- Identify incentive programs and opportunities for homeowners, business owners, builders, and developers to maximize use of native landscaping material, in coordination with the University of Florida's Institute of Food and Agricultural Sciences Extension Office.

OBJECTIVE 1.4 SCHOOL SITING:

Hendry County shall continue to coordinate with the Hendry County School Board on the siting of new schools ensuring that schools are located in close proximity to urban residential areas and other public facilities such as parks, libraries, and community centers.

Policy 1.4.1: Hendry County shall allow schools in the Agriculture, Public, Residential, and Commercial land use categories, consistent with the following criteria:

- a) Schools shall be located in a coordinated manner ensuring that the planning, construction, and opening of educational facilities are coordinated in time and location, concurrent with both need and necessary services and infrastructure, and to ensure compatibility with the Comprehensive Plan.
- b) The proposed location is compatible with present and projected uses of adjacent property.
- c) The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- d) The proposed location is not within a velocity flood zone or floodway;
- e) Proposed school sites should be located away from industrial uses, railroads, airports, and similar land uses to avoid noise, odor, dust, and traffic impacts and hazards.
- f) Disrupting influences caused by school yard noises and traffic shall be buffered to ensure sufficient distances from hospitals, adult communities, and nursing homes;
- g) In the planning, siting, land acquisition and development of the facility, evaluation shall include consideration of the student population density of the area (such as sufficient student population of the existing rural communities), and public safety.
- h) There are no significant environmental constraints that would preclude development of a public educational facility on the site; and
- i) Hendry County shall advise the School Board of all Plan amendments that may affect the location of new schools and proposed improvements.

Policy 1.4.2: Development of public school sites shall be consistent with the standards contained in the Public Schools Facilities Element.

Policy 1.4.3: Upon issuance of a development order for a new school, the necessary public facilities such as, but not limited to, sanitary sewer, solid waste, potable water, drainage, and roads are to be in place to serve the proposed use. Furthermore, the School Board shall obtain a written agreement from the service provider assuring adequate capacity is available.

Policy 1.4.4: Public facilities should be in close proximity, and operated at the adopted level of service, before a development order can be issued for a new school.

Policy 1.4.5: Hendry County shall request that the School Board submit for review information on renovations, additions, and proposed expansions to property owned by the School Board to assure the availability of public facilities and land use consistency, as the proposal relates to future planned developments.

Policy 1.4.6: Planners for the School Board, County, and cities shall be included in both the development of the school location criteria and the school siting process.

Policy 1.4.7: Development of school location criteria should be initiated and the location of potential sites for new schools can be determined as early as possible so that sites can be acquired well in advance of the need for the new schools.

Policy 1.4.8: The County and School Board planners shall consider making schools and their locations a focal point for new development.

Policy 1.4.9: Hendry County shall advise the School Board of all Plan amendments that may affect the location of new schools and proposed improvements.

OBJECTIVE 1.5: HISTORIC AND NATURAL FEATURES, FACILITIES AND SERVICES

Hendry County shall continue the coordination of future land uses with the appropriate underlying historic and natural resources, soils and topography, and the availability of facilities and services and land for utilities. The general criteria and standards for the natural features are specified in Goals, Objectives, and Policies of the Conservation Element. Furthermore, Hendry County shall require the protection of historically significant structures within the unincorporated area of the County as identified by the State of Florida or the National Register of Historic Places.

Policy 1.5.1: Hendry County shall request the assistance of the Department of State to identify significant historic resources within the unincorporated areas which are in need of protection and develop management and restoration plans as appropriate.

Policy 1.5.2: Historically significant properties shall be identified through designation as a historic site by the State or the County.

Policy 1.5.3: Hendry County shall include specific actions in the Land Development Code

that are to be followed in the event historically significant properties are discovered. These actions shall be consistent with the U.S. Secretary of the Interior standards for the protection of historic properties.

Policy 1.5.4:

The County shall continue to implement and refine criteria and standards in the Land Development Code that are specific enough to implement this Plan and regulate the future development of land in accordance with the provisions of this Plan, so that:

- a) historic and natural resources are protected by the adoption of such provisions as, but not limited to, identification of the actual location of such resources through references to official maps contained in this Plan, requirements for designing development projects to manage these resources, provisions for conservation easements and similar methods for permanently protecting these resources, and provisions for protection of resources through PUD or cluster development review techniques;
- b) soils and topography are suitable, by the adoption of such provisions as, but not limited to, special requirements for construction and other development activities on slopes or soils which are excessively wet or unable to support large structures; and
- c) facilities and services are available sufficiently to support proposed development, as indicated in this and the other elements of this Plan, and specifically as provided in the Concurrency Management System.
- d) The owner/developer of any site shall be responsible for the on-site management of stormwater runoff at the time of development or redevelopment in a manner so that most-development runoff rates are the same as pre-development conditions.

Policy 1.5.5:

All new development and redevelopment shall be subject to concurrency review.

Development orders or permits for any proposed developments under the development permitting jurisdiction of Hendry County shall not be issued until it is demonstrated that the Level of Service Standards are met prior to the impacts on the systems from the proposed development. Development orders shall be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development. The specific means for such demonstration of the ability to meet the Standards shall be specified within the procedures of the Concurrency Management System Element.

Policy 1.5.6:

Facilities Requirements for Densities: Densities permitted for each residential land use category shall be subject to the following criteria for sewer and

water facilities. A maximum of two dwelling units per acre shall be permitted without either central potable water and/or sewer systems, provided that appropriate on-site potable water and wastewater disposal systems are utilized. Four units per acre may be permitted with either central potable water or sewer systems, provided that the central facility system is an appropriate individual on-site system. Densities greater than four units per acre shall be permitted only if both central potable water and sewer systems are utilized. Package plants of adequate capacity may be considered as central facility systems, provided they are approved by the appropriate agencies having jurisdiction over their use. Any individual on-site facility systems utilized shall be approved by the appropriate agencies having jurisdiction over their use. Whenever possible, the use of wells, septic tanks, and package plants shall be discouraged.

Policy 1.5.7: No residential, commercial, or industrial land uses shall be permitted where septic tanks are intended as the method for sewage treatment unless use of septic tanks meets Hendry County Health Department preapproval criteria for subdivisions. Such review shall determine that native soils and other site characteristics are suitable for septic tank usage prior to the approval of each subdivision. At a minimum, the criteria for septic tanks shall be consistent with Rule 64E-6, F.A.C. and other applicable state laws and regulations.

Policy 1.5.8: Development which requires the storage, generation, or use of hazardous materials will be regulated in the FEMA 100-year floodplain by the following criteria:

Prior to occupancy, each specific tenant or owner that uses, handles, stores or displays hazardous materials or generates hazardous waste shall meet the requirements of this policy. For purposes of this plan, “hazardous materials” and “hazardous waste” shall mean those certain 127 prior pollutants, volatile organics, and trace metals referenced in the Clean Water Act administered by the Environmental Protection Agency (as may be amended from time to time). Specifically, hazardous waste is to be as defined in 40 CFR, Part 261, as modified by Rule 17-720.030, FAC as of June 1, 1992. The tenant or owner shall construct an appropriate spill containment system which shall be designed to hold spilled hazardous materials for cleanup and to prevent such materials from entering the storm water drainage system. In addition to a containment system, tenants or owners shall also develop an appropriate early warning monitoring program. The containment system and monitoring program shall be acceptable to the Department of Environmental Protection and the South Florida Water Management District and shall serve all structures or areas where hazardous materials are used, handled, stored or displayed, or where hazardous wastes are generated. The County reserves the right to inspect all buildings within the project, during normal working hours.

For uses which involve 1,100 or more pounds of solid hazardous materials or waste or 110 gallons or more of liquid materials on a site at a given time, the following regulations shall be imposed:

a) The hazardous materials or waste shall be located within enclosed

watertight buildings and shall be elevated not less than 18 inches above the 100-year flood elevation.

- b) The users must install at least two monitoring wells on the site and in a scientifically acceptable manner provide reports of test data from the wells to ensure that no contamination of the groundwater is occurring.
- c) Each site shall have a containment system adequate to prevent the transportation of hazardous materials from the site to surface, groundwater, and stormwater drainage systems.

Application of fertilizers and pesticides in compliance with state and federal law are exempt from this policy.

Policy 1.5.9:

In addition to density restrictions in other parts of the Comprehensive Plan, densities and intensities of use in the 100-year FEMA floodplains shall be restricted to the extent necessary to preserve the flood storage capacity and other hydrological functions of the floodplain, and to protect important biological and ecological functions of a floodplain. For floodplains which drain directly into waters designated as “Outstanding Florida Waters,” residential densities which exceed one unit per five acres are presumed to impair the hydrological, biological, and ecological functions of the floodplain. Except within five miles from the existing city boundaries of LaBelle and Clewiston, for floodplains which drain into other water bodies of the state, residential densities which exceed one unit per acre are presumed to impair the hydrological, biological, and ecological function of a floodplain.

A landowner may overcome the presumptions created in this policy by competent and substantial scientific or engineering evidence showing that a specific use will not impair the hydrological and important biological and ecological functions of the affected floodplain, provided that the densities and intensities of use as shown on the Future Land Use Map shall not be exceeded.

Policy 1.5.10:

In order to encourage redevelopment and infill development, medium and high density development are encouraged adjacent to municipal boundaries or areas that are served by central water and sewer facilities.

Policy 1.5.11:

In order to distinguish between urban and rural uses, developments shall be required to provide public utilities to the extent that such utilities are available.

Policy 1.5.12:

Criteria, standards, and related provisions established in the Land Development Code for reducing the impacts from any land uses that are not in conformance or are inconsistent with this Comprehensive Plan shall as a minimum:

- a) Regulate the subdivision and platting of land nonconforming lots.

- b) Regulate flag lots.
- c) Regulate lot splits and irregular subdivisions that were created that have caused problems in enforcement.

Policy 1.5.13: The County shall conduct a review of the mining and extractive standards in the Land Development Code.

Policy 1.5.14: The County shall continue to revise and update its Land Development Code to ensure consistency with the Comprehensive Plan. Problems revealed from reviewing these codes will be promptly remedied so as to remove regulations which unnecessarily increase the cost of housing without significantly improving the protection of the public health and safety.

Policy 1.5.15: The County shall continue to monitor and evaluate existing non-conforming uses in order to eliminate the intrusion of any commercial and industrial uses into residential areas, unless the benefits from the services provided outweigh the detrimental effects, unless the mixed use conditions are preplanned and approved by the County, or unless such intrusions are meeting vital economic functions for the areas so intruded.

Policy 1.5.16: Agricultural lands that became nonconforming upon the adoption of the Comprehensive Plan may continue to be used for agricultural purposes regardless of the Future Land Use designation herein and future zoning designations.

Policy 1.5.17: The County’s development regulations shall specifically encourage redevelopment, infill development, compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding area, and shall discourage urban sprawl.

OBJECTIVE 1.8: ON-SITE REQUIREMENTS

Establish criteria and standard for safe and convenient on-site design and operation for proposed housing subdivisions of more than two lots, and all multiple family dwellings, commercial, and industrial uses.

Policy 1.8.1: All new developments shall be required to meet design and operation Level of Service Standards for on-site stormwater management.

Policy 1.8.2: In an ongoing effort to provide safe, convenient and well planned communities/subdivisions, the County shall require a traffic impact study for all new residential developments. The traffic study will provide the basis to determine if additional safety measures are needed.

Policy 1.8.3: The land development regulations shall require that all proposed new

commercial, industrial, and multifamily residential developments provide on-site traffic lanes designed to allow on-site maneuverability without interfering with traffic on nearby roadways.

Policy 1.8.4: On-site open space requirements shall provide adequate light and air for adjacent developments and to enhance on-site amenities, convenience and safety.

Policy 1.8.5: For safety purposes and avoidance of congestion, all driveways or other ingress-egress points onto State roads shall be located in accordance with the standards established by the Florida Department of Transportation. Such regulations shall exempt existing lots of record from the requirements of this Policy.

OBJECTIVE 1.9 FUTURE LAND USE MAP SERIES/CONSERVATION:

The County shall provide for the conservation and appropriate use of mineral resources to reasonably ensure that water quality and quantity of wetlands, surface waters, or aquifers shall not be degraded or reduced by development, including mining, and that there will be no net loss or impairment of natural functions of wetlands or surface waters due to development activities, including mining. In addition, green building standards and water and energy conservation standards shall be developed. This objective will be accomplished through the implementation of the policies set forth below.

Policy 1.9.1 **WETLANDS:** Wetlands are areas identified by plant communities commonly associated with lands inundated by water for a significant period each year. Those communities are shown on Map 3: Land Cover. This map provides general location for wetlands. Wetlands serve an important ecological function for flood control, water quality, and water management. This policy is intended to protect and conserve wetlands and shall include restrictions on the density of development within wetlands to one unit per 20 acres, and shall require all uses in wetlands to meet applicable state and Federal regulations and permitting requirements.

Policy 1.9.2: The County shall support the Everglades CERP Plan as implemented by the Water Management District. Such support shall consist of, but not be limited to, review of the CERP Plan to determine which portions should be incorporated into the County's Comprehensive Plan, distribution of information on the CERP Plan to landowners, developers, and staff who are affected by its provisions, and provision of available information to the District to assist the District in its own implementation efforts.

Policy 1.9.3: Hendry County shall work towards the establishment of mitigation areas within

the County to ensure that local impacts to protect wildlife are mitigated locally.

Policy 1.9.4: **GROUNDWATER PROTECTION:** The South Florida Water Management District has established limits and boundaries of public potable water wellfields, cones of influence, and groundwater aquifer recharge areas. Map 4: Oil Well Fields and Cones of Influence is provided to illustrate areas identified as cones of influence.

Any land use proposed for development within one-half mile of any potable water well designated on Map 4: Oil Well Fields and Cones of Influence is to be reviewed as a Special Exception in order to determine impact on groundwater resources from the proposed use and specific development. Such review shall address, but is not limited to, restrictions on land uses which involve pollutants and/or restrictions on handling and storage of hazardous/toxic materials in order to minimize the opportunity for contamination. Hendry County shall continue to monitor and implement programs to protect groundwater quality and eliminate potential sources of contamination. This shall be made measurable by implementing and enforcing the following policies:

Policy 1.9.5: The County's land development regulations shall designate a protection area of 1,000 feet in radius from each public potable water well as the wellfield protection zone. The first 300 foot radius closest to the well shall be a zone of exclusion, where no development activities shall be permitted except that relate with water supply provision. Within the remainder of the zone of protection, land uses shall be regulated to prohibit the following:

- a) Landfills;
- b) Activities that require the storage, use or transportation of restricted substances the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous wastes lists (including, but not limited to, landfills, gasoline stationed, petroleum storage, and pesticide storage and handling
- c) Feedlots or other commercial animal facilities
- d) Wastewater treatment plants and their ancillary facilities;
- e) Mines; and
- f) Excavation of borrow pits, waterways or drainage facilities which intersect the water table.

Policy 1.9.6: Hendry County shall amend its Wellhead Protection Program in the Land Development Code which, at a minimum, shall establish the following:

- a) The zone of contribution for all public potable water supply wells delineated on the United States Geological Survey (USGS) topographic quad sheets;
- b) Regulations which prohibit potentially high risk land uses from the established zones of influence such as, but not limited to, manufacturing and storage of hazardous waste and industrial land uses;
- c) Monitoring programs and procedures to mitigate adverse impacts, if detected, for existing high risk land uses;
- d) Land use and development regulations, including open space and

- impervious surface requirements, which protect the function of natural drainage features and natural groundwater aquifer recharge areas; and
- e) The location of drainage wells, delineated on USGS topographic quad sheets, maintained by Hendry County that could have adverse impacts on groundwater.

Policy 1.9.7: The County shall work with the SFWMD and COE to ensure that adequate water is available to meet projected agriculture and population needs.

Policy 1.9.8: The County shall work with the SFWMD to identify new water sources in the County, as provided within the Lower West Coast Water Supply Plan and the Ten Year Water Supply Facilities Plan, as updated.

Policy 1.9.9: Adopt measures that efficiently use the existing water supply by:

- a) Increasing agricultural and urban water conservation;
- b) Eliminating inefficient water use practices; and
- c) Working with the SFWMD to identify specific projects and cost-sharing partnerships with other local governments.

Policy 1.9.10: **SOILS AND TOPOGRAPHY:** Soils classifications are included on the map titled Map 8: Soils. Extensive development potential rating of soils in Hendry County is not yet available. A rating system that pertains to the septic tank suitability of soils is available, and has served as a guide for the location of land use categories and densities.

Policy 1.9.11: The septic tank permitting process shall be conducted by the Hendry County Environmental Services Department and shall be consistent with the Department of Health.

Policy 1.9.12: **MINERALS:** Possible commercially valuable minerals are not specifically mapped due to the lack of specific locational information. It is noted on the maps that Hendry County has extensive areas of mineral resources including sand, sand shell and marl, and some peat, covering nearly the entire land area of the County.

Policy 1.9.13: **MINING:** The removal of mineral resources, earthen materials or deposits by means of excavation, stripping, grading, or by any other process for use off-site shall constitute mining and shall require County approval. Excavation activities that do not constitute mining are excavations required for: onsite water management, onsite backfilling or grading, foundations of swimming pools, fences, walls, and small ponds not exceeding five percent of the total land area.

Policy 1.9.14: Proposed mining activities require approval by Hendry County according to the development regulations set forth in the Land Development Code, which are intended to address issues such as groundwater monitoring, screening, access, and compatibility with adjacent uses. At a minimum, a request for approval of a

mining activity must include a master plan indicating the limits of the proposed mining activity, the potential impacts of the proposed mining activity on listed species and native vegetation (with demonstrated adherence to the policies under Objectives 6.1 and 6.2), the proposed mechanism for extraction, the proposed timeframe for the mining activity, and a restoration plan. No conflicting land uses shall be permitted within the limits of the mine during the period of the mining activity. In addition to the requirements put forth in these policies, all mining activities and restoration shall be consistent with state law.

Policy 1.9.15: Environmentally sensitive lands, including wetlands, surface waters, upland habitat adjacent to wetlands and surface waters, floodplains, and listed species habitat must be restored after mining to their condition prior to mining, or an equivalent area onsite must be created, according to function, type, extent, and quality. Mining shall be prohibited in such environmentally sensitive lands where such restoration of the natural functions to their prior type, extent, quality and location, or equivalent created area onsite, is not feasible.

Policy 1.9.16: Mining shall be prohibited within 500 feet of a residential land use category, except this prohibition may be reduced to 200 feet where opaque fences and/or berms are provided.

Policy 1.9.17: Mining shall be prohibited within 1,000 feet of a public wellhead.

Policy 1.9.18: **CALOOSAHATCHEE RIVER:** The Caloosahatchee River (also designated canal number C-43) is rated a Class III river according to the surface water quality classification system of the Florida Department of Environmental Protection (FDEP). This classification represents benefits from the river for recreation, fish and wildlife, and is a middle range classification in the DEP system which runs from Class I (potable water) to Class V (industrial). The Caloosahatchee River is under the management of the South Florida Water Management District (SFWMD) and Army Corps of Engineers (ACOE).

Policy 1.9.19: **LAKE OKEECHOBEE:** Lake Okeechobee: The Hendry County shore of Lake Okeechobee is shown on all of the Future Land Use Map Series maps. Although the boundary of Hendry County extends in a triangular shape from the approximately four-mile length of lake shore in the County to a point in the Lake, nearly one-half of the shoreline is within the incorporated area of the city of Clewiston, and the South Florida Water Management District has the primary management responsibility for the Lake. “Map 1: Future Land Use Map 2010” of the Future Land Use Map Series designates the shore area of the County as Conservation. Land uses within the Conservation category shall permit limited residential development (one dwelling unit per 20 acres maximum density), as well as open space and public facility uses.

The County shall support the implementation of the adopted Lake Okeechobee SWIM Plan prepared by the Water Management District. Such support shall consist of, but is not limited to review of the SWIM Plan to

determine which portions should be incorporated into the County's comprehensive plan, distribution of information on the SWIM Plan to landowners, developers, and staff who are affected by its provisions, and provision of available information to the District to assist the District in its own implementation efforts.

Policy 1.9.20: **FLOODPLAINS:** The floodplains established by the Federal Emergency Management Agency (FEMA) as the 100-year floodplain on the Federal Insurance Rating Maps (FIRM) for the national flood insurance program covers a very large area of Hendry County. These areas are shown on Map 2: FEMA Flood Prone Areas" map of the Future Land Use Map Series. The County has adopted the FEMA required flood hazard regulations, and shall continue to maintain these regulations.

No building permit, except for a single family or two-family residential unit, or land use or development permit will be issued by any agency of Hendry County until the applicant provides evidence that the requirements of the National Flood Insurance Act of 1973, as amended, have been or will be complied with by the applicant.

Density and intensity of development shall be based on the land use category within which the property is located. If the floodplain area is a wetland, use, density, and intensity shall be as established for the agriculture/ conservation category.

The following general development standards shall apply within a defined 100-year floodplain:

- a) Development involving the storage, use, transfer, generation, or disposal of hazardous materials or waste shall be prohibited or shall conform to the guidelines in Future Land Use Policy 1.3.10.

Policy 1.9.21: On parcels that contain jurisdictional wetlands, development is to be clustered or located on disturbed land or land deemed to be of the lowest quality vegetative community available according to a professional environmental assessment consistent with state and federal methodologies. Subdivisions shall also be designed to preserve jurisdictional wetland areas and create lots containing disturbed land or land of the lowest quality vegetative community available according to a professional environmental assessment consistent with state and federal methodologies. Clustering shall be in accordance with policies contained herein.

OBJECTIVE 1.10: WILDLIFE HABITAT OF ENDANGERED AND THREATENED SPECIES AND SPECIES OF SPECIAL CONCERN/VEGETATIVE COMMUNITIES: The Conservation Element Map Series includes Map 3: Land Cover, depicting vegetative (plant) communities, and Map 6: Florida Panther Habitat and Dispersal Zones. In addition to the Florida Panther, the Florida Fish and Wildlife Conservation Commission (FFWCC) indicates that 20 other listed species also have potential to occur in Hendry County. The County shall coordinate with State and Federal

wildlife agencies to ensure that critical habitat for listed species is protected consistent with State and Federal agency guidance. This Objective shall be implemented by a program of activities which includes the following:

- Policy 1.10.1:** State and Federal wildlife agency requirements shall be followed and evidence of compliance shall be provided with all applications for development order (as defined by Florida Statutes Section 163.3164). Evidence of required mitigation and management plans must be provided prior to issuance of final development order by Hendry County.
- Policy 1.10.2:** In accordance with State and Federal wildlife agency methodology, Hendry County shall require a listed species survey for proposed development sites of 20 acres or more, and on development sites with proposed wetland impacts of one acre or more. However, the Planning Director may determine a development site under these thresholds is of environmental significance due to its site conditions, surrounding site conditions, or proximity to known listed species habitat, and therefore a listed species survey may be required.
- Policy 1.10.3:** On sites where listed species are identified as likely to occur, sufficient area shall be established on the site and in conjunction with adjacent properties to maintain viable habitat for listed species. See Policy 7.2.2 for calculation of required native vegetation preserve areas. All development that proposes impact to listed species habitat must provide evidence of consultation and compliance with applicable USFWS and FFWCC requirements prior to issuance of final development order by Hendry County.
- Policy 1.10.4:** Proposed developments sites of 20 acres or more and not falling within the Development of Regional Impact thresholds shall designate on a map or plan of the proposed development site the locations of any areas of five acres or more dominated by 50% or more with native vegetation. In the course of the development of the property, a portion of such native vegetation shall be conserved and protected. The specific areas conserved or protected shall include, at a minimum, those lands appropriate for protection of habitat for listed species deemed likely to occur on the site according to a listed species survey. Such areas shall be incorporated into open space areas that, where possible, connect to off-site preserve areas and areas that provide habitat for listed species. If over 50% of the site involves such qualifying native vegetation areas, no more than one-half of the total site shall be required to be preserved. The regulations shall also provide that when such areas are found on development sites of less than 20 acres, such qualifying native vegetation areas shall be preserved in open space uses up to 25 percent of the total site. The removal or destruction of native vegetation prior to development, except where necessary for legitimate agricultural or silvicultural uses, shall be construed to be clearing of land as an adjunct to construction, and shall be subject to all policies governing the removal or destruction of vegetation as they apply to development. This policy is subject to the policies setting out the legal status of the Comprehensive Plan.

Table 1-1 - Preservation Standards Summary Table		
Size of Development Site	Area of Qualified Native Vegetation	Preservation standard
20 acres or more	5 acres or more occupied with 50% or more native vegetation	Minimum: Preserve the qualified native vegetation areas that a listed species survey indicates listed species are likely to utilize, and that connect to off site preserves that provide habitat for listed species. Maximum: 50% of the development site.
Less than 20 acres	5 acres or more occupied with 50% or more native vegetation	Minimum: Preserve the qualified native vegetation areas that a listed species survey indicates listed species are likely to utilize, and that connects to off site preserves that provide habitat for listed species. Maximum: 25% of the development site.

Goal 2: INNOVATIVE PLANNING TECHNIQUES

In order to protect water resources, protect the environment and wildlife habitat, build a more sustainable tax base, encourage economic development, promote energy efficiency, and to permit job creation for the citizens and residents of Hendry County, the following innovative land use planning techniques should be encouraged:

- Innovative and flexible planning and development strategies listed in Section 163.3168, Florida Statutes.
- Innovative land use techniques listed and defined in this comprehensive plan.

Hendry County shall continue to identify and determine applicability for Hendry County of other innovative and flexible planning and development strategies listed in Section 163.3168, Florida Statutes. Once identified, the County shall develop new guidelines and standards pertaining to the identified strategies for inclusion by amendment to this comprehensive plan and the land development code.

OBJECTIVE 2.1: SR 82 Mixed Use District The SR 82 Mixed Use District includes nearly all of Section 32 (Township 45 South, Range 28 East) totaling approximately 627 acres. The District is bordered by Church Road to the east and SR 82 to the south. Church Road has recently been expanded to connect through to SR 29. The purpose of the District is to support a mix of uses primarily targeting industrial, manufacturing, and office type uses that will strengthen and diversify the County's economic base. The District will also establish a focal point for development in Southwest Hendry County. Retail, office and industrial uses are permitted along with residential consistent with the existing density of 1 dwelling unit per 5 acres. The focus of the residential component of the District shall be to provide a mix of housing in the area to support vibrant economic development.

Policy 2.1.1: The SR 82 Mixed Use District: The District will be governed by the following criteria:

- a) The Planned Unit Development (PUD) process must be utilized for any zoning request to ensure compatibility with adjacent uses, both internal and external to a project development site. Compatibility will include consideration of impacts such as noise, vibration, odor, lighting or visual impacts. The PUD Ordinance for a project shall list specifically all permitted uses and site design criteria.
- b) Except for ancillary uses associated with agriculture or mining activity, new development must connect to central water and sewer.
- c) The maximum floor area ratio (FAR) for industrial, commercial and office development is .45. This maximum will be applied to each development area or parcel and will be enforced through the PUD zoning process.
- d) No more than 25% of gross building square footage for the District may be classified as retail commercial.
- e) A maximum of 140 acres of the S.R. 82 Mixed Use District shall be allocated for industrial development. This comprises approximately 82% of the developable area of the District. Industrial land uses shall include manufacturing, fabrication, assembling, processing, storage (both inside and outside), distribution centers, batch plants, concrete plants, essential services, flex space for the service industry, mining and earth extraction and processing operations, electrical generation from alternative energy sources, biofuel refineries, recycling facilities, resource recovery facilities, similar uses, and ancillary uses specifically designed to service the industrial employment workforce.

A maximum of 45 acres of the S.R. 82 Mixed Use District land area shall be allocated for commercial/retail development, and a maximum of 40 acres shall be allocated for office development. The commercial/retail acreage comprises approximately 32% of the developable lands and the office acreage comprises approximately 35% of the development lands of the District. Commercial land uses shall include the sale, rental, and distribution of products or performance of services, including retail, personal service uses, such as but not limited to restaurants, convenience stores and gas stations, financial, medical, other related business uses and institutional uses such as but not limited to civic and governmental uses. Office use includes medical offices.

- f) The residential allocation is 125 units and is based on 1 unit per 5 acres. Land allocated to residential and non-residential land uses shall be utilized for computing residential density. The initiation of said use is not dependent on any non-residential land use, but must be reviewed through the PUD process to ensure compatibility with future development.
- g) A maximum of 10% or 65 of the developable acres of the S.R. 82 Mixed Use District shall be comprised of residential development. Residential dwelling units may include a mix of housing types, including single family detached and attached units, zero lot line development, townhouse development, condominiums. Ancillary residential uses, such as parks and recreational facilities are permitted in association with residential development.
- h) Industrial and commercial development directly adjacent to SR 82 will comply with the requirements of the Gateway Overlay Corridor, as provided in Article II of Chapter 1-58 of the Hendry County Code of Ordinances.
- i) The land use and development potential made available by Policies 1.4.1.a through 1.4.1.h are hereby further limited as defined by Step 1 and Step 2:

Step 1. The amount of development shall not exceed the development quantities specified in the land use scenario included in Table 1 below:

Table 1 Step 1 Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve) ⁽¹⁾	10,000 s.f. gba	15
Shopping Center 820 (Fitted Curve)	10,000 s.f. gla	136
Light Industrial 110 (Fitted Curve)	251,600 s.f. gba	202
		481
	Internal Capture:	-42
	Gross External Trips:	439
	Retail Pass-By Capture:	-40
	Net External Trips:	399

Note 1: Average Rate was used for the 10,000 sf scenarios.

Development shall not exceed the amount of Step 1 unless the Comprehensive Plan Capital Improvement Element (Five-year Schedule) is amended to include an improvement to S.R. 82 from Lee/Hendry County Line to Hendry/Collier County Line to the four(4)-lane divided cross section that is needed to support the Step 2a amount of development.

Step 2a. The amount of development shall not exceed the development quantities specified in the land use scenario

included in Table 2 below.

Table 2. Step 2a Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve) ⁽¹⁾	20,000 s.f. gba	30
Shopping Center 820 (Fitted Curve)	20,000 s.f. gla	216
Light Industrial 110 (Fitted Curve)	319,400 s.f. gba	299
		673
	Internal Capture:	-70
	Gross External Trips:	603
	Retail Pass-By Capture:	-63
	Net External Trips:	540

Note 1: Average Rate was used for the 20,000 sf scenarios.

Development shall not exceed the amount of Step 2a unless the Comprehensive Plan Capital Improvement Element (Five-year Schedule) is amended to include an improvement to the S.R. 82 from Lee/Hendry County Line to Hendry/Collier County Line to a six (6)-lane divided cross section that is needed to support the Step 2b amount of development. The amount of development shall not exceed the development quantities specified in the land use scenario included in Table 3 below.

Table 3. Step 2b Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve)	105,000 s.f. gba	196
Shopping Center 820 (Fitted Curve)	125,000 s.f. gla	739
Light Industrial 110 (Fitted Curve)	1,811,000 s.f. gba	2,432
		3,495
	Internal Capture:	-186
	Gross External Trips:	3,309
	Retail Pass-By Capture:	-222
	Net External Trips:	3,087

- j) The minimum amount of open space (lakes, buffers, and other similar features) will be 25% of gross project acreage. Projects with existing indigenous native vegetation communities must provide 50% percent of their open space percentage requirement through the on-site preservation of existing native vegetation communities.

- k) The existing agricultural land uses and the following uses approved per Hendry County Ordinance 2007-23, may continue under this land use designation:
- Excavation and any other ancillary use that may be necessary to support the excavation operation;
 - Recreational uses;
 - Preserves
 - Lakes
- l) The associated raw water demand of future development of the S.R. 82 Mixed Use District shall not exceed 0.92 mgd, the maximum raw water demand projected at build-out for the project. Existing land uses will be modified to accommodate the demands of new development.
- m) Potable (finished) water supply will be provided to the proposed development according to the following milestones:
- a. For potable water demand between 0-99,999 gallons per day (gpd) individual on-site wells will be used
 - b. For potable water demand between 100,000-200,000 gpd an on-site water treatment facility will be required. Connection to the treatment facility will be required for existing and future on-site development.
 - c. For potable water demand over 200,000 gpd connection to Florida Governmental Utilities Authority (FGUA), or its successor, will be required. All infrastructure associated with the on-site water treatment facility under (b) above will be accepted as FGUA, or its successor, facilities.
- n) The necessary water supply will be identified, committed, and authorized, including public water supply consumptive use permit(s) as necessary, to serve the District prior to issuance of a building permit or development order in accordance with the provisions of Paragraph (m).
- o) Any development in the District, excluding agricultural or mining-related activities, will require installation of reuse water lines, to be reviewed and approved as part of the building permit or development order process.
- p) Coordination with the Hendry County Water Supply Plan is required to ensure that building permits are issued based on adequate potable water availability and an adopted level of service.
- q) Any project within the SR 82 Mixed Use District will comply with the adopted permitting programs and standards regarding water quality, stormwater management, floodplain protection and the preservation, restoration or protection of natural systems.

OBJECTIVE 2.2 West Hendry Planning Overlay (WHPO). To provide a development guide for the area along the Caloosahatchee River and west of the Fort Denaud Bridge that will preserve the rural character of Hendry County. The intent is to guide development toward a community with an integration of uses and residential densities in certain areas as an incentive to restore historic flow ways and preserve property along the River for public use. The WHPO Map is an overlay over the existing future land use map. Any increased density through the WHPO is contingent upon transfers of density through the transfer of density rights program. The WHPO includes a mix of housing types, densities, and commercial uses, integrated with open space and public greenway corridors, and connected through a well-functioning road system. The objective is to shift the pattern of development so density is created in appropriate areas where utilities, services, recreational opportunities, and commercial development can service the community.

The WHPO is not a change to the Future Land Use Map, but an *Overlay* of categories that creates incentives to implement smart growth techniques, environmental restoration, and environmental preservation programs. The WHPO represents the future land use goal for the year 2040. Few properties within the WHPO have been designated with overlay categories. Future amendments to the comprehensive plan in the WHPO must adhere to the following categories and policies. The WHPO will consist of properties designated in three Overlay categories including Rural Town Center, River Medium Density, River Low Density, and including the designation of Village Hubs. All categories allow for and encourage a mixture of residential and commercial uses, the difference being in the size and scale of the mixed-use areas projected for each category. The following standards for development shall be implemented through the PUD process.

Policy 2.2.1 Rural Town Center The Rural Town Center Overlay designates properties at the intersection of two major roadway corridors where commercial development is most viable and appropriate. The intent of this category is to create a mixed-use area where higher density development will enhance the viability of neighborhood levels of commercial development. Residential, commercial, and public uses are allowed in this category, and must be integrated, either vertically or horizontally. The Rural Town Center category is intended to provide for a mix of residential unit types and housing options including multi-family and single-family units.

Policy 2.2.1.a Properties within this land-use category are allowed a maximum of five dwelling units per gross acre, and must develop at a density of at least 2.5 dwelling units per gross acre. All residential development within the Rural Town Center category must be rezoned through the Planned Unit Development process. Density must be transferred in accordance with **Objective 2.5A** of the Hendry County Comprehensive Plan.

Policy 2.2.1.b Properties at the commercial node, as identified on the WHPO Map, must contain a commercial center with uses of the scale that are intended to serve the West Hendry Planning Overlay. Single use buildings or tenants are limited in size to 40,000 square feet of retail floor area. Each corner of the commercial node must contain a minimum of 20,000 square feet of commercial development. Retail development and other residential support uses such as fitness centers and day care facilities, will be limited to a maximum floor area ratio of 0.25 and office development to a maximum floor area ratio of 0.5. Development at the commercial nodes must be designed to be pedestrian oriented and must comply with the mixed-use guidelines in Policy 2.5.5. Commercial development may only be rezoned as part of a mixed-use plan of development where residential uses are located in close proximity to the commercial areas and designed to facilitate pedestrian movement.

Policy 2.2.1.c Development within the Rural Town Center land use category must provide for a minimum of 30% common open space areas. Water management lakes may count for up to 25% of the common open space only when designed to act as a park and pedestrian amenity with street furniture and pathways around the perimeter of the lake area. For the purpose of this policy, open space areas will include all commonly maintained areas of pervious surface as well as urban plazas that act as a gathering place for pedestrians in a commercial development.

Policy 2.2.1.d Commercial developers will coordinate, through the applicable development review and permitting processes, with Hendry County and other governmental service providers, to locate branch facilities as tenants in commercial areas.

Policy 2.2.2 River Medium Density The purpose of the River Medium Density category is to provide incentives for development along the Caloosahatchee River and its tributaries where opportunities exist for the creation of innovative waterfront development as well as a public greenway system along the River's tributary system. Development in this land use category may occur either in accordance with the property's existing land use category or at up to three dwelling units per gross acre, with a minimum density of 1 unit per acre, through the implementation of the transfer of density in accordance with **Objective 2.5A** of the Hendry County Comprehensive Plan. A mixture of housing types, including both single- and a multi- family product, is encouraged. Residential, commercial (within a Village Hub), and public uses are allowed in this land-use category and must be approved through the Planned Unit Development rezoning process.

Policy 2.2.2.a A Village Hub must be located internal to a planned community and designed to serve residents of the immediate area. The intent of locating Village Hubs within the River Medium Density Category is to provide for the daily needs of residents or to provide for waterfront destination points along the Caloosahatchee River. Parking standards shall be established within the Land Development Code to reflect a significant opportunity for transportation to these commercial areas through alternate transportation: pedestrian, bicycle or watercraft. Village Hubs must therefore be designed to be functionally integrated with the surrounding residential development. Each Village Hub shall be limited to 5 acres in area, and no more than a maximum of two (2) shall be permitted in the WHPO. A Village Hub must be located no closer than 1/2 mile to either the Rural Town Center area or another Village Hub. Commercial development (Village Hub areas) is limited to low intensity development such as office, small scale retail including bakeries, coffee shops, small restaurants, and similar facilities that serve the immediate area. Non-residential uses are limited to 30,000 square feet on no more than 5 contiguous acres for each hub.

Policy 2.2.2.b Development within the River Medium Density land use category must provide a minimum of 40% common open space. For the purpose of this policy, open space shall include commonly maintained water management lakes (not more than 25% of open space requirement), recreational facilities, parks, sidewalks and trails, natural preserve areas, and other commonly owned or maintained areas of pervious surface. Planned Unit Developments shall provide neighborhood or mini parks to offset the active recreational needs of their residents.

Policy 2.2.3 River Low Density The River Low Density category designates properties that run along the northern edge of Hendry County and in areas where higher densities are not anticipated,

providing a density buffer with rural density areas. The River Low Density areas are farther in proximity to the Rural Town Center area and are intended to develop at lower densities with larger lot sizes. Development in this category shall consist of only single-family residential development. The standard density for development in this category is one dwelling unit per five acres, but may be increased to one unit per gross acre through the implementation of the transfer of density in accordance with Objective 2.3

Policy 2.2.3.a Development within the River Low Density land use category must be clustered to provide a minimum of 60% common open space. For the purpose of this policy, open space shall include commonly maintained water management lakes (not more than 25% of open space requirement), recreational facilities, parks, sidewalks and trails, natural preserve areas, and other commonly owned or maintained areas of pervious surface. In addition, private open space on lots greater than 10,000 square feet may count toward up to 10% of this open space requirement. Residential Planned Developments shall provide neighborhood or mini-parks to offset the active recreational needs of their residents.

Policy 2.2.4 Blueway/Greenway Creation/Preservation The County shall coordinate with the Greater LaBelle Chamber of Commerce and local property owners to promote ecotourism through provision of incentives for the creation of a Blueway/Greenway trail system through West Hendry County. The Blueway/Greenway system is identified on the Future Land Use Map 1A, West Hendry Planning Overlay. The intent is to both provide for passive recreational opportunities for the general public to experience and enjoy Hendry County's natural charm and beauty and to restore valuable wetland and upland areas along the tributaries to the Caloosahatchee River to improve water quality.

Blueways consist of natural water bodies, creeks, and streams which include the Caloosahatchee River, Jack's Branch, Banana Branch, Fort Simmons Branch, and their natural tributaries. Greenways consist of native upland and wetland habitats that are adjacent to and act as buffers to Blueways or provide connectivity in the landscape for wildlife corridors. Greenways consist of public passive and active recreational trails along the Caloosahatchee River, and its tributaries within the WHPO as depicted on Map 1A.

Policy 2.2.4.a During the Planned Unit Development review process, all Blueways and Greenways shall be identified to protect water quality and maintain natural water regimes and to protect listed animal and plant species and their habitats. Incompatible land uses, such as those that generate noise or off site lighting that may have negative effects on wildlife, shall be directed away from Blueways and Greenways and impacts to these systems minimized. This language shall not be interpreted to exclude commercial marinas along the Caloosahatchee River.

Policy 2.2.4.b Incentives shall be provided in the form of density transfer for the preservation of these systems, in accordance with Objective 2.3. To qualify for density transfer, any Blueway or Greenway proposed for preservation shall require a conservation easement to be recorded at the time of transfer to ensure their protection. No uses other than passive recreational trails, educational signage, additional vegetation and similar uses shall be permitted. Additional density may be generated through the TDR program by the restoration of Blueways or preservation of public Greenways along the Caloosahatchee River. Restoration shall include the removal of exotic vegetation species, replanting with native vegetation species, and where feasible the elimination of manmade drainage features to re-establish historic sheet flow

patterns. Additional restoration activities may be proposed as long as the intent of those restoration activities is the enhancement of upland and wetland wildlife habitats, the improvement of surface water quality to receiving waters and the Caloosahatchee River or the establishment of wildlife corridors.

Policy 2.2.4.c Proposed crossings of Blueways shall include appropriately sized culverts or bridges to maintain surface water flows and wildlife underpasses where appropriate.

Policy 2.2.4.d Recreational open space may be incorporated into a Blueway or Greenway. Development along a Blueway or Greenway is encouraged to provide for public use by providing pedestrian paths and connections to adjacent properties. Public uses shall not include any other activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

Form of Development

Policy 2.2.5 The road system within the WHPO shall be designed as an interconnected network aimed at promoting connectivity between communities and streets and walkability between uses within the Town Center and Village Hub areas.

Policy 2.2.5.a Individual development proposals for Rural Town Centers shall construct interconnected networks of public streets in a predictable block pattern that encourages walking, reduces the number and length of automobile trips and provides multiple circulation routes. By 2013, maximum block sizes will be established in the land development code with the intent of providing for walkable distances between intersecting streets and minimizing the use of cul-de-sacs.

Policy 2.2.5.b The transportation system shall be designed so that multiple streets, bicycle paths, pedestrian pathways and bridal trails continue between adjacent neighborhoods and developments to facilitate convenient movement and disperse traffic throughout the local network.

Policy 2.2.5.c Interconnections between complementary uses shall be required, including access and circulation among parking lots and to pedestrian paths. By 2013 the Land Development Code shall be amended to include requirements for shared driveways, frontage streets, and/or parking with cross access easements to reduce conflicts with the main flow of traffic.

Policy 2.2.5.d By 2013 the Land Development Code shall be amended to include the opportunity for shared parking arrangements for mixed use development areas. Deviations from the County's parking requirements will be considered to minimize parking areas, based on projected pedestrian activity, joint use of parking lots, and parking spaces used by uses with different peak hours.

Policy 2.2.5.e All Town Center and Village Hub areas shall be mixed use or multi-use in nature, either through mixing residential and commercial uses within the same building or providing for strong pedestrian connectivity between uses. By 2013, Hendry County shall draft land development code regulations consistent with the following:

1. The ability to mix uses within individual buildings and sites (e.g. residential above

- retail or office space).
2. Requirements for the provision of civic spaces, such as green spaces, community centers or central plaza features within mixed use areas.
 3. A design framework for mixed use areas to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials. Flexibility in design will allow for choice and variety in architectural style.

Policy 2.2.6 Density for Flowway restoration areas (Blueways) and waterfront public Greenways shall be calculated in accordance with Policy 2.3.3.

Policy 2.2.6.a: For TDR credits to be granted for the dedication of public access areas to the Caloosahatchee River, a pedestrian promenade must be made available for public use for a minimum of 50% of the property’s river frontage. Commercial and water related marine uses are strongly encouraged along public access areas, but may not be included within the area proposed for Density Credits. Parking and pedestrian facilities must be provided. In order to maximize the length of pedestrian walkways along the River, development is encouraged to provide pedestrian facility interconnects with adjacent properties.

Receiving Density pursuant to the WHPO	# of Sending TDR Credits Required Per Unit
1 unit/5acres - 1 du/acre	2 TDR Credits Per Unit
1 du/acre - 2 du/acre	1.0 TDR Credits Per Unit
2 du/acre—5 du/acre	0.5 TDR Credits Per Unit

Policy 2.2.6.b. All transfer of density right (TDR) and bonus density programs utilized within the West Hendry Planning Overlay (WHPO) area shall be utilized only to provide the residential development specifically allowed by Policy 2.2.13.

INFRASTRUCTURE

Policy 2.2.7. To ensure that adequate funding sources are available for the provision of infrastructure, improvements will be funded through a variety of mechanisms that may include, but not limited to, the private sector, governmental and/or quasi-governmental entities, Community Development Districts (CDD’s), Municipal Services Taxing Units (MSTU’s), Municipal Services Benefit Units (MSBU’s), rebate agreements, grants, and impact fees.

Policy 2.2.7.a. By December 1, 2015, the Hendry County Capital Improvements Schedule and Element shall be amended to reflect the party responsible, and the improvements necessary, for providing all needed central water, irrigation, wastewater, associated distribution/transmission lines and reuse facilities to serve development within the West Hendry Planning Overlay area out through 2020. No building permits within the West Hendry Planning Overlay Area shall be issued for any properties being developed under either the River Medium Density or Rural Town Center categories, or developed as a

Village Hub, until this amendment to the Hendry County Capital Improvements Schedule and Element is adopted and effective.

Policy 2.2.7.b. By December 1, 2019, the Hendry County Capital Improvements Schedule and Element shall be amended to reflect the party responsible, and the improvements necessary, for providing all needed central water, irrigation, wastewater associated distribution/transmission lines and reuse facilities to serve development within the West Hendry Planning Overlay area after 2020 and through 2040. No building permits within the West Hendry Planning Overlay Area shall be issued for any properties being developed under either the River Medium Density or Rural Town Center categories, or developed as a Village Hub, until this amendment to the Hendry County Capital Improvements Schedule and Element is adopted and effective.

Policy 2.2.7.c. West Hendry Planning Overlay areas developed as Rural Town Centers, River Medium Density or Village Hubs require central water, wastewater and reuse facilities and service. No building permits for Rural Town Center, River Medium Density or Village Hubs development shall be issued without either the existence of adequate central facilities and service provision, or programmed central facilities reflected within the 5-year Capital Improvements Schedule that will be operational at the time of first development occupancy. Reuse provision to help meet irrigation demands is required once the central wastewater facility's treatment exceeds 100,000 gallons per day.

Policy 2.2.8 The construction of water transmission mains and sanitary sewer mains along State Road 80 and County Road 78 will be funded by the private sector, governmental, and/or quasi-governmental entities in accordance with Policy 2.2.7. Rebatable agreements may be used to facilitate utility extensions.

Policy 2.2.9 Rezoning of property consistent with the West Hendry Planning Overlay shall not be granted until the provision of utility service can be demonstrated in accordance with the Hendry County 10-Year Water Supply Facilities Work Plan. The Hendry County concurrency management program will ensure the provision of acceptable levels of utilities to provide a supply and treatment capacity of 125 gallons per person per day and 115 gallons per person per day, for potable water and sanitary sewer, respectively, per equivalent residential connection. The landowner has the option of not developing pursuant to the West Hendry Planning Overlay and opting to develop in accordance with the underlying existing zoning.

Policy 2.2.10 Future water supplies will be consistent with the Lower West Coast Water Supply Plan update.

Policy 2.2.10.a. WHPO Potable Water Supply. Groundwater from the upper Floridan aquifer will be used as a source of raw water.

Policy 2.2.10.b. WHPO Irrigation Water Supply: Irrigation water for development utilizing the increased density permitted by the overlay will consist of a blend of treated wastewater and groundwater from the Floridan aquifer once adequate quantities of reuse water become available.

Policy 2.2.11 Development within WHPO will be required to accept reuse water when the utility is

prepared to supply reuse water to meet all or a significant portion of the irrigation needs of the proposed development.

Policy 2.2.12 In order to create an interconnected and integrated community within the WHPO, all new development must provide pedestrian, bicycle and equestrian (where appropriate) trails from within the development to exterior pedestrian, bicycle and equestrian corridors. The intent is to create a pedestrian, bicycle and equestrian system in the West Hendry Planning Overlay that links each new community to destination areas such as public greenways, parks, conservation lands, schools, and commercial areas, and to create a sense of greater community integration.

Policy 2.2.13 Development in the West Hendry Planning Overlay is limited to a total of 7,539 residential units and 200,000 square feet of commercial floor area without further amending the Comprehensive Plan. Further, no more than 7,539 units may be developed until the Hendry County Capital Improvement Program is amended to show a new bridge connecting County Road 78 and State Road 80 as being financially feasible, and population projections show that there is a need to add additional units. All development must meet Hendry County concurrency requirements at the time of local development order approval, in accordance with the Hendry County Concurrency Ordinance.

Policy 2.2.14 If a proposed subdivision contains or abuts the alignment of a future or current roadway designated for expansion and functionally classified as a collector or arterial in the County Comprehensive Plan or in accordance with Comprehensive Plan policies, the subdivision shall accommodate the alignment. The developer shall dedicate the right-of-way for the roadway for impact fee credits.

Policy 2.2.15 Prior to development approval of any residential development that would lead to Hendry County exceeding capacity in any affected school concurrency service area, the 5-year Facilities Work Plan for the School District must be amended to demonstrate that adequate facilities be in place concurrent with new development, in accordance with the Hendry County School Concurrency inter-local agreement. Plans for new development shall be coordinated with the Hendry County School District.

GENERAL DEVELOPMENT GUIDELINES

Policy 2.2.16 Wetland areas depicted on the Future Land Use Map are general in nature. Actual wetland areas will be determined through the South Florida Water Management District jurisdictional determination process. Density may be transferred off of wetlands within the sending areas to contiguous upland areas, tracts or parcels at a rate of one dwelling unit per 20 acres. All regionally significant wetland areas must be preserved.

Policy 2.5.17 All development must preserve indigenous native vegetation at a minimum of 20% of the property, if it exists.

Policy 2.2.18 By 2013, Hendry County will create a design overlay for both the Caloosahatchee River and the County Road 78 Corridor. Guidelines will be created for all structures within 1,000 feet of the River or CR 78 in order to protect the character of each scenic corridor. The intent of the guidelines for each corridor will be to protect the ambiance, view and character for travelers, tourists, and residents.

Policy 2.2.19 All properties greater than 100 acres in area must be prepared to work with public service providers to locate public facilities on their property. Property owners seeking PUD approval must consult with service providers prior to receiving zoning approval. The intent of this policy is to create a cooperative relationship for land acquisition by the public sector and better facilitate the acquisition of land for public services. The expectation of land dedication shall generally not exceed 10 percent of the total land area for the project, but may be in excess of 10 percent if conditions warrant additional land.

Policy 2.2.20 The West Hendry Planning Overlay shall not include any lands owned by the South Florida Water Management District. The Objectives and Policies of the West Hendry Planning Overlay shall not interfere or be inconsistent with the restoration efforts of the District operations in this area.

Objective 2.3: To facilitate the preservation of lands of rural, environmental, and agricultural significance, a Transfer of Development Rights (TDR) Program is established. The TDR Program shall enable the transfer of development density from Sending Areas into the West Hendry Planning Overlay.

Policy 2.3.1 Intent The intent is to protect lands of rural, environmental, and agricultural significance by providing incentives for owners of these lands to transfer development rights, in the form of development credits, while maintaining agricultural or conservation use. Hendry County intends to sustain agriculture as a viable economic activity by supporting the continued agricultural use of property targeted as Sending Areas and other agricultural lands. The West Hendry Planning Overlay requires clustering of development into an area targeted for future growth and served by existing or planned infrastructure, facilities and services. Should a countywide TDR program be implemented, this program will be eliminated through a subsequent amendment to the comprehensive plan, and properties within the WHPO will be governed by the county-wide TDR program except that the greenway/blueway restoration bonus shall remain unless the County-wide TDR program is amended to include the greenway/blueway restoration bonus in appropriate areas.

Policy 2.3.2: Transfer of Development Rights (TDR) Program: The TDR Program shall be voluntary in nature. Landowners who choose to not utilize the TDR Program shall retain the development rights and density allowed for their property under the governing Future Land Use Element of the County's Comprehensive Plan.

Policy 2.3.3 Sending Areas: Sending Areas shall be those properties within the unincorporated portions of the County delineated on Map 1B. The majority of the sending properties include Primary Panther Habitat Zones and Panther Dispersal Zones, as determined by the U.S. Fish and Wildlife Service. The additional properties that are included in the sending areas are intended to promote creation of panther habitat, habitat connectivity and preservation of agriculture. Public lands and properties that have existing permanent conservation easements are not included in the sending areas and are not eligible to send development rights. Development rights shall be severed from Sending Lands at the density permitted by the Future Land Use Category unless eligible for an incentive multiplier as described herein.

Additionally, sending areas include the greenways and blueways shown on the West Hendry Planning Overlay, Map 1A of the Future Land Use Series.

The following sending land incentives are recognized:

1. Any lands on the Map 1B designated as Agriculture Conservation (AC) on the FLUM shall be permitted to transfer out density at one dwelling unit per five acres. Although development could only occur at one unit per twenty acres, the land designated AC is primarily wetlands which, when taken in conjunction with other environmental sensitivity, are priority lands for Hendry County to preserve.
2. For the creation or restoration and public dedication of flowways and/or greenways along the Caloosahatchee River and its tributaries within the WHPO, the following density multipliers apply to the acreage or creation and/or restoration:

Number of Contiguous Acres restored/created in a Blueway or Greenway	Density Credit Multiplier of the Base Density of the Underlying Future Land Use Category
10 - 24	3
25 - 79	4
80 +	5

Policy 2.3.4 Receiving Areas: The Receiving Area is the West Hendry Planning Overlay as shown on Map 1B.

Policy 2.3.5 Exchange of TDR Development Credits: The County shall establish in the Land Development Code a process for the exchange of TDR Development Credits that shall be consistent with the policies herein. The exchange of TDR Development Credits shall be through a Development Agreement, or similar legally binding instrument, and monitored by the County Attorney and the County’s Community Development Director, or designee. The exchange of TDR Development Credits may be in the form of a transfer of density to and from property owned by the same landowner, or through a market-based exchange between two or more parties. Details of the transfer, including but not limited to the number of transferred TDR Development Credits, the corresponding development density, the resulting total development density on the Receiving-Area property, and any remaining development density on the Sending-Area property, shall be maintained in the TDR Program Record by the County’s Community Development Division. The County’s Community Development Division shall coordinate with the County’s Property Appraiser to document the transfer of density in the parcel records for each subject property.

Policy 2.3.6 Severance of Development Rights: The transfer of development rights under the TDR Program severs the identified development rights from the Sending property. Severance of development rights shall be consistent with the following conditions:

1. The severance of development rights under the TDR Program shall be recorded in public records before the transfer is deemed to occur. To sever development rights:
 - A legal instrument shall be used and determined to be appropriate by the County Attorney. Said instrument shall clearly state
 - the remaining allowable land uses on the subject property after the density has been severed from the property

- the identification of the party or parties who hold rights to enforce the easement or conditions as described in the legal instrument .
2. Where development rights have been severed from Sending Areas, such lands may be retained in private ownership or may be sold or deeded by gift to another entity.
 3. The legal instrument shall be recorded prior to the issuance of any building permit for residential units on the receiving site, and a copy of the recorded document should be included in all building permit applications.
 4. Any Sending Areas from which development rights have been severed under the TDR Program may also be utilized for mitigation programs and associated mitigation activities and uses in conjunction with any county, state or federal permitting.

Sending Areas from which development rights have been severed under the TDR Program may continue and convert agricultural activities except within created or restored wetlands and uplands within flowways and greenways. Agricultural activities on severed sending properties shall not include mining, landfills, or new paved collector or arterial roads. Paved agricultural and residential access roads are permitted. Passive recreational opportunities may be continued or introduced, if appropriate. Existing residential uses (e.g. a single-family homestead) may be continued in any Sending Area.

OBJECTIVE 2.4.:

Policy 2.4.1: RODINA SECTOR PLAN

The Rodina Sector Plan (Rodina) meets the requirements of Section 163.3245, F.S. and has been approved as a Sector Plan pursuant to an agreement entered into on January 25, 2012 with the Department of Economic Opportunity (DEO) and Hendry County as authorized in Section 163.3245 (10),F.S. The agreement is available for review at the Hendry County Planning Department. Rodina provides a long-term plan for approximately 25,826 acres of Hendry County. The property is currently agricultural and is located in west Hendry County lying west of State Road 29, south of State Road 80, and generally adjacent to Wheeler Estates . The Rodina Sector Plan is composed of the Long-Term Buildout Plan (Exhibit 1), the Long-Term Transportation Network (Exhibit 2) and the Rodina Sector Plan policies.

Policy 2.4.2: RODINA MIXED USE COMMUNITY REQUIREMENTS

Rodina is designed as a mixed use community which will provide the following:

- a) Realistic large-scale planning utilizing smart growth principles;
- b) A variety of land uses to support residents of diverse ages, incomes, and family sizes;
- c) Preservation of important environmental features, connections and functions on site;
- d) Economic viability of agriculture;
- e) Co-existence of agriculture and urban development with proper safeguards;
- f) Sufficient land to accommodate anticipated growth;
- g) Compact, pedestrian friendly, mixed use urban community land use forms;
- h) A focus for the County's economic development and industrial job creation;

- i) An enhanced transportation network in western Hendry County;
- j) Increased transportation internal capture and reduced external traffic;
- k) Efficient delivery of public facilities and services;
- l) Compact, mid to high density development separating the developed portions from the agricultural and natural resource areas;
- m) Employment and economic opportunities to Western Hendry County due to its unique location;
- n) Key linkages for the creation of a road network between Lee County and Hendry County and between SR 80 and SR 82;
- o) Connection to central water and sewer systems;
- p) Mixed-use development;
- q) Mixture of housing types and values;
- r) An interconnected street system;
- s) Delineated urban growth area;
- t) A greenbelt with an average dimension of 300 feet and a minimum dimension of 100 feet;
- u) Civic spaces;
- v) Neighborhoods designed for walkability, with the one-half mile walk concept
- w) Attainable workforce housing (minimum 10%);
- x) Architectural guidelines for each residential community and commercial development;
- y) Demonstration of fiscal neutrality;
- z) Audubon Cooperative Sanctuary Program for Golf or an equivalent state program, if golf course is included;
- aa) Recreational facilities and sites to meet County LOS Standards;
- bb) Dark skies regulations;
- cc) Primary spine road system, including arterials and collectors, with no gates;
- dd) Multi-modal transportation facilities, including multi-use paths on arterials and collectors;
- ee) Community facility sites for schools, fire, EMS, library, and other governmental activities;
- ff) Compliance with town and village development standards, as established within the Rodina District requirements;
- gg) Preparation of an emergency management plan;
- hh) Preparation of environmental education programs for all residents;
- ii) Use of indigenous landscape material for a minimum of 50% of the landscape palette;
- jj) Establishment of re-use water;
- kk) Xeric Landscaping; and
- ll) A Town Center, Village Center, Villages, Heritage Estates, and Employment Center with a mixture of uses to create self-sufficient, walkable communities and designed to implement traditional neighborhood design concepts. These communities will be specifically designed to ensure the establishment of a permanent boundary between the development areas of Rodina and the agricultural/natural resource areas of Rodina.

Policy 2.4.3: DEVELOPMENT LOCATION CRITERIA

Development Location Criteria – The Development Area as identified on Exhibit 1, is located on those lands which have been determined to be the most appropriate for development activities. This determination is based upon the following criteria:

- Development area to be located at the intersection of two major roads, either existing or proposed within the Rodina Sector Plan.
- Central water and sewer service shall be provided.
- Urban development shall be within the Development Area as designated on Exhibit 1.
- Development shall include sites for public schools, and may include sites for private schools.
- Sites shall be made available for emergency services, including sheriff, fire, and EMS.
- Medical facility sites shall be identified, where appropriate, in the DSAP.

Policy 2.4.4: LAND USES, INTENSITIES, DENSITIES AND MAXIMUM CAPACITY ALLOWED IN RODINA

Land uses allowed within the Rodina Sector Plan are of two types:

- Type 1 - Land uses allowed without DSAP approval are all land uses and activities allowable under the Agriculture Land Use Category within the Hendry County Comprehensive Plan. However, residential units shall be specifically limited to farm worker/agricultural housing related to the ongoing agricultural activities of the property. The maximum density in the Hendry County Agriculture future land use category is 1 unit/5 acres. Type 1 uses are permitted in the Long-Term Agricultural Area. Type 1 uses are permitted as an interim use in the Development Area until a DSAP is approved and vertical construction occurs on site. This is consistent with Section 163.3245(9), F.S. Properties surrounding the development site may continue to permit interim uses within Rodina as long as those uses are consistent with the Hendry County Land Development Code. Interim uses are defined as all uses permitted in the Agricultural Future Land Use Category of the Hendry County Comprehensive Plan with the exception of residential development, other than farm worker housing related to the ongoing agricultural activities of the property. After a DSAP is approved within the Development Area, all property in the DSAP retains the permitted interim uses as long as vertical construction has not commenced on a site.
- Type 2 – Land uses that require DSAP approval are as provided for in Policy 2.4.4.a. These are the non-agricultural uses which include residential, retail, office/civic/industrial and hotel/motel. Type 2 uses are permitted only in the Development Area as identified on Exhibit 1.

The Rodina Long-Term Build-out Plan and the Rodina Sector Plan policies create the framework for the project along with the approved maximum land uses, intensities and densities for Rodina. .

Policy 2.4.4.a: Rodina Maximum Density and Intensity For Type 2 Development

The maximum overall density for Type 2 development in the Rodina Sector Plan is

1 unit per acre for the total land area of Rodina up to a maximum of 21,000 units. This does not include farm worker housing to serve agricultural activities in Rodina which is Type 1 development. Within Rodina, higher densities are permitted in each DSAP as long as the total entitlements do not exceed the maximum development entitlements established in this Policy. These sector plan policies ensure the protection of natural resources and agricultural lands on a long-term basis with required long-term management programs. The Rodina Sector Plan requires that the density be clustered in conceptual prototypical forms (Town Center – Policy 2.4.10 and Figure 4-1, Village – Policy 2.4.8, Village Center – Policy 2.4.9 and Figure 4-2, Heritage Estates – Policy 2.4.12, Employment Center – Policy 2.4.11) and commit to provide and maintain the Long-Term Agricultural Area and Long-Term Natural Resource Area acreage, as identified on Exhibit 1, equal to the size of the development under review (Policies 2.4.8-12 and 2.4.14.a-b.).

The maximum development entitlements for Type 2 development in Rodina are as follows:

- **Residential – 21,000 units (not including farmworker housing)**
- **Retail – 2,450,000 square feet**
- **Office/Civic/Industrial – 1,900,000 square feet**
- **Hotel/Motel – 400 rooms**

The maximum intensity standards for Type 2 development in Rodina are identified below and will not result in more development than the Type 2 development entitlements for the project:

<u>Non-Residential Uses</u>	<u>Floor Area Ratio (FAR)</u>
Town Center	3.0
Village Center	1.0
Employment Center	1.0
Village	1.0
Heritage Estates	1.0
Recreation	0.5

Policy 2.4.4.b.: Specific Rodina Sector Plan Densities

Specific density and intensity levels are established for the Town Center(s), Villages, Village Centers, Employment Center(s) and Heritage Estates (Policies 2.4.8 through 2.4.13)

Policy 2.4.5: RODINA SECTOR PLAN REVIEW AND APPROVAL PROCESS

The Rodina Sector Plan requires two types of approval. Type 1 is the Long-Term Buildout Plan for the entire 25,826 acres. Rodina has already received Type 1 approval and the Long-Term Buildout Plan (Exhibit 1), the Long-Term Transportation Network (Exhibit 2) and the Rodina Sector Plan policies have been incorporated into the Hendry County Future Land Use Map. Type 2 will be the approval of Detailed Specific Area Plans (DSAPs) that implement the Long-Term Buildout Plan. DSAPs will be adopted by local development order and will not require a comprehensive plan amendment pursuant to Section 163.3245(3) (b), F.S. Each DSAP must be consistent with the Rodina Long-Term Buildout Plan (Exhibit 1), the Long-Term Transportation Network (Exhibit 2), the Rodina Sector Plan Policies, the Hendry County Comprehensive Plan and Section 163.3245, F.S.

- Type 1 – Long-Term Buildout Plan. The Rodina Long-Term Buildout Plan includes the following:
 1. The Long-Range Buildout Plan (Exhibit 1) and Rodina Sector Plan policies that identify the maximum and minimum development amounts, densities, intensities, and types of allowable development at build-out. The long-range map generally depicts the areas where urban growth shall occur, agricultural activities remain, and conservation land uses are established.
 2. General identification of regionally significant public facilities that will be necessary to support the Long-Term Build-out Plan.
 3. General identification of regionally significant natural resources.
 4. Principles and guidelines that address the urban form and inter-relationships of anticipated future land uses as identified in the Long-Term Build-out Plan.
 5. The Long-Term Transportation Network (Exhibit 2)

- Type 2 – (DSAPs). In order to implement the Long-Term Build-out Plan, Hendry County must approve DSAP(s) by local development order consistent with Section 163.3245, F.S. Due to the size of Rodina , the Long-Term Build-out Plan may be implemented through two or more DSAPs. Each DSAP must meet the requirements in Section 163.3245, F.S. and shall include the following:
 1. A boundary map clearly identifying the area to be covered and its relationship to the Long-Term Build-out Plan.
 2. Identification and analysis of the proposed urban forms (Town Center, Village, Village Center, Heritage Estates and Employment Center) and land uses including their proposed location as proposed in the DSAP. Each land use shall be specifically identified as to the location, minimum and maximum amounts, densities, intensities, and each DSAP shall contain a projected schedule for build-out .
 3. Identification of regionally and non-regionally significant public facilities and anticipated impacts on the facilities caused by the DSAP.
 4. A public facilities analysis, including a 5-year capital improvement schedule, based upon the proposed land use densities and intensities proposed in the DSAP and the adopted Level of Service standards within the Hendry County Comprehensive Plan. Each DSAP must ensure that long-term impacts to public facilities within Rodina and regionally significant facilities within Hendry County meet the adopted Level of Service standards of the Hendry County comprehensive plan using the strategies provided for in Chapter 163 and the Hendry County comprehensive plan.
 5. A natural resources map for the DSAP boundary and an analysis demonstrating the suitability of the area for the proposed use . Identify the lands within the DSAP designated as Long Term Natural Resource Areas and Long Term Agricultural Areas .
 6. A detailed analysis with identification of specific measures to protect the regionally and sub-regionally significant natural resources and jurisdictional wetland areas both within and adjacent to the proposed DSAP. Natural resources located within the DSAP boundary as identified on the required natural resources map will be protected consistent with the Hendry County Comprehensive Plan including Future Land Use Element **Objective 2.7** and Policies **2.7.1., 2.7.8., 2.8.1 and 2.8.2** and Conservation Element **Objective 7.2** and **Policies 7.2.1a – e and 7.2.2.**
 7. Principles and guidelines that address the urban form proposed by the DSAP and its inter-relationship with other components/future DSAPs needed to implement the full Long-Term Buildout Plan.

8. An updated transportation analysis that incorporates the best available data and analysis, including traffic data, land use data, updated travel demand models, current committed and planned roadway improvements, and improvement cost estimates. Prior to the preparation of such analyses, the traffic methodology will be coordinated with both Hendry County and the FDOT to ensure that each agency's review needs are adequately addressed. As part of the first DSAP, a detailed transportation analysis must be provided that includes the following:
 - a. An analysis that encompasses the entire sector plan area, thereby conceiving a future year external and internal network to support the sector plan boundary. The future year network needed to support the sector plan, if different from the Transportation Element's future Traffic Circulation Map, shall be submitted as an amendment to the Transportation Element. All subsequent DSAPs shall be required to be consistent with the Transportation Element.
 - b. An assessment and determination of the alignment of roadway connections, within the sector plan area, between SR 80 and SR 82 (north-south roadway), and SR 29 to Lee County (east-west roadway). The developer shall coordinate with Hendry County and the Florida Department of Transportation in determining alignment connections.
 - c. Address mobility and panther movement relative to the proposed southern east-west road.
 - d. Prior to the completion of the Project Development and Environmental (PD&E) planning phase of the east-west roadway, a feasibility study will be required demonstrating the need for the road and determining the road's potential impact on the panther.
9. The need for an accommodation of various multimodal travel opportunities by providing a "mobility plan" that accommodates modal choice opportunities within and between DSAPs within Rodina and will provide for the interface with public systems outside the Sector Plan boundary, including bicycle and pedestrian facilities and public transportation services. It is the overarching intent of the Rodina Sector Plan that DSAPs incorporate the best practices in bicycle/pedestrian and transit friendly design, and that future residents of the communities be given options for travel choices.
10. The urban growth boundary (the Development Area identified on Exhibit 1) shall be identified in order to prevent urban sprawl. The Long Term Buildout Plan for Rodina has identified those areas where development will occur and those areas where natural resource and agricultural activities shall occur. While these boundaries are general in nature, they are based upon environmental data collected from field analysis and from public sources and shall be specifically identified and established with the creation of each DSAP. The Land Development Regulations required in Policy 2.4.5.c will provide further guidance in determining the specific boundaries for natural resource and agricultural activities can occur.

Policy 2.4.5.a.: Zoning Process

Each DSAP must follow the required development forms of a Village, Town Center, Village Center, Employment Center(s) or Heritage Estates and shall be rezoned as a Planned Unit Development (PUD) that integrates development, open space and the related Long-Term Agriculture Area and Long-Term Natural Resources Area acreage (where applicable). In addition to the usual Hendry County requirements, these applications shall include:

- a) Infrastructure Analysis which demonstrates that the costs of any additional local government services and infrastructure required for Rodina are funded by the development. The analysis will also demonstrate that the impacts to schools based on the Hendry County Uniform District-Wide Level of Services Standards in the Public Schools Facilities Element as required for Rodina, are properly mitigated by the development under such policy.
- b) A Fiscal Monitoring Report based on the current development within Rodina and the projected benefit provided by the proposed detailed plan to assure that Rodina demonstrates fiscal neutrality for Hendry County. The cumulative report will identify the fiscal impacts of Rodina on Hendry County's operational budget and capital expenditures and demonstrate that Rodina is fiscally neutral for the County. This report would address any impacts from Rodina to the Hendry County District pursuant to the Hendry County Uniform District-Wide Level of Service Standards in the Public School Facilities Element. The developer shall provide a fiscal monitoring report with each detailed plan until the last detailed plan is approved by the County.
- c) Exhibit 1 separates the Long-Term Natural Areas into Groups A, B or C. At a minimum, with each of the first 3 DSAPs one of the Groups will be included as part of the DSAP boundary. The Group may or may not be contiguous to the remainder of the proposed DSAP boundary. As required in Policy 2.4.14.b, conservation easements will be placed on all property designated as Long-Term Natural Resources Area included in the DSAP boundary. Under this phasing plan, all Long-Term Natural Resources Areas will be under conservation easements by Rodina's 3rd DSAP approval at the latest. The Long-Term Natural Resources Areas will be counted as part of the required 1 to 1 ratio of Development Area to Natural Resources Area as referenced in the Development Tables for Villages, Village Center, Town Center, Employment Center and Heritage Estates.
- d) Long-Term Agricultural Areas will be included in the DSAP according to the 1 to 1 ratio referenced in the Development Tables. This means at the latest the Long-Term Agricultural Areas will begin to be included in the 4th DSAP. As required in Policy 2.4.14.a, perpetual easements will be placed on all property designated as Long-Term Agricultural Areas included in the DSAP boundary. Under this phasing plan, all Long-Term Agricultural Areas will be under perpetual easements by the last DSAP.
- e) Exhibit indicating the location of all uses within the DSAP and the related Long-Term Agricultural Area and Long-Term Natural Resource Area acreage (where applicable) and a table indicating the acreage of the proposed DSAP and the equivalent Long-Term Agricultural Area and Long-Term Natural Resource Area acreage.
- f) Comments from the public informational workshop held to present the proposed development and how it relates to the adopted Rodina Sector Plan policies.

Policy 2.4.5.b: STANDARDS FOR REVIEW

Each DSAP shall conform to the Rodina Long-Term Buildout Plan and the supporting Goals, Objectives, and Policies, and demonstrate all of the following:

- a) That the development will comply with all applicable County and state environmental regulations;
- b) That the proposed development meets the adopted level of service standards of the County;

- c) That the land use mix is phased to provide an appropriate mix of non-residential uses to serve residential development within each development phase. Guidance for the desired mix is found in the following table;

<i>Required Phased Land Use Mix</i>	
Upon the Completion of:	Minimum Square Feet of Non-Residential Uses to be provided:
1,000 Residential Units	30,000 Square Feet
5,000 Residential Units	225,000 Square Feet
10,000 Residential Units	650,000 Square Feet
15,000 Residential Units	975,000 Square Feet
21,000 Residential Units	2.1 million Square Feet

- d) That the required on-site and off-site infrastructure will be available to serve each development phase as it is constructed;
- e) That the location and configuration of the proposed Long-Term Natural Resources Areas and Long-Term Agricultural Areas provides connectivity needed for these areas;
- f) That the phased land use mix provides the necessary retail and office components to support the residential units;
- g) The non-residential uses for each phase shall be a minimum of 65% retail square footage. Additional non-residential square footage added after 5,000 residential units have been built must be a minimum of 15% office/industrial ; and
- h) That the proposed DSAP shall be consistent with Policy 2.4.5 for Type 2 approvals (DSAPs).

Policy 2.4.5.c: LAND DEVELOPMENT REGULATIONS

Hendry County shall adopt amendments to the Land Development Code to establish the specific development requirements for Type 2 land uses within Rodina. Land Development Regulations for Type 1 land uses have been adopted.

No development utilizing the Type 2 land uses, as described in Policy 2.4.4, may be approved or permitted until these regulations are adopted. These amendments for Type 2 uses shall include the following provisions:

- Establish general baseline regulations including physical design, development approval processing, the ratio of non-residential to residential development, as well as baseline design guidelines for the Villages, Town Center, Village Centers, Employment Center and Heritage Estates development.
- The general design guidelines will address architectural standards, street design, landscaping, signage, lighting, access and circulation, parking, lot development standards, parks and internal recreational and open space requirements that will meet current county standards, and golf course design and maintenance. Measures will also be included to address water conservation, non-potable water usage and other resource conservation measures including materials and energy.

Policy 2.4.5.d: CUMULATIVE ANALYSIS OF RODINA ENTITLEMENTS

Each DSAP will include a description of the land uses, densities and intensities and maximum development amounts permitted for the DSAP and a comparison of those development amounts with the maximum development amounts authorized in Policy 2.4.4a and the cumulative development amounts remaining for future development.

Policy 2.4.6: REQUIRED INFRASTRUCTURE

The Rodina Sector Plan shall provide adequate infrastructure that meets the levels of service standards adopted by Hendry County. Rodina will establish a franchised water and wastewater territory as permitted by Hendry County Ordinance 2005-31. Through this franchise, Rodina will be responsible for the capital costs associated with the raw water supply, water treatment facility, water distribution facility, wastewater treatment facility, wastewater collection facility, and operational functions necessary to fulfill the franchise agreement.

Policy 2.4.6.a: CENTRAL WATER AND WASTEWATER

- a) All new development within a Village, Village Center, Town Center, and Employment Center (Type 2 land uses as described in Policy 2.4.4) shall connect to central water, wastewater and irrigation facilities which shall be the responsibility of the developer. Exceptions to this Policy include remote golf course facilities, construction trailers and Type 1 uses which are interim uses in the Development Area as identified on Exhibit 1.
- b) Rodina shall provide water, wastewater and irrigation facilities when needed by the development, unless such facilities are already available.
- c) Heritage Estates development requires central water service and may require central wastewater services depending on location, soil conditions, proximity to existing central services, and other related criteria. The criteria for determining when central wastewater services are required shall be specified in the Land Development Regulations developed in accordance with Policy 2.1.20c.
- d) Agricultural uses (Type 1 land uses as described in Policy 2.4.4) may operate on septic tanks and wells.
- e) The Ten Year Water Supply Facilities Work_Plan of Hendry County will be amended to include Rodina within 18 months of the South Florida Water Management District's Lower West Coast Water Supply Plan update. Furthermore, no DSAP shall be processed until the Water Supply Plan has been amended and found in compliance.
 1. The revised Ten Year Water Supply Facilities Work Plan will address sustainable water supply sources for potable water, a reuse irrigation distribution system, and water conservation measures.
 2. The Ten Year Water Supply Facilities Work Plan will be consistent with the SFWMD's Lower West Coast Water Supply Plan.
 3. The source for potable water in the revised Ten Year Water Supply Facilities Work Plan will come from a combination of sources including the Upper Floridan aquifer and the Sandstone Aquifer for potable water and will be consistent with the Lake Okeechobee Rule. The irrigation water supply will be a combination of reuse water and the Townsend Canal.
 4. Conservation measures will include Florida-Friendly Landscaping requirements; irrigation limitations; state-of-the-art high efficiency

plumbing fixtures and household appliances; and automatic fire hydrant flushing devices, as applicable.

5. Rodina shall provide the necessary data and analysis for Rodina's water supply needs to be included in the update to Hendry County's Ten Year Water Supply Facilities Work Plan.

Policy 2.4.6.b: FUTURE TRAFFIC CIRCULATION IMPROVEMENTS/FUTURE TRANSPORTATION MAP

Hendry County Comprehensive Plan Exhibit 2 is the Future Transportation Network Map for Rodina and identifies the transportation facilities that are needed to support the sector plan's development as projected to 2040. Policy 2.4.5 requires that a transportation analysis for the entire sector plan area be completed at the time of the first DSAP. Exhibit 2 may be amended based on the results of this analysis.

Policy 2.4.6.c: STREET NETWORK

- Village development shall include an interconnected network of streets that encourages walking, reduces the number and length of automobile trips, and conserves energy. On-street parking will be included where appropriate to support adjacent land uses. The level of this network is directly related to the intensity of development.
- Streets that connect rural areas to urban areas must provide transitions from higher design speeds in rural areas to lower design speeds for Village development and other developed areas. Lower design speeds can be achieved by reducing the widths of travel lanes, clear zones, and medians. Lower design speeds can also be achieved by adding curbs, regularly spaced street trees, and on-street parking.
- Streets that cross the Long-Term Natural Resource and Long-Term Agricultural Areas, as identified on Exhibit 1, must be constructed consistent with Policy 2.4.15.b.

Policy 2.4.6.d: INTERCONNECTED VILLAGE MULTI-MODAL NETWORK

Village development shall create an interconnected multi-modal network of pedestrian-friendly streets, Greenways/Blueways and trails, including the appropriate transition and connections to external trails, Employment Center(s) and Heritage Estates.

Policy 2.4.6.e: STREETScape

Landscape/streetscape materials, street lighting, and bicycle racks within Village, Village Center, Town Center and Employment Center(s) shall be included as part of urban infrastructure.

Policy 2.4.6.f: PARKS, RECREATION, AND OPEN SPACE

Rodina will meet the Hendry County Level of Service requirements for parks, recreation, and open space.

Policy 2.4.6.g: SURFACE WATER MANAGEMENT

Conceptual surface water management designs will be provided as part of each DSAP.

- Surface water management plans will incorporate functions of the natural onsite systems, including seasonal hydroperiods, continuity of conveyances and flood attenuation.
- Surface water management systems will be designed in accordance with the applicable state and federal regulations relative to flood control, water quality treatment and water conservation. Artificial lakes, ponds and/or drainage features will be designed and located so as to maintain water levels, water quality and hydroperiods for native aquatic vegetation and wildlife, to the extent practicable.
- Stormwater treatment ponds will be shaped to reflect natural lakes and will have planted littoral areas.
- Surface water management systems will incorporate applicable design and management practices (BMPs) in effect at the time of DSAP submittals.
- Surface water management systems will be designed to be consistent with state water quality and quantity initiatives, rules and statutes, including requirements relative to the Caloosahatchee River and/or Northern Everglades.

Policy 2.4.7: DEVELOPMENT FRAMEWORK

Within the Development Areas shown on Exhibit 1, development shall be in the form of Villages, most of which will include a Village Center, the Town Center, Employment Center and Heritage Estates.

Policy 2.4.8: VILLAGES

Villages are urban residential communities with a diversity of housing types including both single and multi-family units, as well as town house, duplex and any other similar unit types as appropriate to the scale and character of the particular Village. Uses in the Villages include public or private recreational facilities and civic uses like schools, libraries, etc. Limited neighborhood commercial and office uses including live-work units, which are compatible with the Village, may be allowed. A majority of the homes will be focused in a “walkable community” concept, typically defined as being within a ½ mile radius of the Village Center.

All Villages which exceed 1,000 acres in size (or when the total acreage of smaller villages total 1,000 acres,) will be required to have a Village Center with a minimum size of 40 acres and a minimum non-residential square footage of 50,000 gross leasable square feet.

Each Village must designate the housing types proposed and the percent thereof. At a minimum, each Village must contain 50% single family and 10% multi family.

Required minimum of non-residential square footage – 15 square feet per residential unit.

Required recreation uses – LOS standard for neighborhood parks/community parks for Hendry County.

For Figures 4-1 and 4-2 the following color key is provided:

Red	Mixed use commercial/office/residential
Purple	Governmental/civic/institutional
Orange	Residential 6 to 10 units per net acre
Peach	Residential 4 to 6 units per net acre
Yellow	Residential 2 to 4 units per net acre
Light Green	Recreation/Parks/Open space
Dark Green	Buffer/greenbelt
Blue	Water
White	Residential 0 to 2 units per net acre

Figure 4-1
Town Center Prototype

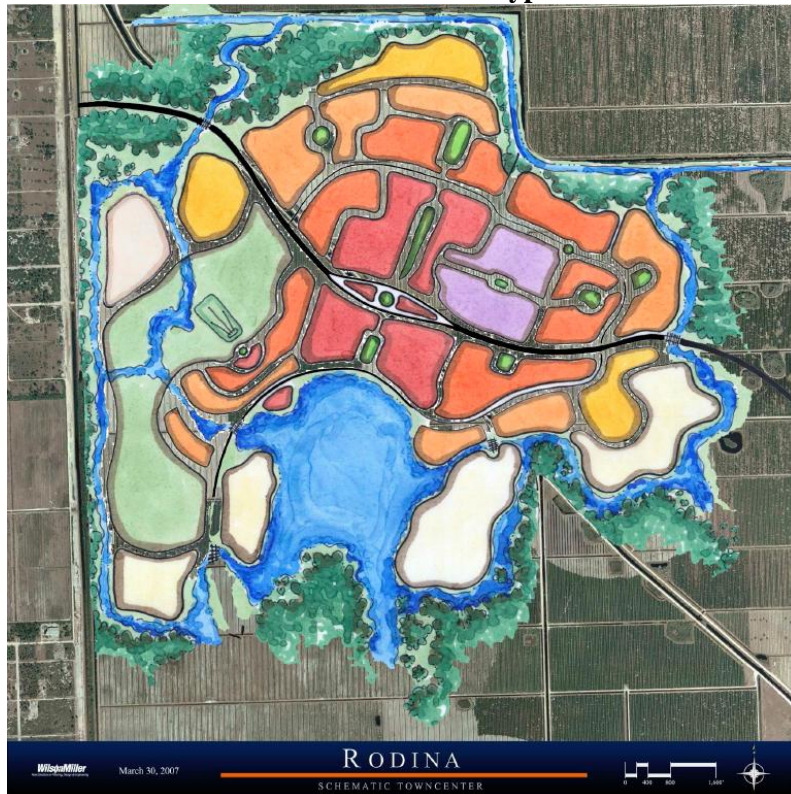
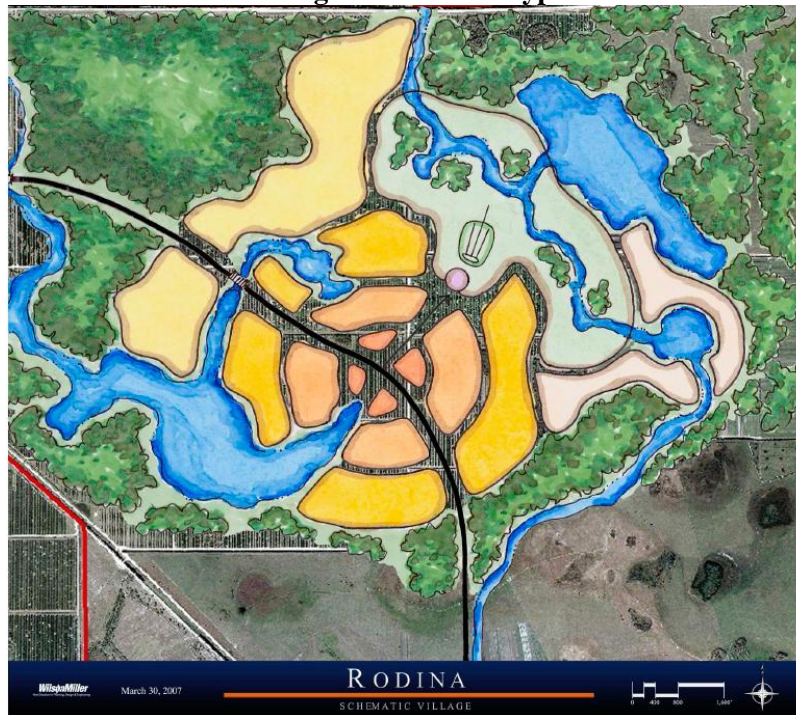


Figure 4-2
Village Center Prototype



Village Development Criteria (Each)	
Maximum Size	3,000 acres
Minimum Size	500 acres
Minimum Open Space 2 3	25%
Maximum Density ⁴	6 units/acre
Maximum Intensity	1.0 Floor Area Ratio (FAR)
Required Greenbelt	See Policy 2.4.13
Required Agriculture/ Natural Resource Acreage	Acreage Equal to Village Development Submitted for Review
Maximum number of village centers	4
Residential	Minimum 65%
Non-residential	Minimum 5%
Recreation	Minimum 5%

Policy 2.4.9: VILLAGE CENTERS

A Village Center is a core of urban employment and commercial uses, which shall be interconnected and accessible by pedestrians to the Village within which it is located. Village Centers can also include a wide range of public and quasi-public facilities - including but not limited to schools, fire/EMS services, and churches, urban living spaces (multi-family units and live-work units), assisted living facilities and other such facilities that contribute towards self-sustaining Villages. Development Criteria for the Village Centers include size and non-residential square footage limitations plus open space requirements for each Village.

Village Center Development Criteria (Each)	
Maximum Size	150 acres
Minimum Size	Minimum Village Center size is flexible and relates to the size and density of the Village
Minimum Open Space ⁵	25%
Maximum Non-Residential Commercial/ Retail/Office	270,000 gross leasable square feet
Minimum Non-Residential Commercial/ Retail/Office	50,000 gross leasable square feet
Required Greenbelt	See Policy 2.4.13
Required Agriculture/ Natural Resource Acreage	Acreage Equal to Village Center Development Submitted for Review

Policy 2.4.10: TOWN CENTER

2 Internal open space is that open space within the boundary of the Village.

3 Maximum density is the gross density within a Village

4 The required Greenbelt and Agriculture/Natural Resource acreage are not included in the calculation of residential density.

5 Internal open space is that open space within the boundary of the Village.

Rodina will contain one Town Center. Any Town Center is anticipated to have an urban mix of commercial, office, higher density residential uses, civic, quasi-public, hotel and other uses. The quantity of non-residential development permitted in the Town Center(s) will be related to the demand for community commercial, office, civic and government use development within the Rodina community and the surrounding area.

Town Center – Development Criteria		
Acreage	Maximum Size	6,000 acres
Open Space	Minimum Internal Open Space ⁶	20%
Density ^{7,8}	Minimum Residential Density	5 units/acre
	Maximum Residential Density	14 units/acre
Nonresidential Commercial/Retail	Maximum Size	2,000,000 gross leasable square feet
	Minimum Size at Build-out	750,000 gross leasable square feet
Office//Industrial	Maximum Size	1,240,000 gross leasable square feet
	Minimum Size at Build-out	750,000 gross leasable square feet
Required Greenbelt	See Policy 2.4.13	
Required Agriculture/ Natural Resource Acreage	Acreage Equal to Town Center Development Submitted for Review (See Policy 2.4.15)	
Town Center – Land Use Mix		
Land Use	Developed Land Minimum	Maximum Land Area
Residential	25% ⁸	65%
Commercial/Retail Mixed Use Office/Industrial Public/ Public Parks	Combined 35%	50%
A maximum of 400 hotel/motel units will be permitted		

⁶ Internal open space is that open space within the boundary of the Village.

⁷ The required Greenbelt/Bluebelt and Agriculture/Natural Resource acreage is not included in the calculation of residential density.

⁸ The minimum and maximum densities apply to the overall Town Center.

Policy 2.4.11: EMPLOYMENT CENTER

The Employment Center is identified on Exhibit 1 and is located along State Road 29 in the northeast corner of Rodina. The Employment Center provides for industrial uses needed to serve the Rodina Sector Plan and the larger regional economy, while incorporating retail and service uses to support the employment center. Urban living spaces (multi-family units and live-work units) are permitted, as a minor percentage of the Employment Center’s acreage. The permitted land uses include manufacturing, processing, storage, warehousing, and distribution of goods, including outdoor storage and any industrial activity which is conducted outdoors.

Office, flex space, and industrial activities may be created within the development areas of the villages and town center outside of the Employment Center. Flex space includes structures which are designed to have office space, industrial and light manufacturing all in the same building.

Employment Center Development Criteria		
Minimum Internal Open Space ⁹		25%
Industrial & Related Facilities	Maximum Size	425,000 gross leasable sq. ft.
	Minimum Size	150,000 gross leasable sq. ft.
Required Greenbelt		See Policy 2.4.13
Required Agriculture/ Natural Resource Acreage		Acreage Equal to Employment Center
Retail/Office/	Maximum Size	200,000 gross leasable sq. ft.
	Minimum Size	25,000 gross leasable sq. ft.
A maximum of 1 employment center may be developed.		
Residential Development	Maximum Size	6 units per gross acre/240 units
Residential Acreage	Maximum Size	40 acres of 10% of the employment center, whichever is less

Policy 2.4.12: HERITAGE ESTATES

The Rodina Sector Plan may include Heritage Estates which are expected to develop at the fringes of the Villages. Heritage Estates are clusters of low density homes and lots that may include small-scale neighborhood commercial, civic buildings, recreational facilities or shared amenities.

Heritage Estates Development Criteria	
Preferred Cluster Size	50 to 150 dwelling units
Maximum Cluster Size	400 dwelling units
Maximum Total Heritage	1,000 units

⁹ Internal open space is that open space within the boundary of the Employment Center.

Estates	
Maximum Density	1 units/2.5 acres
Maximum Intensity	1.0 Floor Area Ratio (FAR)
Required Greenbelt	See Policy 2.4.13
Required Agriculture/ Natural Resource Acreage	Acreage Equal to Village Center Development Submitted for Review
Maximum Acreage for Commercial//Recreation	10 Acres

Policy 2.4.13: GREENBELT/BLUEBELT

The purpose of establishing a Greenbelt/Bluebelt is to provide separation between the Villages, and provide compatibility and transition between the Villages and adjoining communities.

Policy 2.4.13.a: DEVELOPMENT GREENBELT/BLUEBELT

As part of providing the required Long-Term Agricultural Area and Long-Term Natural Resources Area acreage within Rodina , the DSAP must include for each Village, Village Center, Town Center, Heritage Estates and Employment Center(s) a Greenbelt/Bluebelt that is an average of 300 feet wide and a minimum of 100 feet wide around the development.

The Board of County Commissioners may authorize other exceptions and/or reductions to the Greenbelt/Bluebelt requirement or to the average 300-foot width and minimum 100 feet width under the following conditions:

- Where the development proposed has the same density and form as existing adjacent development.
- Where the Town Center, Village Center, Heritage Estates or Employment Center is surrounded by or abuts a Village or one of the other prototypical development forms which provides its own Greenbelt/Bluebelt.
- Where approved uses adjacent to Rodina achieve the intended purpose of the Greenbelt/Bluebelt in perpetuity, such as existing buffers, canal and/or utility corridors, or water management facilities .

Policy 2.4.13.b: COMPATIBLE USES

Uses within the required greenbelt/bluebelt will be identified at the time of submission of a DSAP. Uses will be limited to: ecosystem restoration, hiking, natural resources, recreation, storm water management uses up to a maximum of 50% of the required acreage, existing agriculture, new agriculture that uses Best Management Practices, golf courses that meet the golf course standards in Policy 2.4.16, and utilities provided they are underground.

Policy 2.4.14: RODINA SECTOR PLAN PROVISIONS FOR WETLANDS AND OTHER ENVIRONMENTAL RESOURCES

Rodina contains areas identified as Long-Term Natural Resource and Long-Term Agricultural areas. These are a combination of agricultural areas and natural systems and are identified on Exhibit 1. The natural systems contain non-wetlands as well as wetlands which have been identified as wetlands in accordance with F.S. 373.019(17) through the

use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. These Wetlands will not be mapped because of the size of these wetlands and the scale of the County's Future Land Use Map

Policy 2.4.14.a: RODINA SECTOR PLAN LONG-TERM NATURAL RESOURCE AREA – PERMITTED USES

Permitted land uses in the Long-Term Natural Resource Area as identified on Exhibit 1 shall consist of conservation, passive recreation, low intensity and environmentally friendly agricultural activities, such as grazing, and other uses which are environmentally based uses as approved at the time of the establishment of the conservation easement. However, residential development or intense agricultural activities such as citrus and row crops, and improved pasture shall be prohibited from within these areas.

Policy 2.4.14.b: RODINA SECTOR PLAN – CONSERVATION EASEMENTS FOR LONG-TERM NATURAL RESOURCES AREAS

Conservation easements will be placed upon all property designated as Long-Term Natural Resources Area on Exhibit 1. These conservation easements shall only permit uses consistent with Policy 2.4.14.a and shall include a land management plan and shall be recorded in the public records of Hendry County. The easement shall be enforceable by an appropriate public entity. Pursuant to Section 163.3245 (3)(b), F.S., the conservation easements shall be effective before or concurrent with the effective date of the applicable DSAP and all lands planned for permanent preservation shall be in permanent preservation before or concurrent with the effective date of the final DSAP. The easement shall be enforceable and held by an appropriate public entity. Appropriate public entities may include governmental entities such as special districts and community development districts (CDD).

Policy 2.4.14.c: RODINA SECTOR PLAN – PANTHER PROTECTION AREA

The Rodina Sector Plan Map (Exhibit 1) identifies a hatched area in the northeast corner of site identified as Panther Protection Area. Within this area the following activities are prohibited:

- residential or farmworker housing
- paved roads
- mining
- expansion of agricultural activities (such as row crops) to areas that are currently in lower intensity agricultural use such as pasture land and grazing. Areas in lower intensity agricultural use does not include lands that are in standard row crop/fallow cycles.

Policy 2.4.14.d: RODINA ENVIRONMENTAL EDUCATION PROGRAM

The developers of Rodina shall ensure that an education program will be established for homeowner associations to educate residents regarding local wildlife and maintenance activities of the natural resource areas and of the value of the agricultural areas of Rodina. Educational programs shall also emphasize the importance of fire management plans and prescribed burning as part of the protection and maintenance plans of the Long-Term Natural Resource and Long-Term Agricultural Areas.

Policy 2.4.15: LONG-TERM AGRICULTURE AND LONG-TERM NATURAL RESOURCE AREA REQUIREMENTS

The Rodina policies originally combined the terms “Agricultural/Natural Resource Area”. The plan policies now establish separate Long-Term Agricultural and Long-Term Natural Resource Area policies, which is consistent with Exhibit 1 and the Rodina Sector Plan Conversion Agreement. The Rodina Sector Plan’s Long-Term Agriculture and Long-Term Natural Resource acreage (as identified on Exhibit 1) is intended to include a variety of wildlife habitat and vegetation types including: grasslands, wooded uplands, marsh, pasture and agriculture. All Greenbelt acreage required for the Villages, Village Centers, Town Center, Employment Center(s), Heritage Estates is included in the required Long-Term Agriculture and Long-Term Natural Resource acreage requirements. Restoration of impacted vegetation and/or enhanced vegetation within the Long-Term Agriculture or Long-Term Natural Resource acreage is encouraged.

Policy 2.4.15.a: LONG-TERM AGRICULTURE AND LONG-TERM NATURAL RESOURCE FRAMEWORK

The framework that guides the design and appropriate uses within Rodina is based upon the principles that the highest concentration of environmentally sensitive lands within Rodina are located in the Long-Term Natural Resource acreage and that contiguous expansive acreage functions better than isolated segments or narrow corridors.

- a) The general extent and configuration of the overall Long-Term Agriculture and Long-Term Natural Resource acreage is as identified in Exhibit 1.
- b) The Rodina Sector Plan requires that the property owner commit acreage of the Long-Term Agriculture and Long-Term Natural Resource (combined) equivalent to both the overall development program but also to each development application.

This equivalent acreage requirement can be made up of acreage from the Long-Term Agriculture and Long-Term Natural Resource areas of the Rodina Sector Plan, as well as from the acreage required to establish the greenway/blueway minimum width requirements. The acreage of the greenbelt/bluebelt shall be calculated towards this equivalency requirement regardless of whether the greenbelt/bluebelt is within the development pod or within the natural resource component of the Rodina Sector Plan.

- c) Specific restoration and enhancement programs for the Long-Term Agriculture and Long-Term Natural Resource acreage are encouraged and will be phased, where used, with that information included with each development application.
- d) Uses within the Long-Term Natural Resource Area shall be as determined by Policy 2.4.14.a. Uses permitted in the Long-Term Agricultural Area shall be all of those uses and activities allowed by the Agriculture Future Land Use category of the Hendry County Comprehensive Plan with the exception that residential development other than farm worker housing is specifically prohibited in the Long-Term Agricultural Area.
- e) Perpetual easements will be placed upon all property designated as Long-Term Agriculture Areas as identified on Exhibit 1. These perpetual easements shall permit all uses allowable in the Agriculture Land Use Category within the Hendry County Future Land Use Element with the exception of non-agricultural housing consistent with Policy 2.4.4, and shall include a land management plan and shall be recorded in the public records of Hendry County. The easement shall be enforceable and held by an appropriate public entity. Appropriate public entities may include governmental entities such as special districts and community development districts (CDD). The perpetual easements shall be effective before or concurrent with the effective date of the applicable DSAP and all lands designated as Long-Term Agriculture Area must be in a perpetual easement before or concurrent with the effective date of the final DSAP.

Policy 2.4.15.b: ROADWAY CROSSINGS

- a) Crossings of the Long-Term Agricultural Area and Long-Term Natural Resources Area by roads other than those shown on Exhibit 2 and referenced in Policies 2.4.2 and 2.4.5 are prohibited with the following exceptions:
 - i. Existing rural roads within the Long-Term Natural Resource Area may be maintained and may only be expanded to serve a conservation goal; and
 - ii. Rural roads in the Long-Term Agricultural Area may be maintained as well as new rural agricultural roads added to specifically be used for all uses and activities as allowed by the Hendry County Comprehensive Plan Agriculture Land Use Category.
 - iii. North-south and east-west connecting roadways between SR 80 and 82 and SR 29 to Lee County consistent with Policy 2.4.5. The alignment will be determined at a future date.
- b) Where new roads identified on Exhibit 2 cross the Long-Term Agricultural Area and Long-Term Natural Resources area, they shall be designed as follows:
 - i. Limited access facilities that include multi-use trails and prohibit non-emergency stopping; and
 - ii. Roadways and multi-purpose corridors shall be designed to minimize adverse impacts on the environment and shall include provisions for wildlife crossings based upon acceptable industry standards.

Roadways associated with the agricultural activities and/or the management activities of the Long-Term Agricultural Area and Long Term Natural Resources Area are exceptions to these design requirements and shall not be governed by this

policy.

Policy 2.4.15.c: MAINTENANCE

The Long-Term Agricultural Area and Long Term Natural Resources Area acreage within Rodina shall be protected through an independent special district or other entity acceptable to Hendry County. A Management and Maintenance Plan for the related Long-Term Agricultural Area and Long Term Natural Resources Area acreage shall be submitted as a part of each DSAP. Maintenance responsibility shall be established during the review process and shall be assigned to a party acceptable to the County. It is intended that the County will not be responsible for funding the cost of maintenance.

Policy 2.4.16: GOLF COURSE STANDARDS

All golf courses within Rodina shall be designed, constructed, and managed in accordance with principles for sustainable resource management. A Natural Resource Management Plan, a comprehensive guidance document for the development and long-term management of the golf course(s), shall be submitted to Hendry County for review and approval and any other agencies as required by the Hendry County Land Development Code and shall include an assessment of and plans for:

- Wildlife conservation and habitat enhancement
- Waste reduction and management
- Energy efficiency
- Water conservation
- Water quality management and monitoring
- Integrated pest management

Policy 2.4.17: AGRICULTURE

- a) Nothing in the Rodina Sector Plan or other implementing regulations may be construed to supersede or interfere with agricultural rights protected under Florida's Right to Farm Act.
- b) Agricultural uses within the designated Long-Term Agriculture Area as identified on Exhibit 1 will remain permitted uses and may continue and expand. Agricultural uses are defined as all of the land uses and activities allowable in the Hendry County Agricultural Future Land Use Category. However, residential units shall be specifically limited to farm worker/agricultural housing related to the ongoing agricultural activities of the property.
- c) Agricultural uses in the Long-Term Natural Resource Area as identified on Exhibit 1 are only permitted if consistent with the requirements in Policy 2.4.14a.
- d) Agricultural uses in the Development Area as identified on Exhibit 1 are permitted and may continue and expand within Rodina as an interim use until a DSAP is adopted and vertical construction begins consistent with this policy. The conversion of agricultural uses should occur in a logical and planned fashion.
- e) Agricultural uses in the Panther Protection Area are only permitted if consistent with Policy 2.4.14c.
- f) Development within Rodina must consider adjacent agricultural operations. Adequate buffers must be provided to permit development and agriculture to co-exist in a harmonious manner.

Policy 2.4.18: MINING

Mining or earth removal activity and associated uses are permitted within the Rodina Sector Plan provided that:

- Mining within Rodina is subject to the Hendry County standards for mining PUD's
- Where mining activities occur within Rodina, redevelopment of the shoreline is permitted subject to the Rodina Sector Plan policies.
- Where mining activities and/or processing occurs within Rodina, they must be located a minimum of 1320 feet from existing or permitted residential uses outside of Rodina
- The limit of active mining and/or excavation of surface water management lakes exceeding 20' in depth is a minimum of 2640' from the limits of the SFWMD ownership boundary for the C-43 reservoir project.
- Mining is prohibited in the Panther Protection Area and Long Term Natural Resources Area as identified on Exhibit 1.

Policy 2.4.19 RODINA INCENTIVES/ HENDRY COUNTY TDR/DENSITY BONUS PROGRAM

Hendry County TDR Program. Should Hendry County adopt a TDR program, such a program shall not apply to the lands within the Rodina Sector Plan.

OBJECTIVE 2.5.: WESTERN OXBOW MIXED USE DISTRICT

The Western Oxbow Mixed Use District (District) generally includes 146± acres located between the Caloosahatchee River and SR 80 in Sections 2 and 3, Township 43 South, Range 29 East, Hendry County. This particular property is uniquely situated for its location along the River, access to SR 80, location next to the limits of the City of LaBelle, and it also has the potential future ability to tie in to public utilities. Therefore, development of the property at a base density of six (6) units to the acre is appropriate. The objective of the District is to create a mixed use form of development that allows residential uses and non-residential uses in appropriate locations.

Policy 2.5.1: WESTERN OXBOW MIXED USE DISTRICT LAND USES, DENSITIES, AND INTENSITIES

Land uses:

- Residential: single family and multiple family; docking facilities; covered docks and boathouses
- Non-residential: retail, service commercial, governmental and support services, hotels/motels, office facilities, medical facilities, public or private marinas, and similar recreational and commercial uses as allowed by the Hendry County LDC. Docking facilities, covered docks, and boathouses are also permitted land uses. Commercial

development may not be designed utilizing a strip commercial approach, but must be clustered at appropriate locations to the overall development

- Other: A public pedestrian pathway may be provided along the frontage of the Caloosahatchee River. This pathway may be provided on property owned (or under easement) by the U.S. Army Corps of Engineers, other governmental agencies, or on property owned by the Oxbow property owners. Public access to this potential pathway will be encouraged and promoted.
- Support accessory structures for residential and non-residential land uses are also permitted. Development is encouraged to provide water related development such as marinas, canoe and kayak launches and storage areas, docking facilities, ships' stores and other accessory uses. Tennis courts and other recreational facilities are permitted.

Residential densities:

- Base density – up to six (6) units per gross acre
- Bonus density – one (1) additional unit per gross acre if a greenway/blueway is provided along the Caloosahatchee River on any property owned by any of the Oxbow property owners

Non-Residential densities:

- Floor area ratio – 0.25 and a maximum of 15% of the property can be used for non-residential/commercial uses. As an example, if the entire site participates in a Planned Unit Development (PUD) rezone, then a maximum of 21.9 acres (238,491 square feet) can be used for non-residential/commercial uses.

Policy 2.5.2: FORM OF DEVELOPMENT

- Mixed use developments that include clustering and vertical integration of uses.
- A maximum of 15% of the property can be used for non-residential/commercial uses

Policy 2.5.3: INFRASTRUCTURE

Roads:

- Public arterial or collector and/or private roads
- Meet current LOS standards

Water and Sewer:

- Private wells and septic tanks for single family residential development meeting the criteria of Chapter 64E-6, Florida Administrative Code
- Central water and sewer for all other development
- Property owners will coordinate with PLUS and/or the City of LaBelle for future water and sewer service.

- Total average potable water demand for maximum buildout is projected to be 0.33 mgd (million gallons per day). This figure has been estimated for analysis purposes only and will serve to facilitate deliberation regarding the proposed land use element; however, it does not represent actual development proposals at this time.

Schools:

- Property owners will coordinate with Hendry County School District for school concurrency during any PUD rezone request and through any PUD permitting process standards.

Policy 2.5.4: DEVELOPMENT GUIDELINES

In order to achieve the density described in Policy 2.5.1, Planned Unit Development rezoning is required for any portion of the property.

Open Space

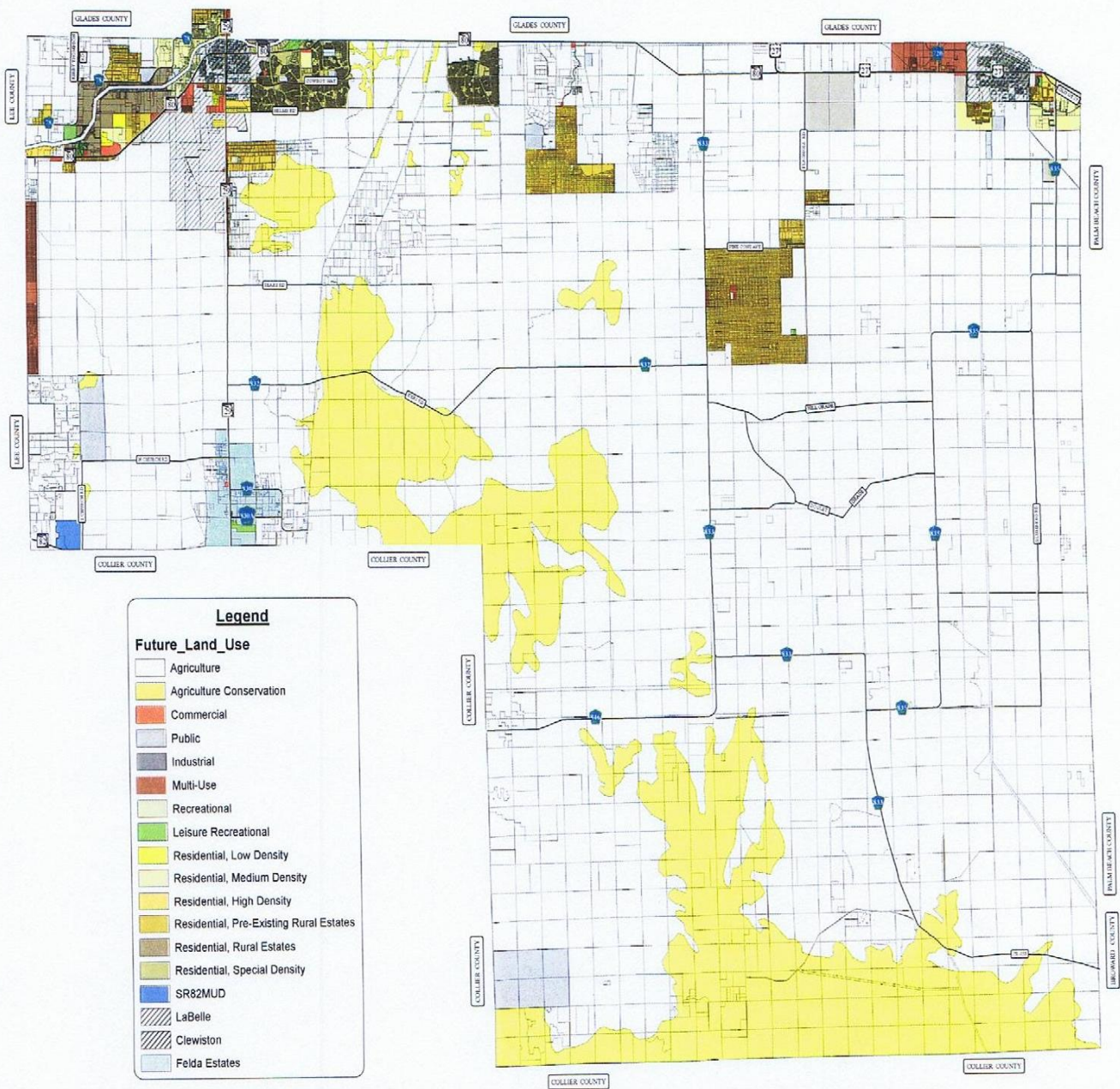
- Residential development – 25%
- Non-residential development – 15%

Maximum Height

- Residential development – 7 stories
- Non-residential development – 3 stories

Any multi-story buildings must ensure the Fire Department has adequate equipment for fire protection.

In order to protect the water quality of the River, all residential lot lines and/or residential parcel boundaries must be set back a minimum of 50 feet from the MHWL of the River. Low impact development techniques will be incorporated in to the required surface and storm water management facilities. These facilities will be designed to provide open space or a planted visual amenity that resembles natural areas. Enhanced Best Management Practices for surface water management for clustered development must include one or more of the following: treatment trains, created flow ways, reduced impervious area, and other low impact development design techniques.

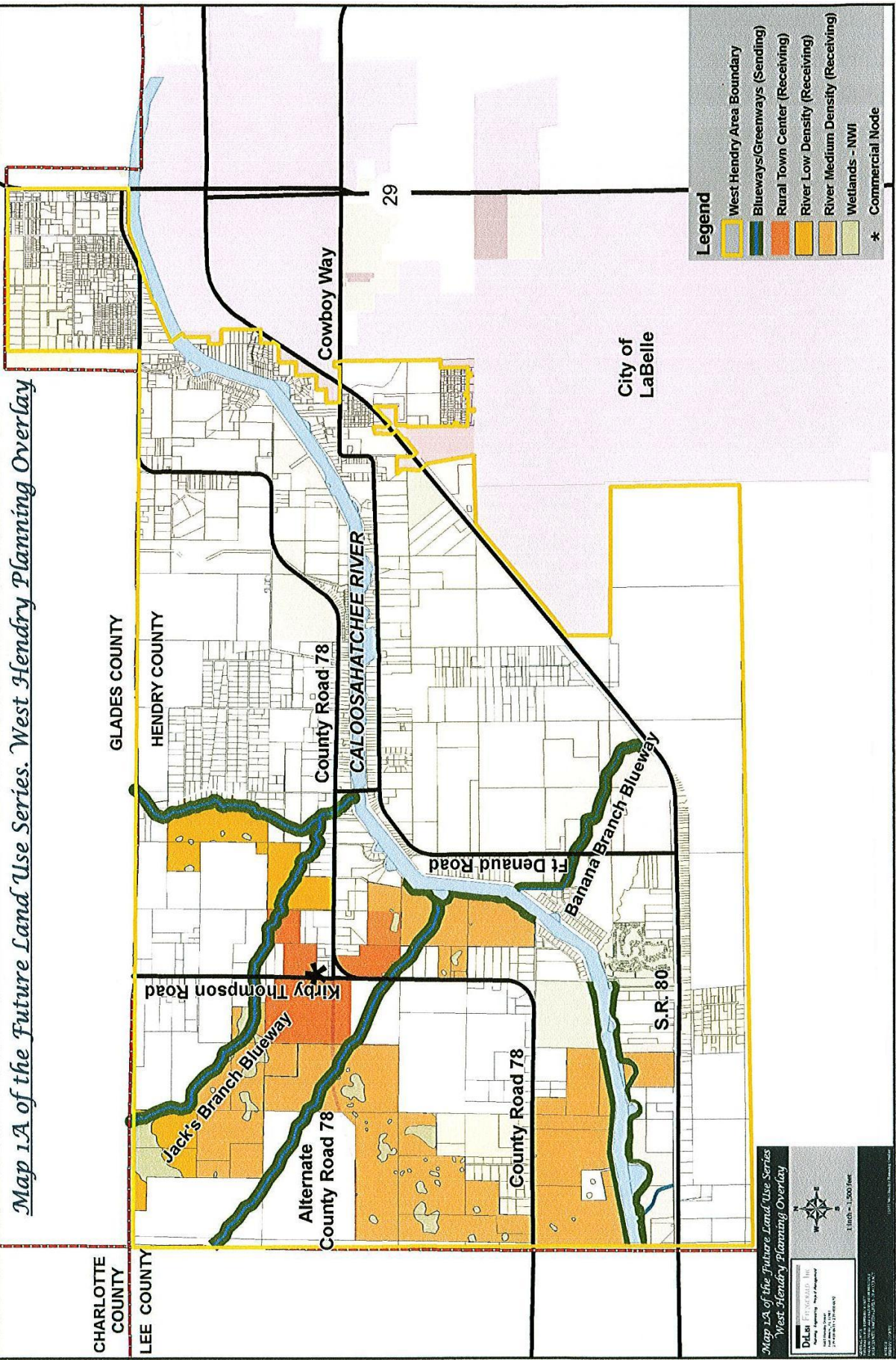


Legend

Future_Land_Use

- Agriculture
- Agriculture Conservation
- Commercial
- Public
- Industrial
- Multi-Use
- Recreational
- Leisure Recreational
- Residential, Low Density
- Residential, Medium Density
- Residential, High Density
- Residential, Pre-Existing Rural Estates
- Residential, Rural Estates
- Residential, Special Density
- SR82MUD
- LaBelle
- Clewiston
- Felda Estates



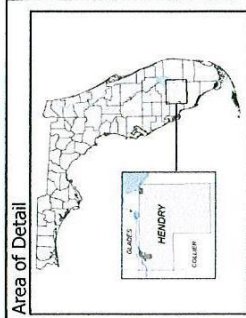
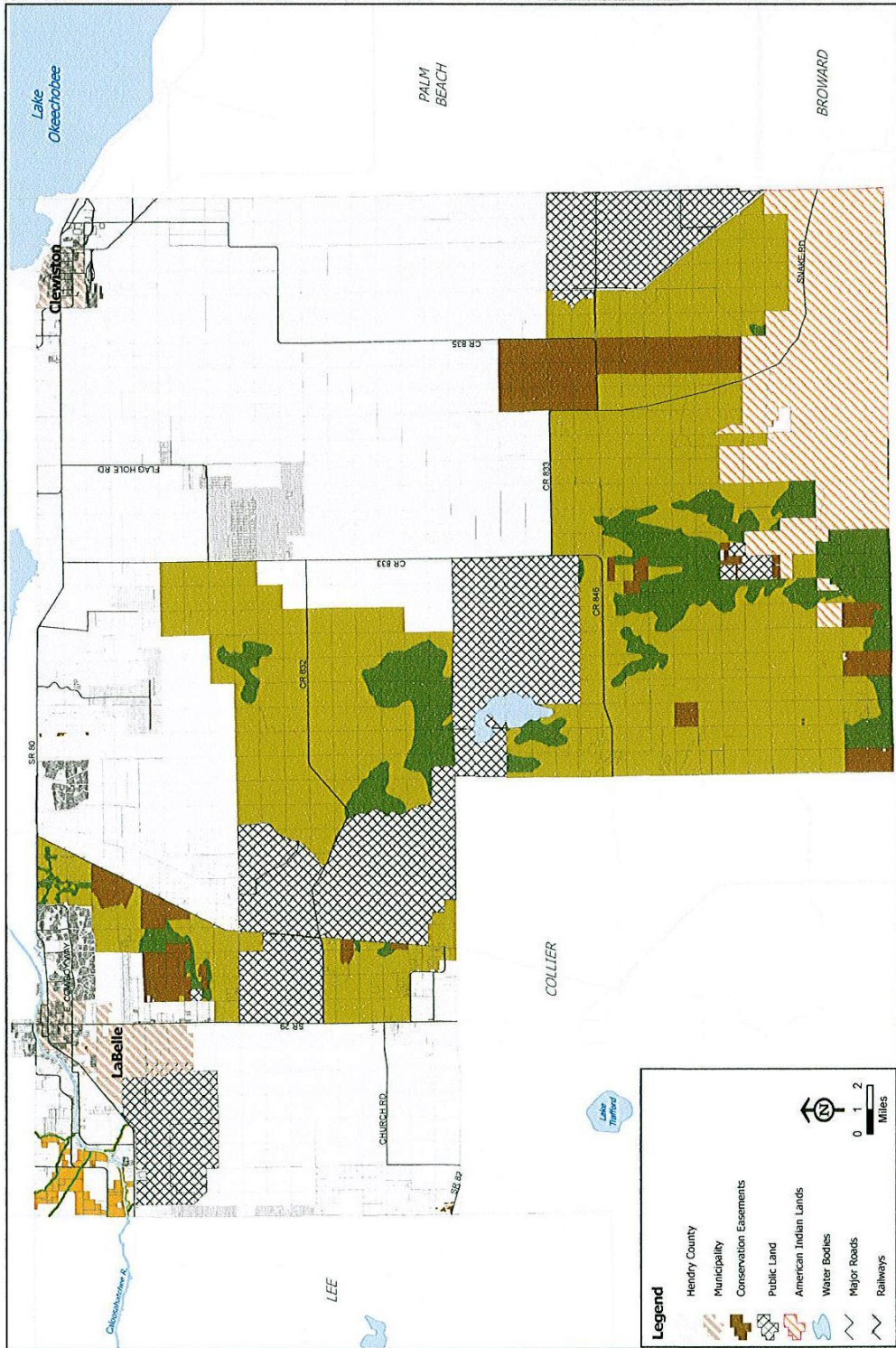


**Map 1.A of the Future Land Use Series
West Hendry Planning Overlay**

DLLI *Development*
 Planning & Research
 1000 W. 1st St., Suite 200
 Ft. Pierce, FL 34946
 Phone: (888) 287-2587

Scale: 1 inch = 1,000 feet

DATE: 10/2011



HENDRY COUNTY-WEST HENDRY PLANNING OVERLAY (WHPO) TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

TDR Program Areas

- WHPO Receiving Areas
 - Sending Areas
 - Sending Areas-AC Future Land Use
- West Hendry Planning Overlay TDR Program
 Acreage Calculation
 Sending Areas
 WHPO Greenways/Flowways: 737.1± acres
 AG Future Land Use Areas: 184,561.8± acres
 AC Future Land Use Areas: 41,190.9± acres
- West Hendry Planning Overlay TDR Program
 WHPO Receiving Areas
 WHPO Receiving Areas: 3,075.8± acres

The Sending and Receiving Areas displayed on this map are based on the current zoning and land use for parcel-level TDR area determination. TDR qualification on a parcel level may be determined and verified by Hendry County Planning and Zoning Department Staff.

Data Sources:
 TDR Program & Land Use
 Updated January 2011
 Base Map
 Florida Geographic Data Library (FGDL)
 Downloaded June 2010
 Hendry County Ordinance No. XXXXXX, DATE



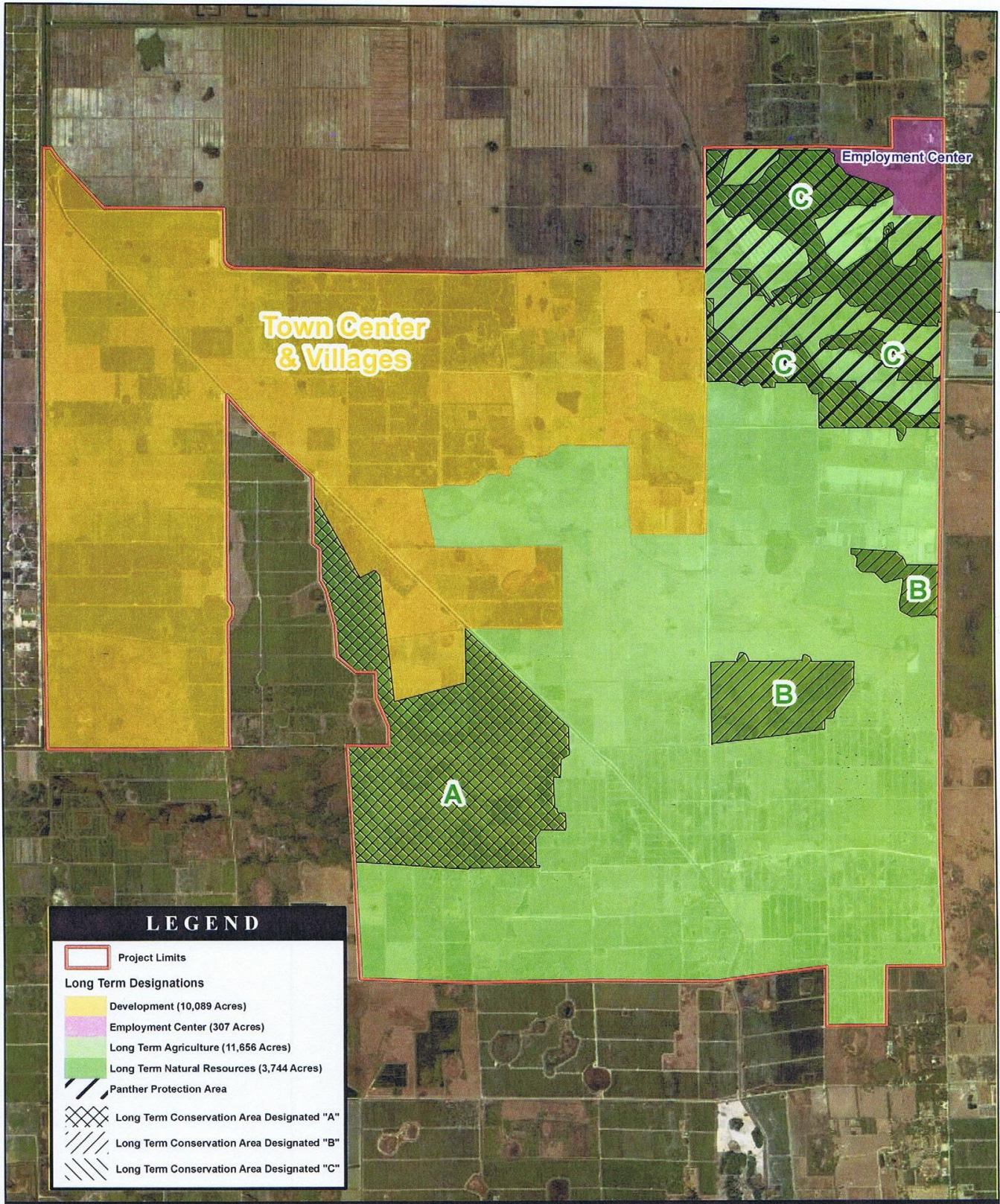
Map Information:
 Map Author: J. Guibbe
 Map Date: 2/9/11
 Company:
 Fort Myers, FL 33901
 (239) 220-0682

Map 1B: West Hendry Planning Overlay TDR Program - 2040
 Sending & Receiving Areas

Legend

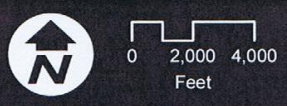
- Hendry County
- Municipality
- Conservation Easements
- Public Land
- American Indian Lands
- Water Bodies
- Major Roads
- Railways

Scale: 0 1 2 Miles
 North Arrow



LEGEND

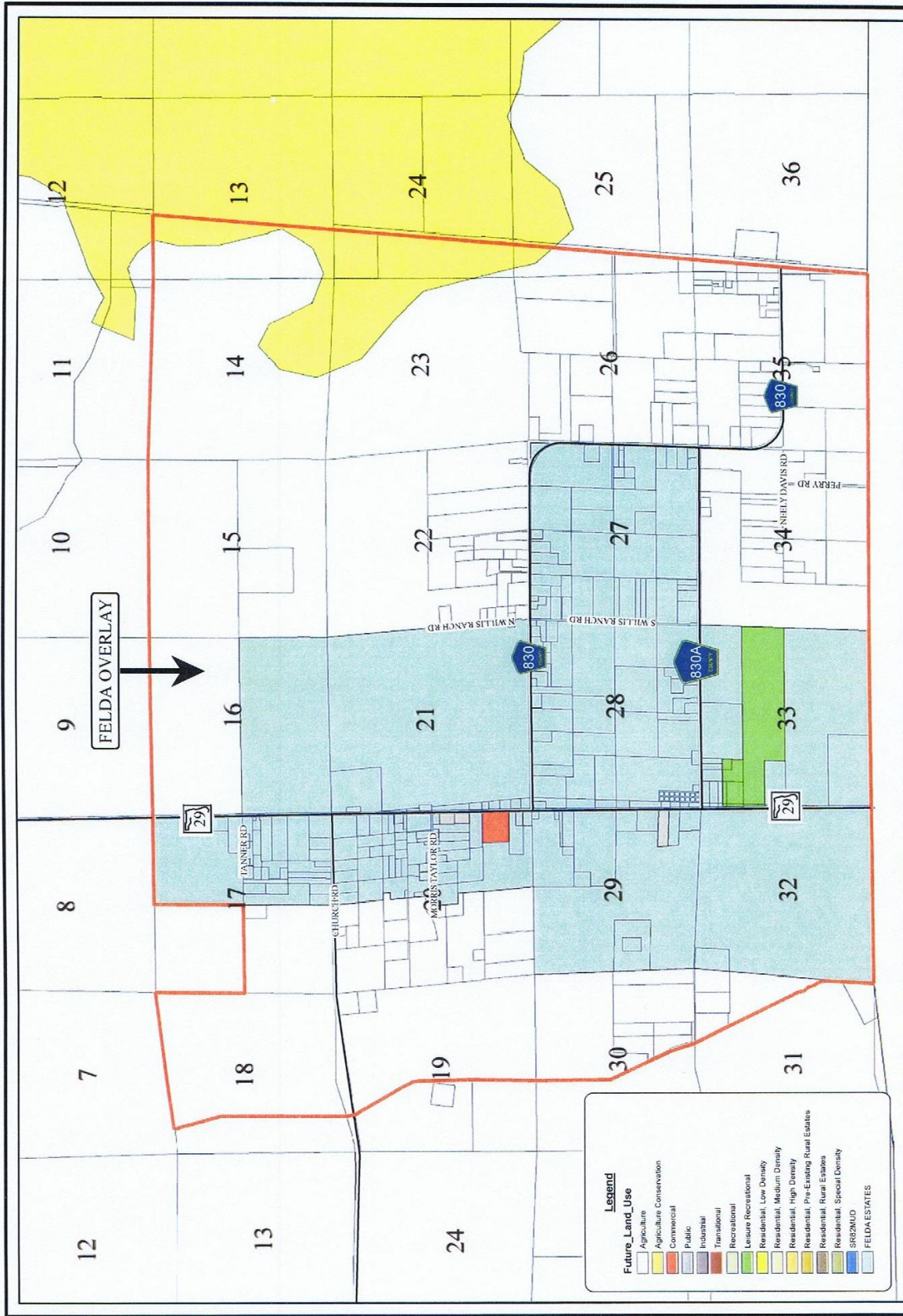
- Project Limits
- Long Term Designations**
- Development (10,089 Acres)
- Employment Center (307 Acres)
- Long Term Agriculture (11,656 Acres)
- Long Term Natural Resources (3,744 Acres)
- Panther Protection Area
- Long Term Conservation Area Designated "A"
- Long Term Conservation Area Designated "B"
- Long Term Conservation Area Designated "C"



Rodina

Phasing of Long Term Conservation Areas
Pursuant to Policy 2.1.20 A



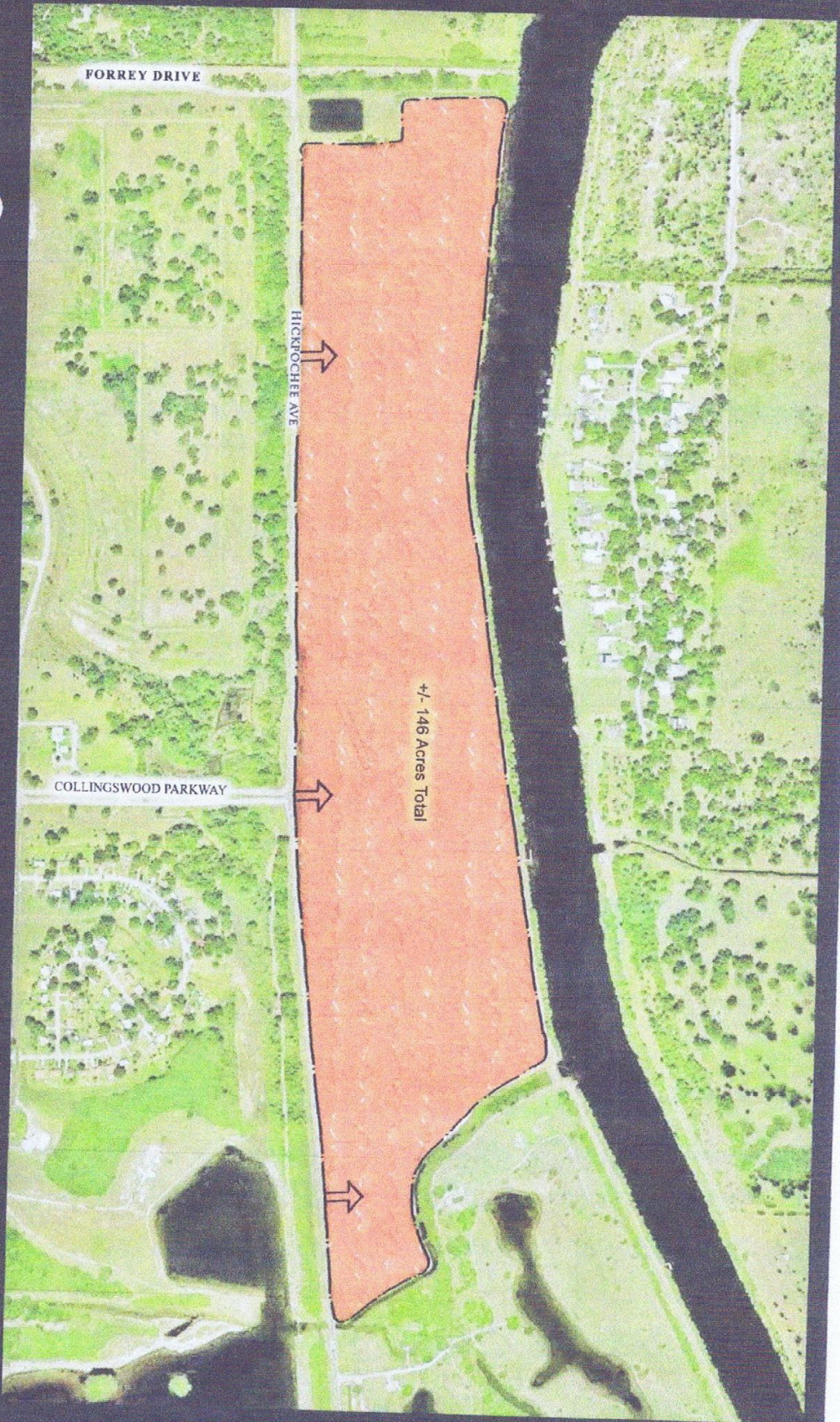


HENDRY COUNTY GIS DEPARTMENT
 STEVEN L. MCCORMICK, COORDINATOR
 N.T.S.

FELDA ESTATES OVERLAY.PDF
 FELDA OVERLAY & FELDA ESTATES
 WITH FUTURE LAND USE
 DECEMBER 7, 2011

THIS MAP HAS BEEN COMPILED FROM THE MOST
 AUTHENTIC INFORMATION AVAILABLE. LAND TITLE
 HENDRY COUNTY GIS DEPARTMENT DOES NOT ASSUME
 RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED THEREIN.

WESTERN OXBOW MIXED USE DISTRICT DESIGNATION



WilsonMiller Stantec

Western Oxbow Mixed Use District
March 7, 2012



CHAPTER 2: HOUSING ELEMENT

INTRODUCTION

The purpose of the Housing Element of the Comprehensive Plan is to meet the identified and projected deficits in the supply of housing in Hendry County. This Element is to address the activities of the Hendry County government toward meeting these deficits and toward providing direction and guidance to private sector housing development efforts.

The Housing Element also provides an insight on housing affordability needs and the demand and need for farmworker housing within Hendry County. As part of an ongoing attempt to determine the farmworker population, the County participated in the “*Farmworkers in Southwest Florida*” study prepared by the University of Florida, Institute of Food and Agricultural Sciences (IFAS) and the Southwest Florida Regional Planning Council (SFRPC). This study attempted to enumerate the farmworkers in Southwest Florida and their distribution among the five counties: Charlotte, Collier, Glades, Hendry and Lee.

For purposes of this Housing Element, farmworkers are defined as individuals that work in the agriculture industry for nine out of the 12 months per year.

As stated earlier, the Housing Element also provided insight to housing affordability needs. As such, for purposes of defining housing for very-low, low and moderate income households that following will apply:

Very low income households	=	<30% of median income
Low income households	=	30 to 50% of median income
Moderate income households	=	50 to 80% of median income

The following section highlights the conclusions of the Data Analysis section on housing. From these conclusions the Housing Goals, Objectives and Policies are presented in the final section of this Element.

CONCLUSIONS FROM THE DATA ANALYSIS

The Data Analysis inventories the existing housing stock, analyzes its make-up and adequacy and projects future demand for housing units and land requirements. Base data utilized in the Data Analysis was prepared by the Bureau of Economic and Business Research (BEBR) and the Shimberg Center for Affordable Housing using the 2000 U.S. Census data.

Housing inventories provided by the Shimberg Center indicate that approximately 12,294 residential housing units existed in Hendry County in 2000. The projections indicate that 13,818 residential housing units will be required by the year 2015 and 18,138 units will be needed by the year 2030 (See Table IV-1).

The Shimberg Center’s inventory shows that 1,192 units served very-low income (<30% median income) households in 2000. It is projected that 1,520 units will be needed for very-low income households by the year 2015, and 1,982 of these units will be needed by the year 2030 (See Table IV-2).

County	SIZE	2000	2008	2010	2015	2020	2025	2030
Hendry	1-2	5057	5711	5962	6446	7057	7769	8486
Hendry	3-4	3616	4086	4264	4595	5026	5514	6029
Hendry	5+	2184	2469	2572	2777	3031	3323	3623

Source: Shimberg Center for Housing Studies, 2000

County	Income	2000	2008	2010	2015	2020	2025	2030
Hendry	0-30% AM	1192	1352	1413	1520	1655	1817	1982
Hendry	30.1-50% AMI	1359	1545	1615	1752	1924	2111	2308
Hendry	50.1-80% AMI	1770	2012	2104	2274	2491	2740	2993
Hendry	80.01-120% AMI	2361	2665	2780	3003	3286	3612	3944
Hendry	120+% AMI	4174	4687	4885	5263	5764	6327	6904

Source: Shimberg Center for Housing Studies, 2000

Size of Households

- 5711 households in Hendry County (47%) are made up of 1-2 persons in 2008. 30% of these households pay more than 30% of income for rent or mortgage costs.
- 4086 households in Hendry County (33%) are made up of 3-4 persons in 2008. 26% of these households pay more than 30% of income for rent or mortgage costs.
- 2469 households in Hendry County (20%) are made up of 5 persons or more in 2008. 31% of these households pay more than 30% of income for rent or mortgage costs.

Households by Size and Cost Burden, Hendry County, 2008

Number of Persons in the Household	0-30%	30.01%-50%	50.01+%
1-2	4013	842	856

3-4	3038	598	450
5+	1699	437	333

Notes: Housing Needs Assessment – Population and Household Projection Methodology Use Guide. Sources: Not Available

The tenure of housing is projected to adjust from historic rates of approximately 70% owner-occupied and 30% renter occupied to approximately 75% owner occupied and 25% renter occupied in 2030 and beyond.

New housing construction has curtailed significantly in Hendry County since 2005, as a result of the sluggish economy. The Shimberg Center for Affordable Housing report titled “Affordable Housing Issues,” dated February 2007 indicates a decline in housing affordability from 2003 to 2005 for Hendry County, however the affordability indices for 2006 through 2010 is not available and would provide an indication of the impact that economic conditions have had on the County’s housing affordability.

In local experience, few developers have approached the County to discuss affordable housing projects since 2005, and none have requested density bonuses for market rate housing in return for construction of affordable units. Four developers have approached the County with regard to impact fees credits for affordable units since 2007.

In addition to monitoring affordability indices, the County has produced an inventory of available sites for affordable housing in accordance with state law. This inventory will be updated yearly and made available for public inspection.

The report titled “The Need for Farmworker Housing in Florida,” dated October 1, 2007 and prepared by the Shimberg Center for Affordable Housing, indicates that Hendry County had 6,085 farmworkers in 2005, or 5.16% of the state’s farmworker population. In 2007, there were a total of 3,370 farmworkers accommodated in 331 state- or federally- subsidized housing units with capacity for 1,324 workers, and in DOH permitted camps with capacity for 2,046 farmworkers. If not in state or federally documented housing, farmworkers must meet their housing needs elsewhere in the housing market. The Department of Health permits a maximum of five (5) individuals to a unit.

To address the need for farmworker housing within the County, it is assumed that approximately 200 units are needed annually to keep up with the demand. The Area Housing Commission has taken the position to provide approximately 40 units per year to meet the demand. As such, the Housing Commission has purchased 40 units outside the City limits of Clewiston to accommodate farmworkers within Hendry County. Furthermore, the Housing Commission is researching funding sources to assist in this endeavor.

Goal, Objectives and Policies

GOAL 3: To ensure the availability of a variety of safe, decent, and sanitary housing for the existing and anticipated future residents of all income levels in Hendry County.

OBJECTIVE 3.1: ADEQUATE AND AFFORDABLE HOUSING: The County shall provide annual financial support to the Area Housing Commission in order that comprehensive county-wide approaches can be developed for adequate affordable housing for those living in Hendry County.

Policy 3.1.1: Hendry County shall amend its Land Development Code to provide for design standards, suitable sites, and technical assistance to the public in the construction of affordable housing. Techniques may include fast track permitting, impact fee deferrals, density bonuses, linkage fees, inclusionary zoning, right-of-way and pavement width reductions, and reduction of parking and setback requirements.

Policy 3.1.2: Hendry County will maintain an adequate amount of residentially designated land near the cities where facilities and services are available or anticipated, in order to provide for additional sanitary and decent housing with access to transit and public centralized sewer and potable water systems where feasible.

Policy 3.1.3: The Land Development Code shall be revised to permit and encourage flexible housing design standards that allow for greater housing affordability.

Policy 3.1.4: Hendry County will maintain a residential development review process that is streamlined and user accessible.

Policy 3.1.5: Hendry County shall continue to allow mobile homes. Mobile homes shall be allowable in future land use categories including, but not limited to, Agriculture, Residential Medium Density, Residential Special Density and Use, and the Residential/Pre-Existing Rural Estates residential land use categories.

Policy 3.1.6: The County will continue in its Land Development Code, to allow group homes, foster care facilities, very-low, low and moderate income housing in residential zoning districts and as part of Planned Unit Developments.

OBJECTIVE 3.2: ELIMINATION OF SUBSTANDARD HOUSING: The County will continue to enforce the Florida Building Code in order to decrease substandard housing in Hendry County by five percent by the end of 2030.

Policy 3.2.1: Hendry County, in cooperation with the Hendry County Area Housing Commission, shall continue to research State, Federal, private foundation grants and low-interest loans, and other programs available for funding housing rehabilitation, structural and aesthetic improvements, and demolition.

Policy 3.2.2: Hendry County will continue to prepare and submit housing assistance applications, as available, for the purposes of housing rehabilitation, structural and aesthetic improvements, and demolition.

Policy 3.2.3: By September 2010, Hendry County and the Area Housing Commission will develop an on-going approach for surveying housing conditions, researching

available funding programs, researching or surveying for lower income family data, and applying for funding assistance to encourage the creation and preservation of affordable housing.

Policy 3.2.4: The County shall request that the AHC conduct neighborhood surveys for the purpose of establishing target areas for neighborhood redevelopment and housing rehabilitation. Highest priority shall be placed on redevelopment projects that address greater neighborhood improvement, including improvement or expansion of public or private sewer and potable water systems, rather than on rehabilitation of individual homes. The County will cooperate with such efforts of the AHC by utilizing its eligibility for grant applications to assist with survey activities and programs identified to provide solutions for neighborhoods needing redevelopment or rehabilitation.

Policy 3.2.5: The County shall continue to work with state and federal agencies to ensure the amount of funds for programs targeted to eligible citizens is not diminished.

OBJECTIVE 3.3: **SPECIAL NEEDS HOUSEHOLDS:** The County will continue to support the development of programs in order to assist those individuals with special housing needs in Hendry County.

Policy 3.3.1: Hendry County shall continue to monitor the number of households with special needs in Hendry County.

OBJECTIVE 3.4: **HISTORICALLY SIGNIFICANT HOUSING:** Hendry County shall maintain an inventory of local historically significant housing.

Policy 3.4.1: The County shall conduct research or surveys to inventory the historically significant housing in Hendry County. The activities may include inquiries to the Florida Master File, local historic societies, interviews with long term citizens, and other techniques. This survey may include other historic structures or sites.

Policy 3.4.2: Historically significant housing shall be afforded protection by the Land Development Code in order to allow reasonable maintenance improvements. Specific standards and guidelines from the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be included in the Land Development Code.

Policy 3.4.3: Hendry County shall request the assistance of the State of Florida to identify significant historic resources within the unincorporated areas which are in need of protection and develop management and restoration plans as appropriate.

Policy 3.4.4: The County shall encourage the protection of historically significant properties through designation as historic sites by the State.

OBJECTIVE 3.5: **RURAL AND FARM WORKER HOUSEHOLDS:** Hendry County will continue to participate with the Area Housing Commission to monitor and assist in the

provision of adequate and affordable migrant housing.

Policy 3.5.1: The County shall continue the public-private partnership among the Hendry County Area Housing Commission, the Hendry County government, and agricultural employers of migrant farm laborers to seek solutions of various facets involved in the housing issue, including the location of existing housing, the preferred location of any new housing, the financing sources for migrant housing, and any related issues of mutual concern.

Policy 3.5.2: Request the Southwest Florida Regional Planning Council continue researching existing migrant housing and other aspects of the migrant farm labor housing issue.

Policy 3.5.3: Hendry County shall continue to assess the number of farmworkers in southwest Florida and their characteristics, to better determine the future housing needs and services for this segment of the population.

Policy 3.5.4: Hendry County will provide the impetus to support affordable housing for farmworkers within the County through public and private funding sources.

OBJECTIVE 3.6: PUBLIC/PRIVATE: Under the auspices of the Hendry County Area Housing Commission, the Community Action Task Force (CATF) shall monitor the housing market and identify the needs of the housing industry in production of housing for the residents of Hendry County.

Policy 3.6.1: The County shall develop a program to address concerns of the CATF and revolve meetings around themes toward seeking remedies for any identified problems.

Policy 3.6.2: The County shall consider the use of the CATF as a sounding board for the Hendry County Area Housing Commission and its projects and programs.

OBJECTIVE 3.7: Sites shall be sufficient to accommodate the projected housing needed for low and moderate income households, and sufficient sites shall be provided for low and moderate housing in agricultural areas for the projected need for rural and farmworker housing as shown in the data and assessment supporting this Comprehensive Plan.

Policy 3.7.1: Sites for multi-family low and moderate income housing projects shall be promoted and allowed in agricultural areas, and in areas of high and medium density consistent with the Future Land Use Element and the locational standards contained in Housing Element Objective 3.1 and its policies.

Policy 3.7.2: Utilizing data from the Shimberg Center for Affordable Housing and IFAS, the County will implement a program to assist the private sector in providing affordable housing for very-low, low, and moderate income households.

OBJECTIVE 3.8: ENERGY EFFICIENCY: The County shall promote the use of energy conservation strategies and renewable energy resources in existing housing units and in new housing developments.

Policy 3.8.1: The County shall ensure land development regulations allow energy conserving activities and renewable energy resources associated with single and multifamily homes. The County shall allow installation of clothes lines, solar panels, and photovoltaic panels in appropriate locations according to standards adopted through the Land Development Code amendment process.

Policy 3.8.2: The County shall develop and adopt criteria and standards in the Land Development Code including building design standards that consider solar orientation, low impact development standards, and use of native landscaping.

Policy 3.8.3: The County shall collect and distribute information to educate property owners concerning energy efficiency, renewable energy resources, and incentives offered by state agencies and utility companies that promote energy efficient appliances and renewable energy resources. The County may distribute this information by public meetings, workshops, mailings, brochures, website updates, or use of other media outlets.

CHAPTER 3: RECREATION AND OPEN SPACE ELEMENT

The purpose of the Recreation and Open Space Element is to provide a system of public and private recreation and open space sites, which are available to the meet, the current and future needs of the County's residents and visitors. The Element defines various types of recreation space, outlines the adopted Level of Service requirements, and provides general performance standards for recreation facilities and open space. A major component of the Element is an analysis of the availability and suitability of existing recreation facilities for current and future demand.

While the County's primary responsibility is to serve the unincorporated areas of Hendry County, parks and recreation facilities and sites need to be considered on a countywide basis, including the incorporated areas of Clewiston and LaBelle. The provision of recreation sites and facilities has become a joint effort among the cities and the county, as well as private and institutional entities. The Hendry-LaBelle Recreation Board and Hendry County Recreation for the eastside of the County exemplify this partnership. The Recreation Board, which consists of members representing the County Commission, the City of LaBelle Commission, and the Hendry County School Board, work closely with private entities such as the LaBelle Rotary Club and neighborhood groups. While the City of Clewiston has its own Recreation Department, its recreation efforts are regularly coordinated with the County and the Hendry County School Board.

The existing Element should be updated to reflect recent and planned recreation developments in Hendry County, such as the proposed 55-acre youth athletic park in LaBelle, as well as improvements made to the LaBelle Nature Park, Sugarland Sports Complex, and Trinidad Park. Additionally, the Inventory of Recreation and Open Space Acreage requires updating to reflect the changing conditions, as outlined below:

Table 4.1 Changes in Recreation Areas 1999-2007 - Acreage

	1999 Inventory	2007 Inventory	Difference
Neighborhood Parks	58.8	64.7	5.9
Community Parks	299.7	384.6	84.9
Regional Parks	289.0	0.0	-289.0
Total	647.5	460.2	-187.3

A more detailed itemization of existing facilities is provided in Table 4.2. The information was derived from Hendry County's Impact Fee Report and from the Florida Department of Environmental Protection's Recreation and Parks Facility Inventory. While the County experienced increases in the acreage of neighborhood and community parks during the planning period, the most notable difference is the loss of Hendry County's only regional park, the Port LaBelle Golf Course. The existing comprehensive plan notes that the County was deficient in regional park area with the golf course, which shows that the County needs to make a concerted effort to provide sufficient regional park area over the next planning period. During the EAR scoping meeting, the County acknowledged the opportunity to expand existing preservation and mitigation lands that are currently used for hunting towards satisfying the regional park requirement.

Table 4.2 Existing Recreation Facilities

	Hendry County Facilities¹		LaBelle Facilities²		Clewiston Facilities²	
	Name	Acreage	Name	Acreage	Name	Acreage
Neighborhood Parks	AA Thomas Park 1	0.83	Barron Park	2.51	Arcade Ave/Diaz	0.20
	AA Thomas Park 2	1.65	Euclid Ave	4.00	Bicentennial Park	3.67
	Big Cypress Rec Area ²	5.00	Ford Park Rec. Area	(2.40)	Candy Stripe Park	0.75
	Community Civic	1.57	Joe Culver Park	0.26	City Park 1	1.58
	Hookers Point Park	1.00	J. Singleton C.	1.61	City Park 2	0.11
	L-1 Canal Park	0.33	Alton “Kid”	3.05	City Park 3	1.25
	Office	0.37	LaBelle Elem. School	1.00	City Park 4	0.40
	East	2.71	LaBelle Middle School	0.10	Deanne	0.57
	People Who Care Park	1.12	Old Daniels	1.45	Ezperanza Park	0.83
	Young Men’s Park	1.83	Seminole Playground	0.10	Montura Playground	0.30
	LaBelle Boat Ramp	1.36	Sunset Park	0.40	Ridgeview Est. Park 1	1.05
			Water Plant Park	4.00	Ridgeview Est. Park 2	2.44
					Ridgeview Est. Park 3	0.32
					Ridgewood Park 1	3.19
					Ridgewood Park 2	2.93
					Royal	1.58
					Sugarland Estates Park	1.00
					Trinidad Park	3.58
	TOTAL:	17.77	TOTAL:	24.80	TOTAL:	25.75
Community Parks	Bob Mason Park	3.80	(LaBelle and Hendry County have established several joint community parks, which are listed under the County Facilities)	Clewiston Golf Course	153.15	
	Davis/Pratt Park	29.19		Clewiston Rec. Area	31.30	
	Felda Community	3.62		Sugarland Sports Complex	56.00	
	Harlem Community	11.32				
	Hendry-LaBelle	55.00	LaBelle Boat Dock	0.16	CS Mott Pool	1.61
	LaBelle Rodeo Arena	28.50	LaBelle Nature	9.89		
	Pioneer Plantation	10.00	Soccer Complex	10.23		
	Soccer Complex	13.02	Hen/LaBelle	6.44		
	Hen/LaBelle Comm. Sports Park	2.56				
		TOTAL:	157.01	TOTAL:	26.72	TOTAL:

Sources: Hendry County East Recreational MSBU Parks & Facilities Special Districts (2009); Hendry-LaBelle Recreation Board (2009);

Hendry County Impact Fees Study (2007); and
Florida DEP Recreation and Parks Facility Inventory (2009).

Notes: *Several parks are listed under multiple names; however, total acreage does not take into account any duplication. Multiple listed parks include: Kid Jones Park=Ford Park

Another recent development is the establishment of a County impact fee for recreation, which can be utilized to help acquire additional recreation and parkland to help maintain the required LOS Standards. These impact fees can also be utilized to fund improvements to existing facilities. The Board of County Commissioners suspended collection of all impact fees for one year on February 12, 2008 retroactive to January 8.

The County has identified the need to update the Recreation and Open Space Element to encourage and facilitate better recreational opportunities in smaller developments. Since it is not always cost feasible for small development projects to provide on-site recreation facilities, Hendry County should establish a policy allowing for these developments to pay a fee in lieu of dedicating recreational space.

GOALS, OBJECTIVES AND POLICIES

GOAL 4: To achieve and maintain a publicly accessible recreation and open space system in Hendry County for the benefit of all residents and visitors.

OBJECTIVE 4.1: **LEVEL OF SERVICE.** Ensure adequate acreage for recreational land to meet the present needs and future demands of Hendry County. For the purposes of this objective, which shall be achieved by undertaking the activities described in the policies below, needs shall be based on combined incorporated and unincorporated population and facilities to meet these needs shall include municipal and County facilities.

Policy 4.1.1: Community Parks - On a county-wide basis community park acreage shall be no less than 2.0 acres per 1,000 of the official Hendry County population count or estimate.

Policy 4.1.2: Neighborhood Parks – The standard for this park acreage shall be based on the urban population of Hendry County. On an urban population basis, neighborhood park acreage shall be no less than 2.0 acres per 1,000 of the official urban population count or estimate.

Policy 4.1.3: Total Park Acreage- On a countywide basis, the total park acreage in Hendry County shall be no less than 4.0 acres per 1,000 of the estimated countywide population. The estimated countywide population is published by the University of Florida Bureau of Business and Economic Research.

Policy 4.1.4: The total population to be served by recreation sites and facilities shall be based on the total of resident and 75% of the additional seasonal population.

Policy 4.1.5: Regional Park – an area of natural quality for outdoor recreation, such as picnicking, boating, fishing, horseback riding, hiking, biking, golf course, trails, swimming, camping, tennis, basketball, and like sports. This type of facility should be within one-hour driving time. The standard for this park shall be no less than 20 acres per 1,000 of the official population with a desirable size not less than 250 acres.

The existing deficiency in public regional parks in the planning timeframe. The Board of County Commissioners will identify potential regional park sites and consult with the Hendry-LaBelle Recreation Board.

- Potential Regional Park sites will be identified and mapped on a “Potential Regional Parks Map”. Sites including, but not limited to, the Dinner Island Ranch, Okaloacoochee Slough State Forest, Lake Okeechobee Scenic Trail, the Caloosahatchee River, and adjacent vacant lands that are either 250 acres in size or lands that can be aggregated to meet the 250 acre standard will be identified on the “Potential Regional Parks Map.”
- Platted river access ways and ACOE and SFWMD easements along the river will be considered to provide access and to locate accessory park facilities along the Caloosahatchee River.
- Proposed developments undergoing rezoning, or development order review on will be reviewed by the appropriate governmental entity to determine if their site is suitable for a regional park on the subject property.
- The Board of County Commissioners and the Hendry-LaBelle Recreation Board may also coordinate with individual land owners wishing to provide regional parks on their land. Individual property owners will be encouraged to provide lands or public access to regional parks through incentives, such as roadway access onto the improved regional park roadway, and park impact fee waivers.

OBJECTIVE 4.2: PUBLIC ACCESS. Ensure public access to all recreation sites in Hendry County. Parking for disabled persons will comply with Section 553.5041, F.S., “Parking spaces for persons who have disabilities”, and the requirements in the “Americans with Disabilities Act Accessibility Guidelines” (ADAAG’s 4.1). Bicycle and Pedestrian facilities will meet the FDOT design standards for bicycle and pedestrian pathways and bicycle parking as provided in the FDOT “Florida Bicycle Facilities Planning and Design Handbook,” in the FDOT “Florida Pedestrian Facilities Planning and Design Handbook, and in the County Comprehensive Pathways Plan.

Policy 4.2.1: All parks and recreation sites owned by the Hendry County government shall be open to the public.

Policy 4.2.2: County shall continue to require in its Land Development Code that at least a portion of new recreation developments, and recreation sites in other new developments, be open to the public.

Policy 4.2.3: The County shall maintain existing public access to the Caloosahatchee River and Lake Okeechobee, and shall encourage additional public access to the Caloosahatchee River for the purpose of fishing and other recreation. Public access issues should be coordinated with the RPC Marine Advisory Council and the SFWMD.

OBJECTIVE 4.3: FACILITIES IN RECREATION AREAS. The County shall ensure that adequate facilities are provided in all publicly owned parks and recreation areas. This shall be accomplished by undertaking the activities described in the policies below.

Policy 4.3.1: Each new park and recreation area developed as part of a residential or mixed-use development shall at least have playground equipment at some location on its site. The exact types of recreational facilities shall be determined in consultation with County staff prior to the issuance of a development order.

OBJECTIVE 4.4: OPEN SPACE. The County shall ensure the provision of open space in developments in Hendry County. This shall be accomplished by undertaking the activities described in the policies below.

Policy 4.4.1: Require all new residential subdivisions of 50 acres or more provide an analysis of the recreation and open space needs of their projected community and indicate how they intend to provide these recreational and open space facilities.

Policy 4.4.2: Require that each new commercial or public use development of more than ten acres provide open space equivalent to five percent of the gross area of the development. The County may consider a “fee-in-lieu-of” providing five percent open space onsite as required by this section as part of a Planned Unit Development rezoning. Onsite open space is preferred and providing a fee-in-lieu-of meeting this standard will be reviewed on a case by case basis. Consideration will be given for projects such as mixed-use clustered development with common open space areas, projects located adjacent to conservation and recreational facilities, or within the Florida Forever program, and LEED, Audubon or State green certified projects. Fees collected as part of the parks and open space fee-in-lieu-of program will be used to purchase future recreation and open space lands or used to maintain or improve existing recreational facilities.

Policy 4.4.3: Open space for the purposes of Policy 4.4.1 and Policy 4.4.2 shall be defined as areas of the site not covered with buildings and including at least intermittent landscaping. Preference for quality open space that includes environmentally sensitive areas as well as areas reserved or dedicated for public recreation purposes will be considered as part of the planned unit development and development order review processes.

OBJECTIVE 4.5: ADDITIONAL NEIGHBORHOOD PARKS. Because a large percentage of Hendry County population resides in the “urban” areas, coordinate public and private resources to meet recreation demands and to provide joint recreation areas shared by City and County residents. This shall be accomplished by undertaking the activities described in the policies below.

Policy 4.5.1: The County shall encourage the development and/or reservation of land for neighborhood parks during the applicable land development review process.

OBJECTIVE 4.6: OPEN SPACE OR NATURAL RESERVATIONS. Hendry County presently does not have publicly accessible reserved areas for open space or natural features, as well as, access to freshwater beaches and shores. The desire is that such areas be available for the residents and visitors of Hendry County. This shall be accomplished by undertaking the activities described in the policies below.

Policy 4.6.1: Reserved

Policy 4.6.2: By the end of 2012, coordinate with the South Florida Water Management District concerning land owned by the District that could be made available as open space or natural reservation. Coordination may include, but is not limited to, review of SFWMD land holdings to determine which are potentially appropriate for open space preservation.

Policy 4.6.3: The County shall work with the South Florida Water Management District concerning the availability and development of a fishing and passive recreation area along the L-1, L-2, and L-3 levee and canal areas in eastern Hendry County and C-43 Reservoir in western Hendry County.

Chapter 4: CONSERVATION ELEMENT

Goal, Objectives and Policies

GOAL 5: The purpose of the Conservation Element is to provide for the conservation, appropriate use, and protection of natural resources within Hendry County.

Hendry County's natural resources have been analyzed for the support documentation for this Comprehensive Plan. The conclusions from the Data Analysis are highlighted in the following section and provide the basis for Goals, Objectives, and Policies in the final section of this Conservation Element.

CONSERVATION: In addition to the Future Land Use Map 2040, described in the Future Land Use Element, the Conservation Element Map Series includes eight maps titled Map 1: FEMA Flood Prone Areas, Map 2: Land Surface Elevations, Map 3: Land Cover, Map 3A Land Surface Elevations, Map 4: Oil Well Fields and Cones of Influence, Map 5: Extractive Uses, Map 6: Florida Panther Habitat and Dispersal Zones, Map 7: Historical and Archaeological Sites, and Map 8: Soils.

CONCLUSIONS FROM THE DATA ANALYSIS

The Data Analysis identifies and discusses natural resources within Hendry County. Specifically covered are the Caloosahatchee River, Lake Okeechobee, wetlands, floodplains, soils, topography, air quality, vegetative communities, wildlife, commercially valuable minerals, hazardous wastes, and water use. Below are highlights of the conclusions from the Data Analysis:

Caloosahatchee River – This river which runs a short distance (approximately 9.5 miles) through Hendry County, has been vastly modified from its natural condition. It has been extensively dredged and extended as a canal to connect with Lake Okeechobee. Water levels in the River are controlled by a system of dams and lock gates, although none of these structures lie within the County.

Hendry County has land use control authority (zoning and subdivision regulation) along the Caloosahatchee River. SFWMD has permitting jurisdiction over drainage works affecting the River. The Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (COE) also exercise authority over the wetlands connected to the Caloosahatchee River. The primary role of Hendry County concerning the River's conservation, use and protection is cooperation and coordination with these other regulatory agencies.

Everglades Agricultural Area (EAA) – The Everglades Agricultural Area would serve as a barrier to reduce the impacts of development to the Everglades, reduce levee seepage from the Everglades, increase groundwater recharge, enhance drinking water supplies, improve the Everglade’s water supply and enhance thousands of acres of wetlands that once comprised the Everglades. The project involves using excess stormwater to reduce the seepage loss from the East Coast Protective Levee. Management activities proposed for the marshes propose hydroperiod restoration and the removal of exotic vegetation for the enhancement, preservation and maintenance of the wetlands

Lake Okeechobee – Approximately four miles of the south shore of Lake Okeechobee lies in Hendry County. Lake Okeechobee has had considerable modification. Numerous canals have been built to help control the water level of the Lake. The Lake has acted as both a source of water for irrigation during the dry months and as an overflow for draining land during the wet season.

Lake Okeechobee is under the management and coordination of the SFWMD, which also has permitting authority for drainage works affecting the Lake. Hendry County has land use development controls, in conjunction with the U.S. Corps of Engineers and SFWMD. DEP and the U.S. Environmental Protection Agency (EPA) establish water quality standards for the Lake. DEP also has wetland authority over connected wetlands, as does the COE. The primary role of Hendry County concerning the Lake’s conservation, use and protection is cooperation and coordination with these regulatory agencies, especially SFWMD.

Wetlands – As described in the Data Analysis, it has been estimated that around 1900, while still in their primitive state, wetlands made up well over half of the County’s total land area. It is currently estimated that less than one-quarter of the County area contains wetlands. Some of the primitive wetlands ceased to exist from natural processes, some of them were drained or their patterns disrupted with Lake Okeechobee projects and development in the County also altered some of the wetland systems.

The major remaining wetlands include Okaloacoochee Slough and part of the Big Cypress Swamp. These major wetland systems serve as drainage and retention for surface water flow and storage, both from rainfall and channeled drainage from development. They also function to provide wildlife habitat.

McDaniel Ranch – McDaniel Ranch lies in District’s L-3/L-4 Basin and drains south onto lands owned by the Seminole Tribe of Florida and onto the Big Cypress National Preserve. Protecting the quality of the water leaving McDaniel Ranch is vitally important to the health of the adjacent ecosystems.

Okaloacoochee Slough – In 1996, the District purchased 21,000 contiguous acres in the project.

In 1997, the District amended the Save Our Rivers (SOR) project boundary to include 1,920 acres that are the primary flowway for water moving from District-owned land in Okaloacoochee Slough to other private land in Collier County. Sawgrass slough in the deep water areas, with a fringe of hydric hammocks and wet flatwoods dominate the three sections.

The property is used as native range pasture and is very well managed. These lands would be acquired only as conservation easement. Under the proposed conditions of the lease, the landowners would be allowed to continue native range grazing, with no pasture improvement or fertilization. They would be permitted to continue leasing the property for hunting. Continued prescribed burning and exotic treatment programs will be requirements of the lease.

The vision for Okaloacoochee Slough is that it continues to be managed for its important and natural resource values. Okaloacoochee Slough is a major headwater for Fakahatchee Strand and Big Cypress National Preserve. Its extensive network of sloughs and isolated wetlands store wet-season runoff from the surrounding uplands and provide year-round base flow to downstream natural areas. The entire project contains more than 12,000 acres of largely undisturbed wetlands, which are surrounded by oak and cabbage palm-dominated hydric hammocks.

Floodplains – The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for Hendry County are dated May 17, 1982 and March 18, 1987. Data from these maps is shown on Map 1: FEMA Flood Prone Areas. In accordance with the FEMA requirements for the National Flood Insurance Program, Hendry County adopted special flood area regulations to cover the area designated as 100-year floodplain. FEMA is in the process of creating new maps for Hendry County in 2010-2011.

Topography – In localized settings Hendry County is rather level. Countywide, however, the elevations vary from just under 15 feet to just over 40 feet. Map 3A: Land Surface Elevations provides topographic information for the County.

Soil Erosion – Due to the rather flat topography of Hendry County, there is almost no soil erosion. Some erosion has occurred on the banks of Lake Okeechobee and along the Caloosahatchee River. These are monitored by the SFWMD, and erosion control projects are being carried out as needed.

Air Quality – The quality of the air in Hendry County is very good. The County has no air quality categories for which it has nonattainment status under the Florida Department of Environmental Regulation or the U.S. Environmental Protection Agency regulations.

Vegetative Communities – The predominant vegetative communities in Hendry County include grasslands and dry prairies. Of lesser dominance are pinelands, cypress swamps, freshwater marshes and wet prairies. Much of these areas have been substantially altered by human activity. Vegetative communities are shown in Map 3: Land Cover.

Wildlife Habitat – The vegetative communities in Hendry County provide a variety of wildlife habitat. Within the major vegetative communities, there are grasslands, pinelands, wet and dry prairies, marshes, lakes and ponds. The Caloosahatchee River and its banks and tributaries, and Lake Okeechobee and its shores, provide water body habitat for wildlife. It is known that a wide variety of both game and nongame wildlife inhabit these many environments, but there are no existing inventories of the dominant species. Map 6: Florida Panther Habitat and Dispersal Zones indicates panther habitats for Hendry County.

Commercially Valuable Minerals and Natural Resources – Oil fields, natural gas, sand, sand shell, marl, small areas of peat, and limestone deposits are natural resources that exist or have the potential to exist in Hendry County.

Hazardous Wastes – In 1999 there were thirteen hazardous waste generating sources within Hendry County identified by U.S. Environmental Protection Agency identification numbers. Four of these were in the LaBelle area and six were in the Clewiston area. The oil operations in the Felda area have three identification numbers. The sources included the Florida Department of Transportation, electric utility, gasoline bulk plant, citrus operation, service stations, automobile dealer and agricultural machines dealer. Most of these wastes are pesticides containers, waste paints, used solvents, batteries and used motor oil.

Groundwater Use – According to the BEBR mid-range population projection as reported in the 2007 Florida Statistical Abstract used for Hendry County's 10 Year Water Supply Facilities Work Plan, Hendry County's population is projected to grow to 50,277 by 2020.

There are three groundwater aquifer systems in the County: the Surficial, Intermediate and Floridan Aquifer Systems. Water in the Floridan Aquifer System was once considered too saline for most uses, leaving the Surficial and Intermediate Aquifer Systems as the primary sources of groundwater in the County. The SFWMD recognized the potential development of brackish groundwater from the Floridan aquifer and completed a hydrogeologic investigation in the northwest area of Hendry County. The results of the SFWMD investigation are summarized in SFWMD Technical Publication WS-15, which is titled *Hydrogeologic Investigation of the Floridan Aquifer System, LaBelle, Hendry County, Florida* (May 2003). The results of the SFWMD investigation demonstrate that physical and chemical characteristics of the Floridan aquifer are suitable for sustainable

development of groundwater resources from the aquifer.

The Caloosahatchee River (C-43) and Lake Okeechobee are the sources of water for much of northern Hendry County. The U.S. Army Corp of Engineers (COE) controls stages on C-43 primarily for navigation. When water withdrawn for irrigation results in a lowering of the stage, COE releases water from Lake Okeechobee to restore the stage to navigable levels.

Water is drawn from the river or from the lake through a series of canals, which also provide drainage for the northern portion of the County. These canals include the Townsend Canal, Roberts Canal C-2, C-3, Hendry-Hilliard Canal, Forty-Foot Canal and Industrial Canal. Clewiston's potable water supply is withdrawn from the Industrial Canal.

Potential future restrictions on the use of surface water as a supply source may force greater reliance on groundwater as a water supply source. Increasing demand for groundwater, as well as historical flood control and drainage practices, have caused local and regional declines in groundwater levels. Groundwater declines are expected to increase in the future, due to the projected increases in groundwater demands

GOAL 6: To conserve and enhance the quality of the natural resources in Hendry County for current and future population.

OBJECTIVE 6.1: CONSERVATION: Eight maps make up the Conservation Element Map Series. These maps include Map 1: FEMA Flood Prone Areas, Map 2: Land Surface Elevations, Map 3: Land Cover, Map 3A Land Surface Elevations, Map 4: Oil Well Fields and Cones of Influence, Map 5: Extractive Uses, Map 6: Florida Panther Habitat and Dispersal Zones, Map 7: Historical and Archaeological Sites, and Map 8: Soils.

The Policies under this Objective describe the categories shown on these maps, and describe the nature and applicable criteria and requirements related to each category. The categories require various levels of treatment concerning conservation, use, and protection as noted in the Policies below.

Because of their dynamic natures and their often conflicting definitions among agencies and professionals, the environmental categories illustrated as part of the Conservation Element Map series must be considered generalized. These maps act to flag general areas in which an environmental category likely exists; however, a more detailed examination must be conducted for specific locations on a case by case basis to reveal the full extent and actual locations of each environmental category.

During the planning period, the County shall provide for the conservation and appropriate use of mineral resources to ensure that the water quality and

quantity of wetlands, surface waters, or aquifers shall not be degraded or reduced by development activities, including mining, and that there will be no net loss of or impairment of natural functions of wetlands or surface waters resulting from development activities, including mining. This objective will be accomplished through the implementation of the policies set forth below

Policy 6.1.2:

WETLANDS: Wetlands are areas identified by plant communities commonly associated with lands inundated by water for a significant period each year. Those communities are shown on Map 3: Land Cover. This map provides general location for wetlands. Wetlands serve an important ecological function for flood control, water quality, and water management. Therefore, the potential for development within wetland areas shall be regulated to limit impacts according to the following provisions:

- a. Jurisdictional determination of wetlands by the appropriate state agency shall be conducted and submitted with applications for development orders (as defined by Florida Statutes Section 163.3164) on any property mapped as wetland on Map 3: Land Cover Map or with potential wetland characteristics.
- b. In order to protect and conserve wetlands, impacts to jurisdictional wetlands shall be avoided to the greatest extent possible through clustering in accordance with Policy 1.8.21. On parcels that contain jurisdictional wetlands, development is to be clustered and located on disturbed land or land deemed to be of the lowest quality vegetative community available according to a professional environmental assessment consistent with state and federal methodologies. Subdivisions shall also be designed to preserve jurisdictional wetland areas and create lots containing disturbed land or land of the lowest quality vegetative community available according to a professional environmental assessment consistent with state and federal methodologies. See Policy 6.2.7 for calculation of required native vegetation preserve areas.
- c. If development within jurisdictional wetlands is unavoidable, development within wetlands shall be minimized to the greatest extent possible. Hendry County shall discourage incompatible uses within wetlands. Permissible uses shall be limited to single family and two-family residential dwellings. All other uses will be directed away from wetlands. Residential density within wetlands is limited to one unit per 20 acres.
- d. If development within jurisdictional wetlands is unavoidable, all uses in wetlands shall meet applicable state and Federal regulations and permitting requirements.

Policy 6.1.3:

The County shall support the Everglades CERP Plan as implemented by the Water Management District. Such support shall consist of, but not be limited to, review of the CERP Plan to determine which portions should be

incorporated into the County's Comprehensive Plan, distribution of information on the CERP Plan to landowners, developers, and staff who are affected by its provisions, and provision of available information to the District to assist the District in its own implementation efforts.

Policy 6.1.4: Hendry County shall work towards the establishment of mitigation areas within the County to ensure that local impacts to protect wildlife are mitigated locally.

Policy 6.1.5: GROUNDWATER PROTECTION: No areas have currently been designated as Groundwater Protection for lack of appropriate locational data and information. Map 4 titled, Oil Well Fields, and Cones of Influence is provided to illustrate areas identified as cones of influence.

Any land use proposed for development within one-half mile of any potable water well designated on Map 4: Oil Well Fields, and Cones of Influence is to be reviewed as a Special Exception in order to determine impact on groundwater resources from the proposed use and specific development. Such review shall address, but is not limited to: restrictions on land uses which involve pollutants and/or restrictions on handling and storage of hazardous/toxic materials in order to minimize the opportunity for contamination. In addition, the following standards shall apply to the location of certain activities within close proximity to public potable water wells: (a) septic tanks shall be prohibited within two hundred (200) feet of a well; (b) any generation, use, storage, transfer, treatment, or disposal of hazardous materials (including hazardous waste, agricultural chemicals, and petroleum products) shall be prohibited within four hundred (400) feet of a well.

Policy 6.1.6: Work with the SFWMD to identify new water sources in the County, as provided within the Lower West Coast Water Supply Plan and Hendry County's Ten-Year Water Supply Facilities Plan, as updated.

Policy 6.1.7: HISTORIC RESOURCES: There are many historic and archeological places in Hendry County, including various Indian mounds, historic fort locations, and the Hendry County Courthouse, which are listed in the Florida Master File of historic and archaeological places. The locations are indicated on Map : 7: Historical and Archeological Sites.

Any development proposal which encompasses a historic and/or archaeological site which is listed on the Florida Master File or on the Map 7: Historical and Archeological Sites, shall be reviewed for historic significance by professionals in appropriate agencies with requisite experience on the request of Hendry County staff.

Policy 6.1.8: SOILS AND TOPOGRAPHY: Soils classifications are included on the map titled Map 8: Soils. Extensive development potential rating of soils in Hendry County is not yet available. A rating system that pertains to the septic tank suitability of

soils is available, and has served as a guide for the location of land use categories and densities.

- Policy 6.1.9:** The septic tank permitting process shall be conducted by the Hendry County Environmental Services Department and shall be consistent with the Department of Health.
- Policy 6.1.10:** A rating system that indicates the potential for leaching and runoff of pesticides for the soil types present in Hendry County is available from The University of Florida Institute of Food and Agricultural Sciences (IFAS) Cooperative Extension Service, which provides the publication titled “Hendry County: Soil Ratings for Selecting Pesticides.” This publication is a resource that indicates soils with high runoff potential are present in Hendry County. This publication shall be used in conjunction with the maps provided in the “Hendry County Soil Survey Report” by the IFAS Cooperative Extension Service as reference for operators of agricultural activity to guide the selection of which pesticides are appropriate according to site specific soil types.
- Policy 6.1.11:** **MINERALS:** Possible commercially valuable minerals are not specifically mapped due to the lack of specific locational information. It is noted on the maps that Hendry County has extensive areas of mineral resources including sand, sand shell and marl, and some peat, covering nearly the entire land area of the County.
- Policy 6.1.12:** **MINING:** The removal of mineral resources, earthen materials or deposits by means of excavation, stripping, grading, or by any other process for use off-site shall constitute mining and shall require County approval. Excavation activities that do not constitute mining are excavations required for: onsite water management, onsite backfilling or grading, foundations of swimming pools, fences, walls, and small ponds not exceeding five percent of the total land area.
- Policy 6.1.13:** Proposed mining activities require approval by Hendry County according to the development regulations set forth in the Land Development Code, which are intended to address issues such as groundwater monitoring, screening, access, and compatibility with adjacent uses. At a minimum, a request for approval of a mining activity must include a master plan indicating the limits of the proposed mining activity, the potential impacts of the proposed mining activity on listed species and native vegetation (with demonstrated adherence to the policies under Objectives 6.1 and 6.2), the proposed mechanism for extraction, the proposed timeframe for the mining activity, and a restoration plan. No conflicting land uses shall be permitted within the limits of the mine during the period of the mining activity. In addition to the requirements put forth in these policies, all mining activities and restoration shall be consistent with state law.
- Policy 6.1.14:** Environmentally sensitive lands, including wetlands, surface waters, upland habitat adjacent to wetlands and surface waters, floodplains, and listed species habitat must be restored after mining to their condition prior to mining, or an equivalent area onsite must be created, according to function, type, extent, and quality. Mining shall be prohibited in such environmentally sensitive lands

where such restoration of the natural functions to their prior type, extent, quality and location, or equivalent created area onsite, is not feasible.

Policy 6.1.15: Mining shall be prohibited within 500 feet of a residential land use category, except this prohibition may be reduced to 200 feet where opaque fences and/or berms are provided.

Policy 6.1.16: Mining shall be prohibited within 1,000 feet of a public wellhead.

Policy 6.1.17: **CALOOSAHATCHEE RIVER:** The Caloosahatchee River (also designated canal number C-43) is rated a Class III river according to the surface water quality classification system of the Florida Department of Environmental Protection (FDEP). This classification represents benefits from the river for recreation, fish and wildlife, and is a middle range classification in the DEP system which runs from Class I (potable water) to Class V (industrial). The Caloosahatchee River is under the management of the South Florida Water Management District (SFWMD) and Army Corps of Engineers (ACOE).

Policy 6.1.18: Nonpoint source pollution occurs when stormwater runoff carrying pollutants flows into water bodies. In order to protect the Caloosahatchee River from improperly managed runoff, the County shall limit land uses and activities on property abutting the river that result in water quality degradation. Hendry County staff will coordinate with the SFWMD and FDEP and will monitor the development of Total Maximum Daily Load (TMDL) and Basin Management Action Plan (BMAP) for the Caloosahatchee River. State Agency regulations, once adopted, will guide Hendry County's evaluation and application of development standards on property abutting the Caloosahatchee River and its tributaries.

Policy 6.1.19: Agricultural activities and keeping of livestock occur on properties designated in both Residential and Agriculture categories on the Hendry County Future Land Use Map. Hendry County shall encourage Best Management Practices established by the Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy for property owners abutting the Caloosahatchee River and its tributaries engaged in agricultural activities and keeping of livestock. FDACS's *Water Quality/Quantity Best Management Practices for Florida Equine* 2008 Edition (Draft Date: 12/09/08) provides the following examples of practices to minimize water quality impacts : maintaining vegetative cover; managing manure; controlling density of livestock; incorporating planned grazing systems; encouraging animals away from the river with structural barriers, buffers and feeding area setbacks; and preventing direct flow of stormwater runoff into the river by using swales, constructed wetlands, and stormwater retention ponds.

For property owners along the river and its tributaries engaged in existing agriculture or keeping of livestock, Hendry County shall implement an educational program outlining the importance of maintaining water quality and associated Best Management Practices. The educational program may include

public meetings, brochures, website information, tours, and a hotline for reporting activities that threaten water quality.

An example of a stocking rate standard from FDACS's *Water Quality/Quantity Best Management Practices for Florida Equine* 2008 Edition (Draft Date: 12/09/08) is as follows:

An example of a stocking rate standard from FDACS Best Management Practices for Florida Equine (2008 Edition Draft) is as follows:

$$\text{Pasture Acres Required} = \frac{(\# \text{ horses}) \times (\text{average body weight in pounds}) \times (.03) \times (\# \text{ grazing days})}{\text{Average forage production, in pounds per acre}}$$

Policy 6.1.20: Hendry County shall coordinate with and assist the SFWMD, ACOE and other private and public entities in efforts to restore and ensure the long-term stability of the Caloosahatchee Oxbows.

Policy 6.1.21: **Energy Conservation Features:** The County shall review, with each Comprehensive Plan Evaluation and Appraisal Report, existing countywide energy conservation features (natural areas such as wetlands, parks, and greenways), measures and practices, and, if necessary adopt additional Comprehensive Plan Policies that further the goal of achieving measurable results in energy conservation. The review shall include an evaluation of the effect of County plans, programs, and policies and determine how to reduce energy impacts, maintain and expand the inventory of countywide energy conservation features and make efficient use of energy resources.

Policy 6.1.22: The County shall endeavor to coordinate with the municipalities to promote energy conservation and education.

Policy 6.1.23: To achieve more sustainable building practices, the County shall encourage sustainable building measures for new buildings and major renovation projects for County facilities as outlined in the U.S. Green Building Council's document "LEED-NC: Green Building Rating system for New Construction and Major Renovations."

Policy 6.1.24: The County encourages the use of water conserving appliances and cisterns in order to reduce the per capita consumption of potable water and the increased use of energy efficient appliances to reduce energy consumption and the carbon footprint of the County.

Policy 6.1.25: The County shall coordinate with the University of Florida Institute of Food and Agricultural Sciences Extension Office to promote the Florida Friendly Landscapes Program and shall utilize, whenever possible, Florida Friendly Landscape techniques and plants for county-owned property. Florida friendly landscapes use native vegetation that require low levels of irrigation and fertilization.

Policy 6.1.26: The County shall develop and adopt criteria and standards in the Land

Development Code including building design standards that consider solar orientation, low impact development standards, and use of native landscaping.

Policy 6.1.27: The County shall collect and distribute information to educate property owners concerning energy efficiency, renewable energy resources, and incentives offered by state agencies and utility companies that promote energy efficient appliances and renewal energy resources. The County may distribute this information by public meetings, workshops, mailings, brochures, website updates, or use of other media outlets.

OBJECTIVE 6.2: WILDLIFE HABITAT OF ENDANGERED AND THREATENED SPECIES AND SPECIES OF

SPECIAL CONCERN/VEGETATIVE COMMUNITIES: The Conservation Element Map Series

includes Map 3: Land Cover, depicting vegetative (plant) communities, and Map 6: Florida

Panther Habitat and Dispersal Zones. In addition to the Florida Panther, the Florida Fish and Wildlife Conservation Commission (FFWCC) indicates that 20 other listed species also have potential to occur in Hendry County. The County shall coordinate with State and Federal wildlife agencies to ensure that critical habitat for listed species is protected consistent with State and Federal agency guidance. This Objective shall be implemented by a program of activities which includes the following:

Policy 6.2.1: It shall be the policy of Hendry County to protect habitat for threatened or endangered species or species of special concern from destruction by development.

Policy 6.2.2: State and Federal wildlife agency requirements shall be followed and evidence of compliance shall be provided with all applications for development order (as defined by Florida Statutes Section 163.3164). Evidence of required mitigation and management plans must be provided prior to issuance of final development order by Hendry County.

Policy 6.2.3: In accordance with State and Federal wildlife agency methodology, Hendry County shall require a listed species survey for proposed development sites of 20 acres or more, and on development sites with proposed wetland impacts of one acre or more. However, the Planning Director may determine a development site under these thresholds is of environmental significance due to its site conditions, surrounding site conditions, or proximity to known listed species habitat, and therefore a listed species survey may be required.

Policy 6.2.4: On sites where listed species are identified as likely to occur, sufficient area shall be established on the site and in conjunction with adjacent properties to maintain viable habitat for listed species. See Policy 6.2.7 for calculation of required native vegetation preserve areas. All development that proposes impact to listed species habitat must provide evidence of consultation and compliance with applicable USFWS and FFWCC requirements prior to issuance of final development order by Hendry County.

Policy 6.2.5: The County shall seek consultation from the USFWS and the FFWCC, as well as stakeholders, in the consideration of species-specific habitat protection policy and criteria.

Policy 6.2.6: To protect listed species, and particularly migratory birds, from the impacts associated with communication towers, the County shall refer to the U.S. Fish and Wildlife Service (USFWS) Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers (September 2000). For any application for development of a communication tower, the County shall require the applicant to provide an analysis of impacts to natural areas, including the project's location within the Service's Panther Focus Area, and project's location with regard to the 18.6-mile core foraging area of known wood stork colonies. Co-location of towers shall be encouraged. The County may request technical assistance from the USFWS if the proposed communication tower project does not specifically comply with the Service Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers.

Policy 6.2.7: Proposed developments sites of 20 acres or more and not falling within the Development of Regional Impact thresholds shall designate on a map or plan of the proposed development site the locations of any areas of five acres or more dominated by 50% or more with native vegetation. In the course of the development of the property, a portion of such native vegetation shall be conserved and protected. The specific areas conserved or protected shall include, at a minimum, those lands appropriate for protection of habitat for listed species deemed likely to occur on the site according to a listed species survey. Such areas shall be incorporated into open space areas that, where possible, connect to off-site preserve areas and areas that provide habitat for listed species. If over 50% of the site involves such qualifying native vegetation areas, no more than one-half of the total site shall be required to be preserved. The regulations shall also provide that when such areas are found on development sites of less than 20 acres, such qualifying native vegetation areas shall be preserved in open space uses up to 25 percent of the total site. The removal or destruction of native vegetation prior to development, except where necessary for legitimate agricultural or silvicultural uses, shall be construed to be clearing of land as an adjunct to construction, and shall be subject to all policies governing the removal or destruction of vegetation as they apply to development. This policy is subject to the policies setting out the legal status of the Comprehensive Plan.

Table 6-1 - Preservation Standards Summary Table		
Size of Development Site	Area of Qualified Native Vegetation	Preservation standard
20 acres or more	5 acres or more occupied with 50% or more native vegetation	Minimum: Preserve the qualified native vegetation areas that a listed species survey indicates listed species are likely to utilize, and that connect to off site preserves that provide habitat for listed species. Maximum: 50% of the development site.
Less than 20 acres	5 acres or more occupied with 50% or more native vegetation	Minimum: Preserve the qualified native vegetation areas that a listed species survey indicates listed species are likely to utilize, and that connects to off site preserves that provide habitat for listed species. Maximum: 25% of the development site.

Policy 6.2.8: The land development regulations adopted by the County shall continue to state that no building permit, except for a single family or two family residential unit, or development permit will be issued by any agency of Hendry County until the applicant provides evidence that the requirements of state and federal law as set forth in policies under Objectives 6.1 and 6.2 have been or will be complied with by the applicant and that the natural functions of designated or otherwise known environmentally sensitive lands will not be adversely affected by the use for which the application is sought. Wetlands, aquifer recharge areas, native vegetation communities, wildlife habitat, and potable water well cones of influence shall be regulated in accordance with the applicable Comprehensive Plan policies for these resources.

Policy 6.2.9: The County shall coordinate its efforts with the regional hazardous waste program as defined in the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan.

Policy 6.2.10: The County shall employ reasonable inspection methods of waste loads by checking load manifests of haulers to the extent allowed by law.

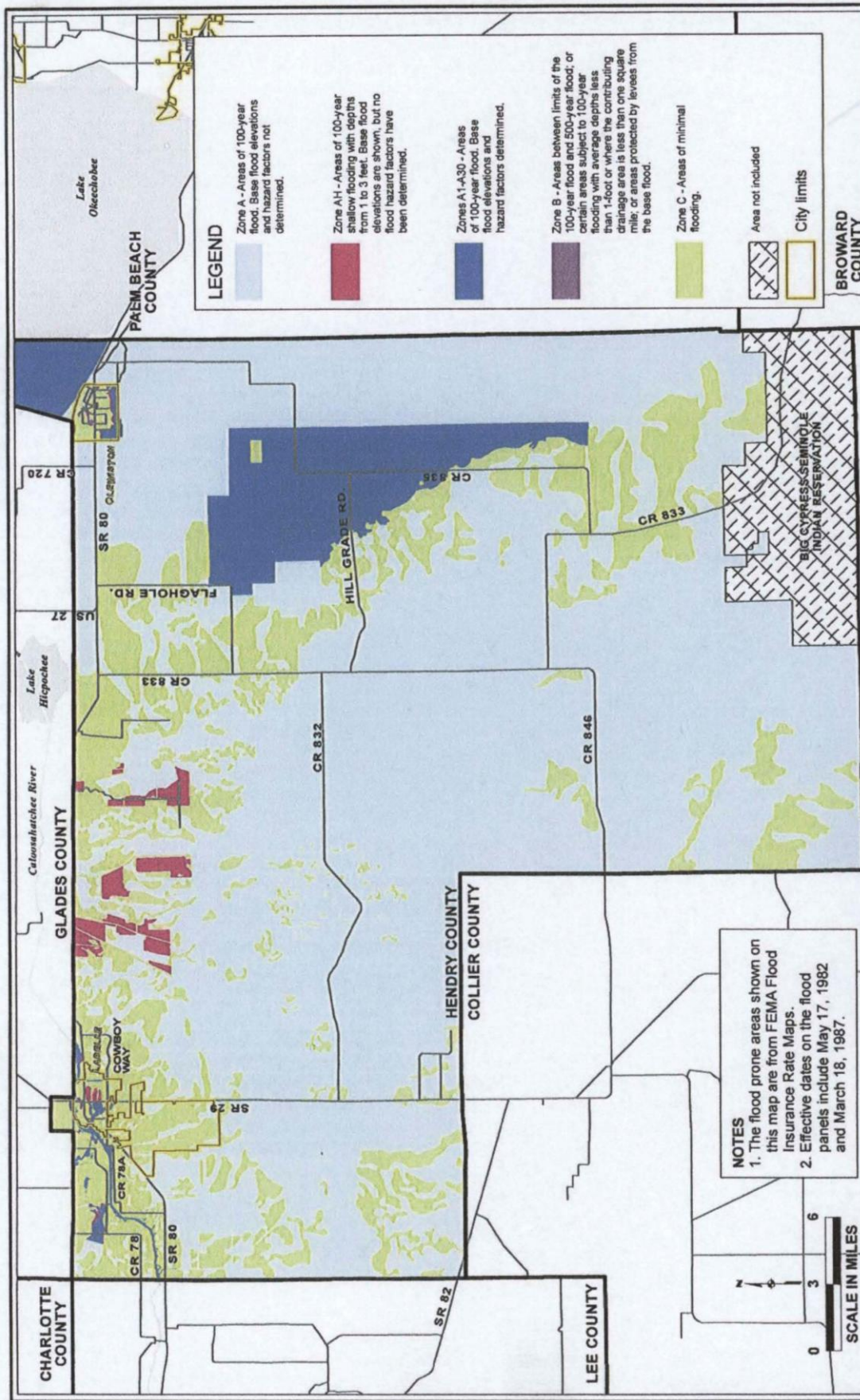
OBJECTIVE 6.3: NATURAL RESERVES/RECREATION: The County shall seek the preservation of natural areas identified in the Recreation and Open Space Element, as well as proposed natural recreation areas, by implementing the following policies:

Policy 6.3.1: The County will evaluate the feasibility of adopting watershed management

provisions, by basin, to protect water quality, supply, and wetlands and listed species habitat.

Policy 6.3.2: The County will evaluate the feasibility of implementing Best Management Practices for urban areas to manage stormwater and fertilizer runoff that impacts water quality.

Policy 6.3.3: The County shall assess its current and projected water needs and sources for at least a 10-year period, considering the South Florida Water Management District regional water supply plan approved pursuant to s. 373.0361.



LEGEND

Zone A - Areas of 100-year flood. Base flood elevations and hazard factors not determined.

Zone AH - Areas of 100-year shallow flooding with depths from 1 to 3 feet. Base flood elevations are shown, but no flood hazard factors have been determined.

Zones A1-A30 - Areas of 100-year flood. Base flood elevations and hazard factors determined.

Zone B - Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1-foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

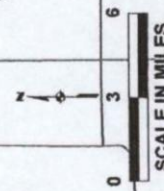
Zone C - Areas of minimal flooding.

Area not included

City limits

NOTES

- The flood prone areas shown on this map are from FEMA Flood Insurance Rate Maps.
- Effective dates on the flood panels include May 17, 1982 and March 18, 1987.



Conservation Element
Map Series
Hendry County
Comprehensive Plan

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FEMA Flood Prone Areas

DATE	Feb. 2010	PROJECT NO.	20033945-007	FILE NO.	-	SCALE	As Shown	SHEET	MAP 1
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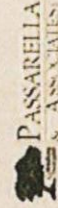
Hendry County Rural and Agricultural Lands Study

SFWMD FLUCFCS Map
MAP 1.14

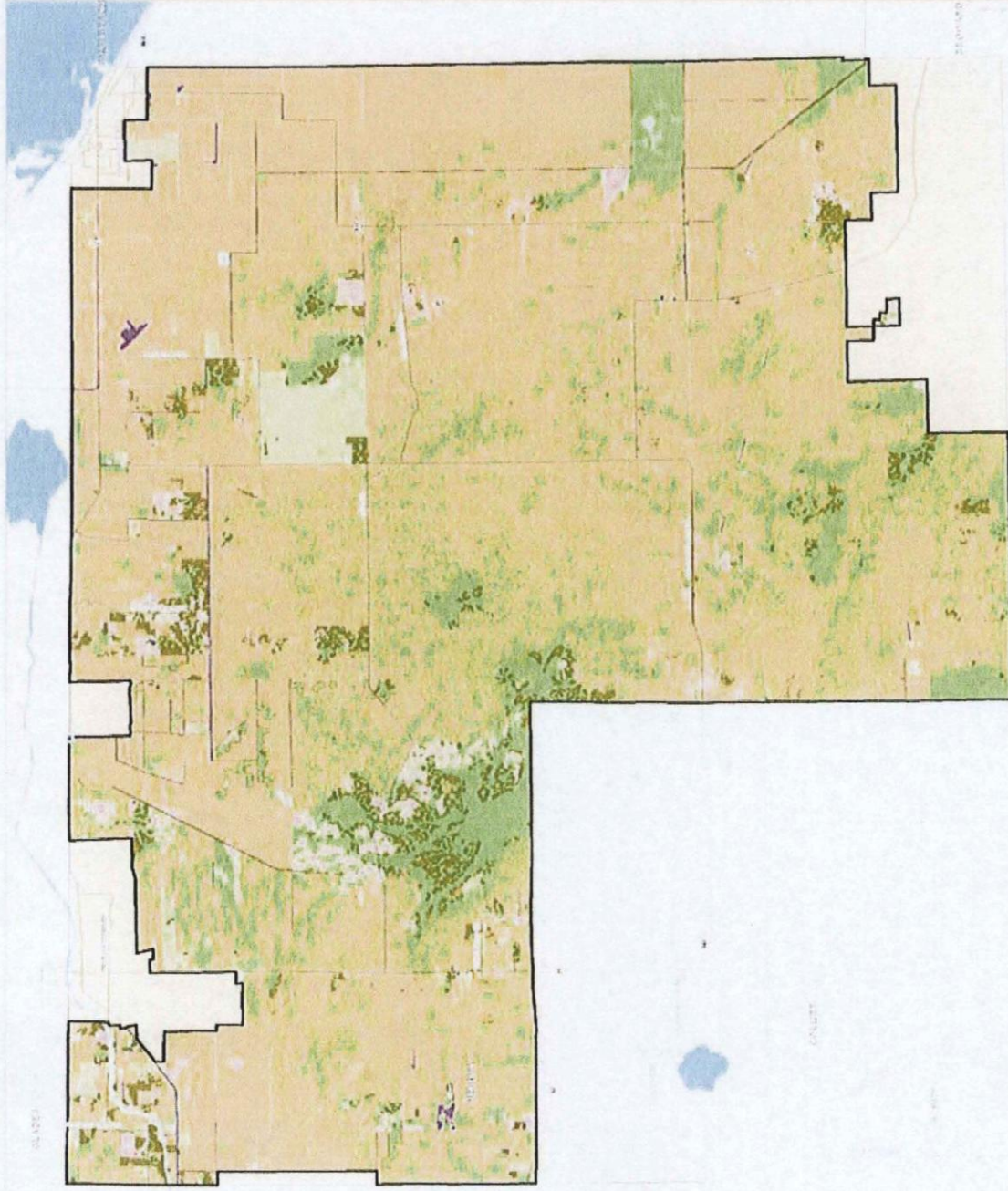
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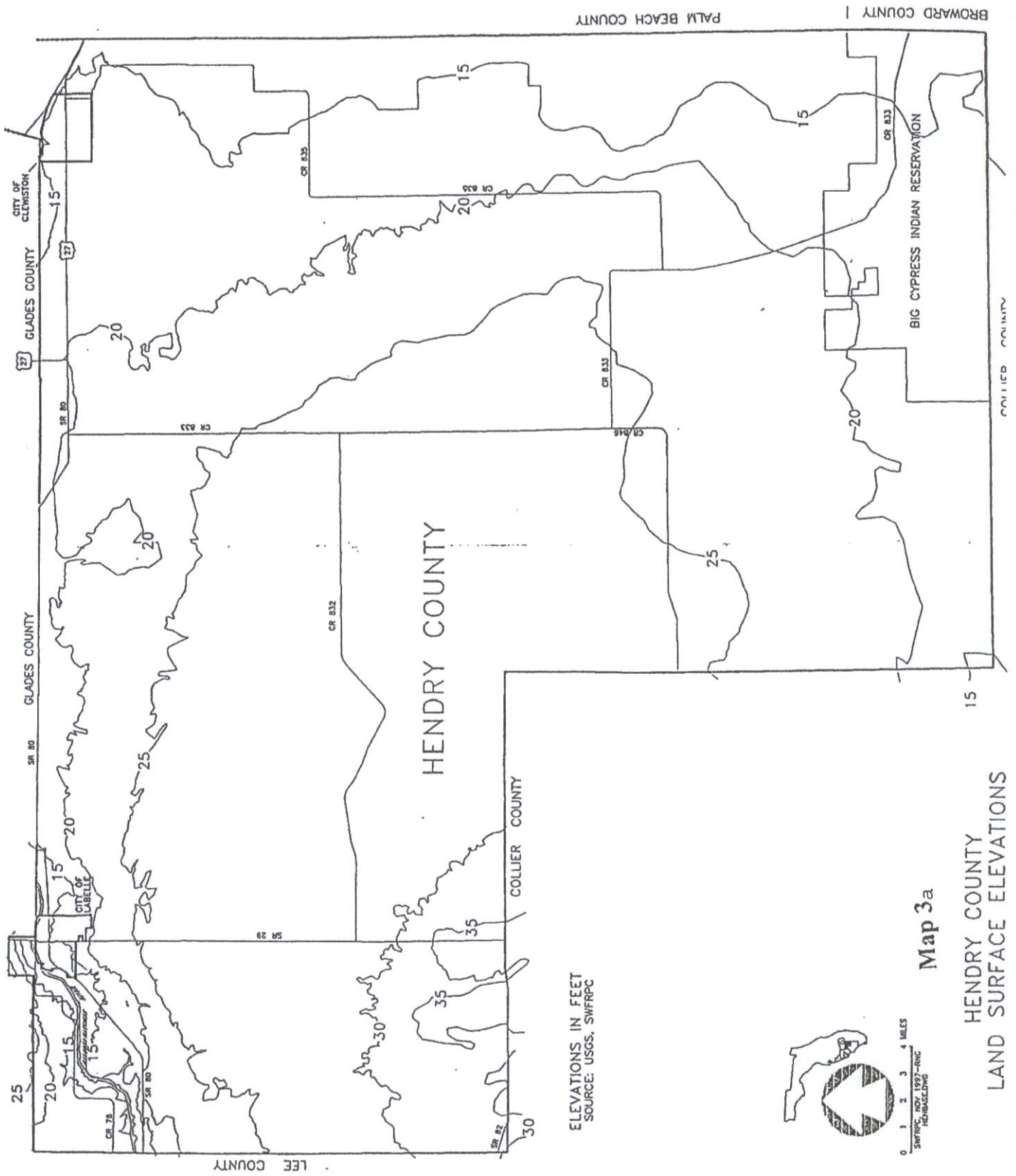
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	Conservation Element 1
	Conservation Element 2
	Conservation Element 3
	Conservation Element 4
	Conservation Element 5
	Conservation Element 6
	Conservation Element 7
	Conservation Element 8
	Conservation Element 9
	Conservation Element 10

Conservation Element
Map 3 : Land Cover

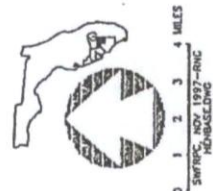


1 inch equals 2 miles



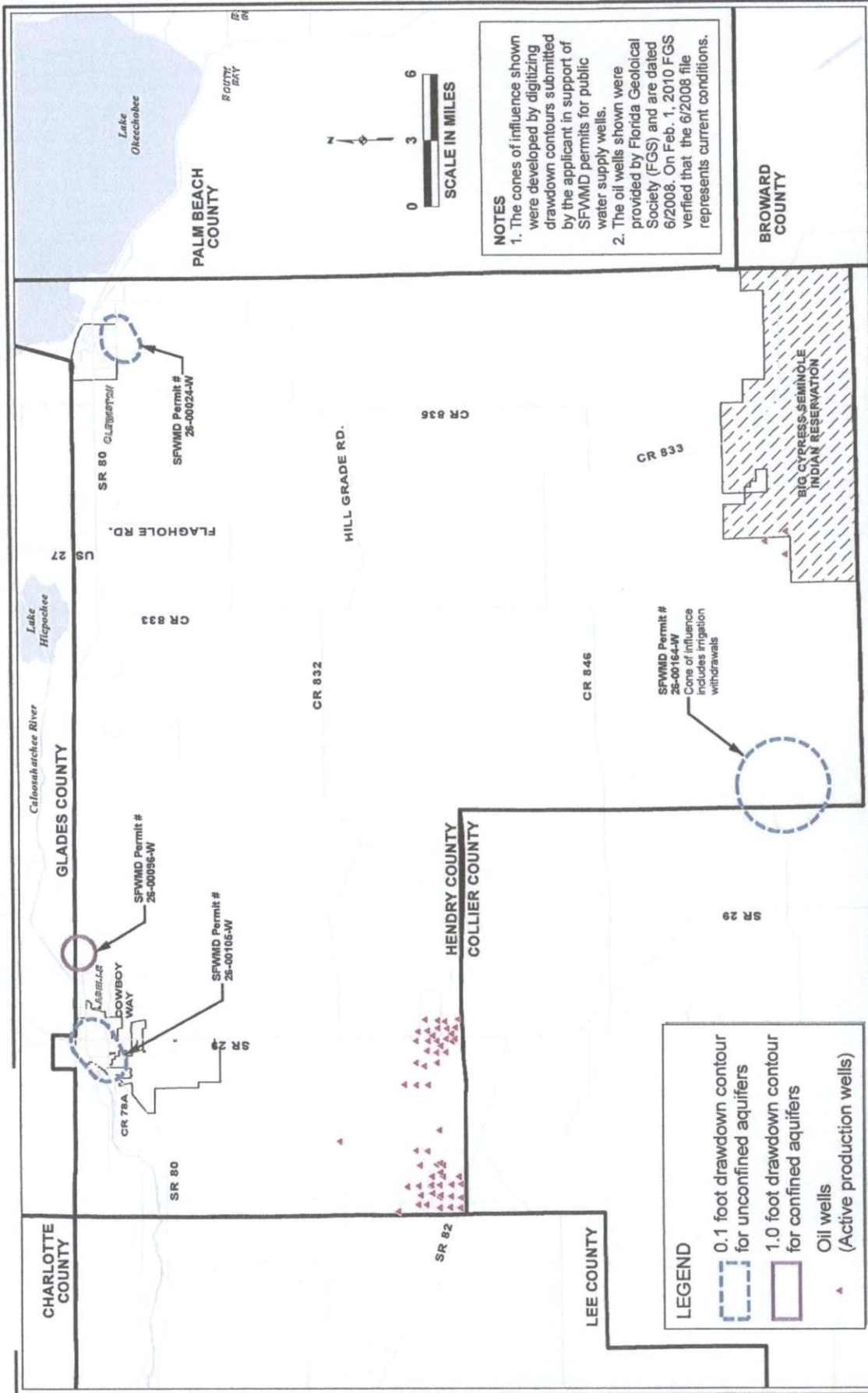


ELEVATIONS IN FEET
SOURCE: USGS, SWFRPC



Map 3a

HENDRY COUNTY
LAND SURFACE ELEVATIONS



NOTES

1. The cones of influence shown were developed by digitizing drawdown contours submitted by the applicant in support of SFWMD permits for public water supply wells.
2. The oil wells shown were provided by Florida Geological Society (FGS) and are dated 6/2008. On Feb. 1, 2010 FGS verified that the 6/2008 file represents current conditions.

LEGEND

- 0.1 foot drawdown contour for unconfined aquifers
- 1.0 foot drawdown contour for confined aquifers
- Oil wells (Active production wells)

JOHNSON ENGINEERING

Conservation Element
Map Series
Hendry County
Comprehensive Plan

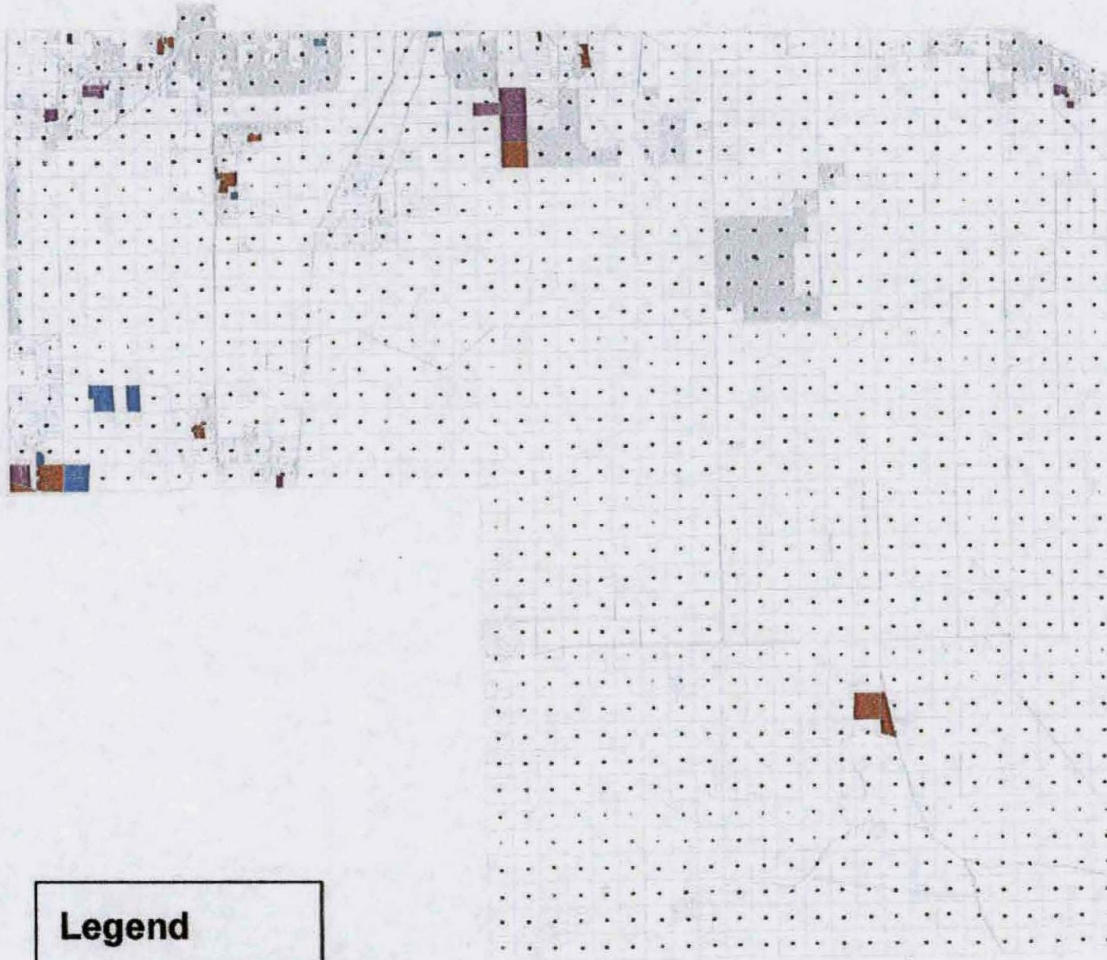
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Oil Well Fields and Cones of Influence

DATE: Feb. 2010
PROJECT NO.: 20033945-007
FILE NO.: -
SCALE: As Shown
SHEET: MAP 4



Hendry County Extractive Use



Legend


Extractive Use

- Active
- Inactive/Closed
- Pending

Conservation Element
Map Series
Hendry County
Comprehensive Plan

Date: May 28, 2009
Planning and Zoning Department







Map 5



Hendry County
"Sweet, Friendly...Country"

Hendry County Rural and Agricultural Lands Study
Panther Zones Map

Legend:

-  HENDRY COUNTY RURAL AND AGRICULTURE STUDY
-  PANTHER ZONES
-  PRIMARY ZONE
-  SECONDARY ZONE
-  DISPERSAL ZONE
-  PRIMARY DISPERSAL / EXPANSION AREA

RWA INC.
CONSULTING

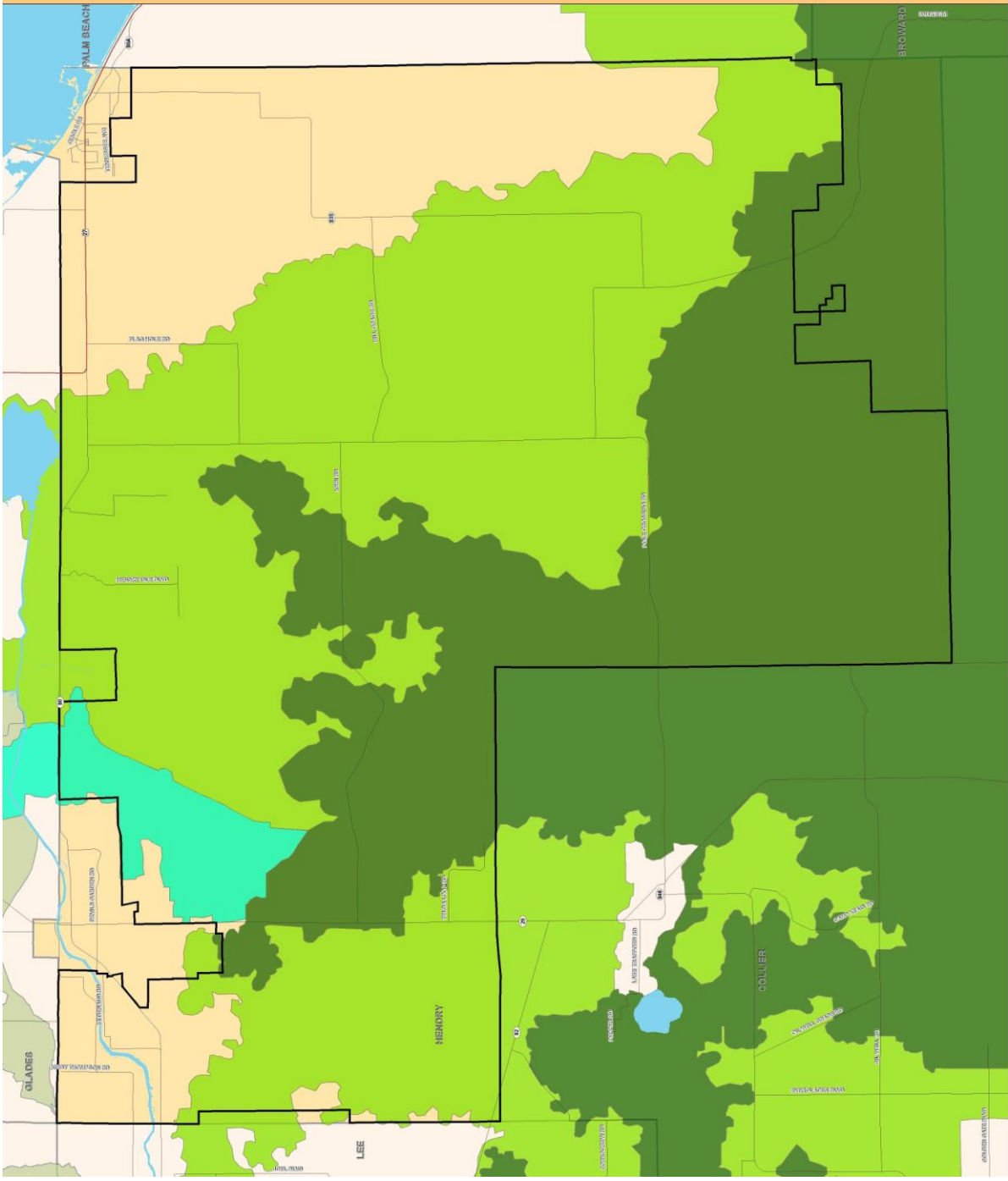
Tindale-Oliver & Associates, Inc.
Planning and Engineering

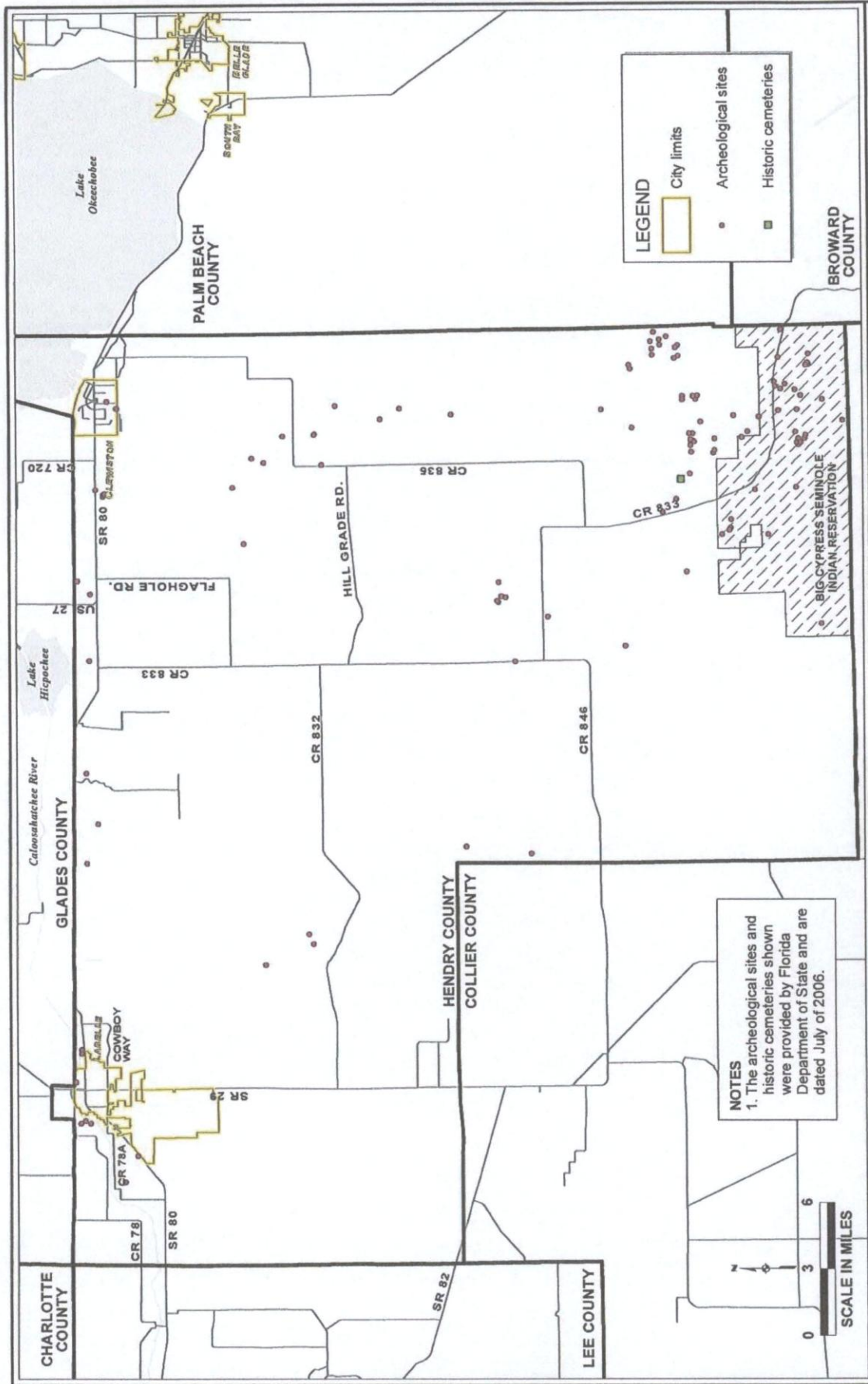
PASSARELLA
& ASSOCIATES
INC.

1 inch equals 2 miles

NOTES:
COUNTY INFORMATION AND BOUNDARY FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE AND SECONDARY ZONES WERE ACQUIRED FROM PALTZ & CO. 2001.

DISCLAIMER:
RWA, Inc. provides this data for your personal use only. The information is provided as a service to our clients and is not intended for use in any other manner. We warrant that the information was prepared in accordance with the professional standards of the industry.





Historic and Archeological Sites

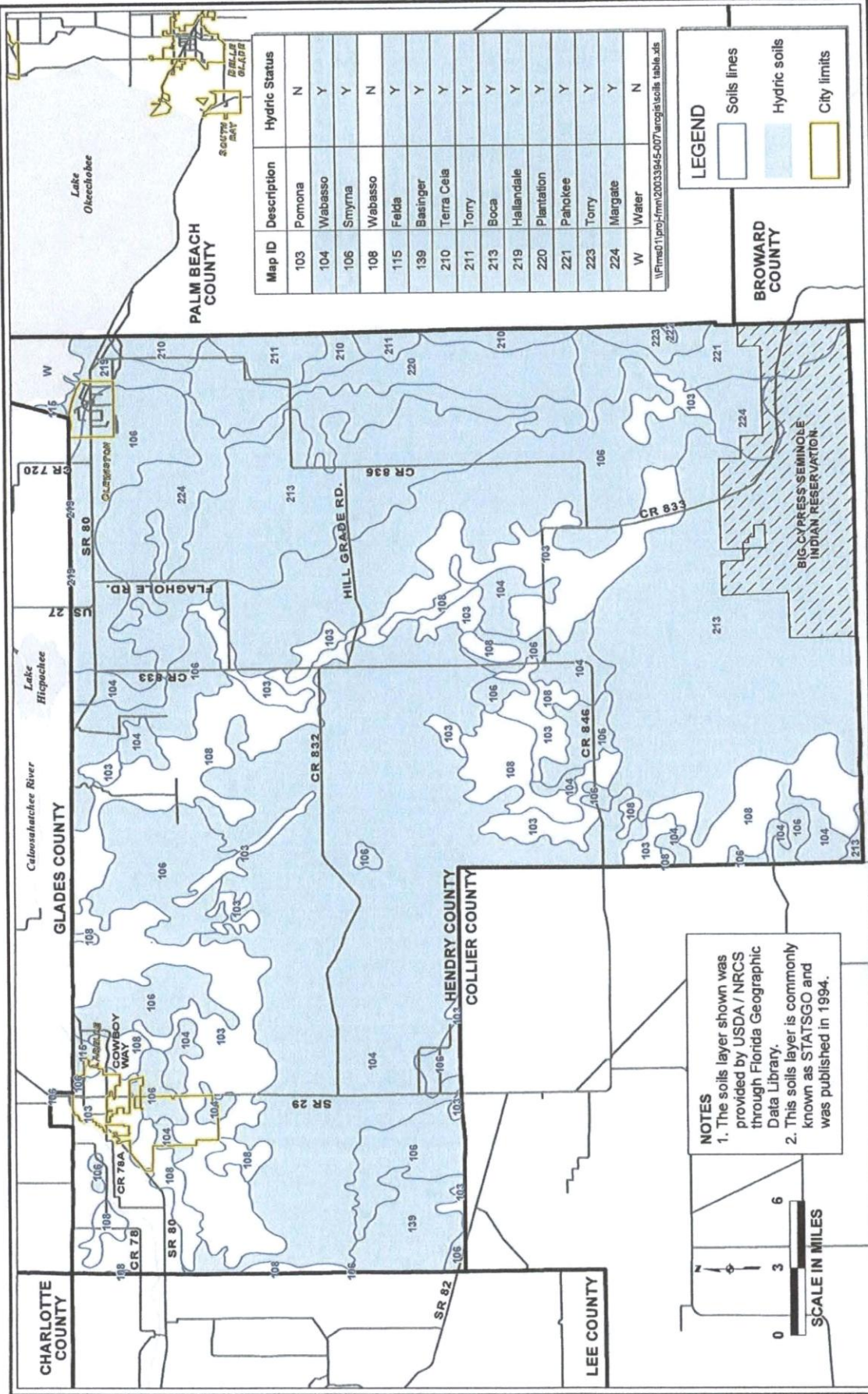
DATE: Feb. 2010
 PROJECT NO.: 20033945-007
 FILE NO.: -
 SCALE: As Shown
 SHEET: MAP 7

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Conservation Element
 Map Series
 Hendry County
 Comprehensive Plan

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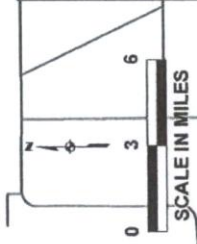
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104	Wabasso	Y
106	Smyrna	Y
108	Wabasso	N
115	Felda	Y
139	Basinger	Y
210	Terra Cella	Y
211	Torry	Y
213	Boca	Y
219	Hollandale	Y
220	Plantation	Y
221	Pahokee	Y
223	Torry	Y
224	Margate	Y
W	Water	N

LEGEND

- Soils lines
- Hydric soils
- City limits

NOTES

- The soils layer shown was provided by USDA / NRCS through Florida Geographic Data Library.
- This soils layer is commonly known as STATSGO and was published in 1994.



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**Conservation Element
Map Series
Hendry County
Comprehensive Plan**

Soils Map

DATE: Feb. 2010
PROJECT NO.: 20033945-007
SCALE: As Shown
SHEET: MAP 8

CHAPTER 5: INFRASTRUCTURE ELEMENT

INTRODUCTION

The purpose of this Infrastructure Element (sanitary sewer, solid waste, drainage, potable water, natural groundwater aquifer recharge, and 10-Year Water Supply Facilities Work Plan) is to provide for necessary public facilities and services correlated to future land use projections. The Hendry County Comprehensive Plan contains an Infrastructure Element, which includes all of these sub-elements.

Because of the wide divergence among the types of facilities included in this overall Element, this Element handles each topic as a major sub-element. These are presented in separate sub-element sections broken down in the following order:

- A. Sanitary Sewer
- B. Potable Water
- C. Solid Waste
- D. Drainage
- E. Natural Groundwater Aquifer Recharge
- F. 10-Year Water Supply Facilities Work Plan

Each sub-element has an introduction, a section on conclusions from the Data and Analysis and Goals, Objectives, and Policies.

The Data and Analysis, the support documentation for this Comprehensive Plan, also analyzed each of the topics as a separate sub-element corresponding directly to the structure of this Element. Most of the data and information for this Element were available to support the analyses for these topics, but some data and information were not available or not yet existing. These data and information constraints are noted in the individual sub-elements and the need for the data and information is included in the Goals, Objectives and Policies presented in the final sections of each sub-element.

A. SANITARY SEWER SUB-ELEMENT

INTRODUCTION

The purpose of this sub-element for Hendry County is to plan for future development relative to the availability of wastewater collection, treatment and disposal. In the mid 1990's Hendry County acquired the former General Development Utilities (GDU) centralized public sewer facilities also known as Port LaBelle Utility System (PLUS). The service area is rather limited because it is restricted to the Port LaBelle development.

CONCLUSIONS FROM THE DATA AND ANALYSIS

The Data and Analysis inventories and evaluates the major public and private sanitary sewer systems and projects future needs. There are various small package treatment facilities serving special purposes such as mobile home and RV parks and agricultural labor camps. These facilities serve the purpose of collecting, treating and disposing of wastewater for their sites, but they are confined to specific uses. The future impacts of these existing plants on future development in Hendry County will be negligible.

The focus in the Data and Analysis is on the former GDU sanitary sewer systems in Port LaBelle which primarily serves this development. The existing system has the potential to serve future development in Hendry County, possibly including parts of the unincorporated area in the future.

The City of Clewiston has a permitted sewer treatment plant.

The sanitary sewer system in the City of LaBelle has a design capacity of 220,000 GPD. On-site septic tank

systems have a history of working well in many parts of the City of LaBelle and only about 24% of the City's land area is served by sanitary sewer. This system is deemed adequate to serve the population, given that it is capable of being supplemented by septic tanks in soils with rather high suitability for septic tank use. The commercial and industrial users make up a substantial portion of the customers for the LaBelle system.

The Port LaBelle sewer system is owned by Hendry County and the development encompasses approximately 10,000 acres. The design capacity of the Port LaBelle treatment system is 500,000 GPD. The Port LaBelle system is deemed adequate for the existing population, with some areas utilizing septic tanks until densities justify extending the central collection system. The other sanitary sewer system serving unincorporated Hendry County is the Hendry County Correctional Facility. The design capacity of the treatment plant is 300,000 GPD. Airglades Industrial Park also has a sewer plant onsite with a sprayfield.

While there are no specific records of this number of septic tanks in the County, it is estimated that approximately 5,200 residents are served by on-site septic tanks.

Goal 7A: **To provide for environmentally efficient and financially feasible wastewater systems that fulfill the policies and desires of Hendry County and the requirements of all regulatory agencies.**

Objective 7.A.1: Adopt acceptable Level of Service Standards for the sanitary service areas of the County to ensure that adequate removal and disposal of wastewater is available for both current and future population demands and coordinate with service providers to remove existing sanitary sewer system deficiencies.

Policy 7.A.1.1: The adopted Level of Service Standard for determining the availability of adequate capacity for proposed developments in areas where a centralized sewer system is available shall be a minimum of 115 gallons per person per day and 83 gallons per person per day for the Port LaBelle system. For development served by septic systems, compliance with state regulations shall be the measure of adequate level of service.

Policy 7.A.1.2: Appropriately designed septic tanks or package treatment plants may be utilized to support development in areas where centralized sewer systems are not available or cost effective, as long as the soils are adequate to support such alternative systems. Adequacy of soils shall be determined using applicable state standards for septic systems.

OBJECTIVE 7.A.2: Within the County's Five- and 10-Year Capital Improvement Plan, areas identified for sewer line extensions shall be coordinated in a manner to ensure capacity service is available in high growth areas and that capacity is available. Some unincorporated areas near Clewiston remain a priority over the next five years.

Policy 7.A.2.1: The County will continue to coordinate with the City of Clewiston to assure that extensions are made in areas of greatest growth and in areas where the soils are least capable of supporting septic tanks. This coordination shall include, but is not limited to, initiatives to be made by the County to share land use information with the City, and an initiative to review soils data (as it relates to sewer needs). The County shall request the opportunity to review the City's capital improvement plans and shall provide comments and recommendations.

OBJECTIVE 7.A.3: The County shall maximize use of existing sewer facilities and discourage urban sprawl with infill development. In addition, limit the extension of sewer service to areas designated for urban development on the Future Land Use Map. This Objective shall be implemented through the following policies:

Policy 7.A.3.1: The Future Land Use Element and Map allows the greatest density and the most flexibility for development in the areas near the Cities where sewer facilities are available, or are more feasible for sewer extensions than the more remote areas.

B. POTABLE WATER SUB-ELEMENT

INTRODUCTION

The purpose of the Potable Water Sub-element of the Comprehensive Plan is to address the existing deficiencies, the coordination of extensions and capacity increases, the maximization of use of existing facilities to discourage urban sprawl and the conservation of potable water resources.

Water service providers for users in Unincorporated Hendry County include: Port LaBelle Utility System, the City of Clewiston, South Shore Water Association, Airlglades Industrial Park, Florida Government Utility Authority, and the City of LaBelle. Also, the Hendry County Correction Institution has a public water supply system solely for the inmate housing units, adjacent work camp, and staff housing area. All these providers are described below.

Port LaBelle Utility System (PLUS) is owned and operated by Hendry County. The utility was purchased from General Development Corporation in the mid 1990s. PLUS consists of raw water production wells constructed in the Sandstone aquifer, a 0.90 million gallons per day (MGD) membrane softening (nanofiltration) water treatment plant (WTP) (expandable to 1.80 MGD), a 1.5 million gallon (MG) finished water storage tank, a high-service pumping station, and approximately 200 linear miles of transmission/distribution piping.

The City of Clewiston has owned and operated a 3.0 MGD capacity LPRO WTP since December 2007. According to the SFWMD public water supply permit (No. 26-00769-W), raw water for the Clewiston WTP is sourced from the upper Floridan aquifer (an alternative water supply source) via four 16-inch diameter wells. The annual and maximum month allocations from the upper Floridan aquifer are 941 and 90.1 MG, respectively. Treated water from the Clewiston WTP is distributed to the City of Clewiston, unincorporated areas of Harlem, and the SSWA. According to the SFWMD water use permit staff report, the per capita daily usage is 115 gallons.

South Shore Water Association, Inc. (SSWA) historically received potable water from U.S. Sugar Corporation. In August 2003, U.S. Sugar Corporation notified the City of Clewiston and SSWA that they planned to discontinue the supply of drinking water to the City in September 2006, which was subsequently postponed until September 2007. In response, the City of Clewiston developed a brackish groundwater

supply from the Floridan aquifer, the water from which is treated via low-pressure reverse osmosis (LPRO). The new LPRO plant came on line in December 2007 and SSWA purchases water in bulk from the City of Clewiston. SSWA provides water to users in unincorporated areas of Hendry, Glades, and Palm Beach Counties. A breakdown of population in each of the counties served by SSWA is not available.

Hendry County owns and operates a small public water system at the Airglades Industrial Park. Hendry County purchases potable water from South Shore Water Association (SSWA) and provides storage in a 350,000 gallon storage reservoir, disinfection, and distribution to a limited number of customers through a 10-inch diameter water line.

Florida Governmental Utility Authority (FGUA) entered into an interlocal agreement with Hendry County on February 21, 2008, to provide potable water and wastewater services to an unincorporated area of southwest Hendry County. Hendry County authorized Florida Governmental Utility Authority to provide water and wastewater services to the area described as Sections 31 and 32, Township 45 South, Range 28 East in southwest Hendry County, which includes the area known as the State Road 82 Mixed Use District. Pursuant to the interlocal agreement, Florida Governmental Utility Authority will be able to provide potable water and wastewater services to the planned residential, commercial, and industrial water users projected for development within the State Road 82 Mixed Use District within the next 10 years, at which time the project may be at approximately 15% built-out.

The existing City of LaBelle Main Street WTP is a 0.999 MGD facility that consists of five Surficial aquifer production wells, one lime softening reactor and clarifier, two dual media sand filters, a chlorination system, two finished water storage tanks (500,000 gallons combined capacity), and two high service pumps. Raw water withdrawals are permitted by SFWMD water use permit number 26-00105-W. An interconnect exists between the City of LaBelle and Port LaBelle WTPs. This interconnect is for emergency purposes.

The City of LaBelle is currently in the design phase of a new WTP that will replace the existing Main Street WTP. Raw water for the new plant will be sourced from the Floridan aquifer (an alternative water supply). Raw water will be treated via reverse osmosis, which is anticipated to be 75% efficient. The WTP is initially designed for a maximum daily water demand of 1.5 MGD, with facilities sized for capacity expansion to 2.5 MGD. The site layout is oriented to facilitate future expansion of the facility to accommodate the City's long-term growth.

The Hendry Correction Institution (HCI) is operated by the Florida Department of Corrections and is located 1.2 miles east of County Road 840A and 13.6 miles southeast of Immokalee, in a remote area of southern Hendry County. According to the Florida Department of Corrections, HCI consists of 4 open bay housing units and 3 cell housing units with a maximum capacity of 1,299 inmates. HCI is served by a total staff (as of June 2008) of 323 persons. Public water supply is provided solely to the inmate housing units, adjacent work camp, and staff housing area.

Small potable water systems are located in the other areas of the County such as in mobile home parks and RV parks.

Table 1 below shows the 2005 population for the utilities serving areas or proposing to serve areas within Hendry County. The list includes small public water supply systems associated with trailer parks, condominiums, and small communities in Hendry County as of 2009.

Table 1: WATER SUPPLY UTILITY SERVICE WITHIN LOCAL GOVERNMENT'S JURISDICTION	2005 population
Port LaBelle Utility System (Hendry County Only) ¹	3,891
Airglades Industrial Park	25
Hendry Correctional Institute	986
South Shore Water Association (includes Hendry, Glades, and Palm Beach Counties) ²	4,914
Harlem ²	2,775
Small Public Water Supply Systems ³	5,994
West Hendry	0
Florida Governmental Utility Authority (State Road 82 Mixed Use District)	0
Self-Served	14,790
-----	-----
Calculated Total	33,376
Notes:	
¹ From Port LaBelle Utility System Consumptive Water Use Permit Application response to SFWMD request for Additional Information. Hendry County portion only.	
² From Preliminary Engineering Report for the City of Clewiston, 2003.	
³ Small Public Water Supply System population served provided by the Florida Department of Environmental Protection	

The following section contains the conclusions drawn from the Data and Analysis. The final section of this sub-element is the Goals, Objectives and Policies pertaining to potable water in Hendry County.

CONCLUSIONS FROM THE DATA and ANALYSIS

According to the Bureau of Economic and Business Research (Source: 2010 Florida Population Studies Bulletin #156, Volume 43), Hendry County's population is projected to increase as shown in the following table.

BEBR	2009 (Est.)	2010	2015	2020	2025	2030	2035	2040
Medium	41,320	41,026	43,200	45,900	48,500	51,100	53,500	55,219

Source: BEBR (2010) Florida Population Studies Bulletin #156, Volume 43.

The centralized potable water systems in Hendry County are the Cities of Clewiston and LaBelle, Port LaBelle Utility System, and the South Shore Water Association. In 2005, approximately 44% of the people within Hendry County's jurisdiction were served by some form of central system, and approximately 56% were self-served. The population served by the existing utilities is projected to grow, and be served in accordance with the 10-year Water Supply Facilities Work Plan of Hendry County.

GOAL 7.B: POTABLE WATER: The County is to ensure potable water is supplied and distributed to consumers in Hendry County in order to maintain public health and safety.

OBJECTIVE 7.B.1: The following Level of Service Standards shall be used to ensure adequate potable water capacity.

Policy 7.B.1.1: The adopted Level of Service Standard for determining the availability of adequate facility capacity for proposed development in the areas where a

centralized potable water system is available in unincorporated portions of Hendry County shall be:

Clewiston:	125 gallons/person/day
LaBelle:	125 gallons/person/day
South Shore Water Association:	125 gallons/person/day
Port LaBelle:	92 gallons/person/day
Florida Governmental Utility Authority:	125 gallons/person/day
Hendry County (unincorporated):	125 gallons/person/day

Policy 7.B.1.2: Properly drilled wells or package water treatment plants may be utilized to support development in areas where centralized potable water systems are not available, as long as adequate water quality is available or can be achieved through home treatment.

Policy 7.B.1.3: There are no present deficiencies in the existing facilities. In the event future deficiencies in any existing facility are identified, the County will participate with the entity having jurisdiction over the facility to remedy the deficiencies. Participation may include (but is not limited to) sharing information on development activity within the service area and in nearby areas.

Policy 7.B.1.4: County operated facilities which use water shall comply with all water conservation measures imposed by federal, state, and water management district laws and regulations.

Policy 7.B.1.5: The County shall require that all future residential and commercial construction comply with the latest Florida Building Code with respect to water conserving features.

Policy 7.B.1.6: The County shall cooperate with the South Florida Water Management District by providing locations for display of water conservation exhibits and for distribution of water conservation literature in public buildings.

OBJECTIVE 7.B.2: The County shall continue to assist in the coordination of water system extensions and/or increases in capacity and water reuse to meet future needs.

Policy 7.B.2.1: The highest priority for extensions to the potable water system shall be in areas adjacent to the cities and identified in the Five-and Ten-Year Schedule of Capital Improvements with special attention given to areas where well water quality problems may exist.

Policy 7.B.2.2: The County shall continue to monitor development activities and water system capacities to determine if extensions of lines in the Clewiston and LaBelle areas are necessary through the next planning period, including

development of alternative water supplies, which are identified as necessary to serve existing and new development.

Policy 7.B.2.3: The County shall strengthen synchronization of water supply planning and local land use planning by utilizing state comprehensive plan requirements including coordination with the Regional Water Supply Plan with maintenance of a 10 Year Water Supply Facilities Work Plan identifying needed water supply facilities for a planning horizon of no less than 10 years.

Policy 7.B.2.4: The County will update its 10 Year Water Supply Facilities Work Plan in accordance with Florida law. The County shall maintain consistency with the SFWMD Lower West Coast Water Supply Plan (2005-2006 Update), as amended, and meet with SFWMD water supply planning staff on an annual basis to provide the latest estimates and projections of potable water use.

Policy 7.B.2.5: The County shall promote the coordination and information sharing between water suppliers and the County. Water suppliers shall share numbers of connections (residential and commercial), water treatment capacity, South Florida Water Management District permitted allocation, number of anticipated future connections, rate schedule, interlocal agreements, and other pertinent information every five years prior to preparation of the 10 Year Water Supply Facilities Work Plan.

OBJECTIVE 7.B.3: The County shall maximize use of existing potable water facilities and discourage urban and rural sprawl while encouraging infill and cluster development.

Policy 7.B.3.1: The County shall continue to encourage potable water extensions in areas identified on the Future Land Use Map as high density residential as a way to discourage urban and rural sprawl.

Policy 7.B.3.2: Prior to the approval of a building permit or its functional equivalent, Hendry County shall consult with the applicable water supplier to determine whether adequate water supply to serve the new development will be available no later than the anticipated date of issuance of a Certificate of Occupancy or its functional equivalent.

Policy 7.B.3.3: The determination of adequate water supply prior to approval of a building permit or its functional equivalent shall require a demonstration that an existing consumptive use permit has been issued to the supplier with sufficient allocation still available to serve the new development, given all other commitments for that allocation.

Policy 7.B.3.4: All development within the West Hendry area at a density of greater than a net density of two units per acre that is connected to centralized water and wastewater services shall be connected to central reuse water irrigation system service. Once the facilities have been constructed and extended to serve the West Hendry area, all development must be connected to the central

facilities. Irrigation utilizing surface water, groundwater or potable water may be permitted on a temporary basis for sales centers and other temporary uses or if development is more than ¼ of a mile away from the closest line and the density of the development is at less than or equal to one unit per acre.

Development within the West Hendry area will be required to utilize reuse water on-site to meet the irrigation needs of the proposed development to the extent reuse water is available. A reclaimed water utility system will be designed and constructed so that landscaped areas and other potential users will have access to the system. Conventional water sources will be used only when an insufficient volume of reclaimed water is available.

GOAL 7.C: **SOLID WASTE:** To provide for the removal and disposal of solid wastes generated in Hendry County in a manner that is safe, cost effective, and environmentally sound.

OBJECTIVE 7.C.1: Hendry County shall ensure that there are acceptable level of service capacity standards maintained at the Hendry-Lee County disposal facility, that meet State mandated sanitary landfill use reduction requirements.

Policy 7.C.1.1: The Level of Service Standard for the solid waste disposal capacity of sanitary landfill shall be 6.5 pounds per person per day. The County shall not approve a development order or permit for a proposed development which will exceed the Level of Service Standard of 6.5 pounds per person per day.

Policy 7.C.1.2: The County shall reduce waste disposal in the Hendry-Lee County landfill through recycling and other waste reduction methods.

Policy 7.C.1.3: Hendry County shall pursue implementation of the following waste reduction strategies:
(1) Curbside recycling for commercial and residential customers,
(2) Mulching facility for residential horticultural material.

Policy 7.C.1.4: Hendry County shall evaluate the potential for requiring commercial and residential recycling of all materials including land clearing debris, and construction and demolition debris.

OBJECTIVE 7.C.2: Hendry County shall use the joint solid waste disposal facilities provided for by its Interlocal agreement with Lee County (known as the Hendry-Lee County landfill) for the disposal of solid waste generated within Hendry County.

Policy 7.C.2.1: No solid waste management facility (as defined by Chapter 403, Florida Statutes) or hazardous waste facility shall be located within the county unless

(1) the primary source of wastes is from generators within Hendry County OR (2) there is an interlocal agreement recognized as valid by the Hendry County Board of Commissioners between Hendry County and each jurisdiction from which wastes are generated. In addition, any new solid waste management facility shall be required to comply with the standards set forth in Hendry County Ordinance 90-16.

Policy 7.C.2.2: All land use approvals and permits granted by Hendry County for the joint Hendry-Lee County landfill and related facilities shall be conditioned upon compliance by the owner and operators with the restrictions and conditions contained in any then existing agreements between Lee County and owners of land within one and one-half miles of the landfill site to the extent that such agreements are consistent with the Comprehensive Plan, as adopted and amended.

Policy 7.C.2.3: Hendry County shall maximize the use of the shared Hendry - Lee County solid waste disposal facility.

GOAL 7.D: **STORMWATER MANAGEMENT:** To ensure the control of current and future impacts to natural drainage patterns which may increase uncontrolled storm water run-off to unacceptable levels, and to protect water quality and water supply, as well as the quality and function of existing wetlands.

OBJECTIVE 7.D.1: The County shall continue to implement the level of service standards for stormwater management consistent with the South Florida Water Management District.

Policy 7.D.1.1: For agricultural uses, the Level of Service Standard shall be the requirements of the South Florida Water Management District and the standards for the local water management district in which the proposed agricultural use is located.

Policy 7.D.1.2: For all applications for development orders for commercial, residential, and mixed use projects, stormwater management systems shall be designed to meet the Level of Service Standard to accommodate a 25-year, 24-hour storm, and detention shall be such that post-development runoff rates mimic pre-development runoff rates. Stormwater management systems for applications for development orders in all other areas shall be designed to either retain on-site the runoff generated by a 5-year, 24-hour storm; or detain and discharge the runoff from a 5-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates. Water quality standards shall be established by the State Water Policy as set forth in Rule 62, F.A.C. Individual residential lots shall not be required to conform to a specific standard if the development in which the lot is located meets the applicable standard.

Stormwater management systems shall also be required to meet the design and performance standards established in Chapter 62, with on-site treatment of the first inch of runoff to meet water quality standards required by Chapter 62. Stormwater discharge facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62, F.A.C. The Land Development Code shall provide that all water quality and discharge standards cited in this Policy shall be applied to all development and redevelopment activities which are subject to the cited regulations.

Individual single family and duplex lots which are not part of a subdivision, or which exist as isolated vacant lots within developed subdivisions (and would therefore constitute infill), shall utilize standardized swales or other detention/retention facilities consistent with area drainage requirements, based on professionally accepted and applied engineering principals and standards, which ensure that the adopted water quality and quantity standards are met.

OBJECTIVE 7.D.2: The natural drainage patterns of Hendry County have been considerably disrupted over the years, so that certain areas of residential development do experience some problem with retained water after storms. The desire is to reduce this deficiency by continued coordinating activities with the SFWMD.

Policy 7.D.2.1: The County shall coordinate with the South Florida Water Management District in correction of problems created by the major state and federal drainage projects in the past. The District has programmed correction of some of the problems.

Policy 7.D.2.2: Include drainage correction design in the design of any roadway improvements undertaken in the future. Design of new roads or major road improvements shall eliminate flooding conditions which specifically result from past road construction, or which can be relieved by new construction.

Policy 7.D.2.3: The County shall coordinate land use and development decisions with the plans, studies, and policies of the SFWMD and the U.S. Army Corps of Engineers, including the Caloosahatchee Water Management Plan, to ensure that the natural drainage patterns are not disrupted more than necessary.

OBJECTIVE 7.D.3: Coordinate the extension and increased capacity of stormwater management facilities. This shall be accomplished by carrying out the following activities.

Policy 7.D.3.1: As referenced in Policy 7.D.2.2 above, the County shall coordinate the completion of drainage improvements with future road projects where the two projects are tied together geographically. Design of new roads or major road improvements shall eliminate flooding conditions which specifically result from past road construction, or which can be relieved by new construction.

Policy 7.D.3.2: Redevelopment projects with existing stormwater management deficiencies shall comply with the Level of Service standards as outlined in **Policy 7.D.1.2** to the extent practicable.

OBJECTIVE 7.D.4: Maximize use of and protect existing drainage facilities and natural drainage features. This shall be accomplished by undertaking the following activities.

Policy 7.D.4.1: Utilizing the County-wide Surface Water Master Plan, to the County shall coordinate the different drainage basins and coordinate the activities and standards of the local water control districts. Where individual basins are functionally related, plans for these basins shall be coordinated.

Policy 7.D.4.2: Continue a maintenance schedule for County operated stormwater management facilities as a preventative measure to maximize functionality of the existing facilities.

Policy 7.D.4.3: The County shall continue to monitor stormwater drainage patterns to ensure that urban development will be designed to maintain pre-development flow characteristics, and that local flooding conditions will be corrected. Where stormwater runs off to a natural drainage feature (such as a lake, stream or wetland), regulations shall provide for retention/detention as necessary to improve water quality and flow. These standards shall be based on applicable SFWMD standards. These regulations shall include provisions to ensure that natural drainage features are not modified or destroyed, except that modifications which do not adversely affect overall drainage functions may be permitted when necessary for the stormwater management system to meet the Level of Service standards outlined in **Policy 7.D.1.2**.

Policy 7.D.4.4: Buffers shall be required between development sites and environmentally sensitive areas, including wetlands and other surface waters. The purpose of the buffer is to protect natural resources from the activities and impacts of development. The buffers shall function to:

a) Provide protection to the natural resources from intrusive activities and impacts of development such as trespass, pets, visual impacts, vehicles, noise, lights, and stormwater. The negative impacts of the uses upon the natural resources must be minimized or, preferably, eliminated by the buffer such that the long-term existence and viability of the natural resources, including listed species populations, are not threatened by such impacts and activities. In other words, incompatibility between the uses is eliminated or minimized and the uses may be considered compatible (which means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition).

b) Types of buffers: The buffers may be a landscaped natural barrier, a natural barrier, or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of this policy is fulfilled.

OBJECTIVE 7.D.5: Inventory and prioritize stormwater management facilities needs in the County. This shall be done by implementing the following activities:

Policy 7.D.5.1: The County shall carry out a survey and evaluation program for stormwater management facilities in the County for drainage problems not being addressed by the South Florida Water Management District, i.e., problems not related to SFWMD facilities.

Policy 7.D.5.2: Coordinate the survey and inventory mentioned above with the cities of Clewiston and LaBelle, the South Florida Water Management District, and the local water management control districts. Coordination may include (but is not limited to) providing land use and development data and by timing studies to operate in a coordinated time frame.

Policy 7.D.5.3: Information resulting from the stormwater management facilities inventory shall be used as input to the master drainage and water management plan discussed in Policy 6.D.4.1 above.

GOAL 7.E: **NATURAL GROUNDWATER AQUIFER RECHARGE SUB-ELEMENT To provide for the protection and conservation of Hendry County's ground water aquifer recharge areas.**

OBJECTIVE 7.E.1: The County shall coordinate land use and development decisions with the plans, studies, and policies of the SFWMD and the COE, including the LWC Water Supply Plan and the Caloosahatchee Water Management Plan, in order to meet water demands in a manner that is not detrimental to Hendry County.

Policy 7.E.1.1: Work with the SFWMD and COE to identify and map aquifer recharge areas in the County.

Policy 7.E.1.2: Work with the SFWMD to identify new water sources in the County.

Policy 7.E.1.3: Adopt measures that efficiently use the existing water supply by:
a) Increasing agricultural and urban water conservation
b) Eliminating inefficient water use practices; and
c) Working with the SFWMD to identify specific projects and cost-sharing partnerships
with other local governments

OBJECTIVE 7.E.2: The County shall exert its influence to protect and enhance the water quality of Lake Okeechobee and the Caloosahatchee River to meet regional environmental and potable water supply needs in high priority areas.

Policy 7.E.2.1: The County shall identify geographic areas where water resource problems exist as a result of contamination and increased water usage.

Policy 7.E.2.2: Land development which affects the recharge functions, discharges into

groundwater or injects materials directly underground will be restricted in accordance with applicable regulations of the Florida Department of Environmental Protection and the South Florida Water Management District.

The following guidelines shall apply to land development in order to ensure adequate recharge and to prevent contamination:

a) Except within two miles of the existing city limits of LaBelle or Clewiston, or within areas identified pursuant to paragraph (b) below as natural aquifer recharge areas, impervious area for non-residential developments over five acres shall be limited to 30% ; development under five acres shall be limited to 80%;

b) Within those areas- underlain by the surficial aquifer system (as described in Technical Publications Document 88-12 published September 1988, by the South Florida Water Management District as natural aquifer recharge areas), impervious area for residential developments with densities under two units per acre shall be limited to 30%; development with densities of two units per acre or more shall be limited to 80%;

c) The impervious area restrictions shall be used in conjunction with stormwater retention requirements in order to ensure that development within natural aquifer recharge areas does not reduce aquifer recharge quality or quantity (both volumes and rates) below pre-development conditions, and that subsurface storage and flows simulate pre-development conditions.

OBJECTIVE 7.E.3: Upon the SFWMD identifying high and prime recharge areas for aquifers, the County shall assist the District in protecting the source of these aquifers.

Policy 7.E.3.1: The County shall assist the SFWMD in its efforts to identify natural recharge areas.

Policy 7.E.3.2: The County shall adopt the SFWMD Surficial and Intermediate Aquifer Systems Map, which designates high and prime recharge areas, as part of this Element and within the Conservation Element.

HENDRY COUNTY
10-YEAR WATER SUPPLY FACILITIES
WORK PLAN

Prepared For:

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West Hendry Planning Overlay Version
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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Statutory History.....	2
1.2	Statutory Requirements	2
2.0	BACKGROUND INFORMATION	6
2.1	Overview	6
3.0	DATA AND ANALYSIS	7
3.1	Population Information.....	7
3.2	Maps of Current and Future Areas Served	9
3.3	Potable Water Level of Service Standard	9
3.4	Population and Potable Water Demand Projections by Each Local Government Utility.....	9
3.5	Water Supply Provided by Local Government	13
3.6	Water Supply Provided by Other Entities	17
3.7	Water Supply Provided by Municipalities.....	20
3.8	Future Water Supply Demands.....	22
3.9	Potential Future Water Suppliers.....	33
3.10	Agricultural Water Supply Demand	33
3.11	Commercial/Industrial Water Supply Demand	34
3.12	Conservation	34
3.13	Reuse	36
4.0	CAPITAL IMPROVEMENTS	37
4.1	Work Plan Projects	37
4.2	Capital Improvements Element/Schedule	39
5.0	GOALS, OBJECTIVES AND POLICIES	42
6.0	FIGURES	
	Figure 1 Hendry County, Utility Service Areas	
	Figure 2 Hendry County, Port LaBelle Utility System	
	Figure 3 Port LaBelle Utility System Location Map	
	Figure 4 Port LaBelle Utility System Water Treatment Plant	
	Figure 5 Silver Lake Utilities Water Service Territory	
	Figure 6 Silver Lake Utilities Wastewater Service Territory	
	Figure 7 Florida Governmental Utility Authority Hendry County Service Territory	
7.0	APPENDIX	

LIST OF ABBREVIATIONS

BEBR	Bureau of Economic and Business Research
CUP	Consumptive Use Permit
DCA	Department of Community Affairs
EAR	Evaluation and Appraisal Report
ERC	Equivalent Residential Connection
FDEP	Florida Department of Environmental Protection
FGUA	Florida Governmental Utility Authority
F.S.	Florida Statutes
GOPs	Goals, Objectives, and Policies
GPD	Gallons Per Day
HCI	Hendry Correctional Institution
LOS	Level of Service
LWCWSP	Lower West Coast Water Supply Plan
LPRO	Low Pressure Reverse Osmosis
MG	Million Gallons
MGD	Million Gallons Per Day
ORC	Objections, Recommendations, and Comments
PLUS	Port LaBelle Utility System
SFWMD	South Florida Water Management District
SSWA	South Shore Water Association
WSP	Water Supply Plan
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant

1.0 INTRODUCTION

The purpose of the Hendry County 10-Year Water Supply Facilities Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the pertinent water management district approves a regional water supply plan or its update for a region including the local government in question. The *Lower West Coast Water Supply Plan (LWCWSP) Update* was approved by the South Florida Water Management District (SFWMD) on July 12, 2006. The LWCWSP covers Lee, Collier and Hendry Counties, as well as portions of Glades and Charlotte Counties. Therefore, the deadline for local governments within the Lower West Coast water supply planning area to amend their comprehensive plans to adopt a Work Plan was January 12, 2008.

A previous version of the Hendry County Work Plan was prepared and transmitted to the Florida Department of Community Affairs (DCA) on October 23, 2007. DCA reviewed the Work Plan (DCA NO. 08-RWSP1) and responded with an Objections, Recommendations, and Comments (ORC) Report on January 11, 2008. Objections in the ORC report were related to: A) inconsistent population projections, B) water supply analysis, C) lack of policies guiding coordination, D) capital improvements, and E) consistency with the SFWMD Lower West Coast Supply Plan Update. -DCA recommended revision of the Work Plan to address these objections. The DCA issued a subsequent ORC report in November 2009. Hendry County adopted a revised Work Plan to address these comments in March 2010. In May 2010, the DCA issued a Notice of Not In Compliance. Hendry County is now under a stipulated settlement to bring the Work Plan into compliance. This revised Work Plan intends to address issues identified by the DCA. Since the initial Work Plan submittal, the SFWMD has promoted use of a template for Work Plans. This Work Plan follows that template and addresses DCA objections.

Johnson Engineering, Inc. prepared this Work Plan based on information obtained from government entities and other parties. While Johnson Engineering has used reasonable care to avoid reliance upon faulty or incomplete information, Johnson Engineering is not able to verify the accuracy of all data and information provided by these governmental entities and other parties.

According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period.

The County's Work Plan is divided into five sections addressing the state guidelines, as well as sections for figures and appendices:

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

Section 4 – Capital Improvement Element

Section 5 – Goals, Objectives, Policies

Section 6 - Figures

Section 7 – Appendices

1.1 Statutory History

The Florida Legislature enacted bills in the 2002, 2004, and 2005 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.2 Statutory Requirements

Per the enacted legislation, each local government must comply with the following requirements:

- 1.2.1 Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
- 1.2.2 Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services [s.163.3177(6)(a), F.S., effective July 1, 2005]. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to DCA for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
- 1.2.3 Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permits, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy [s.163.3180 (2)(a), F.S., effective July 1, 2005]. This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).
- 1.2.4 For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:

- 1.2.4.1 Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.0361(7), F.S. [s. 163.3177(6)(c), F.S.];
- 1.2.4.2 Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction [s. 163.3177(6)(c), F.S.]; and
- 1.2.4.3 Include a water supply facilities work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development. [s. 163.3177(6)(c), F.S.] Amendments to incorporate the water supply facilities work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c), F.S.]
- 1.2.5 Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period.
- 1.2.6 To the extent necessary to maintain internal consistency after making changes described in Sections 1.2.1 through 1.2.5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177 (6)(d), F.S.]

If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167 (13), F.S.]

- 1.2.7 To the extent necessary to maintain internal consistency after making changes described in Sections 1.2.1 through 1.2.5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]
- 1.2.8 Address in the EAR, the extent to which the local government has implemented the 10-year water supply facilities work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191 (2)(1), F.S.]

2.0 BACKGROUND INFORMATION

2.1 Overview

Hendry County was created in 1923 with a total area of 1,190 square miles, of which 1,153 square miles of it is land and 37 square miles of it (3.13%) is water. The County shares land boundaries with the counties of Glades, Palm Beach, Broward, Collier, Lee, and Charlotte. Hendry County also contacts Martin and Okeechobee Counties at a point in Lake Okeechobee. The Caloosahatchee River (C-43) traverses the northwest corner of the County, and the northeast corner of the County forms part of the south shoreline of Lake Okeechobee. The Big Cypress Seminole Indian Reservation lies in the southeast portion of Hendry County.

Hendry County is predominantly an agriculturally (55.8% of total area) based community with a significant amount of preserve area (12% of total area: 92,000 acres) and limited commercial and industrial areas. The County is sparsely populated, with concentrations surrounding the Cities of Clewiston and LaBelle, including Port LaBelle, as well as the unincorporated areas of Felda and Harlem. Most of the development since 1999 has occurred in and surrounding the incorporated areas, primarily adjacent to the City of LaBelle and along State Road (SR) 80 from LaBelle to the Lee County line. Hendry County has proposed to make substantial changes to its Future Land Use Map, including addition of an area referred to as West Hendry, which is located in the northwest portion of the County, and the State Road 82 Mixed Use District, located in southwest Hendry County in Section 32 of Township 45 South, Range 28 East.

3.0 DATA AND ANALYSIS

3.1 Population Information

The countywide population projections provided by Bureau of Economic Research (BEBR) do not provide the distribution of people residing in the municipalities and the unincorporated areas, nor do they account for seasonal populations. This information is important to consider when planning for water supplies, as it helps identify where growth is occurring and determine the peak demands on public facilities and services. The University of Florida Shimberg Center for Affordable Housing provides population projections at the municipal level, from which the population residing in unincorporated areas can be derived as the remainder of the total BEBR population. In 2005, only 29.09% of the total population of Hendry County resided in the Cities of LaBelle and Clewiston. The Shimberg Center projects the unincorporated areas to grow at a faster rate than the municipal centers of LaBelle and Clewiston, so that by year 2030, the municipal population will only account for 25.52% of the County's population.

These revisions to the City of LaBelle's growth rate accommodate the anticipated population generated from the largest developments recently annexed into the City. The South LaBelle Village, which more than doubled the City's land area, was annexed in 2004 as part of a planned development with a maximum residential density of over 15,000 dwelling units. On a smaller scale, the Oakbrooke Lakes development was approved with approximately 1,000 dwelling units and the Belle Landing development proposed around 1,200 units.

Seasonal population is an important factor for Florida communities. While Hendry County is not considered a major tourist area, there are people that spend the winter months in the County. A significant amount of Hendry's seasonal population is comprised of the migrant labor force, whose ~~the~~ seasonal period extends from mid-November through mid-April, and roughly coincides with the harvesting seasons of citrus, sugar cane, and winter vegetables.

Table 1 provides distributed population projections from the County through 2020 for the Cities of LaBelle and Clewiston, and the unincorporated areas of the County, as

well as an estimated seasonal population. The LaBelle projections have been adjusted to reflect projected growth in the recently annexed areas, but do not affect the countywide projections based on the BEBR mid-range projections. The population data and discussion above were obtained from the 2009 City of LaBelle Planning Department. For the purposes of this Work Plan, the unincorporated seasonal population was distributed proportional to the permanent population.

TABLE 1 - DISTRIBUTED POPULATION PROJECTIONS

	2005	2010	2015	2020
City of LaBelle ¹	4,529	5,010	5,194	5,385
City of Clewiston ²	6,637	6,797	6,935	7,073
Unincorporated ¹	27,210	29,219	31,071	33,442
Unincorporated Hendry County BEBR mid-range Population ³	38,376	41,026	43,200	45,900
Countywide Seasonal Population ²	8,696	8,821	9,345	9,869
Countywide Peak Population ²	47,072	49,847	52,545	55,769
Unincorporated Seasonal Population ⁴	6,166	6,282	6,736	7,190
Unincorporated Peak Population	33,376	35,501	37,807	40,632

¹ - From 2009 City of LaBelle Planning Department

² - From 2008 Hendry County EAR

³ - BEBR mid-range population projection as reported in the 2010 Florida Population Studies Bulletin #156, Volume 43

⁴ - Distributed at the same ratio (municipalities:unincorporated) as the permanent population

As recommended by DCA (08-RWSP1 ORC report), this Work Plan used BEBR mid-range population projection from the 2010 Florida Statistical Abstract. The SFWMD LWCWSP (2005-2006 Update) uses BEBR mid-range population projections from the 2006 Florida Statistical Abstract. Thus an inconsistency exists between the 2010 BEBR mid-range population projections recommend by DCA for use in this Work Plan and those of the SFWMD LWCWSP (2005-2006 Update).

3.2 Maps of Current and Future Areas Served

The map depicting current and potential future boundaries of County owned utilities and other water providers is Figure 1, which is provided in Section 6.0. The future service area for the City of LaBelle has not been acknowledged by Hendry County. Other maps and exhibits are provided in Section 6.0.

3.3 Potable Water Level of Service Standard

Hendry County proposes to lower its level of service (LOS) from 170 gallons/person/day to 125 gallons/person/day as part of this comprehensive plan amendment for unincorporated areas.

3.4 Population and Potable Water Demand Projections by Each Local Government or Utility

Table 2 shows the population and potable water demand projections for the utilities serving areas or proposing to serve areas within Hendry County. The Florida Department of Environmental Protection (FDEP) provided a list (last updated on February 12, 2009) of 39 small public water suppliers associated with trailer parks, condominiums, and small communities in Hendry County. The FDEP list includes population served by each of these small public water supplier and is provided as Table 3.

TABLE 2 - POPULATION & DEMANDS [HENDRY COUNTY WATER SUPPLY FACILITIES WORK PLAN]

WATER SUPPLY UTILITY SERVICE WITHIN LOCAL GOVERNMENT'S JURISDICTION								
UTILITY SERVICE AREA	POPULATION PROJECTIONS				WATER SUPPLY DEMAND (MGD)			
	YEAR ►	2005	2010	2015	2020	2005	2010	2015
City of LaBelle ¹	4,529	5,010	5,194	5,385				
City of Clewiston ²	6,637	6,797	6,935	7,073				
Unincorporated	27,210	29,219	31,071	33,442				
Countywide Permanent Population ³	38,376	41,026	43,200	45,900				
Countywide Seasonal Population ²	8,696	8,821	10,106	9,869				
Countywide Peak Population ²	47,072	49,847	52,545	55,769				
Unincorporated Seasonal Population ⁴	6,166	6,282	6,736	7,190				
Unincorporated Peak Population	33,376	35,501	37,807	40,632				
Port LaBelle Utility System (Hendry County Only) ⁵	3,891	4,438	4,996	5,667	0.2918	0.3329	0.3747	0.4250
Airglades Industrial Park	25	29	31	32	0.0031	0.0036	0.0039	0.0040
Hendry Correctional Institute	986	1,450	3,663	3,663	0.1331	0.1958	0.4945	0.4945
South Shore Water Association (includes Hendry, Glades, and Palm Beach Counties) ⁶	4,914	4,980	5,043	5,109	0.6143	0.6225	0.6304	0.6386
Harlem ⁶	2,775	2,780	2,805	2,830	0.3469	0.3475	0.3506	0.3538
Small Public Water Supply Systems ⁷	5,994	7,129	7,582	7,972	0.7493	0.8911	0.9478	0.9965
West Hendry	0	0	0	750	0.0000	0.0000	0.0000	0.0938
Florida Governmental Utility Authority (State Road 82 Mixed Use District)	0	0	0	58	0.0000	0.0000	0.0000	0.074
Self-Served	14,790	14,695	13,687	14,551	1.8488	1.8369	1.7109	1.8188
Calculated Total	33,376	35,501	37,807	40,632	3.9873	4.2303	4.5128	4.899

¹ - From 2009 City of LaBelle Planning Department

² - From 2008 Hendry County EAR

³ - BEBR medium range population projection as reported in the 2010 Florida Population Studies Bulletin #156, Volume 43

⁴ - Distributed at the same ratio as the permanent population

⁵ - From Port LaBelle Utility System Consumptive Water Use Permit Application response to SFWMD request for additional information. Hendry County portion only.

⁶ - From Preliminary Engineering Report for the City of Clewiston, 2003

⁷ - List of Small Public Water Supply System including population served provided by the Florida Department of Environmental Protection

TABLE 3 - SMALL PUBLIC WATER SYSTEMS

FDEP PWS ID	TYPE	SURFACE SOURCE	GROUND SOURCE	MAILING NAME	POP. SERVED	DESIGN CAP.	SRVC. CONNECT.
5260004	NONTRANSIENT NONCOMMUNITY		Y	A. DUDA & SONS INC.	405	54,000	40
5260047	NONTRANSIENT NONCOMMUNITY		Y	CITRUS BELLE CONCENTRATE PLT	70	36,000	50
5260062	NONTRANSIENT NONCOMMUNITY		Y	COUNTY LINE TRAILER PARK	50	8,640	20
5260261	NONCOMMUNITY		Y	RIVERSIDE RETREAT	100	10,000	6
5264026	NONCOMMUNITY		Y	ELIZONDO LABOR VILLAGE	40	10,000	13
5264050	COMMUNITY		Y	PALM AND PINES MOBILE HOME PK	150	20,000	90
5264051	NONCOMMUNITY		Y	OAK HAMMOCK	99	10,000	12
5264052	NONCOMMUNITY		Y	FELDA MALL	50	20,000	1
5264053	NONTRANSIENT NONCOMMUNITY		Y	GRANDMA'S GROVE R/V PARK	467	25,000	187
5264054	COMMUNITY		Y	RIVERBEND ESTATES	120	25,000	45
5264056	NONTRANSIENT NONCOMMUNITY		Y	DUDA PACKING HOUSE	50	7,000	35
5264058	NONCOMMUNITY		Y	PIONEER PLAZA	350	20,000	2
5264060	NONCOMMUNITY		Y	HANDY STORE # 82	150	25,000	1
5264061	NONCOMMUNITY		Y	HANDY STORE # 85	159	25,000	1
5264063	NONCOMMUNITY		Y	CIRCLE K #7374	140	5,000	1
5264065	NONCOMMUNITY		Y	WILSON'S LABOR CAMP	35	10,000	8
5264066	NONCOMMUNITY		Y	TAYLOR'S GROCERY	35	20,000	1
5264067	NONCOMMUNITY		Y	SOPRESA MEXICANA #1	99	10,000	1
5264071	NONCOMMUNITY		Y	MARTINEZ MEXICAN STORE INC.	99	10,000	1
5264077	NONTRANSIENT NONCOMMUNITY		Y	RCMA HENDRY HEADSTART	75	25,000	5
5264078	NONCOMMUNITY		Y	LABELLE FARM OFFICE & SHOPS	30	4,000	2
5264081	NONCOMMUNITY		Y	MAGNOLIA PACKING HOUSE	60	39,000	1
5264082	NONCOMMUNITY		Y	FIESTA FOOD MART	100	10,000	1
5264083	COMMUNITY		Y	TURKEY RUN SUBDIVISION	90	25,000	16
5264084	NONTRANSIENT NONCOMMUNITY		Y	ALICO CAMP SITE	40	5,270	11
5264085	NONCOMMUNITY		Y	BURKE TRAILER PARK	65	10,000	8
5264086	NONCOMMUNITY		Y	SPENCER KELLY TRAILER PARK	45	10,000	12
5264088	NONCOMMUNITY		Y	L & M RENTALS	52	3,000	9
5264089	NONCOMMUNITY		Y	EVELYN'S COURT	30	5,000	12
5264090	NONCOMMUNITY		Y	MARY LOU'S COUNTRY STORE	800	1,500	1
5264091	NONTRANSIENT NONCOMMUNITY		Y	SOUTHERN GARDENS CITRUS	180	850,000	19
5264094	NONCOMMUNITY		Y	AZTECA #10	800	1,500	1

5264100	NONCOMMUNITY		Y	AZTECA COUNTRY STORE #6	400	600	1
5264101	NONTRANSIENT NONCOMMUNITY		Y	AIRGLADES INDUSTRIAL PARK WTP	25	46,875	7
5264103	COMMUNITY	Y		RIVERBEND MOTORCOACH RESORT	309	40,000	315
5264104	NONCOMMUNITY		Y	AZTECA SUPERCENTRO 2000 INC.	30	25,000	1
5264105	NONCOMMUNITY		Y	OAK HAMMOCK II	30	10,000	10
5264106	NONCOMMUNITY		Y	MONTURA PLAZA	800	2,000	1
5260297	NONTRANSIENT NONCOMMUNITY	Y		UNITED STATES SUGAR CORP. WTP	500	6,000,000	NA

Data provided by the Florida Department of Environmental Protection on April 13, 2009

3.5 Water Supply Provided by Local Government

Port LaBelle Utility System

Port LaBelle Utility System (PLUS) is owned and operated by Hendry County. The utility was purchased from General Development Corporation in 1996. PLUS consists of raw water production wells constructed in the Sandstone aquifer, a 0.90 million gallons per day (MGD) membrane softening (nano-filtration) water treatment plant (WTP) (expandable to 1.80 MGD), a 1.5 million gallon (MG) finished water storage tank, a high-service pumping station, and approximately 200 linear miles of transmission/distribution piping.

According to the SFWMD permit database, the PLUS public water supply water use permit (SFWMD No. 26-00096-W) was issued on October 13, 1977 and authorizes withdrawals from the Sandstone aquifer via two existing production wells. The SFWMD granted approval (SFWMD application No. 080617-17) to replace one of the existing production wells on July 17, 2008. According to SFWMD water use permit number 26-00096-W (application no. 071115-18) issued by the SFWMD on August 9, 2010, PLUS is permitted to withdraw annual and maximum monthly allocations of 204 MG (0.559 MGD) and 20.4 MG (0.68 MGD), respectively. There have been no reported or documented impacts to wetlands, existing legal users, or the resource as a result of historical (30+ years) withdrawals from the Sandstone aquifer. An impact analysis of the originally requested withdrawals was performed by Murray Consultants, Inc. (dated January 8, 2007) and by Southern DataStream (dated February 26, 2009).

As of February 13, 2009, PLUS provides public water supply to 1,515 connections in Hendry County and 104 connections in Glades County (1,619 total connections). The per capita usage for PLUS users in Hendry and Glades Counties is 75 gallons/person/day based on historical usage.

The service area of PLUS is primarily located in Hendry County (Units 1-9, HP1 and Banyan Village Units 10-13: Figure 1). Units 101, 102 and 103 of Port LaBelle are located within Glades County and the PLUS service area. Units 101 and 103 are

platted and permitted for utilities, but are currently undeveloped with no utility infrastructure in place. Unit 102 is platted and has the potable water infrastructure in place. A more detailed exhibit of the existing PLUS service area is shown on Figure 2. Figure 3 shows the location of the PLUS WTP, PLUS WWTP, and interconnect with the City of LaBelle. Figure 4 shows the layout of the PLUS WTP.

An agreement to provide emergency potable water service exists between PLUS and the City of LaBelle. A 6-inch diameter interconnect is located near the point where the eastern boundary of the City intersects Seminole Avenue. A flow meter and valve are located on either side of the interconnect. A copy of the agreement between Hendry County and the City of LaBelle is provided in Appendix A. A provision of 0.25 MGD to the City of LaBelle was made in original permit renewal/modification request (SFWMD application number 071115-18). However, the request for this provision was removed in the response to the SFWMD request for additional information dated April 15, 2009. There are no plans to transfer water to the City of LaBelle or vice versa other than under some unforeseen emergency.

Table 4 provides an analysis of the available PLUS WTP capacity and permitted SFWMD allocation. The analysis shows a WTP surplus to treat raw water through the 10-year planning period. The analysis also shows a surplus of SFWMD permitted raw water allocation with the exception of the final 5-year increment of the planning period. This assumes a treatment efficiency of 72%. PLUS has a goal of increasing the treatment efficiency to 80% by the end of the planning period, which will decrease the amount of raw water required to supply the potable demands. PLUS has recently identified and repaired leaks in its potable water mains, which has improved the system efficiency. Table 5 shows revised raw water demands assuming an 80% treatment efficiency is achieved by 2015.

TABLE 4 - PORT LABELLE UTILITY SYSTEM

	2009	2010	2015	2020
Total Population Served (Hendry and Glades Counties)	4,645	4,765	5,365	6,085
Population Served (Hendry County)	4,326	4,438	4,996	5,667
Population Served (Glades County)	319	327	369	418
Finished Water Demand per Capita (GPD) ¹	75	75	75	75
Finished Water Avg. Daily Demand (Hendry and Glades Counties) (GPD)	348,375	357,375	402,375	456,375
Available Facility Capacity (GPD)	900,000	900,000	900,000	900,000

Facility Capacity Surplus (Deficit) ²	551,625	542,625	497,625	443,625
Raw Water SFWMD Allocation (GPD Annual Avg)	558,904	558,904	558,904	558,904
Raw Water Avg. Daily Demand (Hendry and Glades Counties) (GPD) ³	483,854	496,354	558,854	633,854
Raw Water Permitted Surplus (Deficit) ⁴	75,050	62,550	50	(74,950)

GPD = Gallons per Day

¹ From SFWMD water use permit application number 071115-18

² Calculated by subtracting Finished Water Avg. Daily Demand from Available Facility Capacity

³ Includes 72% water treatment plant efficiency

⁴ Calculated by subtracting Raw Water Avg. Daily Demand from Raw Water SFWMD Allocation

TABLE 5 - PORT LABELLE UTILITY SYSTEM	2009	2010	2015	2020
Total Population Served (Hendry and Glades Counties)	4,645	4,765	5,365	6,085
Population Served (Hendry County)	4,326	4,438	4,996	5,667
Population Served (Glades County)	319	327	369	418
Finished Water Demand per Capita (GPD) ¹	75	75	75	75
Finished Water Avg. Daily Demand (Hendry and Glades Counties) (GPD)	348,375	357,375	402,375	456,375
Available Facility Capacity (GPD)	900,000	900,000	900,000	900,000
Facility Capacity Surplus (Deficit) ²	551,625	542,625	497,625	443,625
Raw Water SFWMD Allocation (GPD Annual Avg)	558,904	558,904	558,904	558,904
Raw Water Avg. Daily Demand (Hendry and Glades Counties) (GPD) ³	483,854	496,354	502,969	570,469
Raw Water Permitted Surplus (Deficit) ⁴	75,050	62,550	55,935	(11,565)

GPD = Gallons per Day

¹ From SFWMD water use permit application number 071115-18

² Calculated by subtracting Finished Water Avg. Daily Demand from Available Facility Capacity

³ Includes 80% water treatment plant efficiency by 2015 and 72% efficiency from 2009 to 2014

⁴ Calculated by subtracting Raw Water Avg. Daily Demand from Raw Water SFWMD Allocation

The renewed SFWMD water use permit will expire in August 2015, at which time PLUS will apply for a permit renewal and modification based on the existing and projected demands. The permit renewal/modification application filed in 2015 will request any necessary increases in allocation to meet the demand occurring in 2020. Table 6~~5~~ provides the same analysis including the increased raw water SFWMD allocation of 1.2 MGD after 2015, as originally requested under application 071115-18. The result shows a surplus raw water allocation to meet demands through the planning period and future development approvals.

TABLE 6 PORT LABELLE UTILITY SYSTEM	2009	2010	2015	2020
Total Population Served (Hendry and Glades Counties)	4,645	4,765	5,365	6,085
Population Served (Hendry County)	4,326	4,438	4,996	5,667
Population Served (Glades County)	319	327	369	418
Finished Water Demand per Capita (GPD) ¹	75	75	75	75
Finished Water Avg. Daily Demand (GPD)	348,375	357,375	402,375	456,375
Available Facility Capacity (GPD)	900,000	900,000	900,000	900,000

Facility Capacity Surplus (Deficit) ²	551,625	542,625	497,625	443,625
Raw Water SFWMD Allocation (GPD Annual Avg)	558,904	558,904	558,904	1,200,000
Raw Water Avg. Daily Demand (Hendry and Glades Counties) (GPD) ³	483,854	496,354	502,969	570,469
Raw Water Permitted Surplus (Deficit) ⁴	75,050	62,550	55,935	629,531

GPD = Gallons per Day

¹ from SFWMD water use permit application number 071115-18

² Calculated by subtracting Finished Water Avg. Daily Demand from Available Facility Capacity

³ Includes 80% water treatment plant efficiency by 2015 and 72% efficiency from 2009 to 2014

⁴ Calculated by subtracting Raw Water Avg. Daily Demand from Raw Water SFWMD Allocation

The renewed SFWMD water use permit received a 5-year duration (expiring in August 2015), at the end of which time PLUS will apply for a renewal and modification based on updated projected demands and sources available to meet those demands. PLUS will conduct a testing program on the Sandstone aquifer prior to the permit renewal to determine whether the Sandstone aquifer can supply additional water for the PLUS service area. The results of this testing program will dictate the source of additional allocation requested in the permit renewal. PLUS plans to utilize the Sandstone aquifer to provide additional water for the service area if the Sandstone aquifer is capable of supplying the additional demand while meeting SFWMD permitting criteria. If this is not the case, PLUS will target the brackish Floridan aquifer, considered an alternative water supply source by the SFWMD and consistent with the LWCWSP, to supply the additional allocation required after 2015.

Airglades Industrial Park

Hendry County owns and operates a small public water system at the Airglades Industrial Park. Hendry County purchases potable water from South Shore Water Association (SSWA) and provides storage in a 350,000 gallon storage reservoir, disinfection, and distribution to a limited number of customers through a 10-inch diameter water line. SSWA purchases potable water from City of Clewiston, which has an adequate surplus based on an analysis performed in Section 3.7 of this Work Plan.

3.6 Water Supply Provided by Other Entities

Hendry Correctional Institution

The Hendry Correction Institution (HCI) is operated by the Florida Department of Corrections and is located 1.2 miles east of County Road 840A and 13.6 miles southeast of Immokalee, in a remote area of southern Hendry County. The location of HCI is shown on Figure 1. According to the Florida Department of Corrections, HCI consists of 4 open bay housing units and 3 cell housing units with a maximum capacity of 1,299 inmates. HCI is served by a total staff (as of June 2008) of 323 persons. According to staff, as of October 2010 the facility currently serves a population of 1,450. Public water supply is provided solely to the inmate housing units, adjacent work camp, and staff housing area.

HCI holds SFWMD water use permit (combined irrigation and public water supply) number 26-00164-W. According to the SFWMD water use permit, HCI anticipates a phased increase in population (inclusive of staff) to a total of 3,663 persons by end of 2010. The permit authorizes annual and maximum month allocations of 486 and 56.6 MG, respectively, from the Lower Tamiami aquifer. According to the SFWMD water use permit, two 10-inch diameter wells exist and three 10-inch diameter wells are proposed at HCI. The public water supply demand for the water use permit was determined by the SFWMD based on a population of 3,663 with a use rate of 135 gallons per capita per day. The SFWMD water use permit expires ~~ds~~ on July 13, 2010. An application for renewal was filed on July 9, 2010 and is currently under review by the SFWMD.

HCI operates a 0.600 MGD lime softening plant. Treated water is stored in an on-site 200,000 gallon elevated storage tank, prior to being released to the distribution system. Wastewater is disposed via a slow-rate restricted public access land application system (56-acre spray field) or via two rapid infiltration ponds with a combined capacity of 0.36 MGD.

South Shore Water Association, Inc.

South Shore Water Association, Inc. (SSWA) historically received potable water from U.S. Sugar Corporation. In August 2003, U.S. Sugar Corporation notified the City of Clewiston and SSWA that they planned to discontinue the supply of drinking water to the City in September 2006, which was subsequently postponed until September 2007. In response, the City of Clewiston developed a brackish

groundwater supply from the Floridan aquifer, the water from which is treated via low-pressure reverse osmosis (LPRO). The new LPRO plant came on line in December 2007 and SSWA purchases water in bulk from the City of Clewiston. SSWA distributes potable water to serve the areas along US 27, from Flaghole Road to the Palm Beach County line, excluding the City of Clewiston service area. SSWA provides water to users in unincorporated areas of Hendry, Glades, and Palm Beach Counties. A breakdown of population in each of the counties served by SSWA is not available. The location of SSWA is shown on Figure 1.

Florida Governmental Utility Authority

Florida Governmental Utility Authority (FGUA) entered into an interlocal agreement with Hendry County on February 21, 2008, to provide potable water and wastewater services to an unincorporated area of southwest Hendry County. Copies of the resolution, Resolution No. 2008-10, and the interlocal agreement are attached in Appendix 7 and recorded in Hendry County Resolution Book XI, Pages 11 through 61. Hendry County authorized the Florida Governmental Utility Authority to provide water and wastewater services to the area described as Sections 31 and 32, Township 45 South, Range 28 East in southwest Hendry County, which includes the area known as the State Road 82 Mixed Use District. The service area is depicted in Figure 1. Pursuant to the interlocal agreement, Florida Governmental Utility Authority will be able to provide potable water and wastewater services to the planned residential, commercial, and industrial water users projected for development within the State Road 82 Mixed Use District within the next 10 years, at which time the project may be approximately 15% built-out. Policies drafted for the State Road 82 Mixed Use District addressing water supply state that connection to FGUA would not be required until finished water potable demands exceed 200,000 GPD. Prior to that time, individual on-site wells (0-99,000 GPD demand) or an on-site water treatment facility (100,000-200,000 GPD) will supply potable water for the development. A copy of the policies has been included in the appendices to this document.

Small Public Water Systems

Several (n=39) small public water systems are located within unincorporated areas of Hendry County and provide water to trailer parks, condominiums, and small communities. These public water systems are small and serve at least 25 persons or at least 15 connections. A list of these small public water systems was obtained from the FDEP (last updated February 12, 2009) and is provided as Table 3. In addition, the FDEP provided GIS data files for each of the small public water systems, which are shown as points on Figure 1.

Self Supply

A significant number of individual water users within unincorporated areas of the County are self supplied through domestic wells.

3.7 Water Supply Provided by Municipalities

Potable water supply provided by the City of Clewiston and City of LaBelle is outside the jurisdiction of Hendry County. Information provided below on the City of Clewiston is provided to demonstrate adequate supply for SSWA, unincorporated areas of Harlem, and Airglades Industrial Park.

City of Clewiston

The City of Clewiston has owned and operated a 3.0 MGD capacity LPRO WTP since December 2007. According to the SFWMD public water supply permit (No. 26-00769-W), raw water for the Clewiston WTP is sourced from the upper Floridan aquifer (an alternative water supply source) via four 16-inch diameter wells. The annual and maximum month allocations from the upper Floridan aquifer are 941 and 90.1 MG, respectively. Treated water from the Clewiston WTP is distributed to the City of Clewiston, unincorporated areas of Harlem, and the SSWA. According to the SFWMD water use permit staff report, the per capita daily usage is 115 gallons.

The following table provides an analysis of the available water treatment plant (WTP) capacity and SFWMD permitted allocation. The analysis shows a WTP

surplus to treat additional raw water and a surplus of SFWMD permitted raw water allocation through the 10-year planning period.

TABLE 7 - CLEWISTON WATER TREATMENT PLANT

	2009	2010	2015	2020
Total Population Served (Clewiston, Harlem, SSWA)	14,951	15,059	15,640	16,259
Population Served (Clewiston)	7,208	7,299	7,792	8,320
Population Served (Harlem)	2,775	2,780	2,805	2,830
Population Served (SSWA includes Hendry, Glades, and Palm Beach Counties)	4,968	4,980	5,043	5,109
Finished Drinking Water Demand per Capita (GPD) ¹	115	115	115	115
Finished Water Avg. Daily Demand (GPD)	1,719,365	1,731,785	1,798,600	1,869,785
Available Facility Capacity (GPD)	3,000,000	3,000,000	3,000,000	3,000,000
Facility Capacity Surplus (Deficit) ²	1,280,635	1,268,215	1,201,400	1,130,215
Raw Water SFWMD Allocation (GPD Annual Avg)	2,578,082	2,578,082	2,578,082	2,578,082
Raw Water Avg. Daily Demand (GPD) ³	2,149,206	2,164,731	2,248,250	2,337,231
Raw Water Permitted Surplus (Deficit) ⁴	428,876	413,351	329,832	240,851

GPD = Gallons per Day

¹ From SFWMD WUP 26-00769-W Staff Report

² Calculated by subtracting Finished Water Avg. Daily Demand from Available Facility Capacity

³ Includes 75% water treatment plant efficiency

⁴ Calculated by subtracting Raw Water Avg. Daily Demand from Raw Water SFWMD Allocation

City of LaBelle

The existing City of LaBelle Main Street WTP is a 0.999 MGD facility that consists of five Surficial aquifer production wells, one lime softening reactor and clarifier, two dual media sand filters, a chlorination system, two finished water storage tanks (500,000 gallons combined capacity), and two high service pumps. Raw water withdrawals are permitted by SFWMD water use permit number 26-00105-W. An interconnect exists between the City of LaBelle and Port LaBelle WTPs. This interconnect is for emergency purposes and no transfer of water is anticipated during this plan period.

The City of LaBelle is currently in the design phase of a new WTP that will replace the existing Main Street WTP. Raw water for the new plant will be sourced from the Floridan aquifer (an alternative water supply). Raw water will be treated via reverse osmosis, which is anticipated to be 75% efficient. The WTP is initially designed for a maximum daily water demand of 1.5 MGD, with facilities sized for

capacity expansion to 2.5 MGD. The site layout is oriented to facilitate future expansion of the facility to accommodate the City's long-term growth. Design of the WTP is scheduled for completion in late 2009, and the construction is expected to be complete in early 2011 pending funding for the new facility.

3.8 Future Water Supply Demands

West Hendry Area

Previously, the County submitted proposed Comprehensive Plan amendments in 2004 and 2007 pertaining to the area known as West Hendry. The original proposals covered approximately 18,105 acres, which extended from the Lee/Hendry County line on the west side to the City of LaBelle on the east side and from the Glades/Hendry County line on the north side to the proposed C-43 Reservoir on the south side. The amendment applications contained an analysis of the Sandstone aquifer as having sufficient water to meet the potable water needs of the amendment area. An ORC report dated August 6, 2007 contained a recommended use of alternative water supplies in accordance with the SFWMD LWCWSP (2005-2006 Update).

The amendment proposal was altered to reduce the total acreage from 18,105 to approximately 3,100 acres. The maximum number of residential units was reduced from 20,404 to 7,539, and the maximum commercial area was reduced from 1,101,500 to 200,000 square feet. Table 8 shows the future land use category, maximum residential units, maximum commercial square footage, and projected water demands as currently desired by various landowners.

A maximum daily finished water demand of 4.12 million gallons per day (MGD) is anticipated for West Hendry at build out. This is based on a level of service of 125 GPD, a per capita rate that typically accounts for some irrigation usage, which has been used here for planning purposes at the request of the DCA and SFWMD. However, dedicated irrigation systems separate from the potable water systems will be used in this area.

Alternative water supplies will be used to provide potable and irrigation water to

the West Hendry Area. Poor quality groundwater from the upper Floridan aquifer will be used as a source of raw water. The WTP will be designed to accommodate changes in raw water quality resulting from withdrawals. Irrigation water will consist of a blend of treated wastewater and groundwater from the Floridan aquifer. Two wastewater treatment plants, one 2.25 MGD plant north and one 0.5 MGD plant south of the Caloosahatchee River, will supply reclaimed water via dedicated reuse distribution lines once adequate volumes become available. The use of poor quality groundwater and reclaimed water are alternative water supplies consistent with the SFWMD Lower West Coast Water Supply Plan (2005-2006 Update).

The raw water demand of 5 MGD includes a treatment efficiency of 83%. That is, 17% of the raw water withdrawn from the Floridan aquifer will be brine concentrate disposed via deep well injection. A single water treatment plant capable of treating approximately 5 MGD will be required to meet projected water demands at build out for areas both north and south of the Caloosahatchee River.

After 2020, the service area of a utility provider may be modified to include West Hendry. Such service providers may include the City of LaBelle, Hendry County, a quasi-governmental agency, or the private sector. For the planning period covered in this document, a private utility will meet any water demands generated within the West Hendry development before 2020. The property owners within the West Hendry overlay will be responsible for financing the centralized potable water supply system infrastructure necessary to serve the area prior to 2020. No proposed development or potable water service are anticipated to occur within the West Hendry overlay until after 2018. At an approximate build-out of 3.5% in 2020, West Hendry may require 0.169 MGD of raw water to supply potable water for 750 persons, which assumes an 83% treatment efficiency as shown on Table 9.

The development of on-site water supplies for West Hendry will require construction of a Floridan aquifer wellfield, raw and finished water storage facilities, a 5.0 MGD water treatment plant, a deep injection well for concentrate disposal and a distribution system. Additional work will include the design, permitting, and construction of a WWTP and reclaimed water distribution lines. Potable water infrastructure construction, design and permitting are estimated to

cost approximately \$58.0 million, which will be funded by the private sector. This cost estimate can be highly variable dependent on specific design. No construction is expected to commence prior to 2016. An on-site testing program to determine the hydraulic properties and water quality of the aquifer will be conducted prior to the commencement of any development in order to properly design the wellfield and water treatment process if on-site supplies will be used to serve the project.

The SFWMD recognized the potential development of poor quality groundwater from the Floridan aquifer and completed a hydrogeologic investigation in the northwest area of Hendry County. The results of the SFWMD investigation are summarized in SFWMD Technical Publication WS-15, which is titled *Hydrogeologic Investigation of the Floridan Aquifer System, LaBelle, Hendry County, Florida* (May 2003). The results of the SFWMD investigation demonstrate that physical and chemical characteristics of the Floridan aquifer are suitable for sustainable development of groundwater resources from the aquifer.

TABLE 8 WEST HENDRY AREA

Future Land Use Category	Max Units	Household Size ¹	LOS ²	Residential AADF (MGD)	Maximum Commercial (square feet)	Commercial AADF (GPD/sf)	Commercial AADF (MGD) ³	Total AADF (MGD)	MDF (MGD) ⁴	Maximum Day Raw Water (MGD) ⁵
River Low Density	379	2.87	125	0.14				0.14	0.21	0.24
River Medium Density	5,460	2.87	125	1.96				1.96	2.94	3.53
Rural Town Center	1,700	2.87	125	0.61	200,000	0.20	0.04	0.65	0.97	1.17
Total	7,539			2.71	200,000		0.04	2.75	4.12	4.94

¹ - Average Household Size (persons/unit), Census Tract 4 Hendry County, Florida - from US Census Bureau

² - Includes irrigation.

³ - Commercial AADF calculated using 0.20 gallon/day/square foot of commercial building area

⁴ - Estimated peaking factor of 1.5 times the average daily to calculate maximum daily flow.

⁵ - Maximum day raw water demand includes 83% efficiency of treatment of poor quality groundwater from the Upper Floridan aquifer

TABLE 9 WEST HENDRY 3.5% BUILD-OUT BY 2020

Future Land Use Category	Max Units	Household Size ¹	LOS ²	Residential/Commercial AADF (MGD) ³	Total AADF (MGD)	MDF (MGD) ⁴	Maximum Day Raw Water (MGD) ⁵
Residential/Commercial ³	261	2.87	125	0.094	0.094	0.141	0.169
Total	261			0.094	0.094	0.141	0.169

¹ - Average Household Size (persons/unit), Census Tract 4 Hendry County, Florida - from US Census Bureau

² - Includes irrigation.

³ - Could include a mixture of residential and commercial development accounting for a total demand equivalent to that of approx. 750 persons

⁴ - Estimated peaking factor of 1.5 times the average daily to calculate maximum daily flow.

⁵ - Maximum day raw water demand includes 83% efficiency of treatment of poor quality groundwater from the Upper Floridan aquifer

Florida Governmental Utility Authority

Florida Governmental Utility Authority has a service area in the portion of Lee County immediately adjacent to and west of their Hendry County service area. The FGUA Hendry County service area is primarily intended to serve the SR-82 Mixed Use District. The State Road 82 Mixed Use District is proposed to contain a combination of residential, commercial, office and light industrial land uses. For the purposes of this Work Plan, the most water intensive land use scenario, “High Office,” is used for planning purposes, as shown on Table 10. If this plan is realized, a maximum daily raw water demand of 0.92 MGD is anticipated at build out. Per policies drafted for the State Road 82 Mixed Use District, the total raw water required to supply future development with potable water will not exceed 0.92 MGD. At the end of the 10-year planning period used in this document, the State Road 82 Mixed Use District may be up to 15% built-out. A 15% build-out was used to estimate potable water demand, as shown on Table 11. A maximum daily raw water allocation of 0.14 MGD may be required by 2020 based on these assumptions. No development is expected to commence until after 2015.

Policies have been drafted for the State Road 82 Mixed Use District that establish usage milestones, which will dictate how water is sourced for the project. For potable raw water demands between 0 and 99,999 GPD, individual on-site wells will supply water to specific users. For demands from 100,000 to 200,000 GPD, an on-site water treatment facility will supply water to users connected to a centralized system. Connection to the treatment facility will be required for existing and future on-site development, per the policies. For potable water demands greater than 200,000 GPD, connection to the FGUA system will be required. Under this final scenario, all infrastructure associated with the on-site treatment facility serving all onsite potable water demands below 200,000 GPD will be accepted as FGUA, its successors or assigns, facilities, despite any Interlocal Agreement or Developer’s Agreement conditions to the contrary. Raw water in excess of 0.92 MGD will

not be sourced from the Sandstone aquifer to serve the State Road 82 Mixed Use District. Existing land uses will be modified, as necessary, to accommodate the demands of new development while remaining below this threshold. Per the drafted policies, the necessary water services will be identified and committed to serve the project prior to issuance of a building permit or development order. Also per the policies, any development within the State Road 82 Mixed Use District except for agricultural or mining-related activities will require installation of reuse water lines, as well as potable water and sanitary sewer lines, to be reviewed and approved as part of the building permit or development order process.

The land comprising the State Road 82 Mixed Use District is covered by an existing SFWMD water use permit for agricultural irrigation authorizing annual groundwater withdrawals from the Sandstone aquifer in the amount of 434.83 million gallons per year pursuant to permit Number 26-00281-W. During the planning period, the State Road 82 Mixed Use District demand for finished water supply based on the anticipated 15% build-out of the project is not expected to exceed 0.112 MGD of raw water on a maximum daily basis, assuming use of a freshwater source with a high treatment system efficiency. On average, the project may require 0.074 MGD of finished water by 2020, requiring raw water withdrawals likely not in excess of 5% of this amount. This projected use could easily be accommodated within the existing water use allocation without additional demands on the resource as land is converted from agricultural uses to development. All necessary SFWMD water use permits would be obtained and appropriate resource impact analyses performed in accordance with SFWMD permitting criteria prior to use of the Sandstone aquifer for potable water supply.

The South Florida Water Management District issued Water Use Permit No. 36-00166-W to the Florida Governmental Utility Authority on November 16, 2009, with a raw water allocation of 3.3 MGD to serve the Lehigh Acres service area. The water treatment plants supplying the service area (WTP No.

2 AKA Mirror Lakes and WTP No. 1) have a combined design capacity of 4.7 MGD, according to FDEP records. The re-issued SFWMD permit authorizes 100% of withdrawals from the Sandstone aquifer, since the permitted allocation remained unchanged from that previously permitted under application #030521-21 due to the stagnant or declining population growth within the FGUA Lehigh Acres service area. Due to current and projected economic conditions, the Lehigh Acres service area is experiencing declines in demand for service related to a large number of foreclosures and slow absorption of those residential units back into the market. Any increases in allocation above the currently permitted amount will be sourced from the brackish Floridan aquifer, considered an alternative water supply by the SFWMD. To this end, FGUA has implemented a Floridan aquifer drilling and testing program at the Mirror Lakes water treatment plant site and has commenced with the design and permitting for expansion into the Floridan aquifer, although additional allocation from this source is not needed currently to supply the existing demands.

Since January 2008, raw water withdrawals authorized under the FGUA permit have not exceeded 80 million gallons per month, and have rarely exceeded 70 million gallons per month, although the permit assigns an allocation up to 112.5 million gallons per month. Annual raw water withdrawals for 2008 and 2009 were slightly greater than 50% of the permitted allocation of 1,206 million gallons per year. Based on current population trends, FGUA should have ample allocation and plant capacity to supply the existing customer base through the duration of the permit, as well as the State Road 82 Mixed Use District. Using the highest monthly raw water withdrawal of 80 million gallons in January 2008, more than 1 million gallons per day of available allocation remain. Monthly withdrawals have averaged only 53 million gallons during this time period. The State Road 82 Mixed Use District may require up to 0.14 MGD of raw water in 2020, or approximately 13% of the currently available allocation for the FGUA Lehigh Acres system, assuming FGUA monthly withdrawals of 80 million gallons. The FGUA

permit will come up for renewal again in December 2014, at which time FGUA may modify the permit to increase the allocation if it does not appear that the existing allocation will be capable of adequately supplying both the Lee and Hendry County service areas for the next 5-year increment. If, at that time, an increase in allocation is deemed necessary, FGUA will expand into the Floridan aquifer as previously planned. However, based on the 15% build-out assumption for the project, raw water demand milestones requiring connection to the FGUA system (greater than 200,000 GPD) should not occur within the planning timeframe addressed by this document.

The design for the expansion of the Mirror Lakes WTP plant utilizing withdrawals from the Floridan aquifer will convert the plant to reverse osmosis (RO) treatment, which has been completed and permitted through the Florida Department of Environmental Protection. Florida Governmental Utility Authority will proceed with the construction of the RO WTP and make application to the South Florida Water Management District for a water use permit authorizing the use of water from the Upper Floridan aquifer when demands within the service area justify such expansion. The capacity of the initial phase of the reverse osmosis WTP will be for 2.7 MGD of reverse osmosis permeate production blended with 0.6 MGD of Sandstone aquifer raw water for a total of 3.3 MGD of finished water capacity. Eventually the RO WTP is planned for 10 MGD, expandable in increments using additional RO skids.

Figure 7 delineates the location of the pertinent facilities within the FGUA Lehigh Acres service area and the adjacent Hendry County service area.

TABLE 10 STATE ROAD 82 MIXED USE DISTRICT (HIGH OFFICE SCENARIO)

Future Land Use Category	Acreage	Max Units	Household Size ¹	LOS ²	Residential AADF (MGD)	Maximum Square Footage	AAFD (GPD/sf)	AAFD (MGD) ^{3,4}	Total AADF (MGD)	MDF (MGD) ⁴	Maximum Day Raw Water (MGD) ⁵
Residential	65	125	2.87	125	0.045				0.045	0.067	0.084
Office	40					912,254	0.20	0.18	0.18	0.27	0.338
Retail/Service	45					125,000	0.20	0.025	0.025	0.038	0.048
Industrial	140					1,200,000	0.20	0.24	0.24	0.36	0.45
Total	290	125			0.045	2,237,254		0.445	0.49	0.735	0.92

¹ - Average Household Size (persons/unit), Census Tract 4 Hendry County, Florida - from US Census Bureau

² - Includes irrigation.

³ - Commercial (office, retail, industrial) AADF calculated using 0.20 gallon/day/square foot of commercial building area

⁴ - Estimated peaking factor of 1.5 times the average daily to calculate maximum daily flow.

⁵ - Maximum day raw water demand includes 80% efficiency of reverse osmosis treatment

TABLE 11 STATE ROAD 82 MIXED USE DISTRICT 15% BUILD-OUT (HIGH OFFICE SCENARIO)

Future Land Use Category	Max Units	Household Size ¹	LOS ²	Residential AADF (MGD)	Maximum Square Footage	AAFD (GPD/sf)	AAFD (MGD) ³	Total AADF (MGD)	MDF (MGD) ⁴	Maximum Day Raw Water (MGD) ⁵
Residential	20	2.87	125	0.007				0.007	0.011	0.011
Office					136,840	0.20	0.027	0.027	0.041	0.041
Retail/Service					18,750	0.20	0.004	0.004	0.006	0.006
Industrial					180,000	0.20	0.036	0.036	0.054	0.054
Total	20			0.007	335,590		0.067	0.074	0.112	0.112

¹ - Average Household Size (persons/unit), Census Tract 4 Hendry County, Florida - from US Census Bureau

² - includes irrigation.

³ - Commercial (office, retail, industrial) AADF calculated using 0.20 gallon/day/square foot of commercial building area

⁴ - Estimated peaking factor of 1.5 times the average daily to calculate maximum daily flow.

⁵ - Maximum day raw water demand assumes treatment losses of less than 5% for a freshwater source

3.9 Potential Future Water Suppliers

The Public Service Commission of the State of Florida has certificated Silver Lake Utilities, Inc. (PSC Company Code WS907; Docket No: 060726) to provide water and wastewater services in Glades and Highlands Counties. The southern extent of the utility service territory is located directly to the north of the Hendry County line, and the utility has the potential to meet future raw water and potable water demands of future development areas in Hendry County. Figures showing the water and wastewater service boundaries are provided in Section 6.0.

Franchised Territories – By Ordinance 2005-31, Hendry County Government established an ordinance which will permit the creation of franchised territories for the provision of potable water. At the time that a franchised territory is approved, Hendry County shall proceed to amend its Ten-Year Water Supply Plan to include the projections necessary for the franchised territory.

3.10 Agricultural Water Supply Demands

Agriculture for Hendry County includes citrus, row crops, sugar cane, field crops, sod, nursery and greenhouse products, irrigated pasture, livestock watering and aquaculture. According to the SFWMD LWCWSP (2005-2006 Update) 173,291 total irrigated agricultural acres in Hendry County are anticipated in 2015. The SFWMD LWCWSP indicates that this acreage will require a gross irrigation demand of 354.7 and 472.7 MGD for an average and 1-in-10 drought condition, respectively.

Agricultural water use demands are anticipated as a result of agricultural growth as agricultural operations are relocated to this area from the Coastal Counties. Agricultural water use is self-supplied with the farmer selecting the irrigation system based upon the needs of the crop and the requirements of the SFWMD Consumptive Use Permit (CUP) program. Future water demands will be met through traditional sources, both surface and groundwater, once the CUP permitting conditions are met. Water conservation and efficiency practices, the use of the mobile irrigation lab, on-site individual water reservoirs and tail water recovery may be practices to be considered on a case-by-case basis. As the SFWMD brings regional storage projects online that provide for an alternative and dependable source of water in the future, these alternative sources will be evaluated in the CUP process on a case-by-case basis.

3.11 Commercial/Industrial Water Supply Demands

According to the SFWMD LWCWSP (2005-2006 Update), Hendry County will have a 3.1 MGD commercial and industrial self-supply demand in 2015. Self supplied commercial and industrial water use demands are anticipated to increase, although at a slow rate. Traditional groundwater sources are expected to meet demands, provided the CUP permitting conditions are met. Alternative sources will be evaluated as part of the CUP permitting process. Potable water to serve these users is included in this Work Plan. If not on-line or available, potable water will be self-supplied.

3.12 Conservation

The following conservation measures have been incorporated by Hendry County ordinance and by PLUS.

Water Shortage Plan for Hendry County (Ordinance No. 2006-08 ss 1, 3-8)

This Ordinance applies to persons in unincorporated areas of Hendry County using the water resources, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. The intent and purpose of the ordinance is to protect the water resources of the County from the harmful effects of overutilization during periods of water shortage and to allocate available water supplies by assisting the SFWMD and Hendry County in the implementation of water shortage plans. The purpose is to establish a water shortage plan for Hendry County and to conserve and protect the water resources of the County in accordance with the best interest of the public and to prevent the depletion, deterioration, waste, and unreasonable use of water resources. The ordinance provides procedures to declare and enforce a water shortage order, and to assess penalties for violations of such orders.

Landscaping and Buffering (Ordinance No. 2003-09 ss A-9)

The Ordinance establishes landscape standards for new developments and promotes the use of Hendry County native trees and xeriscaping. The ordinance also requires irrigation systems to be equipped with rain sensor devices in order to minimize the potential for irrigation during rain events. The Ordinance also requires the use of reclaimed water when such water is made available to the developer/property owner.

Port LaBelle Utility System Water-Efficient Landscaping (Ordinance No. 98-04)

The Ordinance establishes minimum standards for the development, installation, and

maintenance of landscaped areas within the PLUS service area. The Ordinance requires specific water conservation plans, including the preservation of natural vegetation, reestablishment of native plant communities, use of site-specific plant materials, use of pervious materials, use of water efficiency in landscaping, and use of other environmentally sensitive site development concepts. The Ordinance provides the requirements for submittal of a site plan that incorporates water-efficient landscaping principles and identification of those features that will reduce the water demand.

Water Conservation Rate Schedule

The County recently modified its rate schedule to include a tiered structure to promote water conservation

Leak Detection Program

PLUS has installed radio-read meters with leak detection capabilities at residential connections. Customers are notified when leaks are detected.

Public Information

Hendry County Utilities provides a website that includes information on its water supply and water shortage declarations.

3.13 Reuse

Treated wastewater from the City of LaBelle, PLUS, and HCI is presently discharged to rapid infiltration systems. Treated wastewater in the City of Clewiston is disposed of, along with concentrate from the LPRO, in a deep injection well at the WWTP.

The future WWTPs proposed to serve the City of LaBelle and West Hendry area will provide treated wastewater for public access irrigation. In addition, the PLUS WTP generates upwards of 150,000 GPD of concentrate (reject) water from its membrane softening process. PLUS currently advertises the availability of this water for irrigation use.

Per the policies drafted for the amendment, any development within the State Road 82 Mixed Use District except for agricultural or mining-related activities will require installation of reuse water lines to be reviewed and approved as part of the building permit or development order process.

4.0 CAPITAL IMPROVEMENTS

4.1 Work Plan Projects

Hendry County has identified projects that are necessary within the planning period to develop adequate water supplies, including alternative water supplies and continued use of traditional supplies. Permitting of increased withdrawals from the Sandstone aquifer for PLUS after 2015 will require on-site aquifer performance testing to determine site-specific aquifer properties and demonstrate that requested withdrawals will meet SFWMD permitting criteria. Should the results of this study indicate that additional allocation cannot be developed from the Sandstone aquifer and the projected demands within the PLUS service area will require an increase in permitted allocation prior to 2017, PLUS will conduct a Floridan aquifer testing, design and permitting program. The cost of this program is estimated to be 10% of construction costs for expansion into the Floridan aquifer. At the time of the SFWMD water use permit renewal in 2015, PLUS will request a permit modification to include this source, as necessary. PLUS will schedule the permitting, design and construction of the Floridan aquifer wellfield such that the facilities will be in service in time to supply any projected deficits in allocation. Additionally, a study is necessary to determine the feasibility of developing reclaimed water at the PLUS WWTP for irrigation water use. The feasibility study will evaluate necessary upgrades to the PLUS WWTP, identify potential end customers, assess distribution line requirements, construct a hydraulic model and project cost. Assuming that development of reclaimed water at PLUS is feasible, FDEP permitting, application for SFWMD alternative water supply funding, upgrades to the PLUS WWTP and construction of distribution lines will be required.

The development of alternative water supplies for West Hendry will require an assessment of the Floridan aquifer, including test well construction, reverse osmosis pilot testing, groundwater modeling, and preliminary water treatment plant and wellfield design. Following the assessment, FDEP permitting, application for SFWMD alternative water supply funding, and design and construction of a 5.0 MGD wellfield and 5.0 MGD WTP construction will be required. Additional work will include the design, permitting, and construction of a WWTP and reclaimed water distribution lines.

Florida Governmental Utility Authority (FGUA) has committed to providing water to the State Road 82 Mixed Use District. The State Road 82 Mixed Use District will connect to the FGUA system when project demands exceed 200,000 GPD, per drafted policies for that amendment. If

providing service to the Hendry County service area is required prior to 2020 and necessitates raw water withdrawals exceeding the currently permitted allocation from the Sandstone aquifer, FGUA will proceed with expansion into the Floridan aquifer. As part of the expansion into this source, the Mirror Lakes WTP will be expanded to provide up to 3.3 MGD of finished water from the Sandstone and Floridan aquifers. Prior to this expansion, FGUA will conduct a hydrogeologic investigation of the Upper Floridan aquifer, including test well construction, aquifer performance testing and groundwater flow modeling in order to design and permit an Upper Floridan aquifer wellfield. In terms of providing service to the State Road 82 Mixed Use District, this should not be necessary after 2020 or later. One of the three test/monitor wells included in the drilling and testing program will be converted to a production well following permitting. FGUA will construct two additional Upper Floridan aquifer raw water supply wells and one deep injection well to dispose of reverse osmosis (RO) concentrate produced during the treatment process. These projects will not, in all likelihood, be necessary within the 10-year planning period addressed in this document, but have been included in 5-Year Capital Improvement Projects in order to be very conservative, assuming a very aggressive growth rate within the service area that would allow expansion into the Floridan aquifer by 2015 in order to supply demands that do not currently exist nor are anticipated prior to 2020.

For State Road 82 Mixed Use District project raw water withdrawals between 0 and 99,000 GPD, individual wells will be utilized and funded by the developer. To supply project demands between 100,000 and 200,000 GPD of raw water for potable use, an on-site treatment facility sourcing water from the Sandstone aquifer will be constructed and funded by the developer. Connection to the central system will be required of existing and future on-site development. Based on the thresholds established in the policies drafted for the State Road 82 Mixed Use District, project demands projected for 2020 (74,000 GPD AADF) will receive water from individual wells. Once State Road 82 Mixed Use District potable water demands reach 100,000 GPD, all onsite potable water demands will be supplied by an on-site treatment facility. Once potable water demands reach 200,000 GPD, all on-site potable water demands will be supplied by FGUA, its successors or assigns.

4.2 Capital Improvements Element/Schedule

The following Table 12 is a Five-Year Schedule of Capital Improvements for water supply projects needed in the next five years. These projects will be funded by connection fees and the private sector, in the case of PLUS and West Hendry, respectively. FGUA funding for work

associated with Floridan aquifer expansion will come from a line of credit established in 2007, should that project become necessary within this planning timeframe. Table 12 is being adopted into the comprehensive plan's current 5-year Schedule of Capital Improvements as part of the Work Plan Settlement.

TABLE 12 – 5-YEAR CAPITAL IMPROVEMENT PROJECTS Estimated Costs in Millions of Dollars

Description	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Water Source	Funding Provider	C&O Time-frame
PLUS on-site aquifer performance testing of Sandstone aquifer and test analysis ²			\$0.080			Sandstone aquifer	PLUS	2012-2013
PLUS reclaimed water feasibility study					\$0.075	Wastewater	PLUS	2014-2015
PLUS Floridan Aquifer Wellfield Testing, Design & Permitting ^{1&2}				\$0.85		Floridan Aquifer	PLUS	2014-2016
West Hendry Floridan aquifer study				\$1.50		Floridan aquifer	Developer	2013-2014
FGUA Mirror Lakes WTP Deep Injection Well				\$5.50		Floridan Aquifer RO Concentrate	Credit Line	2013-2014
FGUA Mirror Lakes WTP Floridan Aquifer Testing				\$1.50		Upper Floridan Aquifer	Credit Line	2011-2014
FGUA Mirror Lakes WTP Floridan Aquifer Well Construction				\$1.75		Upper Floridan Aquifer	Credit Line	2013-2014
Total Estimated Cost			\$0.080	\$11.10	\$0.075			

¹ Floridan Aquifer wellfield testing, design and permitting will be implemented as necessary based on existing and projected demands for service area, and results of Sandstone aquifer testing indicating insufficient additional volume being available.

² Sandstone and Floridan Aquifer items will be accelerated in the schedule if the demand is increased to generate need for additional water.

In order to address DCA comments regarding all necessary capital improvement projects required to meet the projected demands by 2020, the anticipated projects for PLUS, the State Road 82 Mixed Use District and West Hendry from 2016 to 2020 are listed in Table 13. Table 13 is being adopted into the Comprehensive Plan's Capital Improvements Element as part of the Work Plan Settlement.

The projects included in this table assume PLUS will be required to expand into the Floridan aquifer based on the results of Sandstone aquifer testing to be completed under the 5-Year Capital Improvement Projects. Costs for PLUS projects are based on sourcing an additional 0.65 MGD of finished water from the Floridan aquifer, while currently permitted Sandstone aquifer withdrawals continue to supply the remainder of the 1.2 MGD expanded system capacity. Disposal of brine concentrate from raw water treatment will occur via deep well injection. Pending conceptual project design, alternative disposal mechanisms may be available at lower cost, including utilizing excess capacity at the WWTP.

**TABLE 13 – CAPITAL
IMPROVEMENT PROJECTS
2016-2020**

Estimated Costs in Millions of Dollars

Description	Cost	Water Source	Funding Provider
SR-82 Mixed Use District			
Approx. 25 individual on-site wells	\$0.125	Sandstone	Developer
Total	\$0.125		
PLUS			
2 Floridan Aquifer PWS Wells	\$1.0	Upper Floridan Aquifer	Connection Fees
WTP Expansion and Upgrade	\$2.25	Upper Floridan Aquifer	Connection Fees
Land Acquisition	\$0.1	Upper Floridan Aquifer	Connection Fees
Additional Storage	\$1.0	Upper Floridan Aquifer	Connection Fees
Injection Well for RO Concentrate Disposal ¹	\$4.0	Upper Floridan Aquifer	Connection Fees
Floridan Aquifer Testing for WTP and Wellfield Design & Permtting	\$0.15	Upper Floridan Aquifer	Connection Fees
Total	\$8.5		
West Hendry			
Floridan Aquifer Wellfield	\$4.0	Floridan Aquifer	Private Sector
5.0 MGD WTP ²	\$45.0	Floridan Aquifer	Private Sector
Raw & Finished Water Storage	\$5.0	Floridan Aquifer	Private Sector
Injection Well for RO Concentrate Disposal ¹	\$4.0	Floridan Aquifer	Private Sector
2.25 MGD WWTP North of River (including reuse distribution, storage and disposal) ³	67.0	Wastewater	Private Sector
0.5 MGD WWTP South of River (including reuse distribution, storage and disposal) ³	15.6	Wastewater	Private Sector
Water Distribution Lines North and South of River	\$4.0	Floridan Aquifer	Private Sector
Permitting and Construction of Water Distribution Lines Under River	\$0.75	Floridan Aquifer	Private Sector
Total	145.35		

¹ Other disposal mechanisms may be an alternative, including utilizing excess capacity at WWTP or other methods

² Conceptual in nature; highly variable dependent on specific design

³ Includes master plan, design and permitting for WWTP, major trunks of sewer collection system and wastewater collection system (from report by TKW Consulting Engineers, September 2010)

⁴ The six items listed for PLUS will have an accelerated schedule if necessary if the increased treatment efficiency is not achieved, if demand is increased to generate need for additional water and if the outcome of the Sandstone Study is not favorable.

5.0 GOALS, OBJECTIVES AND POLICIES

An assessment of existing Goals, Objectives, and Policies (GOPs) in the Hendry County Comprehensive Plan was performed in preparation of this Work Plan to determine those that address water supply sources and facilities, as well as conservation and reuse programs. Those existing GOPs that need revision include: 1) updating and linking of the Work Plan every five years in coordination with the SFWMD LWCWSP and 2) coordination and information sharing between water suppliers and Hendry County. Those revised GOPs are listed below.

Potable Water Sub-Element

GOAL: The Port LaBelle Utility System (PLUS) will work towards achieving a system efficiency of 80% for use of Sandstone aquifer source water within its Hendry County service area and will work towards reducing its raw water consumption. Steps taken to reach this goal may include identification and repair of leaks within the distribution system, improvements to the treatment process, and annual system audits to identify other unaccounted for losses

Policy 6.B.1.1 The adopted Level of Service Standard for determining the availability of adequate facility capacity for proposed development in the areas where a centralized potable water system is available in unincorporated portions of Hendry County shall be:

Clewiston: 125 gallons/person/day

LaBelle: 125 gallons/person/day

South Shore Water Association: 125 gallons/person/day

Port LaBelle: 92 gallons/person/day

Florida Governmental Utility Authority: 125 gallons/person/day

Hendry County (unincorporated): 125 gallons/person/day

Policy 6.B.3.2 The County will update its 10-Year Water Supply Facilities Work Plan in accordance with Florida law. The County shall maintain consistency with the SFWMD Lower West Coast Water Supply Plan (2005-2006 Update), as amended, and meet with the SFWMD water supply planning staff on an annual basis to provide the latest estimates and

projections of potable water use.

Policy 6.B.3.3 The County shall promote the coordination and information sharing between water suppliers and the County. Water suppliers shall share numbers of connections (residential and commercial), water treatment capacity, South Florida Water Management District permitted allocation, number of anticipated future connections, rate schedule, interlocal agreements, and other pertinent information every five years prior to preparation of the 10-Year Water Supply Facilities Work Plan.

Policy 6.B.3.4 Prior to the approval of a building permit or its functional equivalent, the local government shall consult with its applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a Certificate of Occupancy or its functional equivalent.

Policy 6.B.3.5 The determination of adequate water supply prior to approval of a building permit or its functional equivalent shall require a demonstration that an existing consumptive use permit has been issued to the supplier with sufficient allocation still available to serve the new development, given all other commitments for that allocation.

Policy 6.B.3.6 All development within the West Hendry area at a density of greater than a net density of two units per acre that is connected to centralized water and wastewater services shall be connected to central reuse water irrigation system service. Once the facilities have been constructed and extended to serve the West Hendry area all development must be connected to the central facilities. Irrigation utilizing surface water, groundwater or potable water may be permitted on a temporary basis for sales centers and other temporary uses or if development is more than ¼ of a mile away from the closest line and the density of the development is at less than or equal to one unit per acre.

Development within the West Hendry area will be required to utilize reuse water on-site to meet the irrigation needs of the proposed development to the extent reuse water is available. A reclaimed water utility system will be designed and constructed so that landscaped areas and other potential users will have access to the system.

Policy 6.B.XX The County will continue to coordinate and share information with the City of LaBelle in regard to potable water supply and coordination of future potable water supply service

areas for the both the City and County.

Policy 6.B.XX After South Florida Water Management District's adoption of its 2010-11 update to the Lower West Coast Water Supply Plan, Hendry County will coordinate with Lee County on the subsequent revisions to each County's 10-Year Water Supply Facilities Work Plan to assure consistency between those plans in order to ensure the Florida Governmental Utility Authority has sufficient water supply to meet the identified needs in its service territories in Lee and Hendry Counties.

Policy 6.B.XY The Port LaBelle Utility System (PLUS) will meet a system efficiency of 80% for use of Sandstone aquifer source water within its Hendry County service area by 2015. Steps taken to implement this policy may include identification and repair of leaks within the distribution system, improvements to the treatment process, and annual system audits to identify other unaccounted for losses

Policy 6.B.XZ. By December 1, 2015, the Hendry County Capital Improvements Schedule and Element shall be amended to reflect the party responsible, and the improvements necessary, for providing all needed central water, irrigation, wastewater, associated distribution/transmission lines and reuse facilities to serve development within the West Hendry Planning Overlay area out through 2020. No building permits within the West Hendry Planning Overlay Area shall be issued for any properties being developed under either the River Medium Density or Rural Town Center categories, or developed as a Village Hub, until this amendment to the Hendry County Capital Improvements Schedule and Element is adopted and effective.

Policy 6.B.XA. By December 1, 2019, the Hendry County Capital Improvements Schedule and Element shall be amended to reflect the party responsible, and the improvements necessary, for providing all needed central water, irrigation, wastewater associated distribution/transmission lines and reuse facilities to serve development within the West Hendry Planning Overlay area after 2020 and through 2040. No building permits within the West Hendry Planning Overlay Area shall be issued for any properties being developed under either the River Medium Density or Rural Town Center categories, or developed as a Village Hub, until this amendment to the Hendry County Capital Improvements Schedule and Element is adopted and effective.

Policy 6.B.XB. West Hendry Planning Overlay areas developed as Rural Town Centers, River Medium Density or Village Hubs require central water, wastewater and reuse facilities and service. No building permits for Rural Town Center, River Medium Density or Village Hubs development shall be issued without either the existence of adequate central facilities and service provision, or programmed central facilities reflected within the 5-year Capital Improvements Schedule that will be operational at the time of first development occupancy. Reuse provision to help meet irrigation demands is required once the central wastewater facility's treatment exceeds 100,000 gallons per day.

Capital Improvements Element

Policy 9.2.1.c) Potable Water

The LOS Standard for determining the availability of adequate treatment capacity for proposed development in areas where a centralized water system is available unincorporated portions of Hendry County shall be established as follows:

Clewiston: 125 gallons per person per day

LaBelle: 125 gallons per person per day

South Shore Water Association: 125 gallons per person per day

Port LaBelle: 92 gallons per person per day

Florida Governmental Utility Authority: 125 gallons/person/day

Hendry County (unincorporated): 125 gallons per person per day

Concurrency Management System Element

Policy 11.1.2- 4. Potable Water:

The LOS Standard for determining the availability of adequate treatment capacity for proposed development in areas where a centralized water system is available unincorporated portions of Hendry County shall be established as follows:

Clewiston: 125 gallons per person per day

LaBelle: 125 gallons per person per day

South Shore Water Association: 125 gallons per person per day

Port LaBelle: 92 gallons per person per day

Florida Governmental Utility Authority: 125 gallons/person/day

Hendry County (unincorporated): 125 gallons per person per day

Conservation Element

Policy 7.6.4: The County shall assess its current and projected water needs and sources for at least a 10-year period, considering the South Florida Water Management District regional water supply plan approved pursuant to s.373.0361.

Intergovernmental Coordination Element

Introduction

Another legislative change under 9J-5, encourages local governments to establish joint planning agreements for proposed annexation areas. In the event that a proposed annexation present a conflict in planning and service delivery, Hendry County may consider the negotiation of interlocal service boundary agreements pursuant to Florida Statutes Section 171.203.

Inventory

- 1) Local Inventory - The entities within Hendry County with which coordination is needed include the Cities of Clewiston and LaBelle, the Hendry County School District, the South Florida Water Management District, local water management districts, the Big Cypress Seminole Reservation, the utility companies, the airports, the Port LaBelle Community Development District, other special purpose districts, and the departments and agencies within the Hendry County government.

Existing Coordination mechanisms

Hendry County coordinates with South Florida Water management District to assess its current, as well as projected, water needs and sources for at least a 10-year period.

GOALS, OBJECTIVES AND POLICIES

GOAL: To effectively coordinate plans and activities with the various local, State, and regional governmental units, districts, boards, and agencies (as the case may require and as such adopted plans, or plans in preparation, that may exist). The County shall consider guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361.

OBJECTIVE 8.1:COORDINATION OF PLAN INTERACTION:

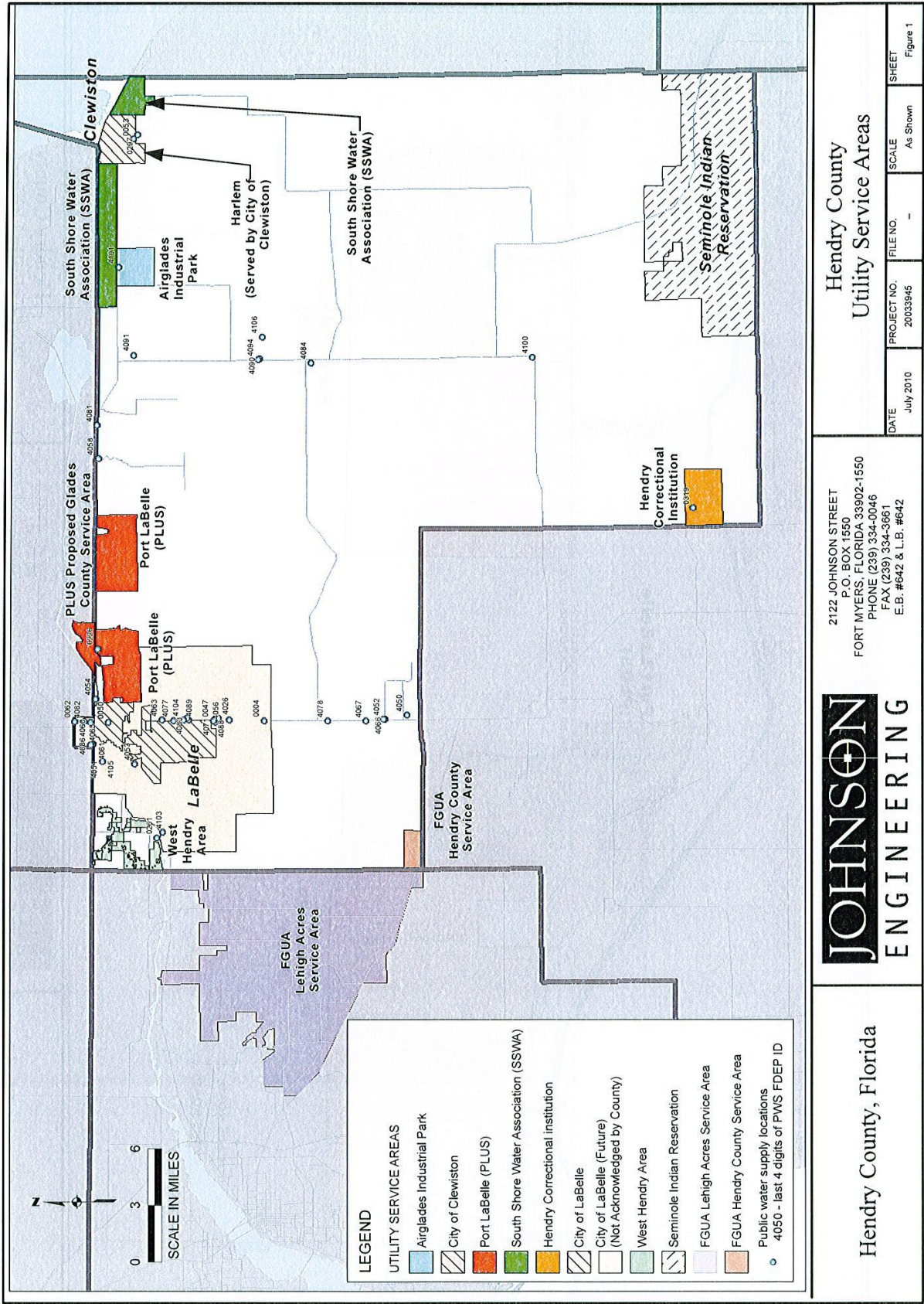
Hendry County will coordinate/direct all points of interaction with other entities concerning jurisdictional issues in the Hendry County.

Policy 8.1.1: Hendry County will continue to be an active participant and observer in the feasibility study being conducted by the U.S. Army Corp of Engineers in the Restudy of the Caloosahatchee River to ensure that Hendry County's water use/reuse supply remains adequate for its future population.

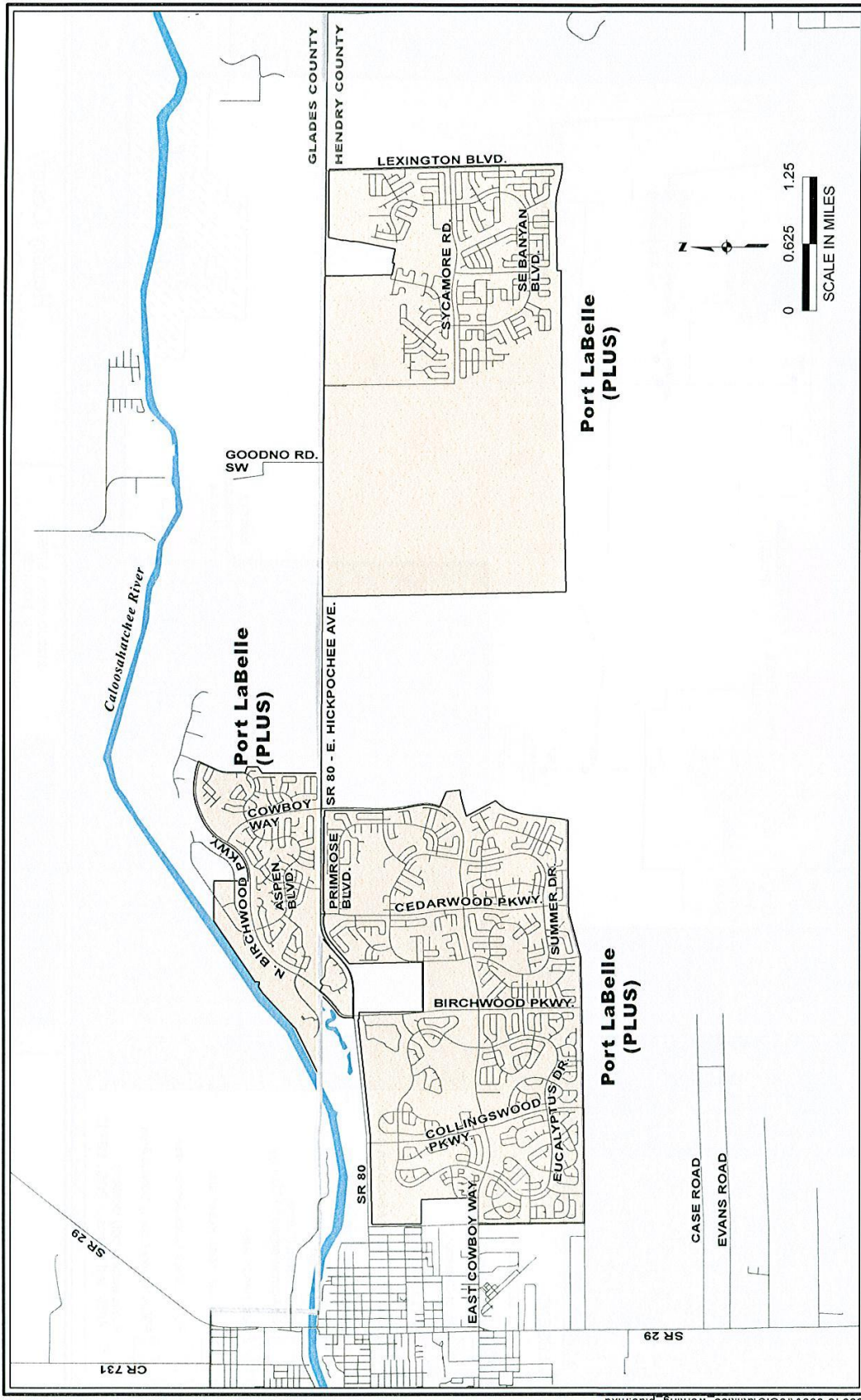
Policy 8.1.2: In order to keep other governmental entities informed copies of future amendments to the Comprehensive Plan will be sent to adjacent governmental and jurisdictional entities and other appropriate agencies for their review and comments during the adoption process.

Policy 8.1.6: Hendry County will furnish copies of proposed rezonings of major developments or improvements proposed adjacent to the boundary areas of the Cities of Clewiston and LaBelle, and the adjacent counties.

Policy 8.1.7: Coordinate with the South Florida Water Management District concerning wetland mapping, permitting in wetland areas, the location of groundwater aquifer recharge areas, cones of influence, the locations of wellfields for public potable water supplies, water use/reuse, and the water quality of the Caloosahatchee River and Lake Okeechobee.



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Hendry County, Florida

Hendry County
Port LaBelle Utility System

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
April 2009	20033945	-	As Shown	Figure 2

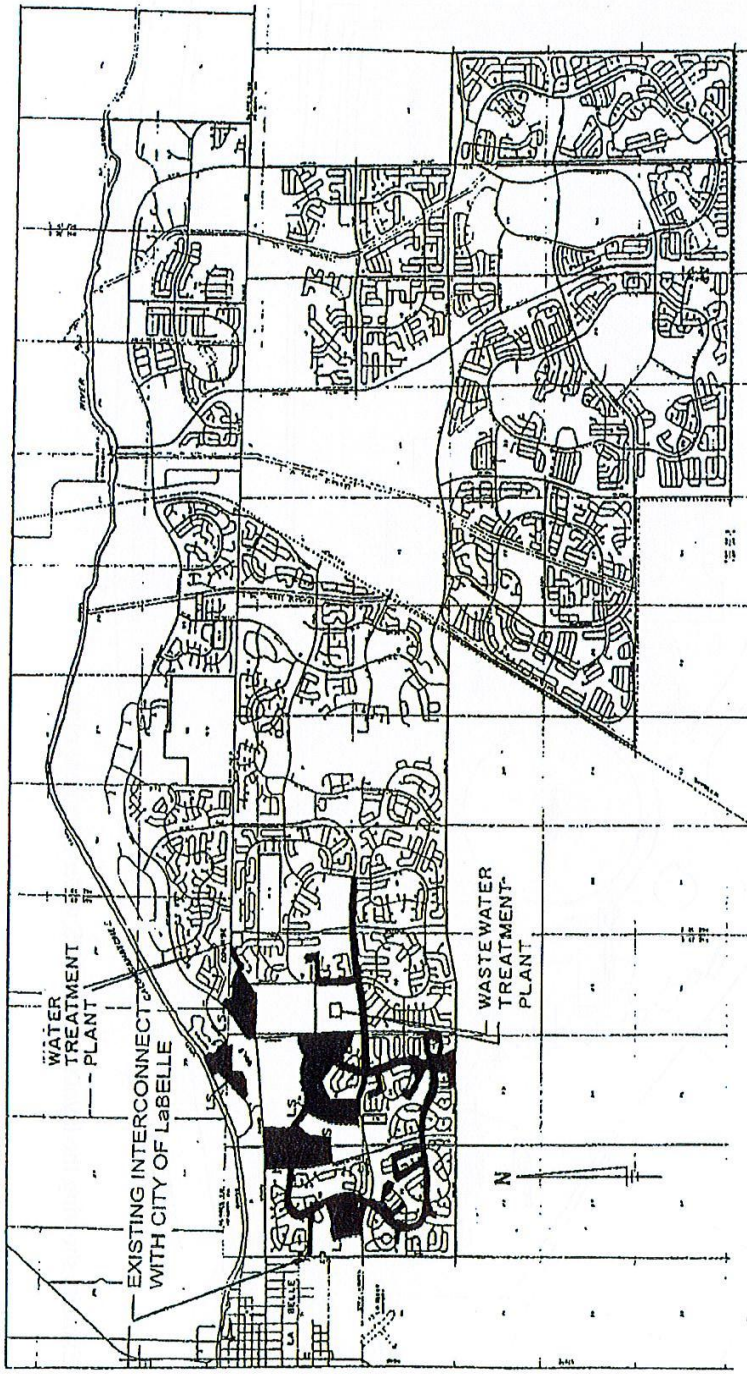


Figure 3. Exhibit showing location of PLUS water treatment plant, wastewater treatment plant, and interconnect with City of LaBelle.

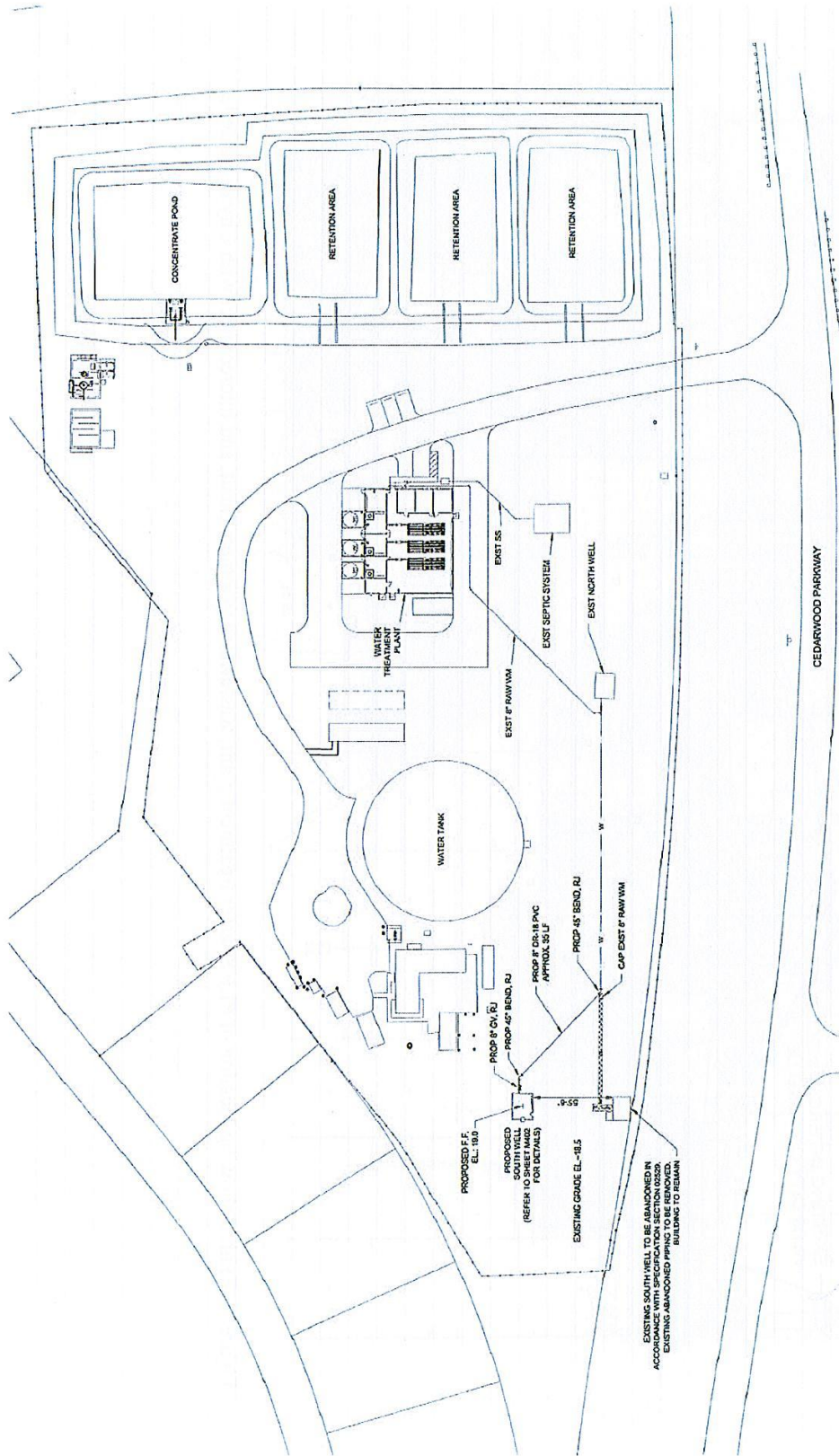
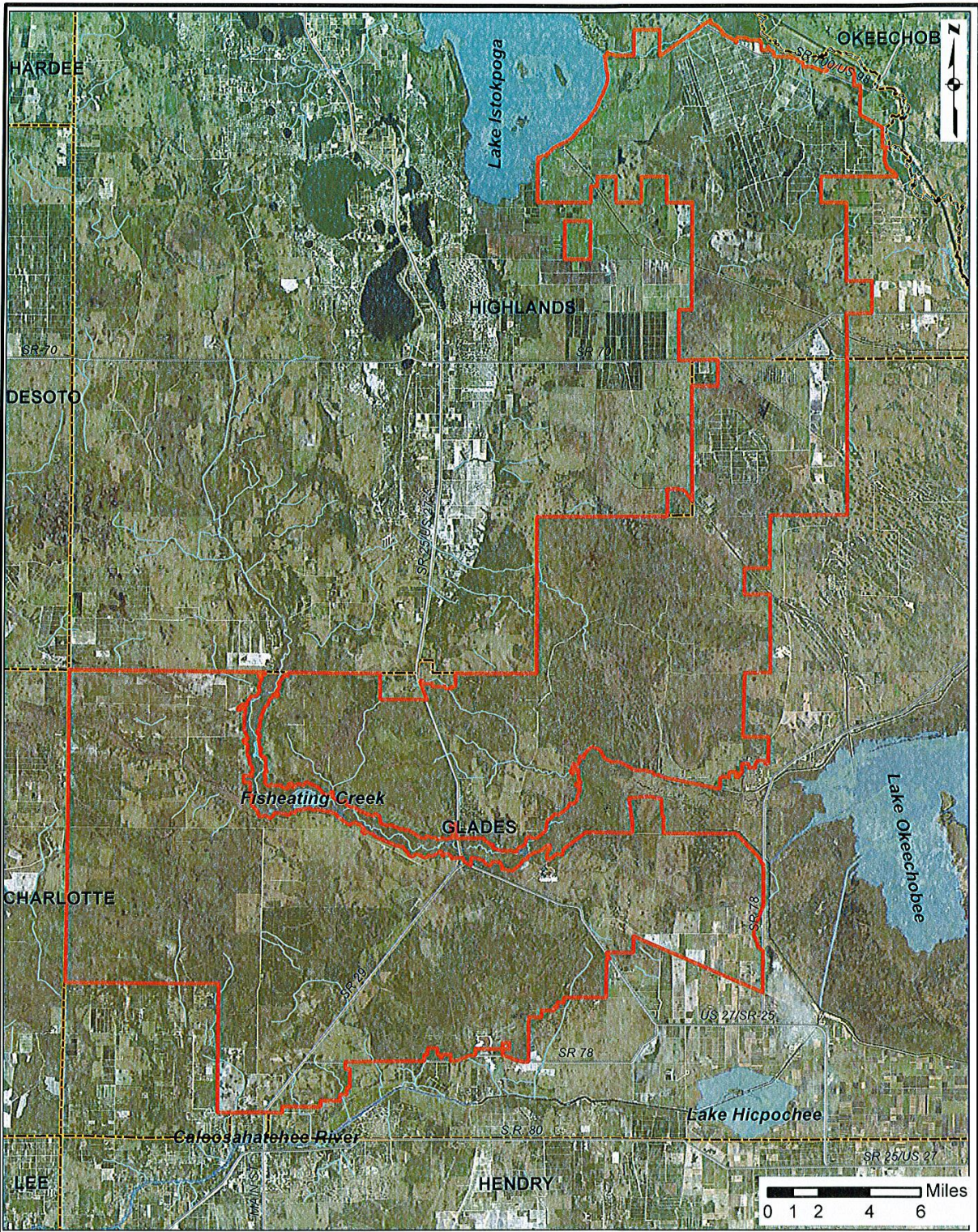



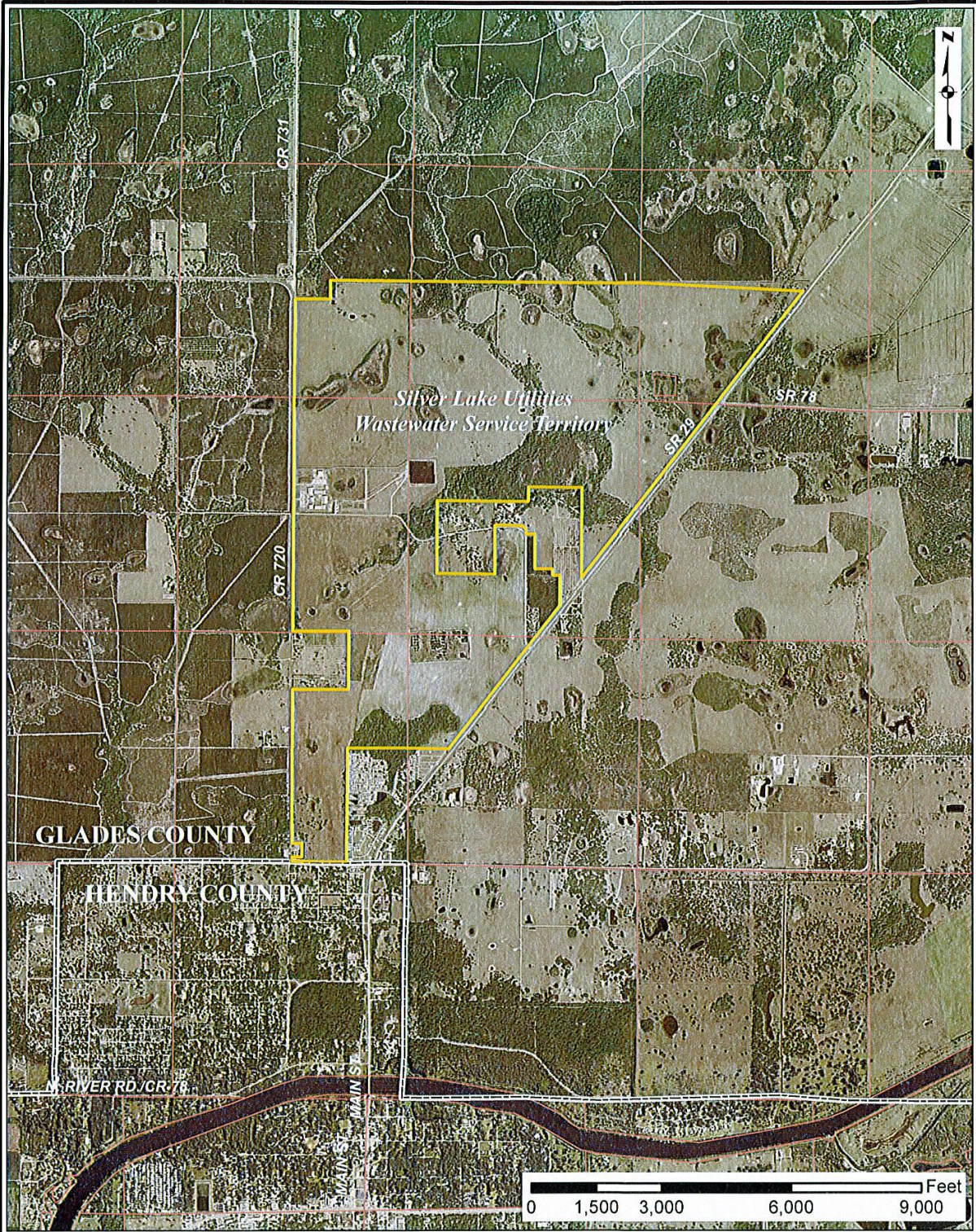
Figure 4. Exhibits showing the layout of the PLUS water treatment plant.



PROJ-fmg on fmsn\120033945-008\work\plan\exhibits\figure 5 Silver Lake Utility Water Service Territory.mxd

	2158 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642	Silver Lake Utilities Water Service Territory		
	DATE	PROJECT	FILE NO.	SCALE
00/00/00	20033945-008	00-00-00	As Shown	Figure 5

PRO:img on fims0120033945-008\work\plan\exhibits\figure 6 Silver Lake Utility Wastewater Service Territory.mxd

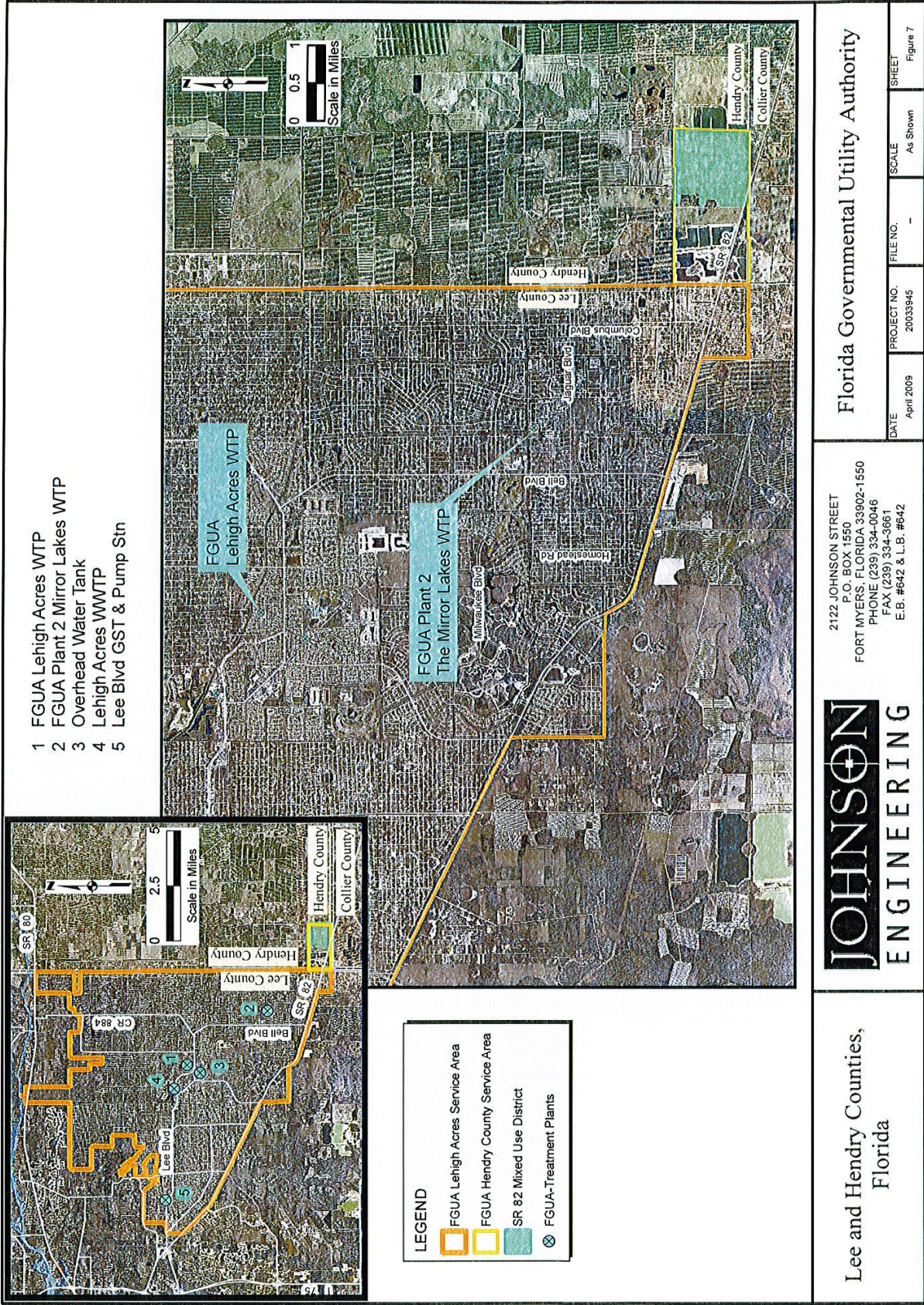


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Silver Lake Utilities
Wastewater Service Territory

DATE	PROJECT	FILE NO.	SCALE	SHEET
06/03/09	20077187	00-00-00	As Shown	Figure 6



- 1 FGUA Lehigh Acres WTP
- 2 FGUA Plant 2 Mirror Lakes WTP
- 3 Overhead Water Tank
- 4 Lehigh Acres WWTP
- 5 Lee Blvd GST & Pump Stn

LEGEND

- FGUA Lehigh Acres Service Area
- FGUA Hendry County Service Area
- SR 82 Mixed Use District
- ⊗ FGUA-Treatment Plants

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Florida Governmental Utility Authority

DATE	April 2009	PROJECT NO.	20033946	FILE NO.	-	SCALE	As Shown	SHEET	Figure 7
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7.0 APPENDIX

From William
6-11-09

FILED FOR RECORD
INTERLOCAL AGREEMENT

GLADES CO. BCC
REGULAR MEETING 2/11/09
EXHIBIT F

111282 interlocal agreement made this 11/16 day of February, 1997 between Hendry County, a political subdivision of the State of Florida, hereinafter called "Hendry", and Glades County, a political subdivision of the State of Florida, hereinafter called "Glades", in consideration of the mutual promises, actions, forbearances and performances as set forth and described herein;



WHEREAS, Hendry has purchased and now operates water and wastewater utility system commonly known as LaBelle Utility System, hereinafter called "Utility", and

WHEREAS, the Utility serves users and potential users in the jurisdictional areas of both Hendry and Glades Counties, and

WHEREAS, Hendry and Glades have cooperated and supported the purchase of the Utility by Hendry for the purposes of maintaining and enhancing the Utility for the benefit of the citizens and landowners in both counties, and

WHEREAS, both counties are desirous of extending the service lines and taking other actions so that all lots within the Port LaBelle will have at least utility water availability, and

WHEREAS, Chapter 163, Florida Statutes, authorizes local governments to make interlocal agreements to accomplish purposes for their mutual benefits,

THEREFORE, HENDRY AND GLADES AGREE AS FOLLOWS:

EQUAL SERVICE/SERVICE AREA

- 1.) Hendry will own and operate the Utility for the benefit

DR 165 PAGE 019

of the owners and residents within the Port LaBelle development area in both Hendry and Glades Counties, and shall provide its services to the owners and residents of both counties equally within the utility service area.

2.) The Service Area of the utility shall include the following areas:

Hendry County:

Plat Unit 1-13 of Port LaBelle, according to the recorded Plats thereof; and Sections 1-3, 10-12, and 13-15, Township 43 South, Range 30 East.

Glades County:

Plat Unit 102 of Port LaBelle, according to the recorded Plat thereof, and those portions of Sections 35 and 36, Township 42 South, Range 29 East, situated South of the Caloosahatchee River.

3.) The Service Area within each county may be expanded by amendment to this agreement.

4.) The Utility shall be the exclusive water and wastewater utility provider within the service area.

ADVISORY BOARD

5.) There is hereby created the Port LaBelle Utility Advisory Board (Board) which shall be composed of and have the responsibilities as follows:

a) The Board shall have five members, four of whom shall be appointed by the Hendry Board of County Commissioners and one of whom shall be appointed by the Glades Board of County Commissioners.

b) The terms of each member shall commence on July 1 of each odd numbered year and end on June 30 of the following odd

numbered year.

c) The Board shall have the same quorum and voting requirements as those under Florida law for a non-charter county board of county commissioners.

d) The Board shall meet at least quarterly and shall have the responsibility of making recommendations for annual operating, maintenance and construction budgets for the Utility.

The Board shall have such other responsibilities as may be jointly requested by Glades and Hendry.

e) A Board member may be removed at any time by action of the Board of County Commissioners which appointed that member.

GENERAL UTILITY EXPANSION POLICIES

6.) The parties adopt the following general policies for the expansion of Utility services throughout the Utility service area:

a) The Utility shall strive to extend its water service lines to all lots which require utility water to be eligible for a residential building permit as quickly as feasible.

b) The extension of water lines shall be financed by special assessments on the lots for which service lines are extended.

c) The utility shall develop and maintain hook-up fees which will provide adequate funds for water plant expansions as needed; for sewer line extensions as needed; and for sewer plant expansions as needed.

MSBQ'S/SPECIAL ASSESSMENTS

7.) Hendry and Glades agree to promptly consider in good

faith the adoption of ordinances to establish Municipal Service Benefit Units (MSBU's) for the respective portions of the Utility service areas situated in each county.

8.) Hendry and Glades agree to promptly consider in good faith the adoption of resolutions to use the uniform method of special assessment collections as set forth in Section 197.3632, Florida Statutes, for special assessments levied within the respective MSBU's.

9.) Hendry and Glades agree to promptly consider in good faith the levies of special assessments on lots within the respective counties to finance extensions and maintenance of utility water service lines to such lots.

10.) Special Assessments levied under the provisions of this agreement shall be provided to Utility for use only for the purposes of constructing utility service lines for the benefit of the lots within each county and for the maintenance of such lines until actual use of the utility service is made by the lot.

11.) To the extent a utility escrow fund transferred to Hendry at the time of its purchase of the Utility contains an account for the extension of service lines to a lot within either county, the special assessment on each such lot shall be paid from the balance available in the fund on account for the respective lot.

12.) The construction special assessments which are not paid under the preceding paragraphs shall be pledged by Hendry and Glades for the issuance of bonds to finance the Utility service line extensions to the respective lots.

O.R. 165
PAGE 1
022

GENERAL PROVISIONS

13.) Hendry shall operate the Utility and manage the construction of the Utility consistent with the applicable rules, regulations and principals of purchasing, accounting and management for public projects within the State of Florida, and Glades shall be entitled to receive copies of all audits of Utility and such other records which it may deem desirable.

14.) Hendry shall pay from Utility funds all of the expenses for carrying out the activities required or anticipated by the provisions of this agreement, including those expenses directly incurred by Glades.

15.) This interlocal agreement may be terminated by either party in the event that a substantial obligation required of the other is breached, provided that the breaching party fails after a reasonable period of time following notice to cure the breach. Otherwise, this agreement may be amended or terminated only by the mutual consent of the parties.

16.) This agreement shall be liberally construed to effectuate the provision of water and wastewater utility services to the owners and users of lands within the Utility service areas of both counties. Nothing herein shall be construed to require an action by either county when such action is quasi-judicial in nature or when such action may only be taken after public notice and hearing.

17.) This agreement shall be further construed to allow enforcement of any of its provisions with due regard for the equities thereof. For example, an obligation to extend utility

lines to portion of the utility service area shall be enforceable only if the requisite special assessments are levied and collected and the bonds to be issued based thereon are in fact issued.

18.) Notices regarding this agreement shall be mailed to the respective parties c/o the Clerk of the Circuit Court for each county, with a copy sent to the respective County Attorney.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

Cecil O. Akin
Cecil O. Akin, Chairman

ATTEST:

Christine Pratt
Christine Pratt, Clerk

BOARD OF COUNTY COMMISSIONERS
OF GLADES COUNTY, FLORIDA

Robert S. Grealy
Chairman

ATTEST:

[Signature]



DR. 165 PAGE 024

RESOLUTION NO. 2008- 10
RESOLUTION BOOK XI PAGE 11

A RESOLUTION OF HENDRY COUNTY, FLORIDA APPROVING THE FORM OF A FIRST AMENDED AND RESTATED INTERLOCAL AGREEMENT THAT ADMITS THE COUNTY AS A MEMBER OF THE FLORIDA GOVERNMENTAL UTILITY AUTHORITY; APPROVING THE FORM OF AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND THE FLORIDA GOVERNMENTAL UTILITY AUTHORITY AUTHORIZING THE AUTHORITY TO ACT ON THE COUNTY'S BEHALF IN THE PROVISION OF CENTRAL WATER AND WASTEWATER SERVICES IN UNINCORPORATED PORTIONS OF HENDRY COUNTY; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. AUTHORITY FOR THE RESOLUTION. This Resolution is adopted pursuant to the provisions of section 125.01 and Part I of Chapter 163, Florida Statutes.

SECTION 2. FINDINGS. Hendry County, Florida (the "County"), does hereby find and determine that:

(A) Brevard County, Florida, Lee County, Florida, Polk County, Florida and Sarasota County, Florida entered into that certain Interlocal Agreement dated as of February 1, 1999, as subsequently amended and restated (the "Agreement"), pursuant to which the Florida Governmental Utility Authority (the "Authority") was created to acquire, operate, construct, and manage water and/or wastewater utility facilities within Florida.

(B) Several local governments subsequently have joined as members of the Authority and other members have withdrawn since the Authority was established in 1999.

(C) The County desires to become a member of the Authority.

(D) In order to properly document the admission of the County to membership in the Authority it is necessary and desirable for the County to authorize, execute and deliver the Agreement.

(E) To maximize the use of County resources and staff, it is in the best interest of the County to authorize the Authority to act on its behalf in the provision of central water and wastewater services in certain unincorporated portions of Hendry County.

SECTION 3. APPROVAL OF AGREEMENT. The form, terms and provisions of the Agreement, submitted to this meeting and attached hereto as Exhibit A, be and the same hereby are approved. The Chairman of the Board of County Commissioners of the County and Clerk of the County are hereby authorized and directed to execute and deliver the Agreement in the name and on behalf of the County, with such changes, amendments, modifications, omissions and additions as approved by the Chairman. Execution by said Chairman shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions and additions.

SECTION 4. THE APPROVAL OF THE WATER AND WASTEWATER SERVICES INTERLOCAL AGREEMENT. The form, terms and provisions of the Interlocal Agreement relating to the provision of central water and wastewater services by the Florida Governmental Utility Authority for unincorporated portions of Hendry County ("Interlocal Agreement"), submitted to this meeting, attached hereto as Exhibit B, is intended to set the terms and conditions for the Authority to act on behalf of the County in the provision of central water and wastewater services in certain unincorporated portions of Hendry County upon the County becoming a Member of the Authority. The form, terms and provisions of the Interlocal Agreement are hereby approved and the Chairman of the Board of County Commissioners of the County and Clerk of the County are hereby authorized to execute and deliver the Interlocal Agreement in its name on behalf of the County.

SECTION 5. FILING OF AGREEMENT AND INTERLOCAL AGREEMENT. The County Clerk is hereby directed to file the Agreement and Interlocal Agreement with the Clerk of the Circuit Court in the County and the Clerk of the Circuit Court in Leon County, Florida as required by section 163.01(11), Florida Statutes.

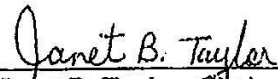
SECTION 6. GENERAL AUTHORITY. The members of the County Commission and the officers, attorneys and other agents or employees of the County are hereby authorized to do all acts and things required of them by this Resolution, the Agreement and Interlocal Agreement, or desirable or consistent with the requirements hereof or thereof for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or in the Agreement and Interlocal Agreement, and each member, employee, attorney and officer of the County and the County Clerk is hereby

authorized and directed to execute and deliver any and all papers and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated hereunder and under the Agreement and Interlocal Agreement.

SECTION 7. SEVERABILITY AND INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Agreement and Interlocal Agreement.

SECTION 8. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

HENDRY COUNTY, FLORIDA



Janet B. Taylor, Chair

ATTEST:



Barbara S. Butler, Clerk of Courts

EXHIBIT A
AGREEMENT

Execution Copy

**FIRST AMENDED AND RESTATED
INTERLOCAL AGREEMENT RELATING TO
ESTABLISHMENT OF THE
FLORIDA GOVERNMENTAL UTILITY AUTHORITY**

Among

**Citrus County, Florida
Nassau County, Florida
Polk County, Florida
Sarasota County, Florida**

Dated as of December 1, 2000

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I	
DEFINITIONS	
SECTION 1.01. DEFINITIONS.	4
ARTICLE II	
THE AUTHORITY	
SECTION 2.01. CREATION.	8
SECTION 2.02. PURPOSES.	8
SECTION 2.03. AUTHORITY MEMBERS.	9
SECTION 2.04. DURATION OF AUTHORITY.	9
SECTION 2.05. TRANSFER OF UTILITY SYSTEMS TO OTHER AUTHORITIES.	9
ARTICLE III	
MEMBERSHIP AND REPRESENTATION	
SECTION 3.01. MEMBERSHIP.	10
SECTION 3.02. REPRESENTATION.	10
SECTION 3.03. ACTION.	11
SECTION 3.04. ELECTION OF OFFICERS.	11
SECTION 3.05. AUTHORITY OF OFFICERS.	12
SECTION 3.06. RESIGNATION.	12
SECTION 3.07. POWERS AND DUTIES OF THE BOARD.	12
SECTION 3.08. MEETINGS.	13
SECTION 3.09. WITHDRAWAL OR DISMISSAL OF AUTHORITY MEMBERS.	13
SECTION 3.10. EXPENSES.	14
SECTION 3.11. LIABILITY.	14
ARTICLE IV	
POWERS AND DUTIES	
SECTION 4.01. POWERS.	15
SECTION 4.02. ACQUISITION OF UTILITY SYSTEMS BY AUTHORITY MEMBERS.	19

SECTION 4.03.	ANNUAL BUDGET.	20
SECTION 4.04.	ADOPTION OF RATES, FEES OR OTHER CHARGES.	21
SECTION 4.05.	OBLIGATIONS.	23
SECTION 4.06.	AD VALOREM TAXATION NOT AUTHORIZED.	26
SECTION 4.07.	CONNECTION FEES.	26
SECTION 4.08.	UNPAID FEES.	26
SECTION 4.09.	AUTHORITY APPROVAL OF CONSTRUCTION OF WATER AND WASTEWATER FACILITIES.	26
SECTION 4.10.	PLANNING REQUIREMENT.	27
SECTION 4.11.	EFFECT OF INCORPORATION OR THE PRESENCE OF A SPECIAL DISTRICT ON AUTHORITY.	27
SECTION 4.12.	CONDUIT TRANSACTIONS.	27
SECTION 4.13.	WATER PRODUCTION FACILITIES LOCATED WITHIN THE JURISDICTION OF TAMPA BAY WATER.	28
SECTION 4.14.	OMITTED.	28
SECTION 4.15.	PROVISIONS RELATING TO CITRUS COUNTY, FLORIDA.	29
SECTION 4.16.	PROVISIONS RELATING TO POLK COUNTY, FLORIDA.	29
SECTION 4.17.	PROVISIONS RELATING TO SARASOTA COUNTY, FLORIDA. ..	29

ARTICLE V

MISCELLANEOUS

SECTION 5.01.	DELEGATION OF DUTY.	31
SECTION 5.02.	FILING.	31
SECTION 5.03.	IMMUNITY.	31
SECTION 5.04.	LIMITED LIABILITY.	31
SECTION 5.05.	AMENDMENTS.	32
SECTION 5.06.	SEVERABILITY.	32
SECTION 5.07.	CONTROLLING LAW.	32
SECTION 5.08.	SUPERCEDES ORIGINAL AGREEMENT.	32
SECTION 5.09.	EFFECTIVE DATE.	32

**FIRST AMENDED AND RESTATED
INTERLOCAL AGREEMENT RELATING TO
ESTABLISHMENT OF THE
FLORIDA GOVERNMENTAL UTILITY AUTHORITY**

THIS FIRST AMENDED AND RESTATED INTERLOCAL AGREEMENT, dated as of December 1, 2000 (the "Interlocal Agreement"), entered into among a certain number of local governmental units executing this Interlocal Agreement, each one constituting either a county or municipal corporation located in the State of Florida, and constituting a "public agency" under Part I of Chapter 163, Florida Statutes, which shall on the date hereof be Citrus County, Florida, Nassau County, Florida, Polk County, Florida and Sarasota County, Florida (collectively, the "Authority Members"), as evidenced by the signatures of their authorized representatives hereby amends and restates in its entirety that certain Interlocal Agreement, dated as of February 1, 1999, among certain of the Authority Members (the "Original Agreement");

WITNESSETH:

WHEREAS, pursuant to the Original Agreement certain of the Authority Members created the Authority for the purposes provided therein; and

WHEREAS, the Authority has determined to amend the Original Agreement in certain respects and to expand the membership in the Authority to include Nassau County, Florida and Citrus County, Florida; and

WHEREAS, it is necessary and desirable to amend and restate in its entirety the Original Agreement in order to amend the Original Agreement and to expand the Authority;

NOW, THEREFORE, in consideration of the mutual covenants herein, the Original Agreement is hereby amended and restated in its entirety to read as follows:

WHEREAS, each of the Authority Members have the power to acquire, own, improve, operate and maintain water and wastewater utility facilities pursuant to their Florida Constitutional powers of local self government, Section 125.01, Florida Statutes (in the case of counties), or Section 166.021, Florida Statutes (in the case of municipal corporations); and

WHEREAS, Part I of Chapter 163, Florida Statutes (the "Interlocal Act"), permits the Authority Members, as public agencies under the Interlocal Act, to enter into interlocal agreements with each other to jointly exercise any power, privilege or authority which such Authority Members share in common and which each might exercise separately, permitting

the Authority Members to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual benefit and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will best serve geographic, economic, population and other factors influencing the needs and development of such Authority Members; and

WHEREAS, Section 163.01(7)(g), Florida Statutes, authorizes the Authority Members pursuant to an interlocal agreement to create a separate legal entity to exercise the common power of the Authority Members to acquire, own, improve, operate and maintain water and wastewater utility facilities; and

WHEREAS, the Authority Members have determined that it is in their best interests to create such a legal entity to acquire, own, improve, operate and maintain water and wastewater utilities, initially consisting of certain utility facilities owned and/or controlled by Avatar Holdings, Inc., and its subsidiaries (collectively, "Avatar"), for the following reasons:

(1) Avatar has heretofore determined and made known that it will not entertain any offer to purchase its utility assets on a piecemeal basis. It will sell all of its utility assets or none of them. From the public perspective, the most cost effective manner of acquiring such assets is through a legal entity created pursuant to the Interlocal Act. The acquisition of the assets by said legal entity will be at a purchase price which will enable the Authority to charge the then existing rates, fees and charges paid by the customers of Avatar so that those rates, fees and charges will not be increased solely as a direct result of the acquisition by the Authority of such utility assets. In addition, the level and standard of services provided by the Authority to such customers will be maintained or improved.

(2) All Authority Members must meet the comprehensive planning requirements of Chapter 163, Florida Statutes, which mandate that Florida local governments, including the Authority Members, coordinate their plans for future growth with available sources of funding and the availability of infrastructure. The provision of water and wastewater utilities is a major factor in such infrastructure coordination. Public ownership of water and wastewater utility facilities is more desirable and more readily allows for Florida local governments to meet their statutory mandate with respect to the utilities element of their respective comprehensive plans.

(3) The establishment of such legal entity, in the form of the hereinafter described Authority, will ensure that the customers of the water and wastewater facilities owned by the Authority are provided the best, most cost effective service and assure that proper future

expansion of the water and wastewater facilities will occur to meet the demands of development of each affected local government.

NOW, THEREFORE, in consideration of the foregoing and the covenants herein, it is mutually agreed and understood by and among the Authority Members, that now or may hereafter execute this Interlocal Agreement, that the "Florida Governmental Utility Authority," a legal entity and public body and a unit of local government with all of the privileges, benefits, powers and terms of the hereinafter defined Act and this Interlocal Agreement, is hereby created for the purposes described herein, as follows:

ARTICLE I
DEFINITIONS

SECTION 1.01. DEFINITIONS. The following definitions shall govern the interpretation of this Interlocal Agreement:

"Act" shall mean, collectively, Section 125.01, Florida Statutes (in the case of counties), Section 166.021, Florida Statutes (in the case of municipal corporations), the Interlocal Act, any Charters of Authority Members, and other applicable provisions of law.

"Assessable Improvements" shall mean improvements to the Authority Facilities of a local nature and of special benefit to the premises or lands served thereby.

"Authority" shall mean the Florida Governmental Utility Authority, a legal entity and public body created pursuant to the provisions of this Interlocal Agreement and the Act.

"Authority Facilities" shall mean the Authority's water production, transmission, treatment and distribution facilities and property, and the Authority's wastewater treatment, collection and disposal facilities and property, including reuse and reclaimed water facilities, as they may be modified, improved or expanded from time to time, which are owned, leased, operated, managed and/or used, from time to time, by the Authority to provide public water and wastewater services. The Authority Facilities shall include all Utility Systems. Authority Facilities shall include all property, real or personal, tangible or intangible, now or hereafter owned, leased, operated or managed by the Authority in connection with the provision of public water and wastewater services.

"Authority Member" or "Authority Members" shall mean the member or members of the Authority, from time to time, as shall be provided for by this Interlocal Agreement. The Authority Members shall on the date hereof be Citrus County, Florida, Nassau County, Florida, Polk County, Florida and Sarasota County, Florida.

"Avatar" shall mean Avatar Holdings, Inc., its subsidiaries and affiliate entities, and any successors or assigns thereto.

"Avatar Facilities" shall mean the water and wastewater facilities, property and assets owned by Avatar which shall be acquired by the Authority.

"Board" shall mean the governing board of the Authority, consisting of the Directors appointed hereunder.

"Connection Fees" shall mean fees and charges imposed by the Authority to acquire, construct, equip or expand the capacity of the Authority Facilities for the purpose of paying or reimbursing the equitable share of the capital cost relating to such acquisition, construction, expansion or equipping of capacity of the Authority Facilities or expansion thereof in order to serve new users of the facilities of the Authority Facilities and new development within the Service Areas served by the Authority Facilities. Such Connection Fees may include interest carrying costs associated with the Authority Facilities.

"Cost" when used in connection with a Project, shall mean (1) the Authority's cost of construction; (2) costs of acquisition by or for the Authority of such Project; (3) costs of land and interests thereon and the cost of the Authority incidental to such acquisition; (4) the cost of any indemnity and/or surety bonds and premiums for insurance during construction; (5) all interest due to be paid on the Obligations relating to the Project during the period of acquisition and construction of such Project and for a reasonable period subsequent to completion of acquisition and construction as the Board may determine by resolution; (6) engineering, legal and other consulting fees and expenses; (7) costs and expenses of the financing incurred for such Project, including audits, fees and expenses of any paying agent, registrar, trustee, consultants, attorneys, engineers, credit enhancers or depository; (8) payments, when due (whether at the maturity of principal or the due date of interest or upon redemption) on any interim or temporary indebtedness incurred for such Project; (9) costs of machinery, equipment, supplies and spare parts required by the Authority for the commencement of operation of such Project or continuation of operation of such Project; and (10) any other costs properly attributable to such Project or to the issuance of Obligations which finance such Project, as determined by generally accepted accounting principles applicable to such Project, and shall include reimbursement to the Authority for any such items of cost paid by the Authority prior to issuance of the Obligations issued to finance such Project. Additional items of cost may be provided pursuant to the Financing Documents.

"Director" shall mean that individual appointed in accordance with the provisions hereof to serve as part of the Board. "Director" shall also include an alternate who is appointed to fill such role by an Authority Member.

"Equivalent Residential Connection" shall mean the standard water and wastewater unit used to calculate demand upon either water or wastewater system capacity, based respectively upon usage of 350 gallons per day of water treatment capacity and 275

gallons per day of wastewater disposal capacity or such other daily usage standard applicable to a Utility System as determined by resolution of the Board.

"**Financing Documents**" shall mean the resolution or resolutions duly adopted by the Authority, as well as any indenture of trust, trust agreement or other instrument relating to the issuance or security of the Obligations.

"**Fiscal Year**" shall mean the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be determined by the Board.

"**General Manager**" shall mean the individual or entity selected and employed by the Board to serve the Authority in such capacity.

"**Interlocal Act**" shall mean Part I of Chapter 163, Florida Statutes.

"**Interlocal Agreement**" shall mean this Interlocal Agreement, including any amendments or supplements hereto, executed and delivered in accordance with the terms hereof.

"**Obligations**" shall mean a series of bonds or other evidence of indebtedness, including, but not limited to, notes, commercial paper, capital leases or any other obligations of the Authority issued hereunder and pursuant to the Financing Documents.

"**Pledged Funds**" shall mean (1) the revenues, fees, charges, special assessments and other moneys received by the Authority or its designee relating to its ownership or operation of the Authority Facilities, or some portion thereof, (2) until applied in accordance with the terms of the Financing Documents, all moneys in the funds, accounts and subaccounts established thereby, including investments therein, and (3) such other property, assets and moneys of the Authority as shall be pledged pursuant to the Financing Documents; in each case to the extent provided by the Board pursuant to the Financing Documents. The Pledged Funds pledged to one series of Obligations may be different than the Pledged Funds pledged to other series of Obligations.

"**Project**" shall mean any structure, property or facility which the Authority, from time to time, may determine to construct or acquire as part of its Authority Facilities, together with all improvements, equipment, structures and other facilities necessary or appropriate in connection therewith. This term is to be broadly construed so as to include any lawful undertaking which will accrue to the benefit of the Authority Facilities, including joint ventures and acquisitions of partial interests or contractual rights. "Project" shall

include, but not be limited to, acquisition of the Avatar Facilities, and the construction of any improvements thereto. "Project" may also include working capital, as well as any costs or judgments associated with litigation.

"Public Agencies" shall mean any "public agency", as defined in the Interlocal Act.

"Service Area" shall mean the geographic boundaries within which each Utility System provides or is otherwise authorized to provide water and/or wastewater services.

"State" shall mean the State of Florida.

"Utility Acquisition Agreement" shall mean an agreement between the Authority and an Authority Member, other Public Agency or entity, if applicable, relating to the disposition of a Utility System, or portion thereof, which is located within the jurisdiction of such Authority Member or Public Agency.

"Utility System" shall mean the Authority Facilities comprising a separate water and/or wastewater system, which shall be accounted for separately from any other Authority Facilities. A Utility System may consist of utility facilities which are located in more than one Public Agency and which may or may not be contiguous with each other. Each Utility System shall be designated as such by the Board.

Whenever any words are used in this Interlocal Agreement in the masculine gender, they shall be construed as though they were also used in the feminine or neuter gender in all situations where they would so apply, and whenever any words are used in this Interlocal Agreement in the singular form, they shall be construed as though they were also used in the plural form in all situations where they would so apply.

ARTICLE II

THE AUTHORITY

SECTION 2.01. CREATION. The Authority Members hereby create and establish the "Florida Governmental Utility Authority", a legal entity and public body and a unit of local government, with all of the privileges, benefits, powers and terms provided for herein and by the Act.

SECTION 2.02. PURPOSES. (A) The purpose of this Interlocal Agreement is for the establishment of the Authority in order to: (i) acquire water and/or wastewater utility facilities and systems throughout the State of Florida, including, but not limited to, the Avatar Facilities and to make improvements to such facilities and systems which are acquired by the Authority; (ii) acquire, construct, own, improve, operate, manage and/or maintain the Authority Facilities; (iii) provide the most economic and efficient water and wastewater utility services throughout the Service Area of each Utility System in a non-discriminatory manner; (iv) make provision for rates whereby rates from one Utility System will not subsidize improvements, operation and maintenance costs or other expenses of another Utility System; and (v) dispose, from time to time, of such portions of the Authority Facilities to Authority Members, other Public Agencies or entities as it deems appropriate in accordance with the terms hereof, the Financing Documents and the terms of any Utility Acquisition Agreements.

(B) The Authority Members do hereby consent and agree to the acquisition of the Avatar Facilities within their respective jurisdictions by the Authority and consent to the Authority acquiring, owning, improving, operating and maintaining the Avatar Facilities within their respective jurisdictions in accordance with the terms of this Interlocal Agreement, sound engineering practices and applicable law.

(C) The creation and organization of the Authority and the fulfillment of its objectives serves a public purpose, and is in all respects for the benefit of the people of this State, affected Public Agencies and their constituents, and the persons or entities served by the Authority Facilities. The Authority is performing an essential governmental function. All property of the Authority is and shall in all respects be considered to be public property, and the title to such property shall be held by the Authority for the benefit of the public. The use of such property shall be considered to serve a public purpose, until disposed of upon such terms as the Authority may deem appropriate. Insofar as provided for by law, all Obligations and interest or income thereon and all the property, facilities, services, activities and revenues of the Authority are declared to be nontaxable for any and all purposes by the

State or federal government or any unit of the State or federal government to the same extent as if owned or issued by or on behalf of the Authority Members or a Public Agency.

SECTION 2.03. AUTHORITY MEMBERS. The Authority Members shall consist of those Public Agencies as provided in Article III hereof.

SECTION 2.04. DURATION OF AUTHORITY. The Authority shall exist so long as any portion of the Authority Facilities is owned, operated, leased or managed by the Authority or the Authority has Obligations outstanding. At such time as the Authority no longer owns, operates, leases or manages any portion of the Authority Facilities and no Obligations are outstanding, the Authority may dissolve by majority vote of the Board. In the event of dissolution, any assets of the Authority shall be allocated among the Authority Members based upon the number of Equivalent Residential Connections of each Authority Member at the time of such termination.

SECTION 2.05. TRANSFER OF UTILITY SYSTEMS TO OTHER AUTHORITIES. The Authority may transfer Utility System(s) and any Obligations relating thereto to another governmental utility authority upon satisfaction of the following conditions:

(A) Such governmental utility authority has been duly created pursuant to Section 163.01(7)(g), Florida Statutes, with substantially the same powers provided herein and such authority assumes all responsibilities and liabilities in regard to such transfer.

(B) Such transfer is approved by two-thirds (2/3) of the Directors, which includes the Authority Member Director where such Utility System is located.

(C) Such transfer shall be approved by the governing body of any Authority Member in whose jurisdiction the Utility System is located.

(D) The Authority receives an opinion of nationally recognized bond counsel to the effect that the transfer of such Utility System and Obligations will not adversely affect the tax-exempt status of such Obligations.

ARTICLE III

MEMBERSHIP AND REPRESENTATION

SECTION 3.01. MEMBERSHIP. (A) Membership in the Authority shall consist of those Public Agencies selected pursuant to this Article III.

(B) The Authority Members shall on the date hereof consist of: Citrus County, Florida, Nassau County, Florida, Polk County, Florida and Sarasota County, Florida.

(C) To the extent permitted by the Interlocal Act, the Authority may admit any Public Agency to membership upon application of such Public Agency and the affirmative vote of the majority plus one of all Directors at a duly called meeting of the Authority. This Interlocal Agreement need not be amended in order to admit any Public Agency as an Authority Member. Approval of the governing bodies of the Authority Members shall not be required to admit a new Authority Member.

(D) As a precondition to membership in the Authority, each Authority Member shall constitute a Florida municipality, county or such other Public Agency which is permitted by the Interlocal Act to be a member of the Authority. Such new Authority Member shall execute, deliver and record a duly authorized counterpart to this Interlocal Agreement. Authority Members may be admitted regardless of whether any Authority Facilities are located within the jurisdiction of such Authority Member.

SECTION 3.02. REPRESENTATION. (A) Each Authority Member shall appoint one Director to act on its behalf on the Board. Each Director shall be an individual who shall be appointed specifically by name or by position. In addition, each Authority Member may appoint an alternate Director to serve in the absence or unavailability of the Director.

(B) In the event the Director of an Authority Member shall resign or be removed, such Authority Member shall appoint a new Director within thirty (30) calendar days. In the event such Authority Member does not appoint a new Director within thirty (30) calendar days of resignation or removal and such Authority Member has appointed an alternate Director, such alternate Director shall serve in the capacity as Director. In the event such Authority Member does not appoint a new Director within thirty (30) calendar days of resignation or removal and such Authority Member has not appointed an alternate Director, the Board may appoint such Director who shall serve until such time as such affected Authority Member shall appoint a new Director; provided any new Director appointed by

the Board shall be a resident of such Authority Member. Any Director who is absent for three (3) consecutive meetings of the Board shall be deemed to have resigned.

(C) Each Authority Member, in its sole discretion, may remove its Director at any time and may appoint a new Director to serve on the Board upon notice being given to the Authority as provided by Section 3.06(A) hereof for resignation of a Director.

(D) No Director may be an elected official of an Authority Member. Directors may be employees of an Authority Member.

(E) Any Director may be removed upon the affirmative vote of at least two-thirds (2/3) of all Directors at a duly called meeting of the Authority.

SECTION 3.03. ACTION. (A) The affairs, actions and duties of the Authority shall be undertaken at a duly called meeting pursuant to Section 3.08 hereof.

(B) At any meeting of the Authority at which any official action is to be taken, a majority of all Directors shall constitute a quorum. A majority vote of a quorum of the Directors present at a duly called meeting shall constitute an act of the Authority, except as otherwise provided herein.

(C) Any action taken by the Board authorizing the acquisition, lease or sale of a Utility System or portion thereof in the jurisdiction of an Authority Member shall require the affirmative vote of the Director representing such Authority Member. Any swap, hedge or other similar arrangement relating to Obligations described in Section 4.05(M) hereof shall require the affirmative vote of the Director of any Authority Member where a Utility System or portion thereof, the revenues of which are pledged to the payment of such Obligations, is located.

(D) A certificate, resolution or instrument signed by the Chairman, Vice-Chairman or such other person of the Authority as may be hereafter designated and authorized by the Board shall be evidence of the action of the Authority and any such certificate, resolution or other instrument so signed shall conclusively be presumed to be authentic. Likewise, all facts and matters stated therein shall conclusively be presumed to be accurate and true.

SECTION 3.04. ELECTION OF OFFICERS. Once a year, and at such other time as may be necessary to fill a vacancy, at a duly called meeting of the Board called for the purpose thereof, the Authority through its Directors shall elect a Chairman, a Vice-Chairman and Secretary-Treasurer to conduct the meetings of the Authority and to perform such other functions as herein provided. At the discretion of the Board, the General

Manager (or representative thereof) may be appointed as the Secretary-Treasurer. Said Chairman, Vice-Chairman and Secretary-Treasurer shall serve one (1) year terms unless they resign from the Authority or such officer is replaced by the Board.

SECTION 3.05. AUTHORITY OF OFFICERS. (A) The Chairman and the Vice-Chairman shall take such actions, have all such powers and sign all documents on behalf of the Authority and in furtherance of the purposes of this Interlocal Agreement as may be approved by resolution of the Board adopted at a duly called meeting.

(B) The Secretary-Treasurer, or his designee, shall keep minutes of all meetings, proceedings and acts of the Board, but such minutes need not be verbatim. Copies of all minutes of the meetings of the Authority shall be sent by the Secretary-Treasurer or his designee to all Directors to the Authority. The Secretary-Treasurer may also attest to the execution of documents. The Secretary-Treasurer shall have such other powers as may be approved by resolution of the Board adopted at a duly called meeting.

SECTION 3.06. RESIGNATION. (A) Any Director may resign from all duties or responsibilities hereunder by giving at least thirty (30) calendar days prior written notice sent by registered mail to the General Manager. Such notice shall state the date said resignation shall take effect and such resignation shall take effect on that date.

(B) Any resigning Director who is an officer of the Authority shall immediately turn over and deliver to the General Manager any and all records, books, documents or other property in his possession or under his control which belong to the Authority.

SECTION 3.07. POWERS AND DUTIES OF THE BOARD. The Board shall act as the governing board of the Authority and shall have, in addition to all other powers and duties described herein, the following powers and duties:

(A) To fix the time and place or places at which its regular meetings shall be held, and to call and hold special meetings.

(B) To make and pass rules, regulations, resolutions and orders not inconsistent with the Constitution of the United States or of the State, or to the provisions of the Interlocal Act or this Interlocal Agreement, necessary for the governance and management of the affairs of the Authority, for the execution of the powers, obligations and responsibilities vested in the Authority, and for carrying into effect the provisions of this Interlocal Agreement.

(C) To fix the location of the principal place of business of the Authority and the location of all offices maintained thereunder.

(D) To create any and all necessary offices in addition to Chairman, Vice-Chairman and Secretary-Treasurer; to establish the powers, duties and compensation of all employees; and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the Authority.

(E) To select and employ a General Manager, who shall administer the affairs and manage the staff of the Authority with Board approval, and perform all other administrative duties as directed by the Board.

(F) To employ or hire such attorneys or firm(s) of attorneys as it deems appropriate to provide legal advice and/or other legal services to the Authority.

(G) To amend the Authority's name, as permitted by law.

SECTION 3.08. MEETINGS. (A) The Board shall convene at a meeting duly called by either a majority of the Directors or the Chairman. The Directors may establish regular meeting times and places. Meetings shall be conducted at such locations as may be determined by the majority of the Directors or the Chairman. Notice of a special meeting, unless otherwise waived, shall be furnished to each Director by the General Manager not less than seven (7) calendar days prior to the date of such meeting; provided the Chairman or, in his absence or unavailability, the Vice-Chairman, may call a meeting upon twenty-four (24) hours written notice, if such officer determines an emergency exists. All meetings shall be noticed in accordance with applicable law.

(B) Within thirty (30) calendar days of the creation of the Authority, the duly appointed Directors shall hold an organizational meeting to elect officers and perform such other duties as are provided for under this Interlocal Agreement.

SECTION 3.09. WITHDRAWAL OR DISMISSAL OF AUTHORITY MEMBERS. (A) Any Authority Member may withdraw from the Authority at any time, if the following conditions are satisfied: (i) there shall be at least two (2) Authority Members remaining in the Authority subsequent to withdrawal, and (ii) a certified resolution from the Authority Member's governing body setting forth its intent to withdraw is presented to the Authority. Upon satisfaction of the foregoing conditions, such withdrawal shall be effective.

(B) In the event the Authority does not own, operate, lease or manage a Utility System, or portion thereof, within the jurisdiction of an Authority Member, such Authority Member may be dismissed from the Authority by majority vote of all Directors unless subsequent to dismissal there shall be less than two (2) Authority Members remaining in the Authority.

SECTION 3.10. EXPENSES. The Authority may establish, from time to time, procedures for reimbursement for reasonable expenses incurred by Authority Members, Directors and employees of the Authority.

SECTION 3.11. LIABILITY. No Director, agent, officer, official or employee of the Authority shall be liable for any action taken pursuant to this Interlocal Agreement in good faith or for any omission, except gross negligence, or for any act of omission or commission by any other Director, agent, officer, official or employee of the Authority.

ARTICLE IV
POWERS AND DUTIES

SECTION 4.01. POWERS. (A) The Authority shall have all powers to carry out the purposes of this Interlocal Agreement, including the following powers which shall be in addition to and supplementing any other privileges, benefits and powers granted by the Act:

(i) To acquire, construct, own, lease, operate, manage, maintain, dispose of, improve and expand the Authority Facilities, and to have the exclusive control and jurisdiction thereof.

(ii) To the extent permitted by law, to provide for mandatory water and wastewater connections of potential customers located in a Service Area upon availability of service by the Authority.

(iii) To fix, levy and collect rates, fees and other charges (including Connection Fees) from persons or property, or both, for the use of the services, facilities and product of the Authority Facilities or to pay the operating or financing costs of the Authority Facilities available to potential users; to fix and collect charges for making connections with the Authority Facilities and, to the extent provided by law, to provide for reasonable penalties to be imposed on any users or property for any such rates, fees or charges that are delinquent, all as more specifically described in Section 4.04 hereof.

(iv) To contract for the service of engineers, accountants, attorneys and other experts or consultants, and such other agents and employees as the Board may require or deem appropriate from time to time.

(v) To acquire such lands and rights and interests therein, including lands under water and riparian rights and to acquire such personal property as the Authority may deem necessary and appropriate in connection with the acquisition, ownership, expansion, improvement, operation and maintenance of the Authority Facilities and to hold and dispose of all real and personal property under its control. To the extent the power of eminent domain is available to the Authority in accordance with applicable law, in particular the Interlocal Act, such power may be exercised by the Authority both within and outside the Service Areas of the Authority Facilities for the purpose of carrying out the intent of this Interlocal Agreement.

(vi) To exercise exclusive jurisdiction, control and supervision over the Authority Facilities and to make and enforce such rules and regulations for the maintenance, management and operation of the Authority Facilities as may be, in the judgment of the Board, necessary or desirable for the efficient operation of the Authority Facilities in accomplishing the purposes of this Interlocal Agreement.

(vii) To enter into other interlocal agreements or join with any other special purpose or general purpose local governments, public agencies or authorities in the exercise of common powers or to assist the Authority in acquiring land and rights or interests therein.

(viii) To contract with private or public entities or persons to provide, treat or receive water or to provide or receive wastewater disposal, collection or treatment. To contract with any private or public entity or person for the operation or management of the Authority Facilities.

(ix) To prescribe methods of pretreatment of industrial wastes not amenable to treatment with domestic wastewater before accepting such wastes for treatment and to refuse to accept such industrial wastes when not sufficiently pretreated as may be prescribed, and, to the extent permitted by law, to prescribe penalties for the refusal of any person or corporation to so pretreat such industrial wastes.

(x) To the extent provided by law, to require and enforce the use of services, products and facilities of the Authority whenever and wherever they are accessible, and to require and enforce the installation and dedication to the Authority of water and wastewater facilities or easements as a condition precedent to the provision of service by the Authority or by another entity authorized by the Authority to provide interim service until Authority services, products and facilities are available.

(xi) To sell or otherwise dispose of the effluent, sludge or other by-products as a result of wastewater treatment.

(xii) To accomplish construction directly or by letting construction contracts to other entities, whether public or private, for all or any part of the construction of improvements to the Authority Facilities as determined by the Board in accordance with applicable law.

(xiii) To construct, maintain and operate connecting, intercepting, or outlet wastewater and wastewater mains and pipes and water mains, conduits or pipelines in, along or under any streets, alleys, highways or other public places or ways regulated by or under the jurisdiction of the State or any political subdivision or municipal corporation when necessary or convenient for the purposes of the Authority.

(xiv) Subject to such provisions and restrictions as may be set forth in any Financing Document, to enter into contracts with the government of the United States or any agency or instrumentality thereof, the State, or with any municipality, county, district, authority, political subdivision, private corporation, partnership, association or individual providing for or relating to the treatment, collection and disposal of wastewater, or the treatment, supply and distribution of water and any other matters relevant thereto or otherwise necessary to effect the purposes of this Interlocal Agreement. To receive and accept from any federal or State agency, grants or loans for or in aid of the planning, construction, reconstruction or financing of improvements, additions or extensions to the Authority Facilities and to receive and accept aid or contributions or loans from any other source of either money, labor or other things of value, to be held, used and applied only for the purpose for which such grants, contributions or loans may be made.

(xv) To assume the ownership, lease, operation, management and/or control of any publicly or privately owned water and wastewater facilities, including the assumption of the financial liabilities associated with such water and wastewater facilities.

(xvi) To divide the Authority Facilities into separate units, benefit areas, subsystems or subdistricts, including Utility Systems, for imposing special assessments, setting rates, accounting or financing improvements or additions, or any other purpose.

(xvii) To appoint advisory boards and committees to assist the Board in the exercise and performance of the powers and duties provided in this Interlocal Agreement.

(xviii) To sue and be sued in the name of the Authority.

(xix) To adopt and use a seal and authorize the use of a facsimile thereof.

(xx) To contract with any public or private entity or person to manage and operate the Authority Facilities, or any portion thereof, upon such terms as the Board deems appropriate.

(xxi) Subject to such provisions and restrictions as may be set forth herein and in any Financing Document, to sell or otherwise dispose of the Authority Facilities, or any portion thereof, upon such terms as the Board deems appropriate. To enter into Utility Acquisition Agreements to effect such dispositions.

(xxii) To acquire, by purchase, gift, devise or otherwise, and to dispose of, real or personal property, or any estate therein.

(xxiii) To make and execute contracts or other instruments necessary or convenient to the exercise of its powers.

(xxiv) To provide such retirement benefits and program as the Board deems appropriate.

(xxv) To maintain an office or offices at such place or places as the Board may designate from time to time.

(xxvi) To hold, control and acquire by donation or purchase, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this Interlocal Agreement and to make use of such easements, dedications and reservations for any of the purposes authorized by this Interlocal Agreement.

(xxvii) To lease, as lessor or lessee, to or from any person, firm, corporation, association or body, public or private, facilities or property of any nature to carry out any of the purposes authorized by this Interlocal Agreement.

(xxviii) To borrow money and issue bonds, certificates, warrants, notes, obligations or other evidence of indebtedness.

(xxix) To assess, levy, impose, collect and enforce special assessments to provide Assessable Improvements upon all or any portion of the lands located within a Service Area. Such special assessments may be apportioned among benefitted property in a manner proportionate with the benefits received or commensurate with the burdens alleviated by the maintenance and use of property based upon such factors or combination of factors as determined by resolution of the Board. Such

special assessments may, in the discretion of the Board, be imposed, collected and enforced using any methods and procedures authorized by law, including Section 197.3632, Florida Statutes; or the Board may adopt by resolution its own method or procedures or use any other method or means for levy, imposition, collection and enforcement not inconsistent with law.

(xxx) To apply for and accept grants, loans and subsidies from any governmental entity for the acquisition, construction, operation and maintenance of the Authority Facilities, and to comply with all requirements and conditions imposed in connection therewith.

(xxxii) To the extent allowed by law and to the extent required to effectuate the purposes hereof, to exercise all privileges, immunities and exemptions accorded municipalities and counties of the State under the provisions of the constitution and laws of the State.

(xxxiii) To invest its moneys in such investments as directed by the Board in accordance with State law and which shall be consistent in all instances with the applicable provisions of the Financing Documents.

(xxxiv) To purchase such insurance as it deems appropriate.

(xxxv) To do all acts and to exercise all of the powers necessary, convenient, incidental, implied or proper in connection with any of the powers, duties or purposes authorized by this Interlocal Agreement or the Act.

(B) In exercising the powers conferred by this Interlocal Agreement the Board shall act by resolution or motion made and adopted at duly noticed and publicly held meetings in conformance with applicable law.

(C) The provisions of Chapter 120, Florida Statutes, shall not apply to the Authority.

SECTION 4.02. ACQUISITION OF UTILITY SYSTEMS BY AUTHORITY MEMBERS. (A) To the extent not inconsistent with the applicable Financing Documents, each Authority Member in whose jurisdiction the Authority owns a Utility System, or portion thereof, shall have the exclusive right to acquire such Utility System, or portion thereof. The terms of such acquisition and purchase price thereof shall be established pursuant to the Financing Document relating thereto or the Utility Acquisition Agreement between the Authority and the respective Authority Member.

(B) The Authority agrees that each Authority Member shall have the exclusive right to acquire any Utility System, or portion thereof, located within the jurisdiction of such Authority Member in the event the Authority, in its sole discretion, determines to sell such Utility System, or portion thereof, and the Authority and Authority Member have not entered into a Utility Acquisition Agreement in regard to such Utility System. The purchase price for such Utility System, or portion thereof, shall be consistent with the applicable Financing Documents and shall be an amount mutually agreed upon by the Authority and the Authority Member.

SECTION 4.03. ANNUAL BUDGET. (A) Prior to October 1 of each year the Board will adopt an annual budget for the Authority and for each Utility System. Such budget shall be prepared within the time periods required for the adoption of a tentative and final budget for county governments under general law. The annual budget shall contain an estimate of receipts by source and an itemized estimation of expenditures anticipated to be incurred to meet the financial needs and obligations of the Authority and each Utility System. The General Manager shall prepare the annual budget. The annual budget shall contain a five-year capital improvement plan for each Utility System.

(B) The Board shall publish a notice of the meeting in which the annual budget is to be adopted, which notice shall be published once a week for two (2) consecutive weeks thirty (30) days prior to the date of the hearing in a newspaper qualified to accept legal advertisement within each county in the jurisdiction of the Authority in which a Utility System is located. A copy of the proposed budget indicating the five-year capital plan for each Utility System and a notice of the time and place of the Board meeting at which the annual budget is to be adopted shall be provided to each Authority Member prior to the first publication date.

(C) The adopted budget shall be the operating and fiscal guide for the Authority for the ensuing Fiscal Year. The Board may from time to time amend the budget at any duly called regular or special meeting.

(D) The Authority shall provide financial reports in such form and in such manner as prescribed pursuant to this Interlocal Agreement and Chapter 218, Florida Statutes.

(E) The Board shall cause to be made at least once a year, within one hundred eighty (180) days of the end of the Fiscal Year, a report of the Authority Facilities, including all matters relating to expansions, acquisitions, rates, revenues, expenses, principal and interest requirements of the Obligations and the status of all funds and accounts. Copies of such report shall be filed with the Secretary-Treasurer and shall be open to public inspection. The report shall be known as the "Annual Authority Facilities Report". The Annual

Authority Facilities Report may be included as a part of any other report or reports required by law or may be issued separately. The Secretary-Treasurer shall provide each Authority Member with a copy of the Annual Authority Facilities Report.

SECTION 4.04. ADOPTION OF RATES, FEES OR OTHER CHARGES.

(A) The Board shall adopt by resolution a schedule of rates, fees or other charges for the use of the services, facilities and products of each Utility System comprising a portion of the Authority Facilities to be paid by each customer which may be connected with or provided service by such Authority Facilities. The Authority may establish separate rates, fees and charges for different portions of the Authority Facilities, including separate rates, fees and charges for each Utility System. The Board may establish different rates, fees and charges for services, facilities and products provided by a portion of a Utility System provided such rates, fees and charges are consistent with applicable law. Each Utility System shall be maintained as an independent enterprise fund.

(B) Such rates, fees and charges shall be adopted and revised so as to provide moneys, which, with other funds available for such purposes, shall be at least sufficient at all times to pay the expenses of operating, managing, expanding, improving and maintaining the Authority Facilities, including renewal and replacement reserves for such Authority Facilities, to pay costs and expenses provided herein and the Financing Documents, and to pay the principal and interest on the Obligations as the same shall become due and reserves therefore, and to provide a reasonable margin of safety over and above the total amount of such payments. Notwithstanding any other provision in this Interlocal Agreement, such rates, fees and charges should always be sufficient to comply fully with any covenants contained in the Financing Documents. The Authority shall charge and collect such rates, fees and charges so adopted and revised, and such rates, fees and charges shall not be subject to the supervision or regulation by any other commission, board, bureau, agency or other political subdivision of the State. The Authority may enter into an interlocal agreement with an Authority Member which delegates to such Authority Member in whole or in part the power to approve the rates, fees and charges of the Utility System located within the jurisdiction of such Authority Member. In exercising such delegated power of approval of the rates, fees and charges of any such Utility System, the rates, fees and charges established by the Authority Member shall be consistent with the requirements contained in this Section 4.04 and shall be sufficient to comply fully with all covenants contained in the applicable Financing Documents.

(C) Such rates, fees and charges for each Utility System or portion thereof shall be just and equitable and uniform for the users in the same class and may be based upon or computed upon any factor or combination of factors affecting the use of the services, products or facilities furnished to the customers of such Utility System or portion thereof,

as may be determined by the Board from time to time. Except as described in Sections 4.04(F) and (G) hereof, no rates, fees or charges shall be fixed, adopted or revised under the foregoing provisions of this Section 4.04 until after a duly noticed public hearing at which all of the customers of the Authority Facilities affected thereby, or owners, tenants or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees or charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees or charges shall be given by one publication in a newspaper circulating in the portion of the Service Area or Areas affected by such proposed rates, fees or charges at least twenty (20) days before the date fixed in such notice for the public hearing, which may be adjourned from time to time. After such hearing, the proposed schedule or schedules, either as initially adopted, or as modified or amended, may be finally adopted.

(D) The rates, fees or charges adopted for any class of customers served shall be extended to cover any additional customers thereafter served which shall fall within the same class, without the necessity of any further hearing or notice.

(E) The Board may appoint the General Manager, a Director, committee of Directors, and/or a special master to conduct the public hearing or hearings on its behalf relating to rates, fees and charges. The General Manager, Director, committee of Directors and/or designated special master shall act as hearing officers and report to the Board its findings relating to such public hearing. Except as provided pursuant to a delegation in an interlocal agreement with an Authority Member, only the Board may set or revise rates, fees and charges.

(F) Notwithstanding the provision of Section 4.04(C) hereof, upon acquisition of a Utility System, no public hearing shall be required for adoption by the Authority by resolution of the rates, fees and charges contained in the rate tariff relating thereto approved by the Florida Public Service Commission, any governmental seller thereof or any county which has exercised its right to regulate such rates for such Utility System. Likewise, the Board shall have the authority to adopt by resolution approved rate tariffs of other acquired Utility Systems in the future without the requirement of such a public hearing.

(G) Notwithstanding the provisions of Section 4.04(C) hereof, no public hearing shall be required for adoption by the Board of a periodic automatic indexing factor applicable to the initial or any revised schedule of rates, fees and charges of any Utility System.

(H) Notwithstanding anything in this Interlocal Agreement to the contrary, the Authority, by unanimous vote of its Directors, may establish an administrative account into

which moneys may be deposited from the rates, fees and charges of the Authority Facilities or portion thereof or from such other source deemed appropriate by the Board. Any moneys deposited to such administrative account from rates, fees and charges of Authority Facilities shall be considered a loan from such Authority Facilities and shall be repaid within a reasonable period of time to the extent moneys are available therefor. Moneys in such administrative account may be used to pay for costs and expenses associated with acquiring Authority Facilities and any other lawful purpose approved by the Board.

SECTION 4.05. OBLIGATIONS. (A) The Board shall have the power and it is hereby authorized to provide pursuant to the Financing Documents, at one time or from time to time in series, for the issuance of Obligations of the Authority, or notes in anticipation thereof, for one or more of the following purposes:

- (i) Paying all or part of the Cost of one or more Projects,
- (ii) Refunding any bonds or other indebtedness of the Authority,
- (iii) Assuming or repaying the indebtedness relating to Authority Facilities, acquired or leased by the Authority from a public or private entity,
- (iv) Setting aside moneys in a renewal or replacement account,
- (v) Funding a debt service reserve account,
- (vi) Capitalizing interest on the Obligations,
- (vii) Paying costs of issuance relating to the Obligations, and
- (viii) Any other purpose relating to this Interlocal Agreement.

The principal of and the interest on each series of Obligations shall be payable from the Pledged Funds, all as determined pursuant to the Financing Documents. The Authority may grant a lien upon and pledge the Pledged Funds in favor of the holders of each series of Obligations in the manner and to the extent provided in the Financing Documents. Such Pledged Funds shall immediately be subject to such lien without any physical delivery thereof and such lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority.

(B) The Obligations of each series shall be dated, shall bear interest and such rate or rates, shall mature at such time or times not exceeding forty (40) years from their date or dates, may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions, all as shall be determined by the Board pursuant to the Financing Documents. The Board shall determine the form of the Obligations, the manner of executing such Obligations, and shall fix the denomination of such Obligations and the place of payment of the principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any Obligations shall cease to be such officer before the delivery of such Obligations, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until delivery. The Board may sell Obligations in such manner and for such price as it may determine to be in the best interest of the Authority in accordance with the terms of the Financing Documents. In addition to the Pledged Funds, the Obligations may be secured by such credit enhancement as the Board determines to be appropriate pursuant to the Financing Documents. The Obligations may be issued as capital appreciation bonds, current interest bonds, term bonds, serial bonds, variable bonds or any combination thereof, all as shall be determined pursuant to the Financing Documents.

(C) Prior to the preparation of definitive Obligations of any series, the Board may issue interim receipts, interim certificates or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The Board may also provide for the replacement of any Obligation which shall become mutilated, or be destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Interlocal Agreement, the Financing Documents or other applicable laws.

(D) The proceeds of any series of Obligations shall be used for such purposes, and shall be disbursed in such manner and under such restrictions, if any, as the Board may provide pursuant to the Financing Documents.

(E) The Financing Documents may also contain such limitations upon the issuance of additional Obligations as the Board may deem appropriate, and such additional Obligations shall be issued under such restrictions and limitations as may be prescribed by such Financing Documents. The Financing Documents may contain such provisions and terms in relation to the Obligations and the Pledged Funds as the Board deems appropriate and which shall not be inconsistent herewith.

(F) Obligations shall not be deemed to constitute a general obligation debt of the Authority or the Authority Members or a pledge of the faith and credit of the Authority or any of the Authority Members, but such Obligations shall be payable solely from the Pledged Funds and any moneys received from the credit enhancers of the Obligations, in accordance with the terms of the Financing Documents. The issuance of Obligations shall not directly or indirectly or contingently obligate the Authority or any of the Authority Members to levy or to pledge any form of ad valorem taxation whatsoever therefor. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of any of the Authority Members to pay any such Obligations or the interest thereon or the right to enforce payment of such Obligations, or the interest thereon, against any property of the Authority or any of the Authority Members, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the Authority or any of the Authority Members, except the Pledged Funds in accordance with the terms of the Financing Documents.

(G) All Pledged Funds shall be deemed to be trust funds, to be held and applied solely as provided in the Financing Documents. Such Pledged Funds may be invested by the Authority in such manner as provided in the Financing Documents.

(H) Any holder of Obligations, except to the extent the rights herein given may be restricted by the Financing Documents, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under the Financing Documents, and may enforce and compel the performance of all agreements or covenants required by this Interlocal Agreement, or by such Financing Documents, to be performed by the Authority or by any officer thereof.

(I) The Obligations may be validated, at the sole discretion of the Board, pursuant to Chapter 75, Florida Statutes. Obligations may be issued pursuant to and secured by a resolution of the Board.

(J) In addition to the other provisions and requirements of this Interlocal Agreement, any Financing Documents may contain such provisions as the Board deems appropriate.

(K) All Obligations issued hereunder shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers for value. No proceedings in respect to the issuance of such Obligations shall be necessary except such as are required by this Interlocal Agreement, the Financing Documents and general law. The provisions of the Financing Documents shall

constitute an irrevocable contract between the Authority and the holders of the Obligations issued pursuant to the provisions thereof.

(L) Holders of Obligations shall be considered third party beneficiaries hereunder and may enforce the provisions hereof.

(M) The Board may enter into such swap, hedge or other similar arrangements relating to any Obligations as it deems appropriate.

SECTION 4.06. AD VALOREM TAXATION NOT AUTHORIZED. The Authority shall not have the power to levy and assess an ad valorem tax on any property within the Service Areas for any reason.

SECTION 4.07. CONNECTION FEES. (A) The Authority is empowered to levy and collect Connection Fees relating to the Authority Facilities for capital improvements and debt service on such capital improvements under such conditions as shall be prescribed by the Board. Connection Fees may become Pledged Funds in accordance with the terms of the Financing Documents.

(B) The Board may change or revise the schedule of Connection Fees upon compliance with the notice and hearing requirements set forth for the adoption of rates, fees and other charges.

SECTION 4.08. UNPAID FEES. The Board shall have the power, under such reasonable procedures as the Board may adopt from time to time, to discontinue and shut off either or both water and wastewater services until delinquent fees, rates or charges, including interest and charges for the discontinuance and the cost of restoration of such water and wastewater services, or both, are fully paid; and, for such purposes, the Authority may enter onto any lands, waters or premises of any person, firm, corporation or body, public or private, served by the Authority within the Service Areas.

SECTION 4.09. AUTHORITY APPROVAL OF CONSTRUCTION OF WATER AND WASTEWATER FACILITIES. (A) The Board may adopt all necessary regulations by resolution that provide design and construction specifications and procedures for the dedication of facilities to the Authority.

(B) The Authority may require, as a condition precedent to the approval of any connection to the Authority Facilities, (i) that all subdivision-type infrastructure, or other contributed transmission or distribution infrastructure necessary to serve a particular project or customer, and necessary easements be dedicated to the Authority, (ii) that the developer

make available interim treatment facilities or services or contract for same on an interim basis from an authorized service provider, and (iii) that the developer, or the person or entity the developer has contracted with, provide interim treatment service, or lease back for nominal consideration and maintain such dedicated or contributed facilities until such time as the Authority provides services; provided in each case the foregoing actions shall be consistent with applicable regulations of the Authority Members.

SECTION 4.10. PLANNING REQUIREMENT. (A) In addition to the other powers enumerated in this Interlocal Agreement the Authority shall have the power to adopt a master plan for the provision of utility services within the Service Area of each Utility System. Such master plan may include for each Utility System, at a minimum: the identification of current customers and the projections of future customers and their profiles (residential, commercial, industrial); a review and general inventory of all existing infrastructure and facilities within the Service Area of each Utility System; and an identification of water supply and treatment alternatives and available wastewater treatment and disposal alternatives, including plans for the use of reclaimed or reused water alternatives.

(B) Prior to the adoption of the annual budget, a five-year capital improvement plan shall be submitted to each Authority Member for the Utility System within their respective jurisdictions for a determination by such Authority Member that the capital improvement plan is consistent with the applicable local government comprehensive plan of such Authority Member adopted pursuant to Chapter 163, Part II, Florida Statutes.

(C) All utility expansion or line extension policies adopted by the Board shall be consistent with the land development regulations, local comprehensive plans and other applicable regulations adopted by the Authority Members within which a Utility System is located.

SECTION 4.11. EFFECT OF INCORPORATION OR THE PRESENCE OF A SPECIAL DISTRICT ON AUTHORITY. The subsequent incorporation or annexation of any area initially included within a Service Area, or the presence or creation of any special district within a Service Area, shall not impair nor alter the authority, power and purposes of the Authority for providing water and wastewater services and facilities within any portion of such Service Area now included within any municipality, special district or subsequently included within any municipality or special district.

SECTION 4.12. CONDUIT TRANSACTIONS. In addition to the powers granted to the Authority hereunder, including the power to issue Obligations pursuant to this Article IV, the Authority may issue Obligations, to the extent permitted by law, for the

principal purpose of loaning the proceeds thereof to a public or private entity, which shall finance or refinance the acquisition and construction of water treatment, production or transmission facilities or wastewater treatment, transmission or disposal facilities. Such Obligations shall be secured in such manner as determined by the Board. Such security may include moneys received pursuant to a loan agreement between the Authority and such public or private entity. Such Obligations shall have the terms provided in Section 4.05 hereof.

SECTION 4.13. WATER PRODUCTION FACILITIES LOCATED WITHIN THE JURISDICTION OF TAMPA BAY WATER. In order to comply with Section 3.02(B) of the Amended and Restated Interlocal Agreement reorganizing Tampa Bay Water, a Regional Water Supply Authority ("Tampa Bay Water"), the Authority agrees to use Tampa Bay Water (directly or through a member government of Tampa Bay Water) as its exclusive supplier of water to be delivered to customers located within the geographic territory of Tampa Bay Water, to the same extent as required by the member governments of Tampa Bay Water (other than Tampa) under such Amended and Restated Interlocal Agreement. In order to comply with this provision as it relates to the proposed acquisition of the water facilities of Avatar and other water facilities located in Hillsborough County, Florida, Pasco County, Florida and Pinellas County, Florida (the "Tampa Bay Water Service Area"), the Authority shall offer to sell, lease or otherwise dispose of the water production facilities of Avatar and any other water production facilities which it acquires within the Tampa Bay Water Service Area to Tampa Bay Water at or prior to the time of acquisition of such facilities by the Authority, at a cost equal to the average of two independent MAI appraisals of such water production facilities, one of which shall be by an appraiser selected by Tampa Bay Water. Notwithstanding any other provision of this Interlocal Agreement, and solely for purposes of enforcing the provisions of this Section 4.13, the Authority Members agree that Tampa Bay Water is hereby designated as a third-party beneficiary hereto. The provisions of this Section 4.13 shall control over any other provisions of this Interlocal Agreement which may be in conflict herewith. Notwithstanding any provisions in this Section 4.13 to the contrary, the Authority need not offer to sell, lease or otherwise dispose of the water production facilities of Avatar which are acquired by the Authority and it may own and operate such facilities, provided Hillsborough County is not an Authority Member.

SECTION 4.14. OMITTED.

SECTION 4.15. PROVISIONS RELATING TO CITRUS COUNTY, FLORIDA. The following provisions of this Section 4.15 shall relate solely to Citrus County:

None

SECTION 4.16. PROVISIONS RELATING TO POLK COUNTY, FLORIDA. The following provisions of this Section 4.16 shall relate solely to Polk County:

(A) **Service Area.** The Service Area of the Utility System relating to the facilities acquired from Avatar which are located in Polk County shall be the existing Service Area. The Authority may not serve areas outside such Service Area located in Polk County without the prior written consent of Polk County. The decision to grant, grant with conditions or deny a request to serve an area outside such initial Service Area shall be treated as a legislative decision of the Polk County Board of County Commissioners. The Authority shall not compete against the Polk County water and wastewater system. Solely for purposes of Section 11.14 of the Polk County water and wastewater bond resolution, Polk County acknowledges that the Authority shall have a franchise to operate within such Service Area located in Polk County under the conditions provided herein, such franchise shall not exceed in any respect any franchise heretofore approved by Polk County. This provision may not be modified without the consent of Polk County.

SECTION 4.17. PROVISIONS RELATING TO SARASOTA COUNTY, FLORIDA. The following provisions of this Section 4.17 shall relate solely to Sarasota County:

(A) **Service Area.** The Service Area of the Utility System relating to the facilities acquired from Avatar which are located in Sarasota County (the "Avatar Utility System") shall be the existing area franchised to Avatar by Sarasota County. The Authority may not serve areas outside such Service Area without the prior written consent of Sarasota County. The decision to grant, grant with conditions or deny a request to serve an area outside the initial Service Area shall be treated as a legislative decision of the Sarasota County Board of County Commissioners.

(B) **Cooperation.** The Authority agrees to cooperate with Sarasota County for the purpose of interconnecting the Avatar Utility System with the water and wastewater utility system owned and operated by Sarasota County. The Authority and Sarasota County agree that, to the extent practicable, either party may obtain bulk service for treatment of wastewater from the other party at a reasonable cost based upon usage to the extent

wastewater capacity for such bulk service is available. The cost of any interconnections by the Authority and Sarasota County shall be borne by the parties based on an agreed to usage of the interconnection. The Authority agrees to enter into an agreement with Sarasota County whereby treated effluent from the Avatar Utility System will be made available for distribution through Sarasota County's Regional Reclaimed Water Distribution System. There shall be no charge for effluent which is transferred to the County's Regional Reclaimed Water Distribution System.

(C) Capital Improvement Plan. Prior to the adoption of its annual budget, the Authority shall prepare a five-year capital improvement plan as described in Section 4.10(B) hereof. Such plan shall be consistent with Sarasota County Utility Master Plans, as amended from time to time. The proposed capital improvement plan shall be submitted to Sarasota County no less than thirty (30) days prior to its adoption. Sarasota County shall review and comment on the appropriateness of the proposed capital improvement plan within twenty (20) days following receipt of same. The Authority agrees to cooperate with Sarasota County in adjusting its capital improvement plan, if necessary, to be consistent with Sarasota County's Utility Master Plans.

(D) Rates, Fees and Charges. Sarasota County shall have the power to approve rates, fees and charges of the Avatar Utility System, to the extent allowed under Section 4.04(B) hereof. Sarasota County agrees that it shall have no power to approve rates, fees and charges in the event the Authority establishes such rates, fees and charges in order to comply with the covenants contained in the Financing Documents. Sarasota County shall apply its ordinances and rules and regulations which pertain to water and sewer franchise utilities in determining rates, fees and charges for the Avatar Utility System. Sarasota County recognizes that certain rate making principles, such as contributed property and return on investment concepts, are not applicable to the Authority. Sarasota County and the Authority agree to enter into a separate interlocal agreement with respect to the process to be followed in applying for approval of rates, fees and charges of the Avatar Utility System.

(E) Acquisition. Notwithstanding anything in Section 4.02 hereof, Sarasota County has an existing right to acquire the Avatar Utility System as provided in the Indenture of Trust relating thereto.

ARTICLE V
MISCELLANEOUS

SECTION 5.01. DELEGATION OF DUTY. Nothing contained herein shall be deemed to authorize the delegation of any of the constitutional or statutory duties of the State or the Authority Members or any officers thereof.

SECTION 5.02. FILING. A copy of this Interlocal Agreement shall be filed for record with the Clerk of the Circuit Court in each county wherein an Authority Member is located.

SECTION 5.03. IMMUNITY. (A) All of the privileges and immunities from liability and exemptions from laws, ordinances and rules which apply to the activity of officials, officers, agents or employees of the Authority Members shall apply to the officials, officers, agents or employees of the Authority when performing their respective functions and duties under the provisions of this Interlocal Agreement.

(B) The Authority Members intend to utilize Sections 768.28 and 163.01(9)(c), Florida Statutes, other Florida Statutes and the common law governing sovereign immunity to the fullest extent possible. Pursuant to Section 163.01(5)(o), Florida Statutes, Authority Members may not be held jointly liable for the torts of the officers or employees of the Authority, or any other tort attributable to the Authority, and that the Authority alone shall be liable for any torts attributable to it or for torts of its officers, employees or agents, and then only to the extent of the waiver of sovereign immunity or limitation of liability as specified in Section 768.28, Florida Statutes. The Authority Members intend that the Authority shall have all of the privileges and immunities from liability and exemptions from laws, ordinances, rules and common law which apply to the municipalities and counties of the State. Nothing in this Interlocal Agreement is intended to inure to the benefit of any third-party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

SECTION 5.04. LIMITED LIABILITY. No Authority Member shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Authority, the Directors or any other agents, employees, officers or officials of the Authority, except to the extent otherwise mutually agreed upon, and neither the Authority, the Directors or any other agents, employees, officers or officials of the Authority have any authority or power to otherwise obligate any individual Authority Member in any manner.

SECTION 5.05. AMENDMENTS. This Interlocal Agreement may be amended in writing at any time by the concurrence of all of the Directors present at a duly called meeting of the Authority and subsequent ratification by the governing body of each Authority Member. However, this Interlocal Agreement may not be amended so as to (A) permit any profits of the Authority to inure to the benefit of any private person, (B) permit the diversion or application of any of the moneys or other assets of the Authority for any purposes other than those specified herein, (C) adversely affect the tax-exempt status, if applicable, of interest on the Obligations, or (D) materially, adversely affect the security for any Obligations. Notwithstanding any other provision herein, Sections 4.14 through 4.17 hereof may be amended by an interlocal agreement between the Authority and the Authority Member on whose benefit the provision of any such Section is made without the consent of any other Authority Member provided such amendment does not adversely affect any other Authority Member or the Utility System located within the affected Authority Member.

SECTION 5.06. SEVERABILITY. In the event that any provision of this Interlocal Agreement shall, for any reason, be determined invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the other provisions of this Interlocal Agreement shall remain in full force and effect.

SECTION 5.07. CONTROLLING LAW. This Interlocal Agreement shall be construed and governed by Florida law.

SECTION 5.08. SUPERCEDES ORIGINAL AGREEMENT. This First Amended and Restated Interlocal Agreement shall supercede in all respects the Original Agreement as of the date hereof. Upon approval of this First Amended and Restated Interlocal Agreement as provided in Section 5.05 hereof, the Original Agreement shall be of no further force and effect.

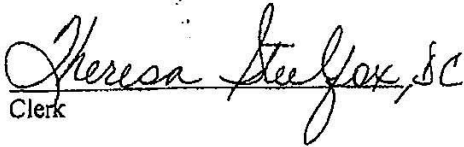
SECTION 5.09. EFFECTIVE DATE. This Interlocal Agreement shall become effective on the later of (A) the dated date hereof or (B) the date the last initial Authority Member executes this Interlocal Agreement and the filing requirements of Section 5.02 hereof are satisfied.

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the Authority Members by their authorized officers or officials on this 12th day of December, 2000.

CITRUS COUNTY, FLORIDA

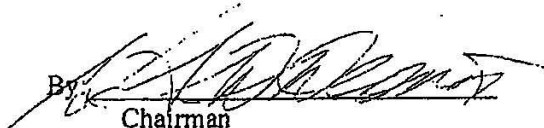
By 
Chairman

ATTEST:



Clerk

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the Authority Members by their authorized officers or officials on this 22nd day of May, 2000.

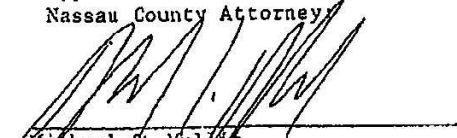
NASSAU COUNTY, FLORIDA

By 
Chairman
Nick D. Deonas

ATTEST:


Clerk
J.M. "Chip" Oxley, Jr.

Approved as to form by the
Nassau County Attorney


Michael S. Mulvan

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the Authority Members by their authorized officers or officials on this 25 day of July, 2000.

POLK COUNTY, FLORIDA

By: *Neil Conk*
Chairman

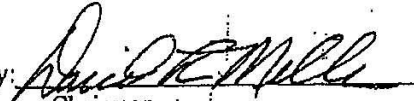
ATTEST:

Richard M. Weiss
Clerk

by: *Marie L. Kessler*
Deputy Clerk

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the Authority Members by their authorized officers or officials on this 12th day of September, 2000.

SARASOTA COUNTY, FLORIDA

By: 
Chairman

ATTEST:

Clerk

ATTEST:
KAREN E. RUSHING, Clerk of
the Circuit Court and
Ex-Officio Clerk of the Board
of County Commissioners of
Sarasota County, Florida.

By: 
Deputy Clerk

EXHIBIT B
INTERLOCAL AGREEMENT

**INTERLOCAL AGREEMENT RELATING TO THE PROVISION
OF CENTRAL WATER AND WASTEWATER SERVICES BY THE
FLORIDA GOVERNMENTAL UTILITY AUTHORITY
IN UNINCORPORATED PORTIONS OF HENDRY COUNTY**

THIS INTERLOCAL AGREEMENT, dated as of this 21st day of February, 2008 (the "Water and Wastewater Services Interlocal Agreement"), by and between the **FLORIDA GOVERNMENTAL UTILITY AUTHORITY**, a legal entity and public body created by interlocal agreement pursuant to section 163.01(7), Florida Statutes (the "FGUA"), and **HENDRY COUNTY, FLORIDA**, a political subdivision of the State of Florida (the "County"), each constituting a "Public Agency" under Part I of Chapter 163, Florida Statutes, (the "Interlocal Act").

WITNESSETH:

WHEREAS, the FGUA was established pursuant to an interlocal agreement dated as of February 1, 1999, as amended by a First Amended and Restated Interlocal Agreement Relating to Establishment of the Florida Governmental Utility Authority by and between Citrus County, Florida, Nassau County, Florida, Polk County, Florida and Sarasota County, Florida, dated as of December 1, 2000 (the "FGUA Interlocal Agreement"), for the purpose of acquiring, owning, improving, operating and maintaining water and wastewater utility facilities; and

WHEREAS, in 1999, the FGUA acquired the utility assets owned and controlled by Avatar Holdings, Inc. ("Avatar") which were located in Brevard, Collier, Hillsborough, and Sarasota Counties and a sixth (6th) utility system located in both Osceola and Polk Counties; and

WHEREAS, the FGUA acquired the utility assets of Florida Water Services Corporation located in Citrus County and Lee County in 2004; and

WHEREAS, Brevard County, Sarasota County, Citrus County and Osceola County each have exercised their option to acquire from the FGUA the utility assets and systems located within their boundaries pursuant to the provisions of the FGUA Interlocal Agreement, merged such systems into their public utility systems and Brevard, Sarasota and Osceola counties are no longer FGUA members; and

WHEREAS, pursuant to the FGUA Interlocal Agreements, the Hendry County Board of County Commissioners has voted to join the FGUA as a member and to authorize the FGUA to provide central water and wastewater service in unincorporated portions of Hendry County; and

WHEREAS, upon the County becoming a member of the FGUA, the FGUA shall possess the legal authority to issue a series of obligations known as the Florida Governmental Utility Authority Utility Revenue Bonds (collectively referred to as the "Bonds") pursuant to an indenture of trust (the "Indenture") and to conduct special assessment programs for the principal purpose of funding the construction of necessary water and wastewater facilities, including reuse facilities, in Hendry County (hereinafter "Utility Facilities"); and

WHEREAS, the County and the FGUA have determined that they would like to document certain aspects of their relationship and the County would like to formally reserve the option at the County's sole discretion to acquire the Utility Facilities in the future through the assumption of any outstanding Bonds and special assessment program.

NOW, THEREFORE, in consideration of the foregoing and the covenants contained herein, it is mutually agreed and understood by and between the County and the FGUA as follows:

SECTION 1. COUNTY OPTION TO ACQUIRE THE FGUA UTILITY FACILITIES TO BE CONSTRUCTED IN THE COUNTY.

(A) The FGUA hereby grants the County the right to acquire all, but not less than all, of the assets, liabilities, obligations, and responsibilities relating to the Utility Facilities. In the event that the County elects in the future to exercise this right to acquire the Utility Facilities from the FGUA, the terms and provisions of such acquisition would be established pursuant to a utility transition agreement which would then be entered into between the FGUA and the County (the "Utility Transition Agreement"), and subject to the terms and conditions of the Indenture and the FGUA Interlocal Agreement. Notwithstanding the foregoing, the County and the FGUA agree that the purchase price for the Utility Facilities shall be the amount required to repay the Bonds and any additional obligations of the FGUA related to the Utility Facilities and the assumption by the County of any special assessment program which may be outstanding on the date of closing of the sale to the County. The County further agrees to pay the FGUA all

reasonable and verifiable expenses associated with the transfer of the Utility Facilities by the FGUA to the County.

(B) The FGUA hereby grants the County the right to assume the FGUA's obligations under the Bonds and the Indenture as well as any special assessment program, all pursuant to the terms and conditions as will be set forth in an Indenture and the terms of the special assessment program, respectively. Assumption of assets, liabilities, obligations and responsibilities relating to the Utility Facilities by the County shall take place simultaneously with the transfer of the Utility Facilities from the FGUA to the County.

SECTION 2. NOTICE AND REVIEW.

(A) The County hereby reserves the right to review and approve as fair and reasonable any initial rates, charges, customer classifications, and terms of service proposed by the FGUA, and any changes proposed by the FGUA to the rates, charges, customer classifications, and terms of service to be offered to customers of the FGUA residing in the County prior to the FGUA adoption of same. In reserving the foregoing right, the County understands and acknowledges that the right to review and approve these items is subject to the obligation of the FGUA to establish rates and charges that comply with the requirements contained in the Indenture and any other resolution or trust agreement relating to the issuance of Bonds to acquire and improve the affected Utility Facilities and the County expressly agrees that it shall not dispute any rate, or part thereof, required to permit the FGUA to pay the Bonds or otherwise comply with the requirements of FGUA's obligations issued in relation to the Utility Facilities. The County or its representative may review, dispute and/or approve any rate proposed by the FGUA to increase revenue to a level in excess of the level sufficient to maintain reasonable assurance of the ability to meet such obligations. The FGUA shall provide the County or its designee with information concerning any proposed rate, charge, customer classification and term of service at least sixty (60) days prior to the hearing date established by the FGUA for consideration of same except that this notice and review provision shall not apply nor be required for annual indexing adjustments to such rates and charges.

(B) The County hereby reserves the right to review and approve as fair and reasonable any special assessments proposed by the FGUA to finance construction of water or wastewater facilities. The FGUA shall provide notice to the County at least sixty (60) days prior to the

hearing date established by the FGUA for consideration of the implementation of special assessments. Such notice shall be accompanied by all documents supporting such implementation as well as the amount of the proposed special assessment.

SECTION 3. REVIEW OF CAPITAL IMPROVEMENT PROGRAM.

(A) The FGUA Interlocal Agreement requires the FGUA annually to submit a five-year capital improvement plan for the Utility Facilities to the County, as a member of the FGUA, prior to the FGUA's adoption of an annual budget. Section 4.10 of the FGUA Interlocal Agreement further provides that the FGUA's capital improvement plan and utility expansion and line extension policies for the Utility Facilities shall be consistent with the land development regulations, local comprehensive plans and other applicable regulations adopted by the County.

(B) The County and the FGUA agree that the FGUA shall annually submit the five-year capital improvement plan to the County for review. It shall be within the County's sole discretion to determine whether such capital improvement plan as well as the FGUA's utility expansion and line extension policies are consistent with the County's land development regulations, comprehensive plan and other applicable regulations unless authority to make preliminary determinations of such consistency is expressly delegated to the Authority by the County.

SECTION 4. FGUA SERVICE AREA. The parties acknowledge that the County currently owns and operates water and wastewater facilities identified as the Port LaBelle System and that there are other utility providers operating in the County. It is the intent of the parties that the FGUA be responsible for providing water and wastewater service for that portion of the unincorporated County which is not currently being served by either the County or other utility providers and which is identified in Appendix A hereto (hereinafter the "Service Area"). The FGUA further agrees that it shall not construct water distribution lines or wastewater collection lines in any location within the Service Area if such location receives water from private wells and wastewater is treated by septic tanks unless the FGUA first secures the County's written consent to construct such distribution and collection facilities to serve such locations.

SECTION 5. FILING OF ANNUAL REPORTS BY FGUA. The FGUA agrees to file annually with the County a copy of the FGUA's Comprehensive Annual Financial Report.

SECTION 6. AMENDMENTS. The County and the FGUA understand and agree that to the extent that the provisions of Sections 1 through 5 of this Water and Wastewater Services Interlocal Agreement may be read to conflict with Sections 4.01(A)(ii), 4.02, 4.04, 4.10 or any other section of the First Amended and Restated Interlocal Agreement Relating to Establishment of the Florida Governmental Utility Authority, the terms of this Water and Wastewater Services Interlocal Agreement shall apply.

SECTION 7. GENERAL PROVISIONS.

(A) Except as specifically set forth herein, nothing herein shall be deemed to authorize the delegation of any of the constitutional and statutory duties of the State of Florida, the FGUA, the County or any officer thereof.

(B) A copy of this Water and Wastewater Services Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Hendry County, Florida and the Clerk of the Circuit Court of Leon County, as required by the Interlocal Act.

(C) The County shall not be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the FGUA, any Director of the FGUA, or any other agents, employees, officers, or officials of the FGUA, except as expressly provided in this agreement and neither the FGUA, the Directors, nor any other agents, employees, officers or officials of the FGUA have any authority or power to otherwise obligate the County in any manner.

(D) In the event that any provision of this Water and Wastewater Services Interlocal Agreement shall, for any reason, be determined invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the other provisions of this Water and Wastewater Services Interlocal Agreement shall remain in full force and effect.

(E) This Water and Wastewater Services Interlocal Agreement shall be construed and governed by the laws of the State of Florida.

SECTION 8. EFFECTIVE DATE AND TERMINATION. This Water and Wastewater Services Interlocal Agreement shall become effective on the latter of (a) the dated date hereof or (b) the last date the last of the parties hereto executes this Interlocal Agreement

and the filing requirements of Section 7(B) hereof are satisfied. This Agreement shall terminate in the event that both the pending comprehensive plan amendments related to what is generally referred to as the Henlee Lakes and Gardinier developments should not become effective pursuant to applicable law, by withdrawal, denial or for any other reason.

IN WITNESS WHEREOF, this Water and Wastewater Services Interlocal Agreement has been executed by and on behalf of the FGUA and the County by their authorized officers or officials.

HENDRY COUNTY, FLORIDA

(SEAL)

By: Janet B. Taylor
Janet B. Taylor, Chair

ATTEST:

By: Barbara S. Butler
Barbara S. Butler, Clerk of Courts

FLORIDA GOVERNMENTAL
UTILITY AUTHORITY

(SEAL)

By: Lea Ann Thomas
Lea Ann Thomas, Chair

ATTEST:

By: Keith Doyle
Clerk

APPENDIX A

The FGUA Service Area consists of Sections 31 and 32, Township 45 South, Range 28 East, located in Hendry County, Florida.

SR 82 MIXED USE DISTRICT COMPREHENSIVE PLAN AMENDMENT

EXHIBIT 5A: TEXT AMENDMENT

POLICIES - Red Lined

SR 82 Mixed Use District

Policy 2.1.X12: The SR 82 Mixed Use District includes nearly all of Section 32 (Township 45 South, Range 28 East) totaling approximately 627 acres. The District is bordered by Church Road to the east and SR 82 to the south. Church Road has recently been expanded to connect through to SR 29. The purpose of the District is to support a mix of uses primarily targeting industrial, manufacturing, and office type uses that will strengthen and diversify the County's economic base. The District will also establish a focal point for development in Southwest Hendry County. Retail, office and industrial uses are permitted along with residential consistent with the existing density of 1 dwelling unit per 5 acres. The focus of the residential component of the District shall be to provide a mix of housing in the area to support vibrant economic development.

Policy 2.1.X12.a: The SR 82 Mixed Use District: The District will be governed by the following criteria:

- a) The Planned Unit Development (PUD) process must be utilized for any zoning request to ensure compatibility with adjacent uses, both internal and external to a project development site. Compatibility will include consideration of impacts such as noise, vibration, odor, lighting or visual impacts. The PUD Ordinance for a project shall list specifically all permitted uses and site design criteria.
- b) Except for ancillary uses associated with agriculture or mining activity, new development must connect to central water and sewer.
- c) The maximum floor area ratio (FAR) for industrial, commercial and office development is .45. This maximum will be applied to each development area or parcel and will be enforced through the PUD zoning process.
- d) No more than 25% of gross building square footage for the District may be classified as retail commercial.
- e) A maximum of 140 acres of the S.R. 82 Mixed Use District shall be allocated for industrial development. This comprises approximately 82% of the developable area of the District.

Industrial land uses shall include manufacturing, fabrication, assembling, processing, storage (both inside and outside), distribution centers, batch plants, concrete plants, essential services, flex space for the service industry, mining and earth extraction and processing operations, ~~electrical generation plants~~ electrical generation from alternative energy sources, biofuel refineries, recycling facilities, resource recovery facilities, similar uses, and ancillary uses specifically designed to service the industrial employment workforce.

A maximum of 45 acres of the S.R. 82 Mixed Use District land area shall be allocated for commercial/retail development, and a maximum of 40 acres shall be allocated for office development. The commercial/retail acreage comprises approximately 32% of the developable lands and the office acreage comprises approximately 35% of the development lands of the District. Commercial land uses shall include the sale, rental, and distribution of products or performance of services, including retail, personal service uses, such as but not limited to restaurants, convenience stores and gas stations, financial, medical, other related business uses and institutional uses such as but not limited to civic and governmental uses. Office use includes medical offices.

f) The residential allocation is 125 units and is based on 1 unit per 5 acres. Land allocated to residential and non-residential land uses shall be utilized for computing residential density. The initiation of said use is not dependent on any non-residential land use, but must be reviewed through the PUD process to ensure compatibility with future development.

g) A maximum of 10% or 65 of the developable acres of the S.R. 82 Mixed Use District shall be comprised of residential development. Residential dwelling units may include a mix of housing types, including single family detached and attached units, zero lot line development, townhouse development, condominiums. Ancillary residential uses, such as parks and recreational facilities are permitted in association with residential development.

~~h) Development intensity shall be dependent upon and proportionate to roadway capacity associated with SR 82. If necessary, a Development Agreement providing for the expansion of SR 82 shall be in place prior to the issuance of any request for a PUD consistent with the provision of the district. The Development Agreement shall include a proportionate cost share provision whereby transportation impact fee credits will be provided by Hendry County for any improvement that adds capacity to SR 82, including the dedication of right-of-way. In the Development Agreement, the quantity of allowable development within affected~~

~~parcels shall be addressed in accordance with the growth management policies of Hendry County at the time the agreement is entered, and taking into consideration the scope of the SR 82 expansion contemplated in that Agreement. Estimates, subject to revisions when the Development Agreement is entered into, of the traffic volumes associated with four and six laning options are provided in Table 1. Hendry County will work with affected property owners to achieve a public/private partnership in order to leverage state and federal funds to widen SR 82. Industrial and commercial development directly adjacent to SR 82 will comply with the requirements of the Gateway Overlay Corridor, as provided in Article II of Chapter 1-58 of the Hendry County Code of Ordinances.~~

~~i) Industrial and commercial development directly adjacent to SR 82 will comply with the requirements of the Gateway Overlay Corridor, as provided in Article II of the Hendry County Code of Ordinance.~~

i) The land use and development potential made available by Policies 2.1.X and 2.1.Xa are hereby further limited as defined by Step 1 and Step 2:

Step 1. The amount of development shall not exceed the development quantities specified in **one of the three** land use scenarios included in Table 1 below:

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Table 1. Step 1 Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve) ⁽¹⁾	10,000 s.f. gba	15
Shopping Center 820 (Fitted Curve)	10,000 s.f. gla	136
Light Industrial 110 (Fitted Curve)	251,600 s.f. gba	202
		481
	Internal Capture:	-42
	Gross External Trips:	439
	Retail Pass-By Capture:	-40
	Net External Trips:	399

Note 1: Average Rate was used for the 10,000 sf scenarios.

Development shall not exceed the amount of Step 1 unless the Comprehensive Plan Capital Improvement Element (Five-year Schedule) is amended to include an improvement to S.R. 82 from Lee/Hendry County Line to Hendry/Collier County Line to the four(4)-lane divided cross section that is needed to support the Step 2a amount of development.

Step 2a. The amount of development shall not exceed the development quantities specified in **one** of the **three** land use scenarios included in Table 2 below.

Table 2. Step 2a Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve) ⁽¹⁾	20,000 s.f. gba	30
Shopping Center 820 (Fitted Curve)	20,000 s.f. gla	216
Light Industrial 110 (Fitted Curve)	319,400 s.f. gba	299
		673
	Internal Capture:	-70
	Gross External Trips:	603
	Retail Pass-By Capture:	-63
	Net External Trips:	540

Note 1: Average Rate was used for the 20,000 sf scenarios.

Development shall not exceed the amount of Step 2a unless the Comprehensive Plan Capital Improvement Element (Five-year Schedule) is amended to include an improvement to the S.R. 82 from Lee/Hendry County Line to Hendry/Collier County Line to a six (6)-lane divided cross section that is needed to support the Step 2b amount of development. The amount of development shall not exceed the development quantities specified in **one of the three** land use scenarios included in Table 3 below.

Table 3. Step 2b Land Use Scenario

ITE Land Use and Code	Scenario 1 - High Industrial	
	Qty	P.M. Pk Hr Trip-Ends
Single-Family Detached 210 (Fitted Curve)	125 d.u.	128
Office 710 (Fitted Curve)	105,000 s.f. gba	196
Shopping Center 820 (Fitted Curve)	125,000 s.f. gla	739
Light Industrial 110 (Fitted Curve)	1,811,000 s.f. gba	2,432
		3,495
	Internal Capture:	-186
	Gross External Trips:	3,309
	Retail Pass-By Capture:	-222
	Net External Trips:	3,087

In the event the funds in the Comprehensive Plan Capital Improvement Element (Five-year Schedule) are insufficient to fully fund the improvements identified above, Hendry County and the developer may enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity maintaining the transportation facilities, significantly benefit the impacted transportation system. Such a proportionate share Development Agreement providing for the benefit of SR 82 shall be executed prior to the issuance of any request for the approval of a PUD consistent with the provisions of the SR 82 Mixed Use District. **The Development Agreement shall include a proportionate share provision whereby transportation impact fee credits will be provided by Hendry County for the improvement that significantly benefits SR 82, including but not limited to the dedication of right-of-way.**

At the applicant's option, the above estimated development

quantities may be revised based on actual traffic volumes and trends at the time step 2a or 2b development is authorized, as documented in a traffic analysis sealed by a professional engineer registered in Florida and approved by the County Engineer or his designee. The estimated development quantities will not exceed 5% of the quantities established in this policy.

Hendry County will work with affected property owners to achieve a public/private partnership in order to leverage state and federal funds to widen SR 82. Notwithstanding the foregoing, the County retains its discretion to designate its funding priorities for state and federal funds as it deems appropriate.

j) The minimum amount of open space (lakes, buffers, and other similar features) will be 25% of gross project acreage. Projects with existing indigenous native vegetation communities must provide 50% percent of their open space percentage requirement through the on-site preservation of existing native vegetation communities.

k) The existing agricultural land uses and the following uses approved per Hendry County Ordinance 2007-23, may continue under this land use designation:

- Excavation and any other ancillary use that may be necessary to support the excavation operation;
- Recreational uses;
- Preserves
- Lakes

l) The associated raw water demand of future development of the S.R. 82 Mixed Use District shall not exceed 0.92 mgd, the maximum raw water demand projected at build-out for the project. Existing land uses will be modified to accommodate the demands of new development.

m) Potable (finished) water supply will be provided to the proposed development according to the following milestones:

- For potable water demand between 0-99,999 gallons per day (gpd) individual on-site wells will be used
- For potable water demand between 100,000-200,000 gpd an on-site water treatment facility will be required. Connection to the treatment facility will be required for existing and future on-site development.
- For potable water demand over 200,000 gpd connection to Florida Governmental Utilities Authority (FGUA), or its successor, will be required. All infrastructure associated with the on-site water

treatment facility under (b) above will be accepted as FGUA, or its successor, facilities.

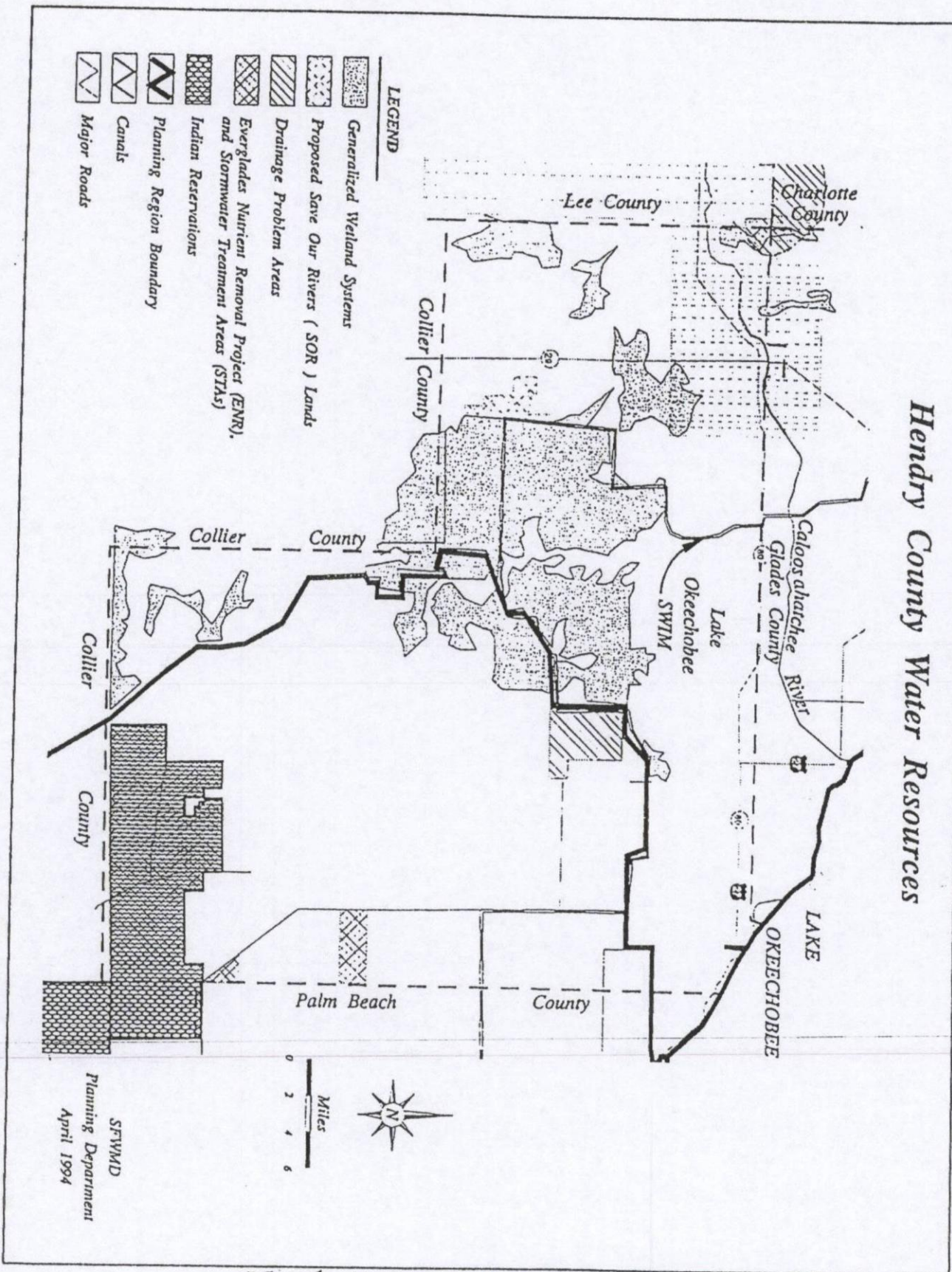
n) As a condition of building permit or development order issuance, The necessary water supply will be identified, committed, and authorized, including public water supply consumptive use permit(s) as necessary, to serve the District prior to issuance of a building permit or development order in accordance with the provisions of Paragraph (m).

o) Development may provide on-site water provisions as an interim water supply. At the time that appropriate volumes are available, connection to public water utilities shall be required. Any development in the District, excluding agricultural or mining-related activities, will require installation of reuse water lines, to be reviewed and approved as part of the building permit or development order process.

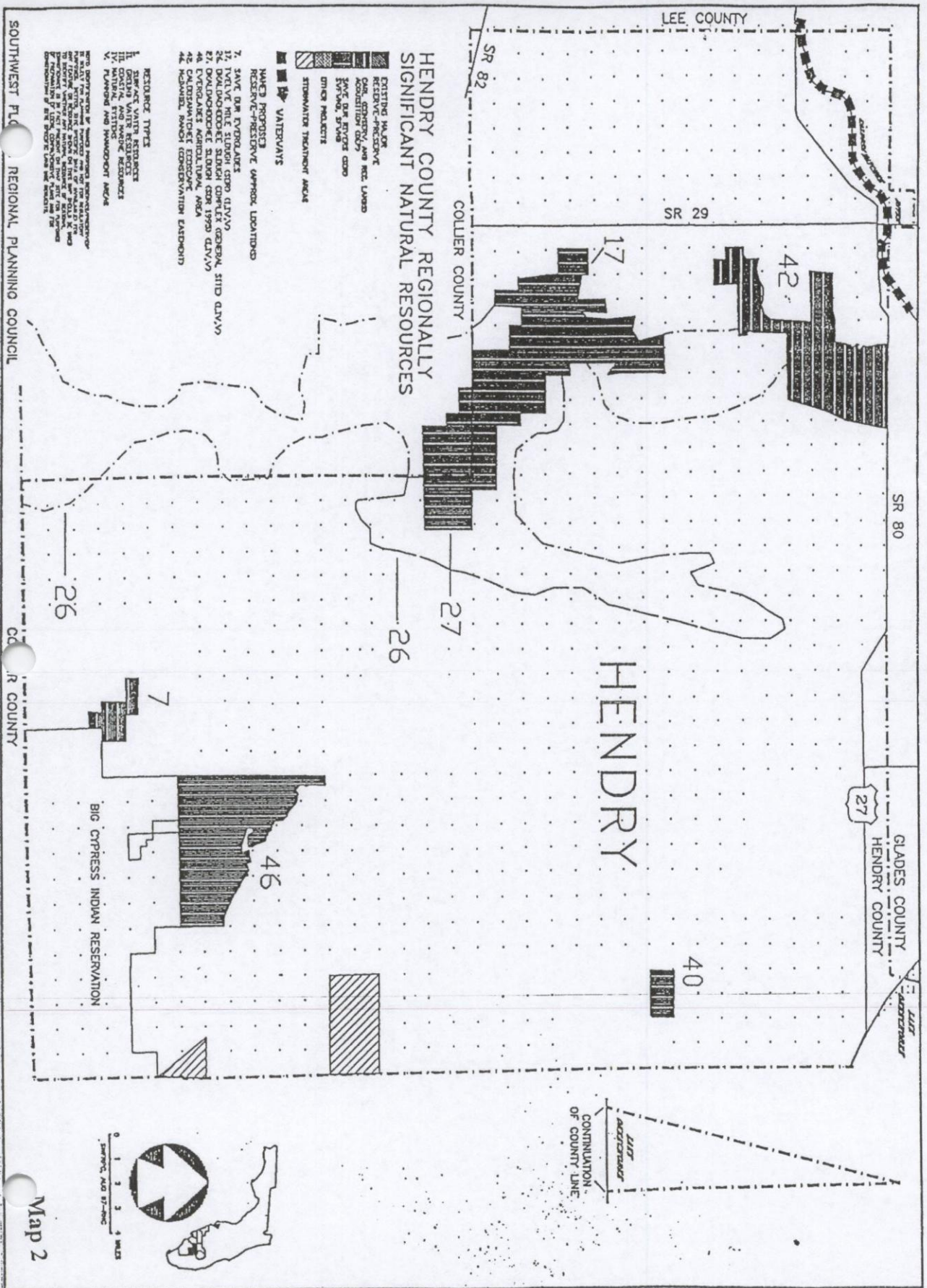
p) Coordination with the Hendry County Water Supply Plan is required to ensure that building permits are issued based on adequate potable water availability and an adopted level of service.

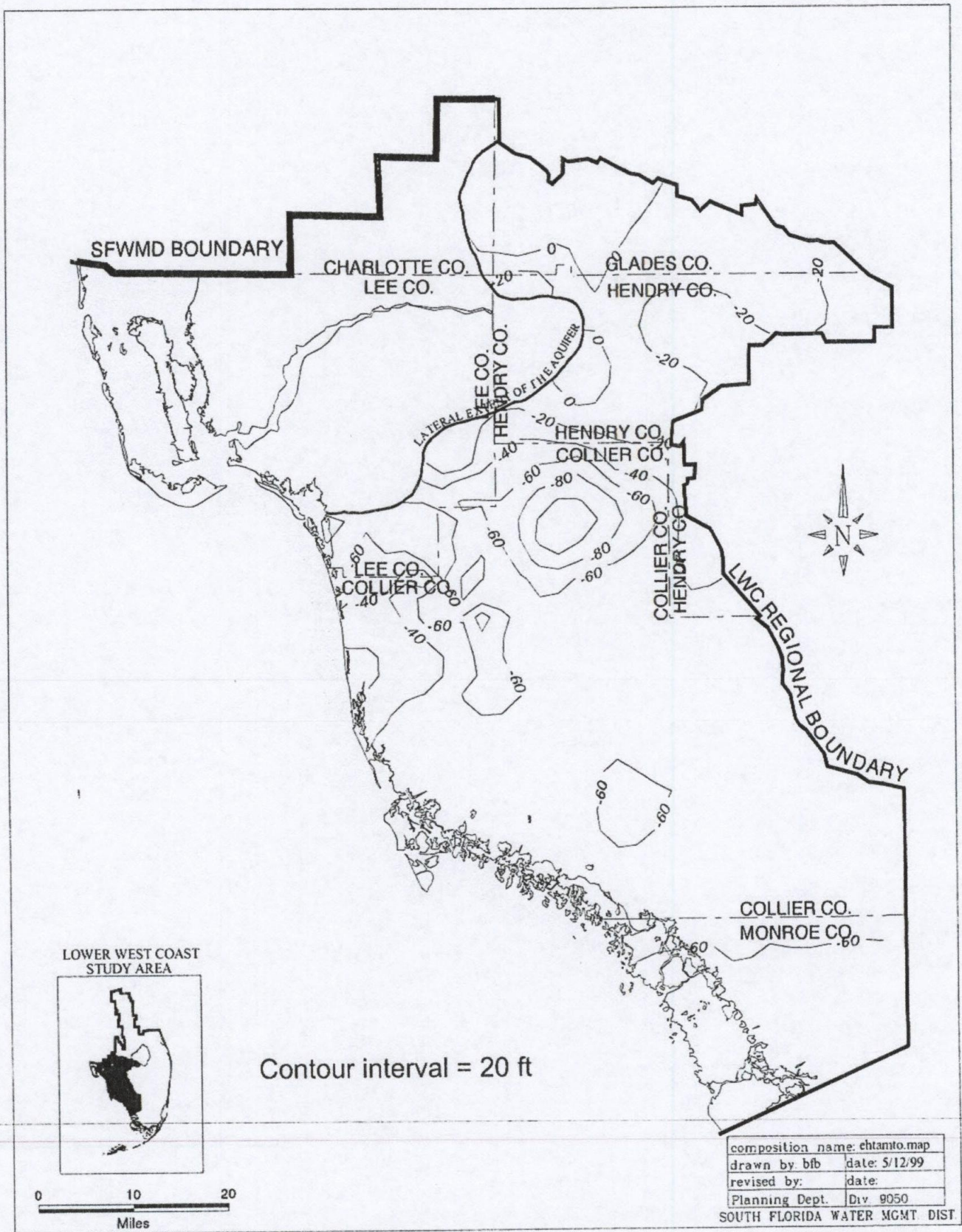
q) Any project within the SR 82 Mixed Use District will comply with the adopted permitting programs and standards regarding water quality, stormwater management, floodplain protection and the preservation, restoration or protection of natural systems.

Hendry County Water Resources



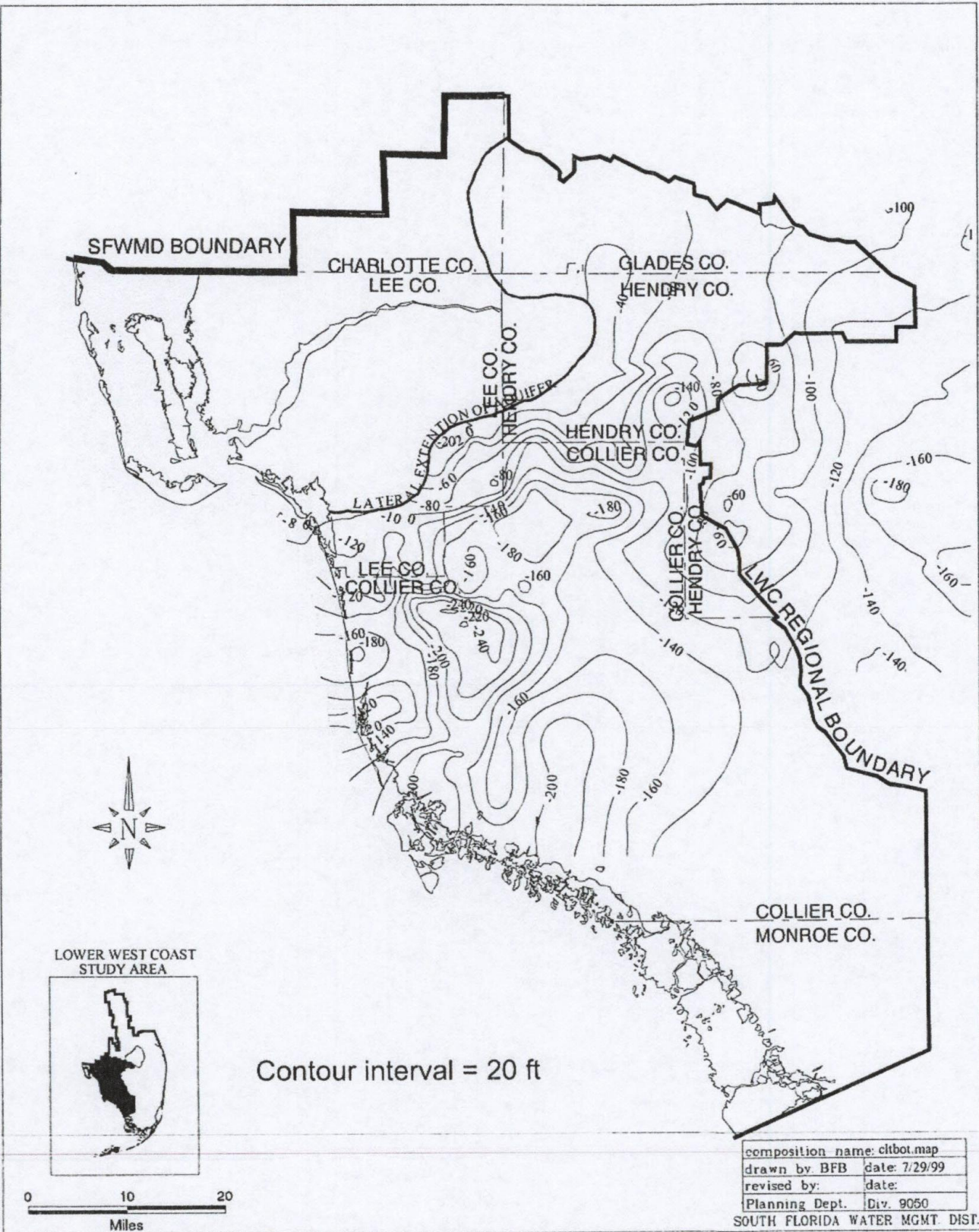
Map 1 Hendry County Water Resources





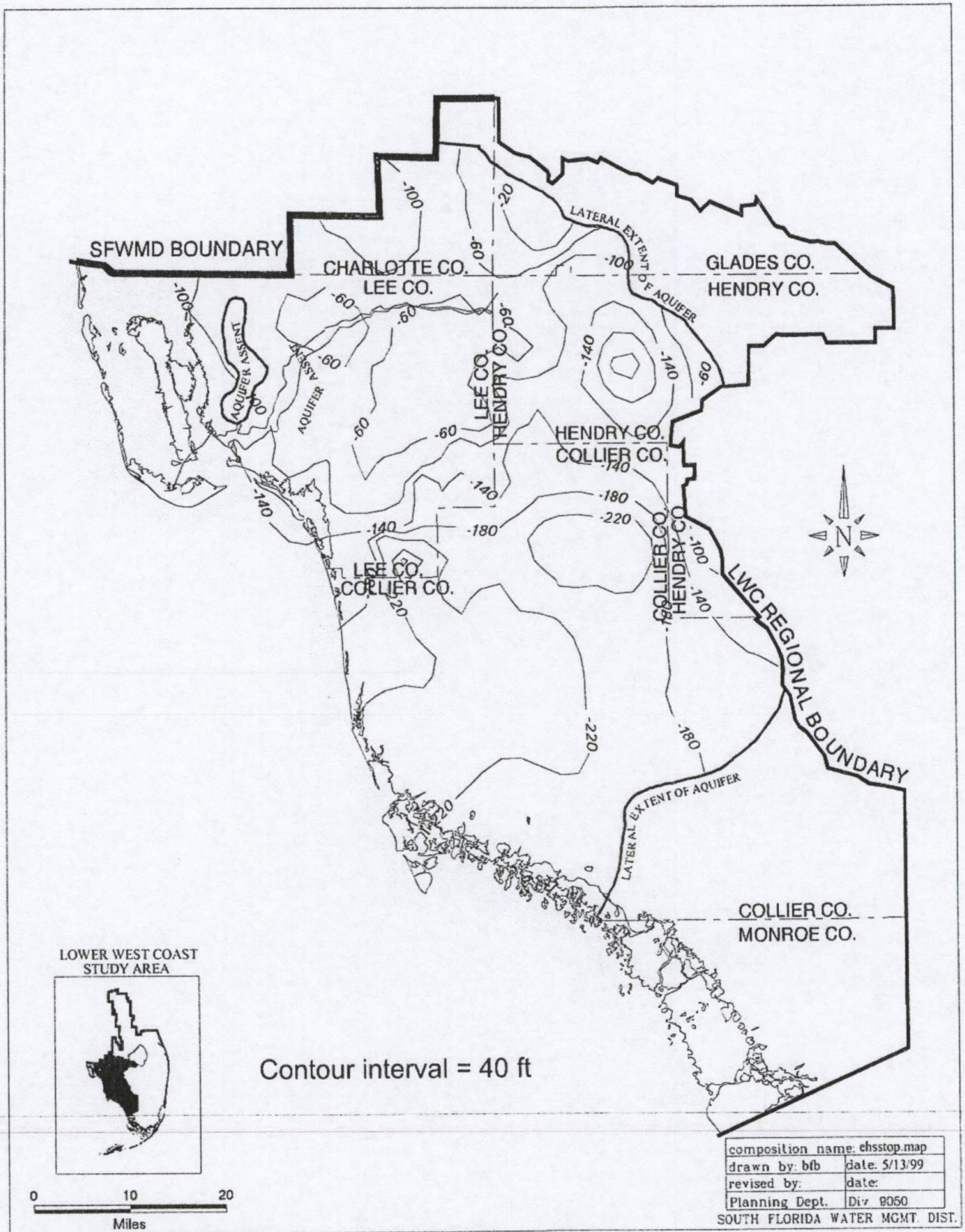
Top of Lower Tamiami Aquifer (in feet, NGVD).

Map 3a



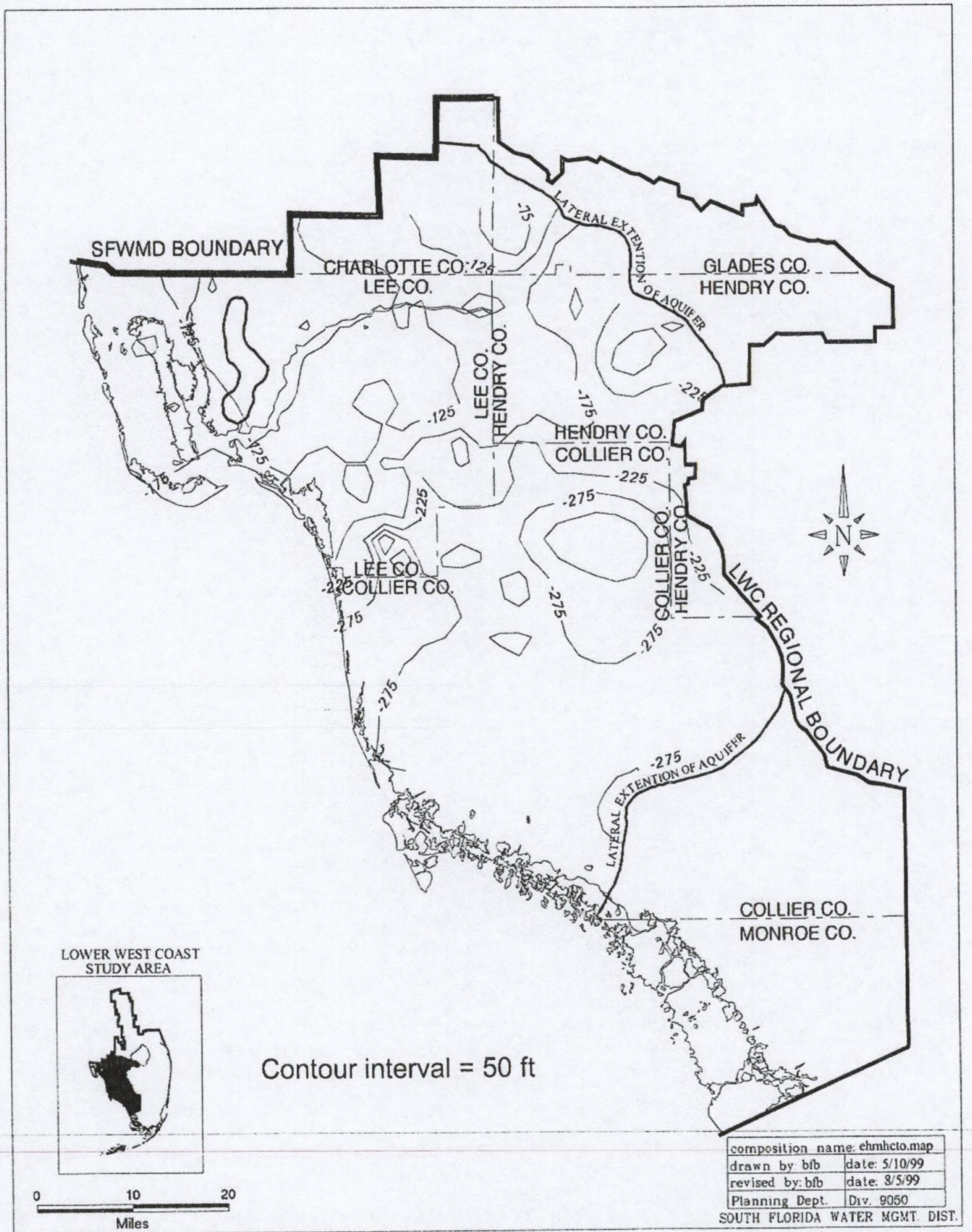
Bottom of Lower Tamiami Aquifer (in feet, NGVD).

Map 3b



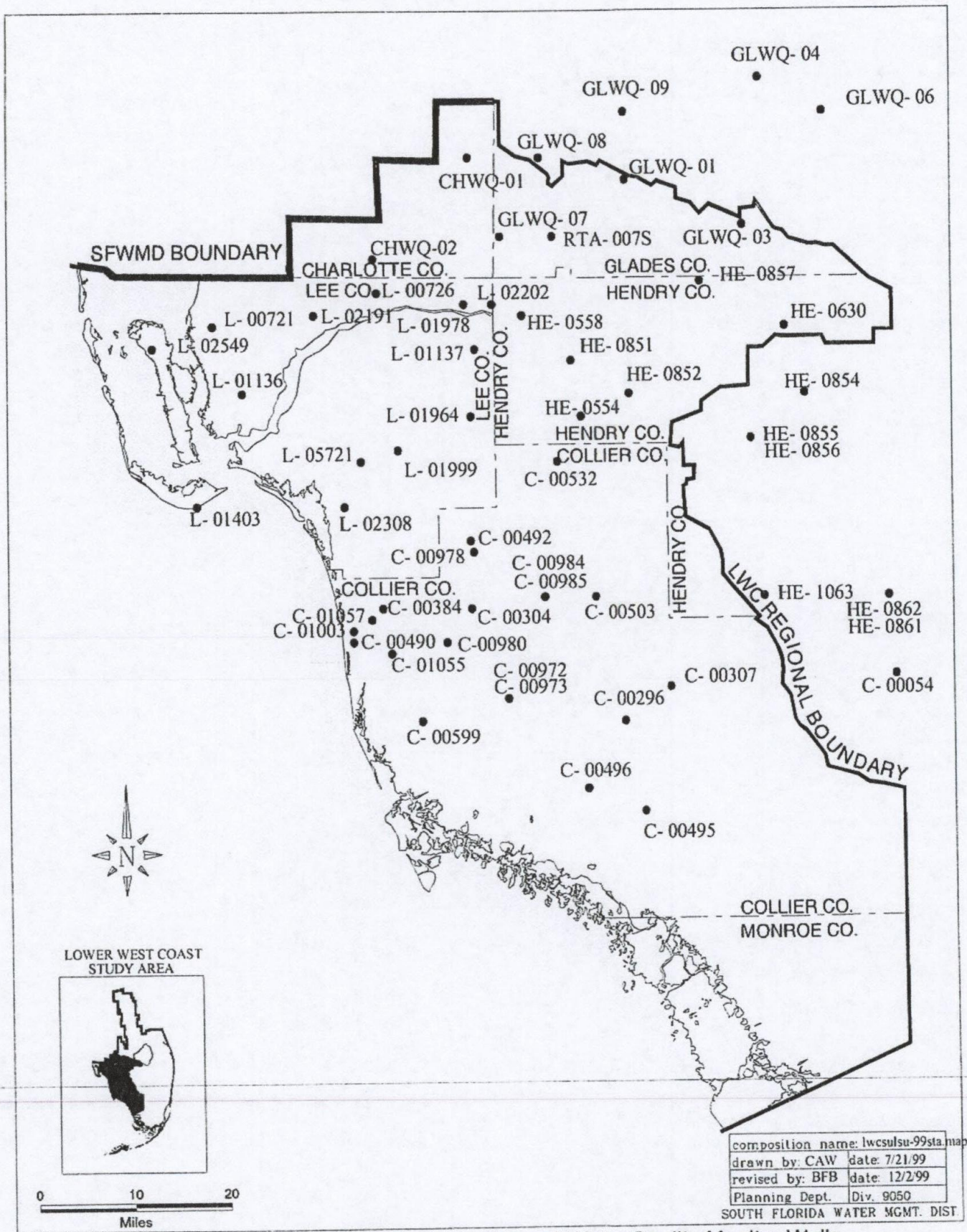
Top of Sandstone Aquifer (in feet, NGVD).

Map 3c



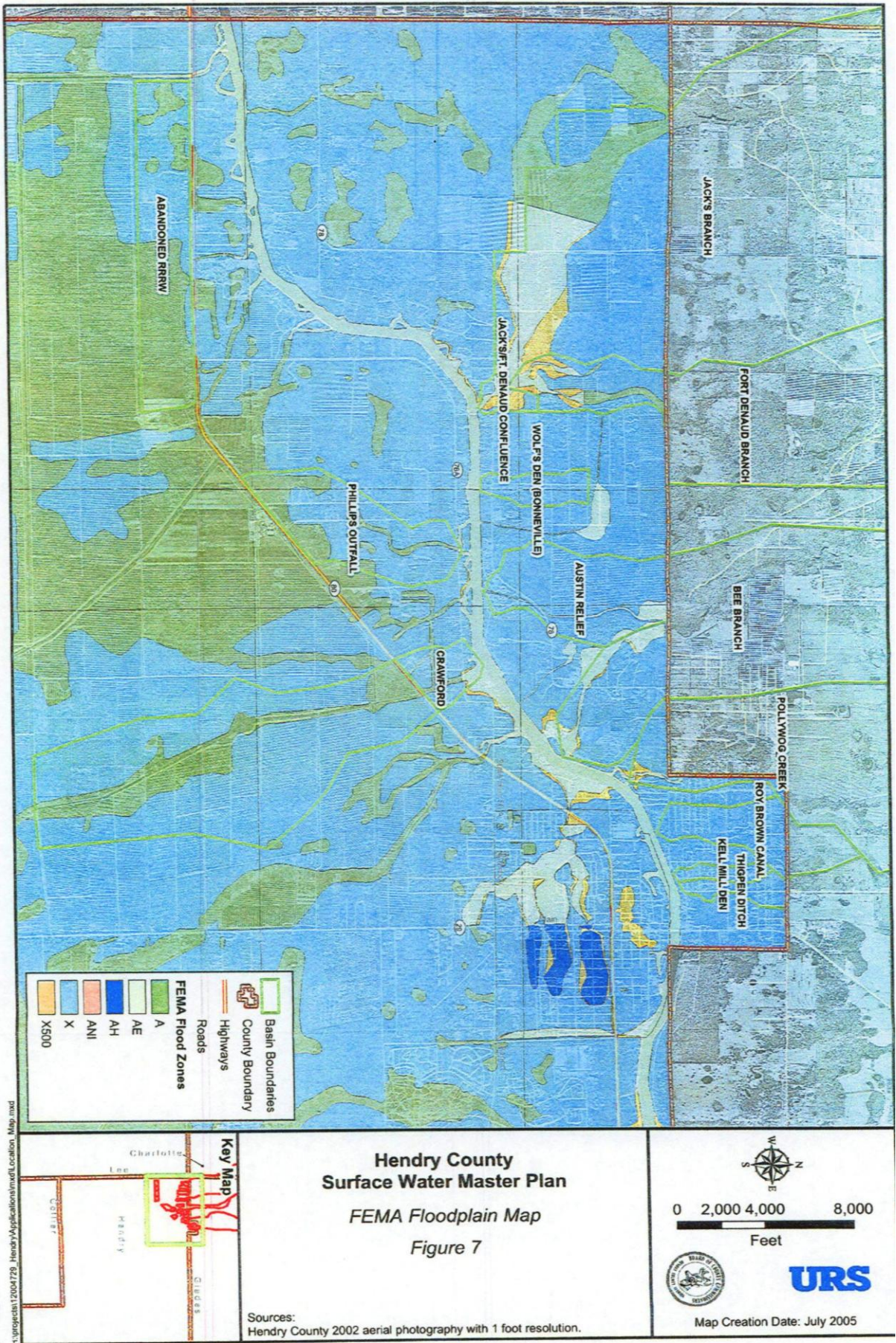
Bottom of Sandstone Aquifer (in feet, NGVD).

Map 3d



Surficial Aquifer System Ambient Ground Water Quality Monitor Wells.

Map 3e



CHAPTER6: TRAFFIC CIRCULATION ELEMENT

INTRODUCTION

The purpose of the Traffic Circulation Element is to establish the actions necessary to provide and maintain a safe, convenient, and efficient traffic circulation system in Hendry County, to meet the needs of the County's existing development and projected future growth.

The Traffic Circulation Element is composed of goals, objectives, and policies for a locally desirable road circulation system, and of the requirements of the Florida Department of Transportation concerning the State road system within Hendry County. Much of the content of the Traffic Circulation Element is that required by the Florida Community Planning Act contained in Chapter 163 F.S. While the County has a concurrency management system which includes roads, the system is tied to the 5-Year Schedule of Capital Improvements, that is assessed and updated annually. The transportation concurrency management system ensures that roads are developed or will be developed concurrent with development.

Long Range Planning

Hendry County, like most rural counties in Florida, relies on the Florida Department of Transportation (FDOT) for their Long Range Transportation Plans (LRTP). FDOT provides funding for developing an LRTP by working with the counties to prioritize the programming of State, Federal, and local funds for needed roadway improvements. The 2035 LRTP was funded in 2007 and was prepared utilizing a base year of 2007 for the population projections provided by BEBR. Additional growth was included based on conditions at the time (prior to recession) which assumed construction and occupation of the South LaBelle Village adding a total of 14,858 residents to the projected BEBR numbers. Table 8.1 in the 2035 LRTP projected growth as follows:

Table 8.1 Control Total Forecasts & Growth Trends

Category	Control Totals			2007-2035 (Annual Growth)
	Year 2007	Year 2020	Year 2035	
Population	39,696	48,751 + 7,429 = 56,180	59,200 + 7,429 = 66,629	2.42%
Employment	19,789	24,730 + 1,203 = 25,573	29,566 + 1,203 = 30,769	1.98%

The Future Land Use Element (FLUE) population projections were based on 2010 BEBR projections as follows:

Table 8.2. Hendry County Population Projections

BEBR	2009	2010	2015	2020	2025	2030	2035	2040*
Medium	41,320	41,026	43,200	45,900	48,500	51,100	53,500	55,219

*Projections for 2040 were generated using a linear growth method, based on data from the 2009-2035 projection base period. This method was applied pursuant to guidance from the Florida Department of Community Affairs.

Source: BEBR (2010) Florida Population Studies Bulletin #156, Volume 43.

Florida Statutes require population projections to be consistent across the elements of a Comprehensive Plan. In order to more closely align the data used in the Traffic Circulation Element and the FLUE, the County has elected to use the 2020 population projection of 56,180 from the 2035 LRTP because it is similar to the 2040 projection used in the FLUE which is 55,219. This is a difference of 961 persons. Transportation needs for these two populations would be the same. To that end, the proposed Long Range Transportation Needs Plan Maps for 2020 have been revised to represent the 2040 Long Range Transportation Needs Plan for the Comprehensive Plan. See Traffic Circulation Element Maps 2 and 3.

In addition to the Map 1: Hendry County 2040 Traffic Circulation Plan, and Maps 2 and 3 Hendry County’s Long Range Transportation Needs Plan Alternatives 1 and 2; the County has adopted a Long Range Transportation Needs Map for the West Hendry Planning Overlay (Map 4) and Rodina (Map 5). The transportation needs plans for these developments will be the responsibility of the developer and in accordance with their specific future land use categories.

GOALS, OBJECTIVES AND POLICIES

GOAL 8: To achieve and maintain a coordinated, balanced traffic circulation system within Hendry County for the convenient, safe, effective and efficient movement of people and goods.

OBJECTIVE 8.1: Adopt acceptable Levels of Service Standards (LOS) for all roads within the unincorporated area of Hendry County to provide a safe, convenient, effective and efficient traffic circulation system, in accordance with the guidelines of the Florida Department of Transportation (FDOT).

Policy 8.1.1: All segments of all State roads within the urban areas of Hendry County shall have the LOS Standard of “C” at peak hour, and these include SR 80, SR 25 (US 27) and SR 29. This shall specifically apply to the roadway segments in LaBelle and Clewiston. Furthermore, the County shall coordinate with the Florida Department of Transportation regarding the future widening of SR 82.

Policy 8.1.2: The minimum acceptable level of service for State roadways in rural Hendry County designated as FIHS, SIS, and/or emerging SIS by FDOT on the Future Traffic Circulation Map is as follows:

Road	Type	Min. LOS at Peak Hour
SR 25 (US27)		B
SR 80 (2-lanes)	FIHS	C
SR 82	Emerging SIS	C
SR 29	Emerging SIS	C
Multi-Lane State Rd.	FIHS and SIS	B

Policy 8.1.3: All segments of all County Roads in Hendry County shown on the Future Traffic Circulation Map within one mile of any boundary line of the City of Clewiston or the City

of LaBelle shall have the LOS Standard of “C” as established through the FIHS.

Policy 8.1.4: All segments of all County roads in Hendry County shown on the Future Traffic Circulation Map not described in Policy 8.1.3 shall have the LOS Standard of “C” a peak hour.

OBJECTIVE 8.2: Maintain acceptable levels of service for County roads within Hendry County in order to continue to provide a safe, convenient, effective and efficient traffic circulation system.

Policy 8.2.1: In order to maintain acceptable levels of service for roads in Hendry County, the County shall plan for road improvements in accordance with Map 1: Hendry County Traffic Circulation Map and Map 2: Hendry County Long Range Transportation Needs Plan Alternate 1 or Map 3: Hendry County Long Range Transportation Needs Plan Alternate 2.

Policy 8.2.2: Map 2: Hendry County Long Range Transportation Needs Plan Alternate 1 would address the need for east-west road capacity by constructing a US 27 By-Pass that would be aligned south of the City of Clewiston. Map 3: Hendry County Long Range Transportation Needs Plan Alternate 2 would address the need for east-west road capacity for US 27 near the City of Clewiston by widening US 27 to 6 lanes from SR 80 to CR270. The costs and feasibility of these alternatives will be assessed by the County and the improvements will be planned in coordination with FDOT and the City of Clewiston.

Policy 8.2.1: Proposed road projects designed to meet LOS Standards shall be prioritized in accordance with the following guidelines:

- a) Project needed to protect public safety and health.
- b) Project needed to meet existing deficiency, especially in areas with high accident frequency.
- c) Project is a rational extension of existing roads.
- d) Project promotes infill development in existing development areas.
- e) Creates a network or the potential for a network system for transportation in the County.
- f) Provides the opportunity for a new development and economic growth to the county.

Policy 8.2.4: Needed roadway improvement projects designed to increase traffic capacity shall be consistent with the Priority Needs Plan developed as part of the Hendry County Long Range Transportation Plan and be included in the Capital Improvements Element and annual budget to ensure timely construction.

OBJECTIVE 8.3: The County shall continue to monitor and analyze traffic on County roads in the unincorporated area of Hendry County.

Policy 8.3.1: The County shall maintain and annually update an inventory on the speed limits established for County roads.

Policy 8.3.2: The County shall annually update traffic counts on County roads to determine annual

average daily traffic on all segments of County roads.

Policy 8.3.3: The County shall maintain and annually update a summary of accidents on County roads by accident type and location.

Policy 8.3.4: The County shall continue to annually update the current capacities of all County road segments.

OBJECTIVE 8.4: The County shall utilize a traffic monitoring system for County roads for the Concurrency Management System and develop a common methodology for measuring impacts on transportation facilities with the Cities of Clewiston and Labelle.

Policy 8.4.1: A TIS shall be submitted for all proposed subdivisions, Rezoning applications, Comprehensive Plan Amendments, Site Development Plans, and Special Exceptions that conform to the methodology specified by the Hendry County Engineer. This requirement shall not apply to agricultural developments, or to projects that, in the determination of the County Engineer, will not have an impact to County Roads or State Roads.

Policy 8.4.2: All proposed development, rezone applications, Site Development Plans, and Comprehensive Plan Amendments shall submit a TIS that estimates the project's trip generation on a daily and peak hour basis. TIS will show roadway impacts based on the trip distribution from the traffic methodology as approved by the County Engineer.

OBJECTIVE 8.5: Maintain a countywide Future Traffic Circulation Map in accordance with the Project Priority Needs Plan and review annually for possible update requirements, coordinating the traffic circulation system with the Future Land Use Map.

Policy 8.5.1: The map entitled "Hendry County Future Traffic Circulation Map", at the scale of one inch equals two miles, is the official Future Traffic Circulation Map of Hendry County and shall be updated each year in accordance with the review of the County's Capital Improvements Element.

Policy 8.5.2: New roads and capacity-increasing improvements to existing roadways shall be in compliance with the Future Traffic Circulation Map and coordinated with the Future Land Use Map and the LRTP Priority Needs Plan.

Policy 8.5.3: Revisions of the roads on the Future Traffic Circulation Map shall be coordinated with and connect or directly serve existing development areas or projected growth areas shown on the Future Land Use Map.

OBJECTIVE 8.6: The County shall coordinate traffic circulation planning and projects with the FDOT 5-year Transportation Plan and the transportation planning of other entities and programs.

Policy 8.6.1: The County shall meet with officials of the Florida Department of Transportation, the City of LaBelle, and the Southwest Florida Regional Planning Council to determine the necessity for and form of a Special Transportation Area for parts of the City of LaBelle

and adjacent unincorporated areas on SR 29 and SR 80.

Policy 8.6.2: The County shall coordinate the planning process for system-wide facility needs with the Florida Department of Transportation, the City of LaBelle, the City of Clewiston, and the Southwest Florida Regional Planning Council.

Policy 8.6.3: The County shall annually exchange copies of any adopted transportation improvement programs and budget with the Cities of Clewiston and LaBelle and adjacent counties.

Policy 8.6.4: The County shall meet annually with the City officials in Clewiston and LaBelle to coordinate traffic planning and road projects for the coming year.

Policy 8.6.5: Each year the County shall meet with representatives of the agricultural community to discuss and prioritize specific transportation and traffic circulation needs relative to future growth in agricultural development in Hendry County.

Policy 8.6.6: The County shall review any future development proposals and traffic improvement projects for consistency with the FDOT 5-Year Transportation Plan.

OBJECTIVE 8.7: Provide for protection of existing and future rights-of-way from building encroachment.

Policy 8.7.1: Fully respecting private property rights, the County shall provide for adequate building and other structural setbacks with the Land Development Code so that land uses along the highways after expansion will be compatible with right-of-way boundaries.

Policy 8.7.2: The County shall continue to coordinate with the Florida Department of Transportation to determine the right-of-way necessary for the improvements included on FDOT's funded construction plans or projects.

Policy 8.7.3: The County shall maintain an inventory of the County road rights-of-way to support future traffic planning studies.

Policy 8.7.4: The County shall develop criteria and policies for preservation of existing rights-of-way and acquisition of future rights-of-way in accordance with the Priority Needs Plan as identified in the LRTP.

OBJECTIVE 8.8: Establish development regulations for protection of existing roadways from future congestion and hazards from future development on County and State roads.

Policy 8.8.1: The Land Development Regulations shall include Access Management criteria and provisions controlling the number and spacing of access points (entrances and exits, driveways and other roads) onto principal and minor arterials, rural major and minor collectors, and local roads by such means of required separation, frontage roads, shared access, and similar features. These regulations shall be in accordance to FDOT standard practices defined in Rule 14-96 and 14-97.

OBJECTIVE 8.9: The County shall provide for efficient, safe, and convenient on-site and nearby traffic

flow for proposed developments.

Policy 8.9.1: The County shall enforce off-street (on-site) vehicle parking requirements through the Land Development Code to ensure that needed parking for proposed new and expanded commercial, industrial, and multiple family residential developments are contained on-site through adequate numbers of usable parking spaces.

Policy 8.9.2: The Land Development Code shall include provisions requiring bicycle parking to be provided on-site for proposed new and expanded commercial and multiple family residential developments.

OBJECTIVE 8.10: The County shall provide for bicycle and pedestrian ways in proposed traffic projects, in accordance with adopted comprehensive pathway plan.

Policy 8.10.1: Proposed new roads or improved roads classified as rural minor collectors or local roads shall be designed to accommodate bicycle and pedestrian circulation separate from motorized vehicle traffic if such road is located within one-half mile of a boundary line of the City of Clewiston or the City of LaBelle, and if in the opinion of the County Engineer, bicycle and pedestrian traffic can be provided so that the safety of the bicyclist and pedestrian can be reasonably assured.

Policy 8.10.2: Bicycle paths and pedestrian sidewalks or trails shall be required for major arterials, minor arterials, and rural major collectors. They shall be designed in accordance to FDOT Design Standards.

OBJECTIVE 8.11: The County shall coordinate with the Florida Dept. of transportation regarding the future widening of SR 82.

Policy 8.11.1: By July 2008, the County shall update its Long Range Transportation Plan showing SR 82 as a 6-lane arterial.

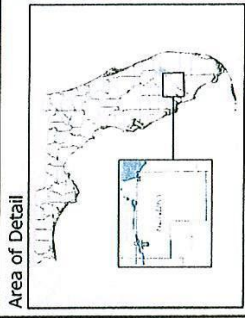
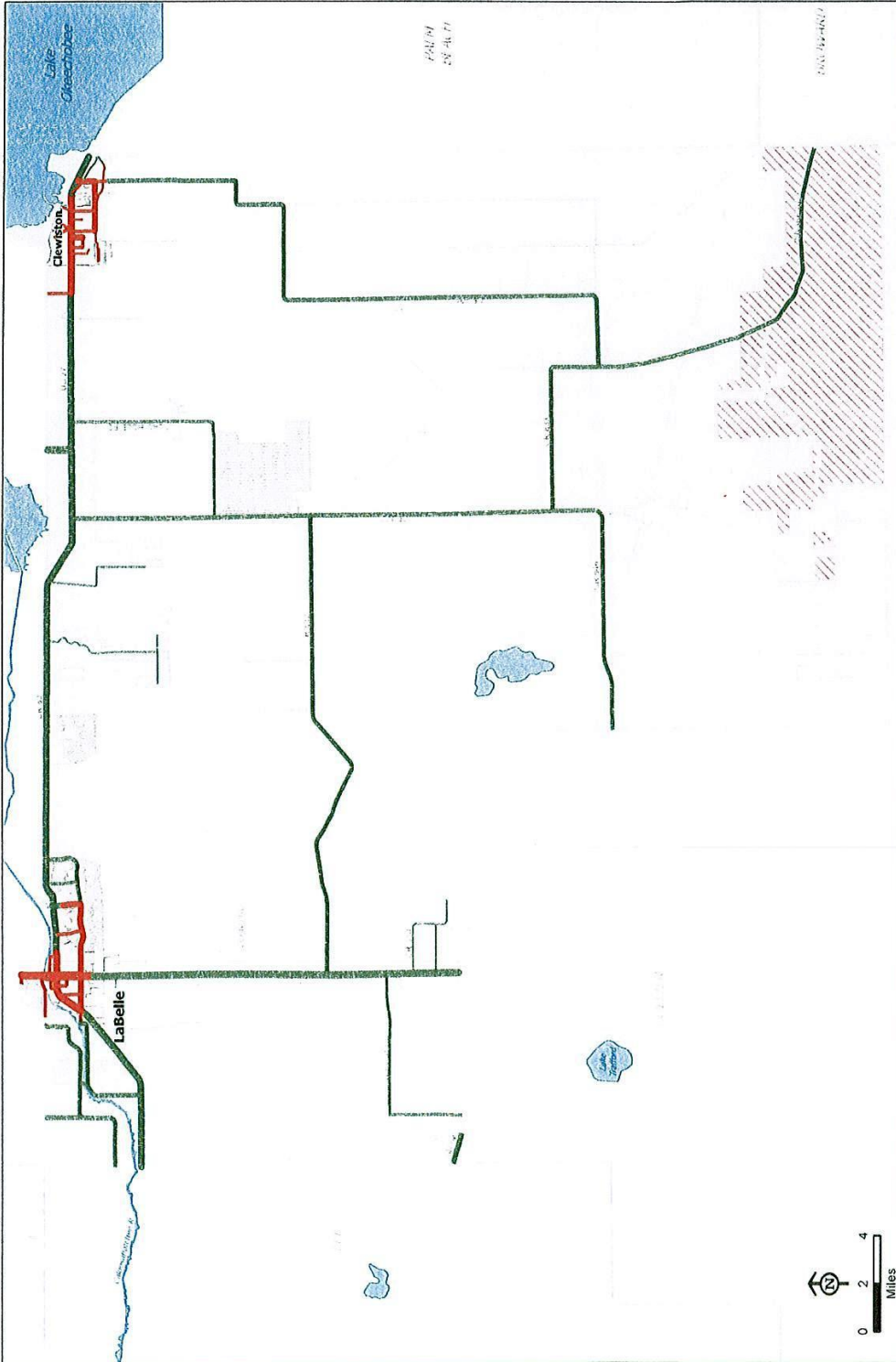
Policy 8.11.2: Hendry County shall coordinate with the FDOT regarding the SR 82 Project Development and Environmental (PD&E) Study.

Policy 8.11.3: The FDOT has initiated a Corridor Access management Plan (CAMP) for SR 82 with Class 2 access. The Class 2 access requires that parallel facilities be provided to SR 82, which would provide interconnection between adjoining parcels and limits the access connections to SR 82. The Hendry County Board of County Commissioners, on January 9, 2007, unanimously agreed to have an ordinance prepared which would require property owners, who develop property along SR 82, to construct parallel facilities in order to provide interconnectivity, limit access to SR 82, and to comply with the requirements of the CAMP.

OBJECTIVE 8.12: The County shall pursue funding sources for transportation facilities from federal, state, and local sources.

Policy 8.12.1: The County shall work with FDOT, the Cities of LaBelle and Clewiston, and other interested parties to secure available federal and state grants.

- Policy 8.12.2:** The County shall promote public/private partnerships that benefit public interests to fund transportation system improvements.
- Policy 8.12.3:** The County shall encourage interlocal agreements between the County and the Cities for shared maintenance responsibilities on selected roadways and to ensure connectivity within Hendry County and to surrounding counties.
- Policy 8.12.4:** The County shall continue to work to assure access to major thoroughfares including, but not limited to, bridges and the Caloosahatchee River. This program shall include a provision to work cooperatively with agencies to establish, where feasible, panther and wildlife crossing plans.
- Policy 8.12.5:** The County shall conduct a review through its Engineering Department of the truck traffic on County roadways.
- Policy 8.12.6:** The County shall continue to work with appropriate agencies to improve transportation safety through road design and address pedestrian and bicycle access and safety, sidewalks, traffic calming techniques, and public transit.
- Policy 8.12.7:** Improve the functional area coverage of the bicycle and pedestrian facility network through inclusion of bikeways in road construction projects, and through greenways.
- Policy 8.12.8:** Encourage improved access to development through the provision of bicycle facilities at appropriate locations.
- Objective 8.13:** The transportation planning process shall involve public participation, and continuing involvement of the public.
- Policy 8.13.1:** The County shall provide the opportunity for citizens to voice their opinions and views in response to transportation issues.
- Objective 8.14:** The County shall preserve existing railroad systems and promote safe railroad crossings.
- Policy 8.14.1:** The County shall participate in studies sponsored by FDOT and in the neighboring counties that evaluate improvements to freight rail service in Hendry County.
- Policy 8.14.2:** The County shall upgrade existing crossings to conform to current FDOT Design standards.



HENDRY COUNTY TRAFFIC CIRCULATION PLAN - 2040

Functional Classification

- Local - Urban
- Local - Rural
- Minor Collector - Rural
- Collector - Urban
- Major Collector - Rural
- Minor Arterial - Urban
- Minor Arterial - Rural
- Principal Arterial - Urban
- Principal Arterial - Rural

Data Source:
Florida Department of Transportation (FDOT), February 2010

Note:
County is using FDOT Functional Classification data for roadway shown on this map but not included in the County roadways shown on this map but not included in the Functional Classification system reflect inconsistencies between the Hendry County and FDOT data.

Base Map Elements

- Municipality
- County Boundary
- American Indian Lands
- Water Bodies
- Other Roadways

Map 1: Hendry County Traffic Circulation Plan - 2040
Functional Classification - State and County Roadways



Base Map Data Source:
Florida Geographic Data Library (FGDL)
Downloaded June 2010

Map Information:
Map Date: 2010
Prepared by: Hecropkin, LLC

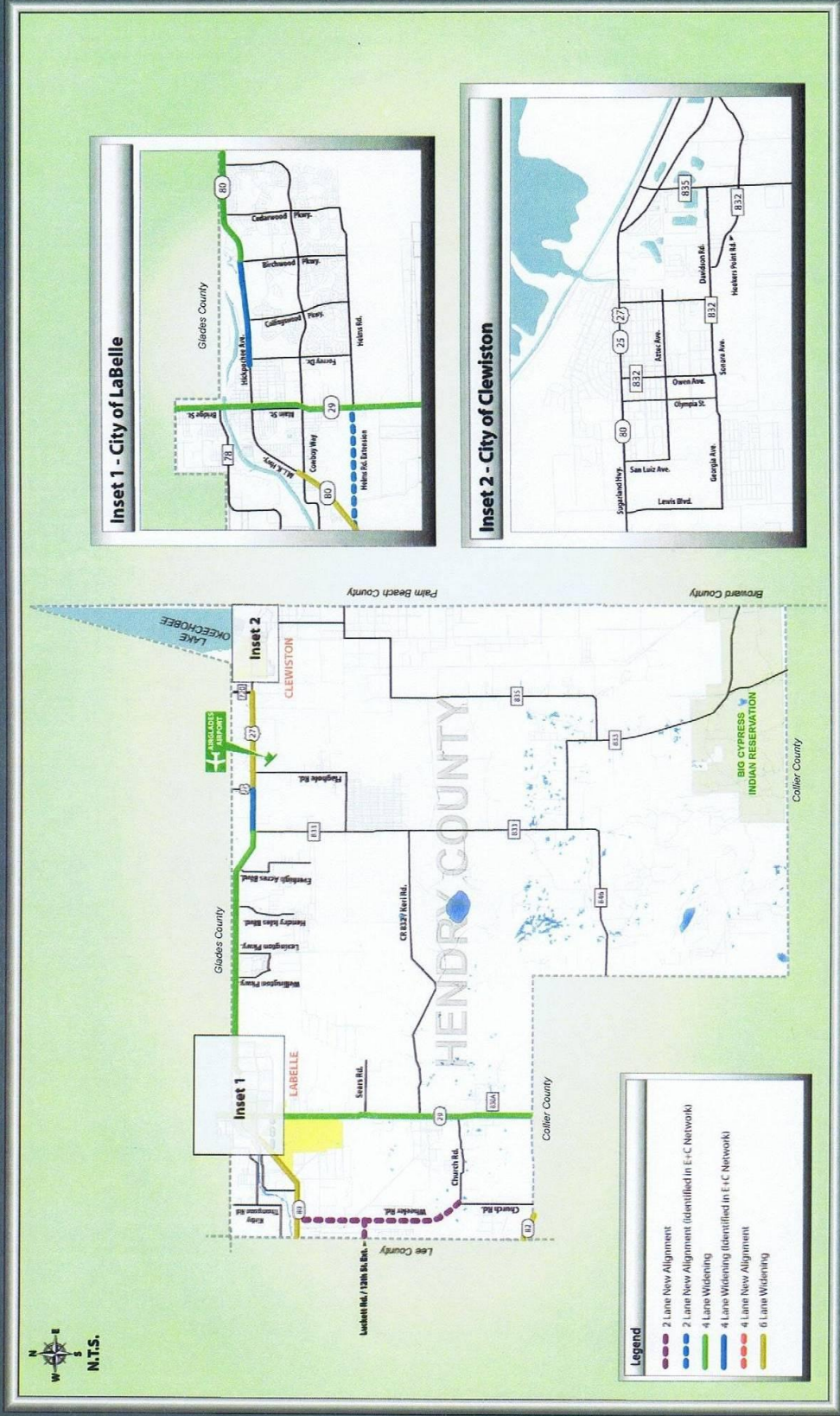
Disclaimer: The data contained in this map were current at the time of map production, based on metadata provided by FGDL. Updates to the data are outside of the control of Hecropkin, LLC. Hecropkin, LLC is not responsible for any errors and areas depicted on the map should not be assumed to be accurate to surveying or engineering standards. Hecropkin, LLC disclaims any and all legal responsibility for the information contained on this map.



Alternative 1

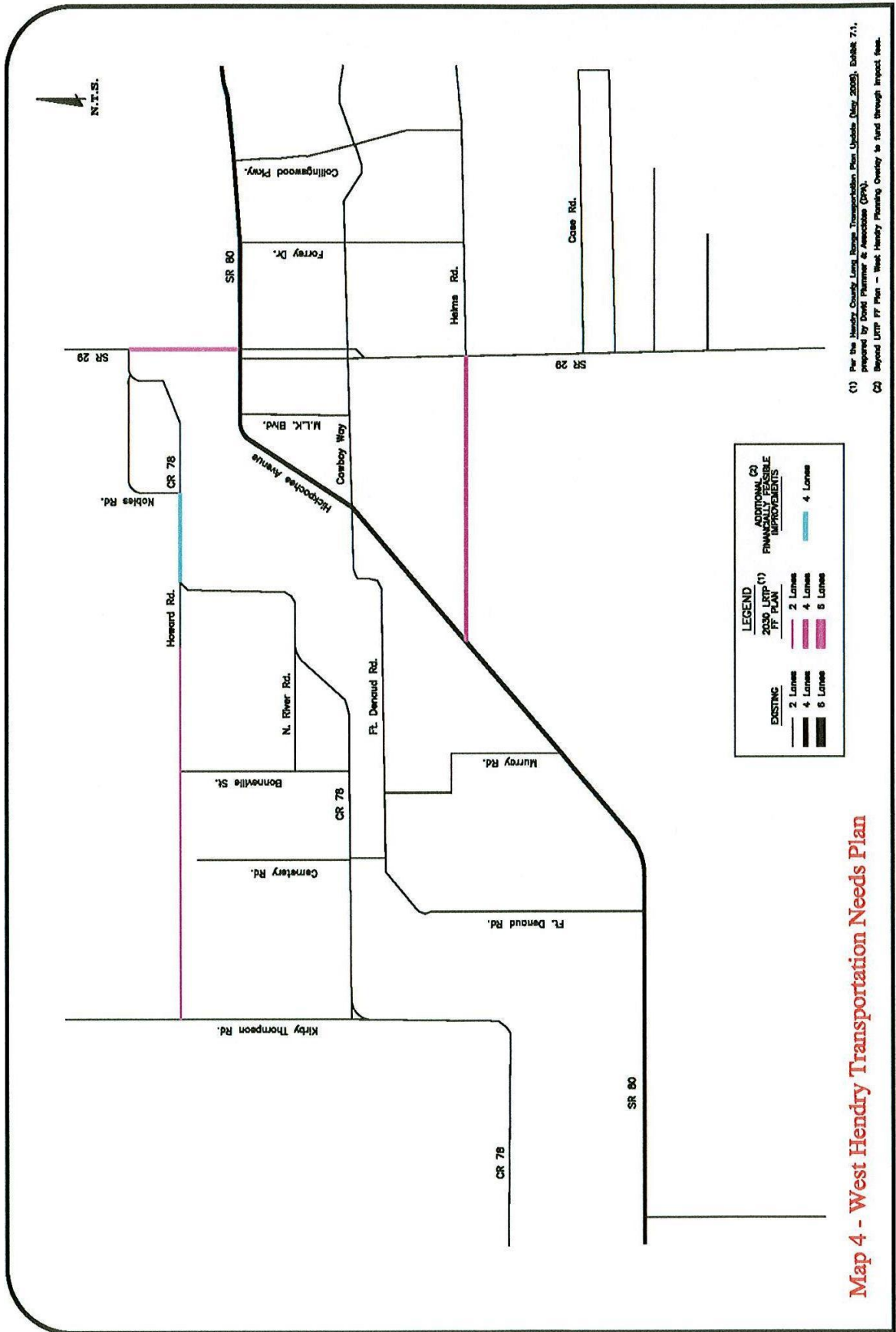
Map 2: Hendry County Long Range Transportation Needs Plan 2040





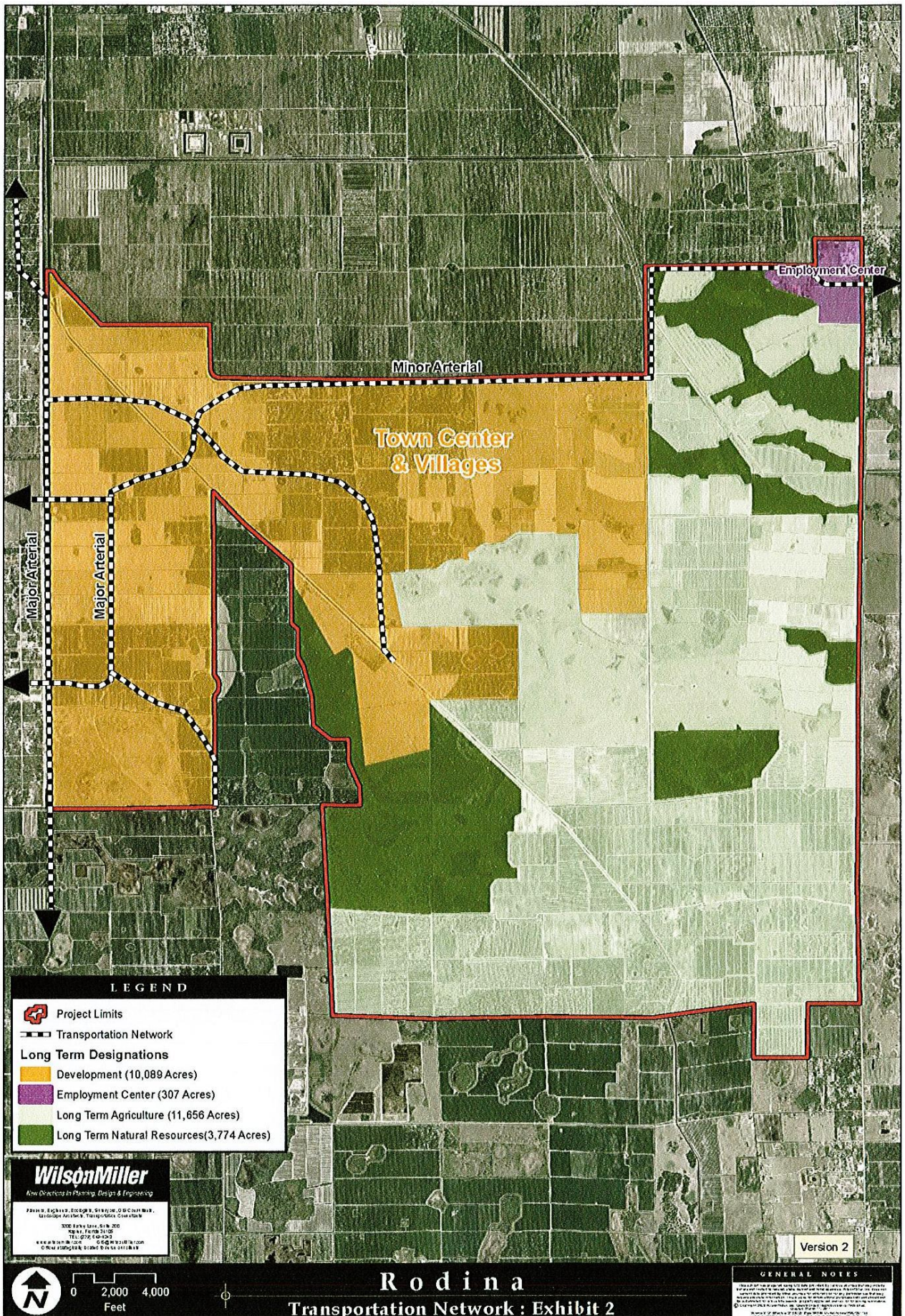
Map 3: Hendry County Long Range Transportation Needs Plan 2040





(1) Per the Hendry County Land Usage Transportation Plan Update (May 2005), Exhibit 7.1, prepared by David Plummer & Associates (DPA).
 (2) Beyond LTRP 2050 Plan - West Hendry Planning Overlay to fund through Impact Fees.

Map 4 - West Hendry Transportation Needs Plan



Rodina
 Transportation Network : Exhibit 2

CHAPTER 7: CONCURRENCY MANAGEMENT ELEMENT:

Since the 1999 EAR-based amendments to the Comprehensive Plan, Hendry County has established a Concurrency Management System (CMS) to ensure that public facilities are available to meet the needs of existing and proposed development. The CMS establishes minimum Level of Service (LOS) standards that must be maintained by required infrastructure systems and public facilities throughout the County. These LOS standards are reviewed and addressed as part of all new development and construction applications to ensure that acceptable levels of service are maintained.

Hendry County's CMS has LOS standards for Potable Water, Sanitary Sewer, Solid Waste, Stormwater Management (Drainage), Parks and Recreation, and Transportation (Roadway). Additionally, amendments to the State of Florida's Growth Management Laws have added School Facility Planning as a required concurrency element, which is further discussed in Chapter 4.

These LOS standards are referenced throughout the Comprehensive Plan, and have been codified in Chapter 1-57 of the Hendry County Land Development Code (LDC). The Capital Improvements Element is updated on an annual basis in order to monitor facility needs, identify any existing or projected deficiencies, and program required improvements to correct those deficiencies. As part of this annual update, the County is required to adopt a Capital Improvements Program (CIP) that outlines the funding of planned infrastructure improvements. The CIP must be financially feasible, in that the County must be able to demonstrate existing funding sources are available to pay for the necessary and proposed improvements.

Hendry County's Concurrency Element does not currently include a specified goal. Therefore, it is recommended that the following goal be established to guide the main purpose of the Concurrency Element.

Goal, Objectives and Policies

GOAL 9: In addition to the basis for the County's Concurrency Management System as outlined in this Section, individual objectives and policies established to support and implement the concurrency doctrine are as follows.

OBJECTIVE 9.1: The County, through its staff members, will continue to review all development plans for concurrency as a means to ensure that proposed land development including building construction does not impose unacceptable demands on the existing and planned infrastructure of the County such that established levels of service standards are exceeded.

Policy 12.1.1: The concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by adding any capacity demands committed and approved prior to, and subsequent to, the adoption of the Comprehensive Plan, then subtracting that total from the design capacity of the facility; the remaining is the capacity available to serve proposed development projects.

Policy 9.1.2: The public facility level of service standards are listed below. The levels of service standards pertain to unincorporated Hendry County only unless otherwise specified.

A. Roadways:

Arterials and collectors located within urban Hendry County shall maintain LOS C. This shall specifically apply to the roadway segments in LaBelle and Clewiston.

All multi-lane segments of State roads in rural Hendry County shall have the LOS Standard of “B” at peak hour. The minimum acceptable level of service for two lane State roadways is as follows:

<u>Road</u>	<u>Type</u>	<u>Minimum LOS at Peak Hour</u>
SR 80	FIHS	C
SR 82	Emerging SIS	C
SR 29	Emerging SIS	C

LOS for all County Roads is “C.”

Recreation and Parks:

- Regional Parks - 20 acres/1000 population (250 acres minimum)
- Community Parks - 2 acres/1000 population (20 acres minimum)
- Neighborhood Parks - 2 acres/1000 population (5 acres minimum)

Solid Waste: 6.5 pounds per capita per day

Potable Water:

The LOS Standard for determining the availability of adequate treatment capacity for proposed development in areas where a centralized water system is available shall be established as follows:

Clewiston:	125 gallons per person per day
LaBelle:	125 gallons per person per day
South Shore Water Association:	125 gallons per person per day
Port LaBelle Utility System:	92 gallons per person per day
Florida Governmental Utility Authority:	125 gallons per person per day
Hendry County (unincorporated):	125 gallons per person per day

Sanitary Sewer: 115 gallons per capita per day

Private, on-site disposal systems shall meet or exceed the requirements set by the Florida Department of Health, Chapter 62-4, F.A.C.

Stormwater Management:

- a. For agricultural uses, the LOS Standard shall be the requirements of the South Florida Water Management District and the standards of the local water management district in which the proposed agricultural use is located.

- b. Conveyance Systems - All drainage swales and ditches shall be designed to convey the runoff generated from a 25-year, 24-hour storm event. On collector roads, culverts and cross-drains shall convey the runoff from a 10-year, 24-hour storm. On local roads and internal subdivision roads, culverts and cross-drains shall be designed to convey the runoff from a 10-year, 24-hour storm.
- c. Stormwater Management Systems - for development in commercial, urban residential, mixed-use urban land uses districts. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 25-year, 24-hour storm or detain and discharge the runoff from a 25-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
- d. Stormwater Management Systems - for development in all other land use districts. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 5-year, 24-hour storm or detain and discharge the runoff from a 5-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
- e. Water Quality - Water quality treatment shall be provided for runoff from the first one-inch of rainfall; or as an option, for projects or project sub-units with drainage areas of less than 100 acres, from the first one-half inch of runoff consistent with Chapters 62, F.A.C., and shall be used as the basis for determined the availability of capacity and demand generated by a proposed development project.

Policy 9.1.3: All development and/or redevelopment activities shall be undertaken in a manner consistent with adopted level of service standards.

Policy 9.1.4: The County shall issue Development Orders only when there is enough capacity from all the facilities to serve the project at the adopted level of service standards.

Policy 9.1.5: Prohibit the installation of septic tanks or individual well systems where unsuitable soil exists and require all new developments that are located within an urban service area to be served by the central wastewater system and central potable water.

Policy 9.1.6: The County Engineer will inform applicants concerning the items necessary for an assessment of the proposed development to meet concurrency standards. Services that are within a municipality's jurisdiction will be coordinated with the County to ensure available services. In no way shall proposed developments be approved if capacity is insufficient.

Policy 9.1.7: The County shall conduct a capacity and supply and demand analysis when a facility has reached ninety percent (90%) of its capacity. When this occurs, engineering for the new facility shall be prepared.

The following standards shall apply to the use of the infrastructure deficiency map in reviewing development applications:

- a) All applications for change in zoning and preliminary plat approval, shall be reviewed to determine if the facilities serving the area in which the development is located meets the level of service standards shown herein. The results of this review shall be presented to the applicant, to the Local Planning Agency and/or to the Board of County Commissioners at the time of their consideration of the application for preliminary approval. Where review of an application for approval by the Local Planning Agency or Board of County Commissioners is not required, the results of the concurrency review shall be presented to the applicant and to any other reviewing/approving authority.

The purpose of the concurrency review and report at the preliminary review stage shall be: (1) to explicitly place the applicant and the reviewing/approving authority on notice as to the status of the proposed development vis-a-vis concurrency, and; (2) to explicitly advise the applicant that no final approval may be issued if the concurrency requirement is not met. Failure of the proposed development to meet the concurrency requirement at the time of preliminary review or approval shall not prevent the submission of final plans for approval, but no preliminary approval shall be interpreted as creating any right to obtain final approval unless the application for final approval meets all requirements of this Plan, including the concurrency requirement.

- b) All applications for final approval, including applications for final subdivision plat approval, site development plan and site improvement plan approval, construction plan approval, change of zoning where a specific enforceable plan of development is included, and/or a final development order for a Development of Regional Impact or other final approval which constitutes specific approval of uses and densities shall be reviewed to determine if the facilities serving the area in which the development is located meet the level of service standards herein. No such application may be approved unless the infrastructure is found to be adequate.
- c) Where no change of zoning, subdivision approval, site development plan approval, or other approval is required, the concurrency determination shall be made at the time of building permit review. No building permit shall be issued unless the facilities serving the area in which the development is located meet the level of service standards herein.

In the event that the property in question is within an area in which the infrastructure is inadequate to meet the established level of service standards, approval, if granted shall be issued conditioned on the provision that infrastructure is in place or under construction within three years after the local government issues the development order.

Policy 9.1.8: Development orders or permits and building permits issued prior to the adoption of the Comprehensive Plan shall generally be exempt from the Level of Service Standards provisions of this Comprehensive Plan, provided that active development of the project is in accordance with the provisions of Objective 9.1, Policy 9.1.2, of this Element.

OBJECTIVE 9.2: Hendry County shall coordinate land use decisions with its financial capability to meet level of service standards, manage the land development process so that facility needs created by permitted development do not exceed the financial ability of the County, and

identify the extent to which future development will be required to contribute to its proportional cost of facilities necessary to meet LOS standards through the accomplishment of the following policies:

- Policy 9.2.1:** The Future Land Use Map is developed to coincide with the availability of public facilities and/or natural resources such that new facilities are not necessarily required for new development. The Land Development Code, includes provisions to ensure that such policy is continued with the zoning map and regulations, and related land use decisions, such as in the review of special exceptions and zoning changes.
- Policy 9.2.2:** The County shall assess the impacts of land use changes on bicycle and pedestrian use.
- Policy 9.2.3:** The Land Development Regulations and the Concurrency Management System shall require that any proposed developments requiring public facilities not available concurrent with the impacts from the development, or which impacts would cause performance of a facility to fall below the Level of Service Standards, shall not be permitted unless facilities meeting the Level of Service Standards are provided by the developer.
- OBJECTIVE 9.3:** To ensure that future growth is supported by adequate infrastructure, identify a master list of infrastructure improvements that may be required through the planning horizon of the Comprehensive Plan, and to provide a process by which infrastructure improvements are added to the Capital Improvement Program (CIP) and Capital Improvement Element (CIE).
- Policy 9.3.1:** Hendry County shall prioritize those infrastructure improvements that support and promote sustainable development. Hendry County shall continue to use the infrastructure planning, comprehensive planning, and development review processes to establish and maintain a master list of infrastructure improvements necessary to support sustainable growth.
- Policy 9.3.2:** Hendry County has compiled a master list of infrastructure improvements that may be necessary to support future sustainable growth through the 2040 planning horizon of the Comprehensive Plan.
- Policy 9.3.3:** Hendry County shall review its infrastructure improvement needs, as required and at a minimum during each Evaluation and Appraisal Report update process, to be consistent with projected growth rates and demand associated with approved development.
- Policy 9.3.4:** Hendry County shall utilize public and private sources of funding to ensure the financial feasibility of infrastructure improvements, as they become necessary to accommodate future development.
- a. Hendry County shall not assume sole responsibility for funding infrastructure improvements.

- b. Hendry County shall prioritize infrastructure improvements funded by developer contributions and other non-County sources.
- c. Hendry County shall commit to funding infrastructure improvements only when public resources are available and the improvements are required to ensure public health, safety and welfare.

Policy 9.3.5: As specific infrastructure improvements become required to support approved development, and a determination of financial feasibility has been made by Hendry County based on a developer agreement or other acceptable mechanism, the County shall amend its CIP to include the infrastructure improvement. The improvement also shall be programmed into the CIE during the next feasible CIE-amendment cycle.

CHAPTER 8: CAPITAL IMPROVEMENTS ELEMENT

GOALS, OBJECTIVES AND POLICIES

I INTRODUCTION

The purpose of the Capital Improvements Element is to bring required capital improvements programming directly into the Plan in order to assure infrastructure is available to implement plan objectives. The Comprehensive Plan is required to be financially feasible. The Capital Improvements Element assures this feasibility.

The Capital Improvements Element is less than a complete capital improvements program since it includes financial programming only for the limited infrastructure required by the Growth Management Act. The Capital Improvements Element may be used as an integral tool to guide, direct, and limit growth.

The infrastructure applicable for needs analysis by Hendry County according to the Growth Management Act includes roads, sanitary sewer, potable water, solid waste, drainage, and recreation/open space. Financial programming is required for the actual infrastructure among these for which Hendry County has fiscal responsibility, and these include roads, solid waste, drainage, and recreation and open space.

II STATE REQUIREMENTS

In accordance with the “Local Government Planning and Land Development Regulation Act” (the Growth Management Act, Chapter 163 F.S.), the general purposes of the data analysis for the Capital Improvements Element of the Hendry County Comprehensive Plan are to:

- Evaluate the need for public facilities as identified in the other elements;
- Estimate the cost of needed improvements for which Hendry County has fiscal responsibility;
- Analyze the fiscal capability of the County to finance and construct improvements;
- Adopt financial policies to guide the funding of improvements;
- Schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on the needs identified in the other elements; and
 - Include the requirements to ensure that an adequate Concurrency Management System will be implemented by Hendry County.

The basic data required by the above State regulations to accomplish these purposes include:

- The public facilities needs identified in the other elements of the Comprehensive Plan;

- The identification of education and health systems service areas and locations; and
- An inventory of existing revenue sources and funding mechanisms for capital improvement financing.

The State required data analyses include:

A. Current Hendry County practices that guide the timing and location of construction, extension, or increases in capacity of each public facility.

B. General fiscal implications of:

- * Existing facilities needs;
- * Future needs for each type of facility;
- * Relative priority of needs among facility types;
- * Analysis to include support of Future Land Use Element.

C. Costs of needed capital improvements for:

- * Mitigation of existing deficiencies;
- * Replacement;
- * New growth needs pursuant to Future Land Use Element; and
- * Basis of cost estimates.

D. Impact of new or improved public educational and public health care systems and facilities on the provision of infrastructure.

E. The use of timing and location of capital improvements to support efficient land development and the Goals, Objectives, and Policies of the Future Land Use Element.

F. Consideration of State agency and South Florida Water Management District plans for public facilities within Hendry County.

G. Assessment of Hendry County's ability to finance capital improvements based upon anticipated population and revenues, including:

- (1) 5-Year forecasting of revenues and expenditures;
- (2) Projection of current bond debt service;
- (3) Projection of ad valorem tax base, assessment ratio, and mileage rate;

- (4) Projection of other tax bases and revenues;
- (5) Projection of operating costs considerations;
- (6) Projection of debt capacity.

III GUIDING THE TIMING AND LOCATION OF PUBLIC FACILITIES

Hendry County currently is utilizing capital improvements planning or programming for the provision of public facilities under its fiscal responsibility (for the purposes of the Comprehensive Plan requirements, including roads, solid waste, drainage, and parks). In addition, annual capital expenditures are budgeted during the County's annual budget process. The County's limited resources are applied on a basis of prioritizing emergencies first, and then meeting the most salient needs for repairs, maintenance and replacement, especially concerning safety.

Because these improvements are generally needed in areas of highest use, the location of projects typically are the populated residential areas and areas of greatest use by the public. Once these more demanding needs are met, then the County can focus on other more general needs. Most of these concern road projects, which includes asphaltting dirt roads or extending some segments to accommodate better traffic flow. Drainage problems are also addressed. Most of these projects are minor in scope because of the limited resources. Nearly all such projects are located in the most populated areas or areas of greatest use by the public.

Generally, the timing and location of public facilities, and using timing and location as a tool to support efficient land development has been through this priority process and through the land development regulations. Land subdivisions and other developments by ordinance cannot be developed without the provision of facilities included as a part of development plans. Developments are not permitted unless in an area that can provide such facilities. Even developments in areas without central sewer and potable water must provide adequate wastewater disposal and potable water. The soils must be adequate to support septic tanks and groundwater must be available to support the proposed development. Adequate traffic circulation and road access is required.

IV PUBLIC FACILITIES NEEDS/FISCAL IMPLICATIONS

The Hendry County Data Analysis and the previous elements of this Comprehensive Plan describe the public facilities in Hendry County and present analyses of their capacities for providing services to the existing population, and for serving projected future growth. The emphasis is to support the Future Land Use Element.

V STATE ROADS

The Florida Department of Transportation (FDOT) is the entity responsible for State maintained roads in Hendry County including SR 80, SR 29, and CR25/US27 that are the main thorough fares in the county and carry the heaviest traffic volumes. The following represents:

The FDOT has provided Hendry County with historic traffic count data and future year projections for several traffic count stations on State roads in Hendry County. These volumes were used to estimate existing volumes and levels of service and projected 2011 volumes and levels of service on the State roads in Hendry County.

- The two-lane section of SR 29 between CR 78 and SR 80, which includes the bridge across the Caloosahatchee River, is currently over capacity and will remain over capacity through 2011. The State is aware of this problem and has taken the first step toward providing the needed improvement by scheduling a Project Development and Environment (PD& E) Study in FY 2009/10.
- The two-lane section of SR 29 between Cowboy Way and Helms Road, which currently operates at an acceptable level of service, is expected to exceed the State's level of service standard by 2011. Although the widening of this segment of SR 29 is not currently in the State's five-year Work Program, the County has programmed the construction of the Helms Road Extension from SR29 to SR 80. The Helms Road Extension will divert traffic off this section of SR 29 by providing a more direct route for traffic traveling between SR 29 south of La Belle and SR 80 west of La Belle. A PD&E Study is currently underway for this extension.
- The two-lane section of SR 80 between Clark Street and Birchwood Parkway, which currently operates at an acceptable level of service, is expected to exceed the State's level of service standard by 2011. This section of SR 80, however, is scheduled for construction in FY 2009/2010 in the FDOT Adopted Work Program.

VI COUNTY ROADS

Traffic counts collected by Hendry County between 2002 and 2006 were used to establish traffic growth trends through the year 2011. The projected 2011 volumes were used to estimate levels of service in 2011. This analysis did not reveal any level of service deficiencies on County roads in 2011.

Additional data available from the County and the best professional evaluation by the County Engineer were used to identify other deficiencies in the County road network. These deficiencies include the needs for some County road resurfacing, some road widening and reconstruction, some drainage improvements, and some paving of roads not previously paved.

VII SANITARY SEWER

There are three centralized sanitary sewer systems in Hendry County; the City of Clewiston, the City of LaBelle, and Port LaBelle (large unincorporated planned community/DRI).

The Clewiston system serves the City and portions of the unincorporated area south and east of the City. The LaBelle system primarily serves the business community and some residential areas within the City. The Port LaBelle system serves the planned community, which includes primarily residential with some commercial uses, schools, and related uses.

Analyses of these systems indicate that all of them have adequate treatment plant capacities to serve the growth of the Cities and County through the year 2011. Some line extensions will be necessary to serve the anticipated growth areas around these systems, but none of the systems plan to construct the extensions themselves. These extensions will occur on an as-needed basis, and will be financed by the developers involved.

Projected growth outside the service areas will depend upon pending Comprehensive Plan Amendments. New development in the outlying areas will primarily be served by on-site septic tank systems.

VIII Potable Water

There are several centralized potable water systems in Hendry County; the City of LaBelle, Port LaBelle, the U.S. Sugar Corporation, which provides treated potable water to the City of Clewiston, and the South Shore Water Association distribution systems.

All of these systems have adequate treatment capacity for projected growth in and around their service areas through the year 2011. Some line extensions will be necessary to serve the surrounding projected growth areas of the County, and these extensions will be developer funded, not planned extensions of the systems.

As discussed in the sanitary sewer section above, projected growth in areas outside the potable water systems service areas is not substantial, and new development in the outlying areas will primarily be served by private on-site wells. Should a farmworker housing community be proposed for the outlying areas, such development would probably be served by a mix of private wells and small treatment plant. Any central systems would be developer funded.

IX Solid Waste

The Hendry County Landfill facility which served the entire County was closed in 1992. The facility was located in Pioneer Plantation and had a life span of 40 years; however, it only lasted 32 years. Hendry County was exempted from the 1988 Solid Waste Management Act which required a 30% reduction of solid waste going to landfills because of its population size. Since the closure of the Pioneer Plantation facility, the

County has been transporting its solid waste to the Lee County landfill. An intergovernmental agreement was signed by both counties for the disposal of Hendry County's solid waste and will expire in 40 years, or until the Hendry-Lee County landfill is operational. Since the closing of the Hendry County Landfill, Lee County has been responsible for the disposal of Hendry County's solid waste. However, one of the major problems associated with this arrangement has been the low tipping fee charged by Hendry County to drive-in customers. Due to the low costs, Lee County is receiving waste from other entities outside of Hendry County such as Glades County and even parts of Palm Beach County. Typically, the disposal site will charge an average of \$25.00 to \$35.00 per vehicle to dump. In Hendry County's case, only \$10.00 is charged making it extremely economical for haulers to dump at the landfill.

The pounds per capita per day (PPCD) rate of solid waste disposal in Hendry County was 5.9 PPCD. The Board, however, adopted a Level of Service of 6.5 pounds per day. This rate has remained relatively unchanged since the last planning period. However, the rate was expected to rise one percent per year. Through a county-wide recycling initiative, the anticipated rate per capita for disposal waste has been kept in check.

X STORMWATER MANAGEMENT FACILITY

The primary jurisdiction and concern over drainage by the County is in residentially developed areas, and in other areas in conjunction with roads. Currently no specific deficiencies have been identified for drainage under the County's jurisdiction, except as related to roads.

The County has Municipal Services Benefit Units (MSBU) in several, primarily residential, areas of the County with the intent to study, identify and correct drainage problems which may be found (the general purposes of these MSBUs also include some roads and street lighting).

Since adoption, the Comprehensive Plan has been amended to include the appropriate projects in the Schedule of Capital Improvements. Funding for these improvements will be via assessments on benefitting properties within the MSBUs.

XI RECREATION AND OPEN SPACE

Hendry County has fiscal responsibility for providing parks and recreation for the unincorporated area of the County. Utilizing the State standards for neighborhood parks, the County is somewhat deficient in this recreation category. By the end of 2005 the County would need to add approximately 20 acres to accommodate the population in the unincorporated area, and approximately three more acres by the end of the year 2010.

However, most of the County's population dwells in and around the incorporated Cities of Clewiston and LaBelle, and it is reasonable to view the provision of recreation facilities in coordination with the Cities from an "urban" perspective.

There are two established recreation MSBUs in Hendry County. One serves the west side of the county, one serves the east. These MSBUs are currently being used for operations, repairs and maintenance, and for more minor facilities. These MSBUs can generate sufficient funds to develop the additional neighborhood park acreage need.

Recreation facilities, which include the actual development of parks within the recreational acreage, are considered to be adequate for the present, but will need revisiting. The County will need to monitor and evaluate the existing facilities as it grows.

XII PUBLIC EDUCATION AND HEALTH CARE SYSTEMS

The State requirements under Rule 9J-5.016(1)(b) and Rule 9J-5.016(2)(d) include analyzing public education and health care facilities in the Capital Improvements Element for their possible impacts on the provision of infrastructure, although no other analysis is required for the other Comprehensive Plan Elements. The following discussions review these facilities.

A) PUBLIC EDUCATION SYSTEMS

The Hendry County School District provides for elementary and secondary education in Hendry County. The District teaching facilities are located in the incorporated areas of Clewiston and LaBelle, and the unincorporated area of Port LaBelle which lies just east of the City of LaBelle. Total enrollment in the system as of the end of the 1997-1998 school year was 7,206, with 4,036 in the Clewiston area and 3,170 in the LaBelle area. Annual increases in enrollment have been averaging approximately 2%-3% in the Clewiston area and 4%-5% in the LaBelle area.

According to the Hendry County School Board, several improvements are planned in both Clewiston and LaBelle. Presently, there are three elementary schools in the City of Clewiston which include Westside, Eastside, and Central Elementary schools. A fourth school is planned, but will not be constructed until the budget year 2000-2001. In the meantime, approximately 300 students are being schooled in a temporary holding center which is part of Clewiston Middle School. A new middle school was built in Clewiston and opened September 1998. At present, no new sites have been identified for new schools. Construction is occurring on existing sites. For example, in Clewiston as new buildings are constructed, the existing structures are being demolished.

In LaBelle there are two Elementary Schools, Country Oaks and LaBelle Elementary. A third elementary school was scheduled to open by the end of 1998, on the existing LaBelle Middle School site. There are two phases to this project in which both a new middle school and elementary school will be constructed on the same site. The middle school was completed by at end of 1998.

Funding for these projects is from the State P.E.C.O. fund and bond dollars. Additional funding will come from revenues generated by Pari-Mutual Race Track activities and property taxes.

B) PUBLIC HEALTH CARE SYSTEMS

There is one hospital in Hendry County, located within the City of Clewiston. There are currently no programs for new, expanded or improved facilities that would impact upon the infrastructure in Hendry County.

XIII EXISTING REVENUE SOURCES AND FUNDING MECHANISMS

Hendry County has the same range of capital improvements revenue sources and funding mechanisms available to all non-charter counties in Florida. The specific utilized sources and mechanisms are presented below.

A) Ad Valorem Tax

The State limits Hendry County to 10 mills for this general taxing authority. The 2006-07 budget is based upon a total of 6.5 mills on a tax base of approximately \$2.7 billion. The County has the authority to use the Ad Valorem tax to fund capital improvements, but all of these taxes (and more) are required to operate the County government. None of the proceeds from the Ad Valorem tax is currently being utilized for capital improvements.

Over the years many counties, including Hendry County, have relied heavily on ad valorem taxes for most financing of all types of government operations and activities. This trend is changing, and other sources of revenue geared more to service users are growing in use.

B) STATE REVENUE SHARING

The funds from this source are from revenues collected by the State of Florida, including cigarette, intangible and motor fuels taxes. The funds are distributed to the County by formula based on County population, unincorporated area population, and sales tax collections. There are two parts to this revenue sharing: one which may be used for locally determined uses and another which can be pledged for bond and related debt retirement. Hendry County receives and utilizes funds for both. The amount budgeted for 2006-07 is \$14.68 million.

C) HALF-CENT SALES TAX

Basically one-half cent on each dollar of retail sales is collected by the State and distributed within the county in which the sales occurred. This distribution is carried out by formula and divided among the unincorporated county and the incorporated cities. These are general use funds-budgeted to yield \$2,908,906 for Hendry County for the 2006-2007 year.

D) LOCAL OPTION SALES TAX

Hendry County has adopted this surtax pursuant to the "Local Government Infrastructure Commitment Act." The levy collected may be used only for infrastructure which is defined by the Statute as "any fixed capital expenditure or fixed capital costs

associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of five or more years and any land acquisition, land improvement, design and engineering costs related thereto.” The 1988 Capital Improvements Revenue Bond has been paid off. The revenue amount for the 1992 bond series, which was used to build the courthouse, is budgeted for the 2006-2007 year at \$3,317,842.

E) GASOLINE TAXES

Another source of capital improvements funding includes the various gasoline taxes Hendry County receives. These are both locally and State imposed taxes. Most of these funds received by the County are appropriated to the County’s Road and Bridge Division, and are important sources of revenue. The State of Florida collects and distributes these funds to counties according to several methods, as follows:

- 1) The constitutional gasoline tax (fifth and sixth cents of State gasoline tax) is shared by the State with localities, and Hendry County is budgeted to receive approximately \$1,435,000 for the 2006-07 year.
- 2) The one-cent county gasoline tax levied by the State (formerly known as the seventh cent) is distributed to counties in the same manner as the constitutional gasoline tax. Hendry County is budgeted to receive \$635,000 in the 2006-07 year from this source.
- 3) The eighth cent of the State gasoline tax is included in the State Revenue Sharing mentioned under “State Revenue Sharing” above.
- 4) A one-cent voted gasoline tax was approved in Hendry County in 1983, and is budgeted to yield \$310,000 in the 2006-07 year.
- 5) The local option gasoline tax has been set by Hendry County ordinance at four cents, and been budgeted to yield \$1,115,000 for the 2006-2007 year.

F) PARI-MUTUEL (RACE TRACK) TAX

The amount of \$446,500 is distributed annually by the State to each of Florida’s counties. These funds are derived from a portion of pari-mutuel wagering at the various race tracks located in Florida. The amount distributed is limited by State statute, and funds remaining after the county distributions are transferred to the State’s general revenue fund. Within Hendry County a portion of these funds are allocated to the school district and the hospital authority. The County government receives a balance of approximately \$180,525 which is used for County jail bond debt service and the Construction I & S Fund.

G) OTHER STATE-SHARED REVENUES

The State of Florida also share revenues with counties from other sources, including beverage taxes, insurance license and premium taxes, mobile home license taxes, the oil and gas production taxes, and the solid mineral severance taxes. These

funds are distributed to the County based on various formula. The 1998-99 estimate for the total of these taxes is \$28,673.

H) SPECIAL ASSESSMENTS/TAXING DISTRICTS

A county is authorized by State statute to impose special assessments and establish special taxing districts for specific improvement projects. Revenue is produced for the projects from special assessments or taxes paid by those benefitting from the projects. Presently Hendry County has several Municipal Service Benefit Units (MSBU) which function to provide capital improvements in this manner. These include projects for drainage, fire protection, recreation, lighting, and some road work.

I) OTHER COUNTY REVENUES

The County collects funds from various other sources, such as franchise fees for solid waste collection and cable television, licenses and permits, fines, and charges for services (user fees). These funds may be pledged for various purposes. The County does not currently have facilities impact fees in place, but may consider using them in the future.

J) FEDERAL REVENUE

Federal funds may come to the County in various ways. In part such funds are for some federal mandates which cost the County money. Generally, federal funds are either 1) allocated to state agencies which administer the funds in the form of grants to the County, or 2) reserved at the federal agency level and disbursed to the local government. Basically these funds are grants for various purposes for which the County must qualify. Some of these are for infrastructure and may assist in the provision of capital improvements. The County has utilized some federal grant funds for infrastructure in the Harlem area just south of Clewiston.

For projects that qualify under federal guidelines, the County may be able to utilize federal grant funds for purpose of providing additional or improved infrastructure.

K) BONDS

A county may raise funds through the sale of bonds. Bonds essentially come in two forms: 1) general obligation bonds which are issued and backed by the “full faith and credit” of the county and are often repaid by ad valorem and other taxes; and 2) revenue bonds for which special arrangements are made for repayment (the project itself may be revenue producing). Hendry County has an outstanding bond for Port La Belle Utilities which operates as an enterprise fund and the balance is approximately \$3,955,000. However bonds are anticipated to total \$30 million for 2008-12 for County Building Improvements issued to finance improvements to the County Court and administrative complex, and some miscellaneous capital expenditures.

L) Road Impact Fees

The County adopted road impact fees on September 13, 2005 (Ordinance 2005-23) that became effective on October 1, 2005. The fees have not been budgeted for road improvements in the 2006-07 fiscal year, but will be included in subsequent years.

The ordinance is countywide and applies to the cities of Clewiston and LaBelle. Five districts have been created as trust funds for the five districts. These include: the area north of SR 80 and US 27, excluding the incorporated cities; the area south of SR 80 and west of CR 833; the area south of SR 80 and east of CR 833; and the cities of LaBelle and Clewiston.

To date, approximately \$350,000.00 has been collected from October 1, 2005.

XIV CAPITAL IMPROVEMENTS FINANCING ASSESSMENT

A) FIVE-YEAR PROJECTION OF REVENUES AND EXPENDITURES

1. PROJECTION OF AD VALOREM TAXES

Table 1 is a projection of ad valorem taxes based on the projected tax base and millage rate from historic trends. The estimated tax base for the unincorporated area is projected for the five years covered by the Capital Improvements Element.

1 PROJECTED AD VALOREM TAXES

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Tax Base ¹	\$18,048,862	\$20,825,610	\$23,945,610	\$27,215,868	\$30,282,937
Millage	6.5	7.5	7.5	7.75	7.5

¹ Projected for fiscal years 2008-2011.

Source: Hendry County Finance Department, 2006.

2. TOTAL PROJECTED REVENUES

Table 2 is a projection of the major revenues/expenditures over the next five years.

The projections in the table include revenues from special assessments, most of which are committed to existing projects or operations of the units.

It is presently anticipated that sufficient revenues from the recreation MSBUs will be available for funding needed park improvements in the years shown in the 5-Year Schedule of Capital Improvements. The timing of the recreation improvements is such that additional assessments can be established prior to needed improvements, if surpluses should need supplemented.

3. PROJECTED EXPENDITURES

Table 2 projects the major expenditures over the next five years

The Comprehensive Plan expenditures as presently known can be projected for the next five years. These total approximately \$61.6 million for road projects, parks, buildings, community facilities, cemeteries, water management, drainage, and utilities total just under \$32 million for the planning horizon. These are detailed in the Schedule of Capital Improvements.

TABLE 2
REVENUE/EXPENDITURE PROJECTIONS
FISCAL YEARS 2006-07 TO 2010-11
(Amount in millions)

FUND	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues (including cash balance forward)					
General	\$17.0	\$19.55	\$22.48	\$25.85	\$29.73
Fine/Forfeiture	\$0.50	\$0.52	\$0.54	\$0.56	\$0.58
Transportation	\$18.5	\$20.35	\$22.39	\$24.63	\$27.09
Various Improvement Districts/MSBU's	\$17.9	\$18.80	\$19.74	\$20.73	\$21.77
Bond Issues	\$4.12	\$4.05	\$33.98	\$31.41	\$28.58
TOTAL	\$58.02	\$63.27	\$99.13	\$103.18	\$107.75
Expenditures					
General	\$17.0	\$19.55	\$22.48	\$25.85	\$29.73
Fine/Forfeiture	\$0.50	\$0.52	\$0.54	\$0.56	\$0.58
Transportation	\$18.50	\$20.35	\$22.39	\$24.63	\$27.09
Various Improvement Districts/MSBU's	\$17.9	\$18.80	\$19.74	\$20.73	\$21.77
Bond Issues ¹	\$4.12	\$4.05	\$33.98	\$31.41	\$28.58
TOTAL	\$58.02	\$63.27	\$99.13	\$103.18	\$107.75

Notes:

1. Bond issue commences in 2009-10 for new public buildings.

Source: Hendry County Finance Department, 2006.

(4) Projects outside five-year planning period

In order to address issues raised by DCA regarding all necessary capital improvement projects required to meet the projected demands by 2020, the anticipated projects for PLUS, the State Road 82 Mixed Use District and West Hendry from 2016 to 2020 are listed in Table 10A.

The projects included in this table include a PLUS expansion into the Floridan aquifer based on the results of Sandstone aquifer testing to be completed under the 5-Year Capital Improvement Projects. Costs for PLUS projects are based on sourcing an additional 0.65 MGD of finished water from the Floridan aquifer, while currently permitted Sandstone aquifer withdrawals continue to supply the remainder of the 1.2

MGD expanded system capacity. Disposal of brine concentrate from raw water treatment will occur via deep well injection. Pending conceptual project design, alternative disposal mechanisms may be available at lower cost, including utilizing excess capacity at the WWTP.

**TABLE 10A –
CAPITAL
IMPROVEMENT
PROJECTS
2016-2020** **Estimated Costs in Millions of
Dollars**

Description	Cost	Water Source	Funding Provider
<i>SR-82 Mixed Use District</i>			
Approx. 25 individual on-site wells	\$0.125	Sandstone	Developer
Total	\$0.125		
<i>PLUS</i>			
2 Floridan Aquifer PWS Wells	\$1.0	Upper Floridan Aquifer	Connection Fees
WTP Expansion and Upgrade	\$2.25	Upper Floridan Aquifer	Connection Fees
Land Acquisition	\$0.1	Upper Floridan Aquifer	Connection Fees
Additional Storage	\$1.0	Upper Floridan Aquifer	Connection Fees
Injection Well for RO Concentrate Disposal ¹	\$4.0	Upper Floridan Aquifer	Connection Fees
Floridan Aquifer Testing for WTP and Wellfield Design & Permitting	\$0.15	Upper Floridan Aquifer	Connection Fees
Total	\$8.5		
<i>West Hendry</i>			
Floridan Aquifer Wellfield	\$4.0	Floridan Aquifer	Private Sector
5.0 MGD WTP ²	\$45.0	Floridan Aquifer	Private Sector
Raw & Finished Water Storage	\$5.0	Floridan Aquifer	Private Sector

Injection Well for RO Concentrate Disposal ¹	\$4.0	Floridan Aquifer	Private Sector
2.25 MGD WWTP North of River (including reuse distribution, storage and disposal) ³	\$49.5	Wastewater	Private Sector
0.5 MGD WWTP South of River (including reuse distribution, storage and disposal) ³	\$13.8	Wastewater	Private Sector
Water Distribution Lines North and South of River	\$4.0	Floridan Aquifer	Private Sector
Permitting and Construction of Water Distribution Lines Under River	\$0.75	Floridan Aquifer	Private Sector
Total	\$126.1		

¹ Other disposal mechanisms may be an alternative, including utilizing excess capacity at WWTP or other methods

² Conceptual in nature; highly variable dependent on specific design

³ Includes master plan, design and permitting for WWTP, major trunks of sewer collection system and wastewater collection system (from report by TKW Consulting Engineers, September 2010)

5. PROJECTED DEBT SERVICE OBLIGATIONS FOR OUTSTANDING BOND ISSUES

There are no existing bonds currently. However, in 2009-10, and for the following 10-15 years, the county will have \$5 million in bonds per year to fund new building improvements.

6. PROJECTION OF DEBT CAPACITY

Hendry County does not currently have any outstanding bond debt. The County's projected debt capacity will cover the repayment of bonds commencing in 2009 for new public buildings.

The road, bridge and related drainage projects needed over the next five years (will be funded primarily by gas taxes. Most of the balance of Gas Tax revenue not used for capital improvements will be required for Engineering Department operating expenses, for the period. The County currently has the capacity to incur debt for the projected road, bridge, and related drainage projects.

The MSBU funds for recreation is anticipated to have sufficient surplus to cover the costs for

recreation improvements needed over the next five years (see the Schedule of Capital Improvements). Thus, the County has the capacity to incur debt if necessary to carry out these improvements.

No capital improvements costs are projected for solid waste and general drainage over the capital improvements planning period (five years).

The County also has two additional cents of local option Gas Tax that could be adopted as needed, further increasing the debt capacity of the County for capital improvements financing. For specific projects, the County could also establish additional MSBUs or increase assessments for existing ones to cover debt service in the amounts necessary. Neither of these options are currently considered necessary.

- GOAL 10:** To develop a financially feasible program for the timely and efficient provision of public facilities within Hendry County consistent with the financial resources of the County.
- OBJECTIVE 10.1:** Based on the identification of facility needs and Level of Service (LOS) standards contained in this plan, Hendry County shall develop, annually review and revise a program of capital improvements designed to meet existing deficiencies, to meet the needs for future growth, and to provide for replacement of obsolete facilities.
- Policy 10.1.1:** The Capital Improvements Element shall be annually reviewed for adjustment, updating and/or amendment.
- Policy 10.1.2:** Capital improvements for inclusion in the Capital Improvements Element shall be defined consistent with Section 163.3177 Florida Statutes and shall mean physical assets constructed to provide, improve or replace public facilities and which are large in scale, high in cost, typically nonrecurring, and often requiring multi-year financing. For the purpose of inclusion in this element, capital improvements shall only include projects or programs with a total cost of more than \$25,000.
- Policy 10.1.3:** The County shall establish a program for replacement and/or renewal of capital facilities to ensure that the levels of service do not fall below the standards called for in the plan. Criteria for replacement and/or renewal of capital facilities under the County's fiscal responsibility, include such as historical and projected maintenance costs, number of accidents, number of users, changes in performance or regulatory standards, and other factors relating to the specific capital facility.
- Policy 10.1.4:** County sponsored projects which are under negotiation prior to adoption of the Comprehensive Plan shall be subject to the policies of the Capital Improvement Element. Potential impacts of the county sponsored projects on the available capacity of the infrastructure to serve the projects shall be considered in accordance with the provisions of this Plan.

Policy 10.1.5:

The County will, in conjunction with the annual process for preparation of the operating budget, prepare/update and adopt a five-year Schedule of Capital Improvements Projects (CIP), the first year of which shall be the annual capital portion of the adopted budget. The following criteria shall be followed in developing and updating the CIP:

- 1) the timetable for preparation shall be similar to that used for the preparation of the annual operating budget so that financial resources available for capital projects can be identified, implications of planned capital projects on the operating budget can be reflected and concurrency can be attained;
- 2) the CIP shall include and identify those capital improvements required by the County to implement the Level of Service standards contained in this plan;
- 3) the CIP shall clearly indentify sources of funding for the projects. Funding for projects included in Years 1-3 of the CIP must be form committed sources, while funding for the remaining years can utilize planned sources; and
- 4) this element shall be reviewed annually in conjunction with the update of the CIP and shall be updated as needed to remain consistent with applicable new information.

Policy 10.1.6:

Amendments for capital improvements not included in this element may be made periodically to the Capital Improvement Projects and shall not require a plan amendment. However, where amendments address facilities included in this element, such amendments shall only be made in conformity with the plan.

Policy 10.1.7:

The following criteria shall be used in evaluating proposed capital improvements:

- 1) does the improvement eliminate existing infrastructure capacity deficiencies?
- 2) does the improvement accommodate the need for facility capacity required by new development and redevelopment?
- 3) is the improvement located so as to support projected growth patterns (either by being accessible and convenient to uses or by being remote from future population to avoid land use conflicts)?
- 4) is the improvement consistent with plans of other agencies which provide facilities within the County?
- 5) will the facility be available concurrent with the demands generated by existing permitted development and projected new development?
- 6) will the financial impacts of the improvement (including both capital costs and recurring operating costs) be consistent with the County's ability to support improvement?
- 7) will the improvement meet the level of service standards identified in other elements of the plan?

OBJECTIVE 10.2: The county shall coordinate land use decisions with its financial capability to meet level of service standards, manage the land development process so that facility needs created by permitted development do not exceed the financial ability of the county, and identify the extent to which future development will be required to contribute to its proportional cost of facilities necessary to meet LOS standards through the accomplishment of the following policies.

a) Roads

1. All segments of all State roads within the urban area of Hendry County shall have the LOS Standards of “C” at peak hour, and these include SR 80, SR 29, and SR 25 (also numbered US 27). This shall specifically apply to the roadway segments in LaBelle and Clewiston.
2. All multi-lane segments of State roads in rural Hendry County shall have the LOS Standard of “B” at peak hour. The minimum acceptable level of service for tow Lane State roadways is as follows:

Road	Type	Min. LOS at Peak
SR 80	FIHS	C
SR 82	Emerging SIS	C
SR 29	Emerging SIS	C

3. All segments of all County roads in Hendry County shall have the LOS Standard of “C” at peak hour.
4. All segments of all County roads in Hendry County shown on the Future Traffic Circulation Map and not described in c) above shall have the LOS of Standard “C” at peak hours.

b) Sanitary Sewer

The LOS Standard for determining the availability of adequate treatment capacity for proposed developments in areas where a centralized sewer system is available shall be 115 gallons per person per day.

c) Potable Water

The adopted Level of Service Standard for potable water in unincorporated Hendry County shall be 125 gallons/person/day. The LOS standard for determining the availability of adequate facility capacity for proposed development in areas where a centralized water system is available shall be established as follows:

Clewiston:	125 gallons per person per day
LaBelle:	125 gallons per person per day

South Shore Water Association:	125 gallons per person per day
Florida Governmental Utility Authority:	125 gallons per person per day
Port LaBelle:	92 gallons per person per day

d) Solid Waste

The LOS Standard for determining the availability of adequate solid waste disposal capacity of sanitary landfill shall be 6.5 pounds per person per day.

e) Stormwater Management

1. For agricultural uses, the LOS Standard shall be the requirements of the South Florida Water Management District and the standards of the local water management district in which the proposed agricultural use is located.
2. Conveyance Systems – All drainage swales and ditches shall be designed to convey the runoff generated from a 25-year, 24 hour storm event.
3. Stormwater Management Systems – for development in commercial, urban residential mixed-use urban land uses districts. Stormwater management systems shall be designed to either retain on-site runoff generated by a 25-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
4. Stormwater Management Systems – for development in all other land use districts. Stormwater management systems shall be designed to either retain on-site the runoff generated by a 5-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.
5. Water Quality – Water quality treatment shall be provided for runoff from the first on-inch of rainfall; or as an option, for projects or project sub-units with drainage areas less than 100 acres, from the first one-half inch of runoff consistent with Chapters 62, FAC.

f) Recreation

1. The LOS Standard for community park acreage shall on a county wide basis be no less than 2.0 acres per 1,000 of official Hendry County population count or estimate.
2. The LOS Standard for neighborhood park acreage shall be based on

the urban population of Hendry County. On an urban population, basis neighborhood park acreage shall be no less than 1.75 acres per 1,000 of official urban population count or estimate by the end of the year 2000.

3. The LOS standard for regional park acreage shall be based on a countywide basis and be no less than nine acres per 1,000 of the official Hendry County population count or estimate.
4. On a county wide basis the total park acreage in Hendry County shall be no less than 4.0 acres per 1,000 of the official Hendry County population count or estimate.
5. Population counts or estimates required in these LOS Standards shall be the latest applicable published in the Florida Statistical Abstract, or if none available as established with standard methodology by the Hendry County Planning Department.

Policy 10.2.2: Development orders on permits and building permits issued prior to the adoption of the Comprehensive Plan shall generally be exempt from the Level of Service Standards provisions of this Comprehensive Plan, provided that active development of the project is in accordance with the provisions of Objective 10.2, of the Concurrency Management System Element.

Policy 10.2.3: The Future Land Use Map is developed to coincide with the availability of public facilities and/or natural resources such that new facilities are not necessarily required for new development. The Land Development Regulations, adopted September 1, 1991, includes provisions to ensure that such policy is continued with the zoning map and regulations, and related land use decisions, such as in the review of special exceptions and zoning changes.

Policy 10.2.4: The County shall adhere to the timing in the Schedule of the Capital Improvements, and any proposed developments requiring the facilities programmed in the Schedule, prior to the completion of projects therein, will not be permitted unless the facilities included in the Schedule are provided by the developer.

OBJECTIVE 10.3: Hendry County shall manage its fiscal resources and responsibilities in order to ensure that the provisions of capital improvements does not exceed the County's fiscal capability, and to ensure that the provision of facilities are prioritized in the most effective and efficient manner.

Policy 10.3.1: The County shall continue to prioritize each type of facility under its fiscal responsibility as follows:

- a) Projects which eliminate hazards or to protect the public safety and health.

- b) Projects needed eliminate existing deficiencies.
- c) Projects which are rational extensions of existing facilities.
- d) Projects which promote infill development in existing development areas where other facilities are available.
- e) Projects which accommodate redevelopment.
- f) Projects for which outside sources of funding are available.
- g) Projects which otherwise have lower budget impact.
- h) Projects which include or further other projects of other entities, such as State agencies, the South Florida Water Management District, the Big Cypress Seminole Reservation, and the Cities of Clewiston and LaBelle.

Policy 10.3.2: The County shall annually review the Capital Improvements Element for possible modification, reprioritizing, or other needed changes.

Policy 10.3.3: The County shall as part of its annual budget review adopt a capital budget consistent with the Comprehensive Plan requirements, and shall use its fiscal policies to direct capital expenditures for capital improvements which recognize the policies of the other elements of this Comprehensive Plan.

Policy 10.3.4: The County shall manage its debt by limiting outstanding capital debt to a 1:10 ratio of total annual debts service to total annual County revenues. The County's fiscal policies shall be consistent with this plan.

Policy 10.3.5: The County shall permit flexible or creative development techniques that can demonstrate more efficient use of public facilities.

EXHIBIT “A”

Table 1

SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017

**(Airport Facilities, Transportation Facilities, MSBUs, Potable Water & Sanitary
Sewer, Parks & Recreation, Stormwater Management, Facilities)**

Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
AIRPORT FACILITES IMPROVEMENTS/ENHANCEMENTS

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
1.	Airglades Airport	Rehab Terminal Apron	-----	-----	\$600,000 / \$120,000 AAB \$480,000 DOT	-----	-----	\$600,000 / \$120,000 AAB \$480,000 DOT
2.	Airglades Airport	Water Tank	-----	\$500,000 / \$500,000 UF	-----	-----	-----	\$500,000 / \$500,000 UF
3.	Airglades Airport	Design & Construct Force Main from Airglades to Clewiston	-----	\$3,500,000 / \$3,500,000 UF	-----	-----	-----	\$3,500,000 / \$3,500,000 UF
4.	Airglades Airport	Install Security Lighting and Upgrade Fencing	-----	\$227,000 / \$855,500 AAB \$222,000 DOT	\$227,000 / \$55,500 AAB \$222,000 DOT	-----	-----	\$555,000 / \$111,000 AAB \$444,000 DOT
5.	LaBelle Airport	Terminal	-----	\$1,250,000 / \$250,000 LAB \$1,000,000 DOT	\$1,250,000 / \$250,000 LAB \$1,000,000 DOT	-----	-----	\$2,500,000 / \$500,000 LAB \$2,000,000 DOT

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
6.	LaBelle Airport	Land Acquisition Purchase RPZ lots and/or abutting Airport Property	-----	-----	\$625,000 / \$125,000 LAB \$500,000 DOT	-----	-----	\$625,000 / \$125,000 LAB \$500,000 DOT
7.	LaBelle Airport	Design and Construct Access from SR 29	-----	-----	-----	-----	\$1,725,000 / \$345,000 LAB \$1,380,000 DOT	\$1,725,000 / \$345,000 LAB \$1,380,000 DOT
		ANNUAL TOTALS	-----	\$5,527,500 / \$55,500 AAB \$250,000 LAB \$1,222,000 DOT \$4,000,000 UF	\$2,752,500 / \$175,500 AAB \$375,000 LAB \$2,202,000 DOT	-----	\$1,725,000 / \$345,000 LAB \$1,380,000 DOT	\$10,005,000 / \$231,000 AAB \$970,000 LAB \$4,804,000 DOT \$4,000,000 UF

Notes: Projects & Expenditures per adopted Ordinance 2012-__ 22

Abbreviations: AAB – Airglades Airport Budget
LAB – LaBelle Airport Budget
DOT – Florida Dept. of Transportation
OT - Other
UF – Unfunded

Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
TRANSPORTATION IMPROVEMENTS/ENHANCEMENTS

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
1.	SR 80: SR 80 @ US 27	New Interchange	\$112,188 / \$112,188 DOT	-----	-----	-----	-----	\$112,188 / \$112,188 DOT
2.	US 27: From Berner Rd to Stitt Ranch	Resurface	\$105,826 / \$105,826 DOT	-----	-----	-----	-----	\$105,826 / \$105,826 DOT
3.	US27: From Industrial Canal to Merchant Street	Resurface	\$104,525 / \$104,525 DOT	-----	\$3,226,299 / \$3,226,299 DOT	-----	-----	\$3,330,824 / \$3,330,824 DOT
4.	SR80: From CR833 to US 27	Add lanes & Reconstruct	\$220,522 / \$220,522 DOT	-----	-----	-----	-----	\$220,522 / \$220,522 DOT
5.	SR80: From Birchwood Pkwy to Dalton Ln	ROW Acquisition	\$325,558 / \$325,558 DOT	-----	-----	-----	-----	\$325,558 / \$325,558 DOT
6.	SR80: From Birchwood Pkwy to Dalton Ln	Add lanes & Reconstruct	\$1,321,959 / \$1,321,959 DOT	-----	-----	-----	-----	\$1,321,959 / \$1,321,959 DOT

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
7.	SR80: From Dalton Ln to Indian Hills	Add lanes & Reconstruct (Eng, Env, & ROW)	\$2,039,416 / \$2,039,416 DOT	\$2,995,700 / \$2,995,700 DOT	\$30,000 / \$30,000 DOT	\$250,000 / \$250,000 DOT	-----	\$5,315,116 / \$5,315,116 DOT
8.	SR80: From Clark St to Birchwood	Add lanes & Rehab Pavement	\$275 / \$275 DOT	-----	-----	-----	-----	\$275 / \$275 DOT
9.	SR80: From Indian Hills to CR 833	Add lanes & Reconstruct (Eng & ROW)	\$57,688 / \$57,688 DOT	-----	-----	\$4,170,938 / \$4,170,938 DOT	-----	\$4,288,626 / \$4,288,626 DOT
10.	SR80: Various locations	Lighting	\$125,500 / \$125,500 DOT	-----	-----	-----	-----	\$125,500 / \$125,500 DOT
11.	SR29 @ South Industrial Loop	Add turn lanes	\$600,800 / \$600,800 DOT	-----	-----	-----	-----	\$600,800 / \$600,800 DOT
12.	SR29: From SR80 to Glades County Line	Resurfacing	\$20,027 / \$20,027 DOT	-----	-----	-----	-----	\$20,027 / \$20,027 DOT
13.	Rail Capacity Projects	South Central Florida Express	\$24,837,500 / \$12,193,750 DOT \$12,193,750 OT	-----	-----	-----	-----	\$24,837,500 / \$12,193,750 DOT \$12,193,750 OT

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
14.	CR78: From East of Nobles to East of Kell Mill Blvd	Resurfacing, Drainage, Striping & Shoulder Work	\$1,294,312 / \$1,294,312 DOT	-----	-----	-----	-----	\$1,294,312 / \$1,294,312 DOT
15.	CR78: From Lee County Line to East of Kirby Thompson Road	Resurfacing, Drainage, Striping & Shoulder Work	-----	-----	\$1,294,312 / \$1,294,312 DOT	-----	-----	\$1,294,312 / \$1,294,312 DOT
16.	CR833: From 4-miles North of Big Cypress to Margarita Curve	Resurfacing, Drainage, Striping & Shoulder Work	\$72,500 / \$72,500 DOT	-----	-----	-----	-----	\$72,500 / \$72,500 DOT
17.	CR 835: From 5.75 miles S of US 27 to 2.75 miles S of US 27	Resurfacing,	\$60,000 / \$60,000 DOT	-----	-----	-----	-----	\$60,000 / \$60,000 DOT
18.	Flaghole Road: from Woodland Blvd to US 27	Resurfacing,	-----	-----	\$2,045,256 / \$2,045,256 DOT	-----	-----	\$2,045,256 / \$2,045,256 DOT

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
19.	Sonora Avenue: From WC Owen Ave to Davidson Road	Resurfacing,	-----	-----	-----	-----	\$731,242 / \$731,242 DOT	\$731,242 / \$731,242 DOT
21.	Fraser Ave: from Main Street to Hardee Street	Sidewalks	-----	\$73,834 / \$73,834 DOT	\$188,684 / \$188,684 DOT	-----	-----	\$262,518 / \$262,518 DOT
22.	E. Basilian Crescent from WC Owen Ave to Dean Duff	Sidewalks	-----	\$86,582 / \$86,582 DOT	\$146,278 / \$146,278 DOT	-----	-----	\$232,860 / \$232,860 DOT
23.	Lopez St: From US 27 to Caribbean Ave	Sidewalks	\$71,654 / \$71,654DOT	-----	-----	-----	-----	\$168,888 / \$168,888 DOT
24.	CR 78 - Various Locations	Sidewalks	-----	\$616,200 / \$616,200 DOT	-----	-----	-----	\$616,200 / \$616,200 DOT
25.	CR 78 / Old CR 78: From 497 CR 78 to SR 29	Sidewalks	-----	-----	-----	\$300,000 / \$300,000 UF	-----	\$300,000 / \$300,000 UF
26.	Helms Rd Extension: From SR29 to SR 80	New Roadway (Eng/Env/RO W/Cons)	-----	\$3,063,508 / \$3,063,508 DOT	\$3,944,243 / \$3,944,243 DOT	-----	-----	\$7,007,751 / \$7,007,751 DOT

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
27.	US 27	Weigh Station	----- \$1,578,405 / \$1,578,405 DOT	-----	-----	-----	-----	\$1,578,405 / \$1,578,405 DOT
28.	City of Clewiston: US 27 From Industrial Canal of Central Street	Landscaping	-----	-----	-----	-----	\$45,000 / \$45,000 DOT	\$45,000 / \$45,000 DOT
27.	City of LaBelle	Landscaping and entry wall signs	-----	-----	-----	-----	\$45,000 / \$45,000 DOT	\$45,000 / \$45,000 DOT
		ANNUAL TOTALS	\$30,981,079 / \$18,787,329 DOT \$12,193,750 OT	\$8,619,366 / \$8,619,366 DOT	\$11,506,347 / \$11,506,347 DOT	\$4,720,938 / \$4,420,938 DOT \$300,000 UF	\$821,242 / \$821,242 DOT	\$56,648,972 / \$44,155,222 DOT \$12,193,750 OT \$300,000 UF

Notes: Projects & Expenditures per adopted Ordinance 2012-__22__ Abbreviations: DOT – Florida Department of Transportation
CTIF – County Transportation Tax Fund
UF - Unfunded
OT- Other

- (1) Projects #1-12, #14-24, and #26-29 are programmed and funded by the Florida Department of Transportation. Project #13 is partially funded by the Florida Department of Transportation.
- (2) Projects #5, #7, #9, and #25 contain the following abbreviations, which mean: Eng – Engineering, ROW – Right-of-way, Cons – Construction, and Evn - Environmental.

Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
MSBU's IMPROVEMENTS/ENHANCEMENTS

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
			Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
1.	Wheeler : Wheeler Rd	Paving	\$48,432 / \$48,432 MSBU	\$48,432 / \$48,432 MSBU	\$48,432 / \$48,432 MSBU	\$48,432 / \$48,432 MSBU	\$48,432 / \$48,432 MSBU	\$242,160 / \$242,160 MSBU
2.	Felda	Drainage Improvements	\$100,000 / \$100,000 MSBU	-----	-----	-----	-----	\$100,000 / \$100,000 MSBU
3.	Mid County	Easement Clearing, Canal Clearing, Culvert replacement, Rock & Grading	\$235,000 / \$235,000 MSBU	\$50,000 / \$50,000 MSBU	-----	-----	-----	\$285,000 / \$285,000 MSBU
4.	North LaBelle	Easement acquisition & drainage improvements	\$200,000 / \$200,000 MSBU	-----	-----	-----	-----	\$200,000 / \$200,000 MSBU

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (\$)	Expenditure / Revenue Sources (\$)	Expenditure / Revenue Sources (\$)	Expenditure / Revenue Sources (\$)	Expenditure / Revenue Sources (\$)	Expenditure / Revenue Sources (\$)
5.	Waste Management	Recycling Programs & Conservation Equipment	\$100,000 / \$100,000 MSBU	\$100,000 / \$100,000 MSBU	\$100,000 / \$100,000 MSBU	\$100,000 / \$100,000 MSBU	\$100,000 / \$100,000 MSBU	\$500,000 / \$500,000 MSBU
6.	Four Corners	Design, Permitting, and Construction of Drainage Improvements	\$172,259 / \$172,259 MSBU	-----	\$600,000 / \$600,000 UF	-----	-----	\$772,259 / \$772,259 MSBU \$600,000 UF
		ANNUAL TOTALS	\$855,691 / \$855,691 MSBU	\$198,432 / \$198,432 MSBU	\$748,432 / \$148,432 MSBU \$600,000 UF	\$148,432 / \$148,432 MSBU	\$148,432 / \$148,432 MSBU	\$2,099,419 / \$1,499,419 MSBU \$600,000 UF

Notes: Projects & Expenditures per adopted Ordinance 2012-__22__ Abbreviations: FDEP – Florida Department of Environmental Protection
MSBU – Municipal Service Benefit Unit
UF – Unfunded

Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
POTABLE WATER & SANITARY SEWER IMPROVEMENTS/ENHANCEMENTS

No.	PROJECT	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
	Location / Address		Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
1.	PLUS	On-site Aquifer Performance Testing of Sandstone Aquifer	----- \$80,000 / \$80,000 PLUS	----- \$80,000 / \$80,000 PLUS	-----	-----	-----	\$80,000 / \$80,000 PLUS
2.	PLUS	Reclaimed Water Feasibility Study	-----	-----	-----	\$75,000 / \$75,000 PLUS	-----	\$75,000 / \$75,000 PLUS
3.	PLUS	Floridan Aquifer Wellfield Testing, Design & Permitting	-----	-----	-----	-----	\$850,000 / \$850,000 UF	\$850,000 / \$850,000 UF
4.	West Hendry	West Hendry Floridan Aquifer Study	\$1,500,000 / \$1,500,000 OT	-----	-----	-----	-----	\$1,500,000 / \$1,500,000 OT
		ANNUAL TOTALS	\$1,500,000 / \$1,500,000 OT	\$80,000 / \$80,000 PLUS	-----	\$75,000 / \$75,000 PLUS	\$850,000 / \$850,000 PLUS	\$2,505,000 / \$1,005,000 PLUS \$1,500,000 OT

Notes: Projects & Expenditures per adopted Ordinance 2012-__
 Abbreviations: PLUS – Port LaBelle Utility System
 UF – Unfunded
 OT – Developer, governmental entity or quasi-governmental entity

Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
PARKS, RECREATION, & OPEN SPACE IMPROVEMENTS/ENHANCEMENTS

No.	PROJECT Location / Address	Description	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	TOTALS
			Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)	Expenditure / Revenue Sources (s)
1.	Hendry-LaBelle Recreation Board Sports Complex	Construction of recreational facilities	----- \$200,000 / \$200,000 FRDAP	\$200,000 / \$200,000 FRDAP	----- \$200,000 / \$200,000 FRDAP	----- \$200,000 / \$200,000 FRDAP	----- \$400,000 / \$400,000 FRDAP	\$400,000 / \$400,000 FRDAP
2.	East Rec MSBU - Bo Pelham Park	Pavillion, Lighting, Fencing	----- \$100,000 / \$100,000 FRDAP	\$100,000 / \$100,000 FRDAP	----- \$100,000 / \$100,000 FRDAP	----- \$100,000 / \$100,000 FRDAP	----- \$100,000 / \$100,000 FRDAP	\$100,000 / \$100,000 FRDAP
3.	East Rec MSBU-Harlem Gym	Locker room upgrade –roof and floor rehab	----- \$350,000 / \$350,000 UF	\$350,000 / \$350,000 UF	----- \$15,000 / \$15,000 UF	\$15,000 / \$15,000 UF	\$17,000 / \$17,000 UF	\$32,000 / \$32,000 UF
4.	Hendry-LaBelle Civic Park Soccer Field	Lights & Bleachers w/concrete pads	----- \$650,000 / \$300,000 FRDAP	\$350,000 / \$350,000 UF	----- \$200,000 / \$200,000 FRDAP	\$350,000 / \$350,000 UF	----- \$430,000 / \$430,000 UF	\$700,000 / \$700,000 UF
5.	East Recreation -Harlem	Gym – Roof, Windows, Refinish Floor	----- \$65,000 / \$65,000 UF	----- \$65,000 / \$65,000 UF	----- \$65,000 / \$65,000 UF	----- \$65,000 / \$65,000 UF	----- \$65,000 / \$65,000 UF	\$65,000 / \$65,000 UF
	ANNUAL TOTALS		----- \$650,000 / \$300,000 FRDAP	\$650,000 / \$300,000 FRDAP	\$200,000 / \$200,000 FRDAP	\$430,000 / \$430,000 UF	\$17,000 / \$17,000 UF	\$1,297,000 / \$500,000 FRDAP
			\$350,000 UF	\$350,000 UF	\$430,000 UF	\$430,000 UF	\$447,000 UF	\$447,000 UF

Notes: Projects & Expenditures per adopted Ordinance 2012-__
 Abbreviations: UF – Unfunded
 FRDAP - Florida Recreation Development Assistance Program

**Table 1
SCHEDULE OF CAPITAL IMPROVEMENTS 2012-2017
FACILITIES IMPROVEMENTS/ENHANCEMENTS**

No.	PROJECT Location / Address	Description	FY 2012-2013 Expenditure / Revenue Sources (s)	FY 2013-2014 Expenditure / Revenue Sources (s)	FY 2014-2015 Expenditure / Revenue Sources (s)	FY 2015-2016 Expenditure / Revenue Sources (s)	FY 2016-2017 Expenditure / Revenue Sources (s)	TOTALS Expenditure / Revenue Sources (s)
1.	Ft. Denaud Cemetery	Stormwater Management System (Perimeter Berm)	----- -----	\$250,000 / \$250,000 UF	\$250,000 / \$250,000 UF	\$250,000 / \$250,000 UF	-----	\$750,000 / \$750,000 UF
2.	Historic Courthouse	Structural repairs (clock tower repair, tuck point – repair of grout, concrete underneath the building, soffit)	----- -----	\$1,500,000/ \$1,500,000 UF	-----	-----	-----	\$1,500,000/ \$1,500,000 UF
3.	Dallas Townsend Agriculture Center	Renovation / Construction	----- -----	\$400,000 / \$400,000 DACS	-----	-----	-----	\$400,000 / \$400,000 DACS
		ANNUAL TOTALS		\$1,900,000 / \$1,500,000 UF \$400,000 DACS	\$250,000 / \$250,000 UF	\$250,000 / \$250,000 UF	-----	\$2,650,000 / \$2,250,000 UF \$400,000 DAC

Notes: Projects & Expenditures per adopted Ordinance 2012-__
Abbreviations: UF – Unfunded

CHAPTER 9: INTERGOVERNMENTAL COORDINATION ELEMENT

The purpose of the Intergovernmental Coordination Element is to establish processes, procedures, and mechanisms for the effective coordination of Hendry County's Comprehensive Plan and related activities with the adjacent local governments, as well as regional and state agencies. Hendry County recognizes that growth management decisions made at the local level can transcend traditional jurisdictional lines, and therefore, understands the importance of coordinating local decisions with other regional and state agencies.

The Intergovernmental Coordination Element enhances relationships and provides principles and guidelines in coordinating the adopted comprehensive plan GOP's with plans from:

- School Boards
- Regional Water Supply Authorities
- Other units of local government providing services but not having regulatory authority over the use of land
- The Cities of Clewiston and LaBelle
- Adjacent Counties
- The Southwest Florida Regional Planning Council
- The Department of Transportation
- The State of Florida

Hendry County coordinates planning efforts with other government and/or regulatory entities by both formal and informal mechanisms. Formally, the County has entered into several interlocal agreements and has a membership in the Southwest Florida Regional Planning Council (SWFRPC). Informally, the County maintains contact with adjacent counties, municipalities and other governmental representatives through meetings, conferences and seminars where local and regional issues are discussed in an open format. Through these efforts, the County ensures that local decisions are coordinated with the larger region.

Since 1999 EAR-based amendments were adopted by Hendry County, there have been two major changes to Florida's Growth Management laws that impact the Intergovernmental Coordination Element. From 2001-2002, amendments to the Florida Administrative Code and Florida Statutes require the Element to include language that requires coordination of local planning efforts with the Regional Water Supply Plan and Public School Concurrency. The County has drafted the necessary amendments to the Comprehensive Plan, and has transmitted them to the State for review. The proposed changes have been included in Objective and Policy Assessment section.

Another significant change to the Florida Administrative Code requires that policies include procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation, and joint infrastructure ventures. The existing Intergovernmental Coordination Element notes that joint planning areas are not applicable to Hendry County, because "it is unforeseeable that any future annexation will occur during the next planning period." However, as noted in Chapter 1, the City of LaBelle has approved 22 separate annexations that have more than doubled the municipal boundaries since 2000. Additionally, the County is pursuing alternatives to provide utilities to unincorporated areas of the County immediately west of the City of LaBelle through an interlocal agreement with the City. It is possible annexations will continue as land develops on the fringes of the City of LaBelle.

Annexations have usually been associated with provision of utilities. If the County is able to provide utilities in areas that are not currently served, it is doubtful future annexations will take place solely for utility reasons. Thus, with the increased number of annexations by the City of LaBelle and the County's desire to provide utilities within unincorporated areas of the county, there is a need to establish a defined urban service boundary and joint planning areas.

GOALS, OBJECTIVES AND POLICIES

GOAL 11: To effectively coordinate plans and activities with the various local, State, and regional governmental units, districts, boards, and agencies. (as the case may require and as such adopted plans, or plans in preparation, that may exist.) The County shall consider guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of the land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361.

OBJECTIVE 11.1:COORDINATION OF PLAN INTERACTION: Hendry County will coordinate the implementation of the Comprehensive Plan amendments as it relates to Hendry County with other governmental entities and will direct all points of interaction between these entities.

Policy 11.1.1: Hendry County will continue to be an active participant and observer in the feasibility study being conducted by the U.S. Army Corp of Engineers in the Restudy of the Caloosahatchee River to ensure that Hendry County's water use/reuse supply remains adequate for its future population.

Policy 11.1.2: In order to keep other governmental entities informed copies of future amendments to the Comprehensive Plan will be sent to adjacent governmental and jurisdictional entities and other appropriate agencies for their review and comments during the adoption process.

Policy 11.1.3: Hendry County will continue to coordinate with Lee County on the Hendry-Lee County sanitary landfill.

Policy 11.1.4: Hendry County will furnish copies of proposed rezoning of major developments or improvements proposed adjacent to the boundary of the Cities of Clewiston and LaBelle, and adjacent counties.

Policy 11.1.5: Hendry County will coordinate public service delivery with the Cities of LaBelle and Clewiston.

1. Annexation/de-annexation request will include:
 - a. Identification of municipal service area;
 - b. Identification of an unincorporated service area;
 - c. Identification of the local government responsible for delivery and funding of the following services within the municipal service area and the unincorporated service area:
 - i. Public safety
 - ii. Fire, and emergency medical;
 - iii. Water and wastewater utilities;
 - iv. Road ownership, construction and maintenance;
 - v. Conservation, parks, and recreation; and
 - vi. Storm water management and drainage.
 - d. Addressing the provision of any services and infrastructure not currently provided by an electrical utility or natural gas transmission company;
 - e. Establishing a process and schedule for annexation of areas within the designated municipal service area consistent with State law;
 - f. Establishing a process for land use decisions consistent with the requirements of state law including, but not limited to establishing procedures for preparing and adopting comprehensive plan amendments; administering land development regulations and issuing development authorizations; and providing that the County Comprehensive Plan shall control until and unless the City annexes the property and amends its Comprehensive Plan accordingly;
 - g. Address any other issues associated with service delivery including, but not limited to the transfer of services, infrastructure and fiscal compensation between the County and City;
 - h. Address the joint use of facilities and the co-location of services; and
 - i. Providing for a report to the County of the City's planned service delivery as provided by statute or the Interlocal agreement.

2. Within 30 days after annexation or subtraction of territory, the local government will apply for any modifications to permits from the South Florida Water Management District or the Florida Department of Environmental Protection which are necessary to reflect changes to the entity that is responsible for managing such permits.

Policy 11.1.6: Coordinate with the South Florida Water Management District concerning wetland mapping, permitting in wetland areas, the location of groundwater aquifer recharge areas, cones of influence, the locations of well fields for public portable water supplies, water use/reuse and the water quality of the Caloosahatchee River and Lake Okeechobee.

Policy 11.1.7: Hendry County shall request that the School Board submit for review information on renovations, additions, and proposed expansions to property owned by the School Board to ensure the availability of public facilities and land use consistency, as the proposal relates to future planned improvements.

Policy 11.1.8: Hendry County shall include a representative of the Hendry County School Board as a voting member of the Local Planning Agency, in an effort to advise the School Board of all Plan amendments, rezoning, and proposed developments that may affect the location of new schools and proposed improvements.

Policy 11.1.9: During pre-development program planning and site selection activities, the County, as service provider, will coordinate with the Hendry County Public School system to consider all reasonable opportunities to collocate new libraries, parks, and other facilities with public schools, where compatible, and the potential exists to create logical focal points for community activity. Early review and coordination activities will be modified as necessary to timely consider these potentials.

Policy 11.1.10: The County will maintain, as a particular area of attention in its planning program, a systematic review of the aesthetics, physical conditions, financial feasibility, and use of technology between unincorporated areas and adjacent counties and cities in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Joint planning area agreements will be implemented in appropriate.

OBJECTIVE 11.2: LEVEL OF SERVICE STANDARDS: Hendry County will annually coordinate the Level of Service Standards with entities having operational and maintenance responsibilities for roadway, recreation and parks, solid waste, potable water, sanitary sewer, stormwater management and public school facilities required by the Comprehensive Plan.

Policy 11.2.1: Hendry County shall coordinate with potable water service providers, such as the City of Clewiston, the South Shore Water Association, FGUA, and the City of LaBelle concerning the Level of Service Standards for potable water and the available treatment plant capacities.

Policy 11.2.2: Hendry County shall coordinate with sanitary sewer providers, such as the City of Clewiston, FGUA, and the City of LaBelle; concerning the Level of Service for sanitary sewer and the available treatment plant capacities.

Policy 11.2.3: Hendry County shall contact the South Florida Water Management district concerning any changes in its Level of Service Standards for drainage.

Policy 11.2.4: Hendry County shall coordinate with the Florida Department of Transportation regarding the Level of Service Standards and any capacity improving projects for State roads within Hendry County.

OBJECTIVE 11.3: RESOLUTION OF ISSUES: The County shall use negotiations to help resolve any conflicts that may arise in intergovernmental coordination.

Policy 11.3.1: Hendry County shall use the Southwest Florida Regional Planning Council's dispute resolution process when necessary to mediate the resolution of conflicts with other local governments and regional agencies. The county may use alternative procedures whenever appropriate from the matter of imminent dispute, including agreements authorized by State law, or other non-litigation approaches.

OBJECTIVE 11.4: The County will use intergovernmental partnerships with municipal and other local jurisdictions in addition to coordinating with agencies and organizations such as Enterprise Florida, Florida Department of Transportation, Florida Freshwater Frontier (FFF), Florida's Heartland Rural Economic Development Initiative (FHREDI), the Governor's Office of Tourism, Trade and Economic Development (OTTED), Hendry County Tourist Development Council (HCTDC), Southwest Florida Regional Planning Council (SWFRPC) and Workforce Florida, Inc. in order to secure economic development opportunities for its residents.

Policy 11.4.1: When it is advantageous, the County will join other governmental entities, in securing grant assistance for economic development.

OBJECTIVE 11.5: INTERLOCAL AGREEMENT. To further the planning process and discourage intergovernmental conflicts, the County shall establish interlocal agreements between the School Board, municipalities, and adjacent jurisdictions within one year of the comprehensive plan amendment adoption date.

Policy 11.5.1: Interlocal Agreements with the School Board and the cities of LaBelle and Clewiston, as well as adjacent counties or special districts as applicable, shall be entered into by the County to ensure joint collaboration and coordination for the planning of high quality public school facilities which meet the needs of the County's and Cities' existing and future population

Policy 11.5.2: The Interlocal Agreement shall include the provisions that are designed to advise the school board, adjacent counties, special taxing districts and municipalities of proposed

developments that could impact their jurisdiction.

Policy 11.5.3: Through informal meetings, Hendry County shall notify adjacent local governments of land use changes that may have a regional impact. Furthermore, the County shall request the assistance of the Southwest Florida Regional Planning Council to disseminate proposed land use changes that will affect more than one local government.

Policy 11.5.4: The County, although not currently impacted, shall enter into any appropriate agreement with the State of Florida University System or the Hendry County School Board implementing the requirements regarding campus master plans.

OBJECTIVE 11.6: The County, the Cities and the School Board shall strive to maintain and enhance joint planning processes and procedures for coordination of public education facilities for planning and decision-making.

Policy 11.6.1: On an ongoing basis, the County and Cities shall establish new and review existing coordination mechanisms that will evaluate and address comprehensive plans and programs and their effects on the comprehensive plans developed for the adjacent local governments, School Board, and other units of local government providing services but not having regulatory authority over use of land and the State, by an annual county-wide forum, joint meetings or other types of forums with other agencies. Assistance for this effort shall be requested from regional and state agencies, as needed.

Policy 11.6.2: On an annual basis, after the update of the Five Year Work Program, the School Board shall provide information from their five-year Capital Facilities Plan to determine the need for additional school facilities. The School Board shall provide to the County and the Cities, each year, a general education facilities report. The educational facilities report shall contain information detailing existing facilities and their locations and projected needs. The report shall also contain the School Board's Capital Improvement Plan, including planned facilities with funding representing the district's unmet needs.

Policy 11.6.3: In order to coordinate the effective and efficient provision and siting of public educational facilities with associated infrastructure and services within Hendry County, the Board of County Commissioners, the City of LaBelle, the City of Clewiston and the School Board shall meet jointly to develop mechanisms for coordination as provided in the Interlocal Agreement. Such efforts may include:

1. Coordinated submittal and review of the annual capital improvements program of the County, the annual capital improvements program of each City, and the School Board's Annual Five Year Work Program update, any annual educational facilities report, and the Five-year School Plant Survey when updated or modified;
2. Coordinated review and assessment of the associated costs and expenditures of siting and developing schools with needed public infrastructure;
3. Coordinated review of residential planned developments or mixed use planned developments involving residential developments;

4. Use of a unified data base including population (forecasts of student population), land use and facilities;
5. Use of the planning staff from the County, the Cities and the School Board, to review coordinated siting of schools with parks for multifunctional use. Directives resulting from the joint meeting shall be incorporated into the Comprehensive Plan, Land Development Regulations, and other appropriate mechanisms as deemed necessary.

CHAPTER 10: ECONOMIC DEVELOPMENT ELEMENT

The State of Florida recommends that all counties develop an Economic Development Element as part of their Comprehensive Plan. This element is meant to identify GOP'S to promote, develop, and sustain appropriate and sustainable economic growth.

In 2005, Hendry County developed and adopted an Economic Development Element that was added to the existing Comprehensive Plan. Hendry County's Economic Development Element includes the following Goal:

Goal: Hendry County will strive to achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life.

As described in the Introduction section, Hendry County is in the “midst of change” with significant population growth occurring in the last 10 years, including growth rates that have outpaced the State of Florida over the last three years. However, the recent housing market slowdown has delayed significant proposed residential projects that will have significant demographic and economic impacts on Hendry County in the next decade. This economic slowdown provides an opportunity for the County to proactively assess its Comprehensive Plan in anticipation of this growth and the challenges it will create.

As outlined in the Florida 2060 Report, developed by the University of Florida's GeoPlan Center and published and distributed by 1000 Friends of Florida, Florida's population is predicted to double by 2060. The population distribution scenario described within this report projects significant population growth within Hendry County and depicts the entire State Road 80 corridor as urbanized by 2060. As stated in the report, Hendry County is one of three counties “projected to experience the greatest transformation over the next 50 years as they go from largely rural to largely urban in character.” While this report is based on current development patterns, and is meant to encourage more sustainable development practices in the future, it does highlight the long-term development pressures and economic opportunities facing Hendry County.

Hendry County's strategic location, natural resources, and existing economic base are positive elements for the future. However, Hendry County remains a Rural Area of Critical Economic Concern. It has one of the highest poverty rates in the State of Florida and the highest unemployment rate (9.9% July 2007) in southwest Florida. In light of this, the Economic Development Element has been identified as one of the Major Issues that is addressed in further detail within Chapter 3.

The following section provides a brief general evaluation of the Economic Development Element, assesses the goals, objectives and policies, and contains recommend changes to be implemented as part of the EAR-based amendment process. A more detailed assessment of current economic conditions in Hendry County and ongoing economic development needs and initiatives is included in Chapter 3.

General Evaluation of Element

“The purpose of the Economic Development Element is to describe the current economic conditions in the County, present forecasts of the County’s future economic growth, select a preferred course of action, advance economic goals of the County commission, and present a strategy for implementing goals, objectives and policies.”

Introduction, Economic Development Element, 2005

As a whole, the Economic Development Element fulfills the purpose as outlined. It describes current economic conditions, defines a plan of action, and presents strategies for implementing its goal, objectives, and policies. The element is well structured and the issues are presented concisely. Much of the information presented in the element remains current and topical.

The element consists of the following seven sections:

- I. Introduction
- II. Economic Base
- III. Existing Conditions
 - a. Population
 - b. Location Quotient
- IV. Recruitment
- V. Florida Enterprise Zone Program
- VI. Strategies
- VII. Goals, Objectives, and Policies (GOP)

The first three sections, Introduction, Economic Base, and Existing Conditions, provide an adequate overview of existing conditions in Hendry County, but more current demographic and economic data is available. It is recommended that the data be updated and supplemental information be incorporated within these sections. More specifically, it is recommended that economic indicators such as per capita GDP, poverty estimates, and unemployment rates be addressed. These indicators will provide a better picture of Hendry County’s current economic state and will highlight the significance of robust Economic Development Element in light of the significant long-term changes anticipated within this county. The Comprehensive Economic Development Strategy 2007-2012, developed by the Southwest Florida Regional Planning Council, is one of these documents that provide recent economic data and general insights into how Hendry County fits within the larger regional economy.

The next three sections, Recruitment, Florida Enterprise Zone Program, and Strategies, highlight opportunities, Hendry County attractors (locational advantage), the existing Florida Enterprise Zone Program, and available tools to implement development strategies. Recent information is available to bolster these sections.

Recent studies or information resulting from ongoing planning initiatives can be used to forecast long-term growth in the county. Additionally, the Hendry County Vision Report funded by the Florida Department of Community Affairs, convened by the Florida’s Heartland Rural Economic Development Initiative, and facilitated by the Florida Conflict Resolution Consortium also provides useful

information. This report, released in June 2006, was based on community input consisting of four workshops from February to April of 2006. The report identifies important issues and challenges, which Hendry County needs to address in its future planning process. One of the main issues identified in this report was the Economy and Economic Development, but many of the other issues are key components essential to a well-rounded and prosperous economy. This report identifies priorities that can help guide economic development strategies and also discusses many economic development initiatives that have occurred, are ongoing or planned for the near future. In light of this, it is recommended that the Florida Enterprise Zone Program section be re-titled to *Economic Development Programs, Grants and Opportunities*, and broadened to address other economic development initiatives, opportunities, target industries, and workforce development priorities.

Lastly, the Strategies section effectively identifies economic development tools available to Hendry County, but falls short of articulating a clear strategy for the future. It is recommended that these tools be assessed for their appropriateness in Hendry County, ranked in terms of preference and effectiveness, and implementation opportunities be addressed. Additionally, the Strategies should clearly inform, guide and direct the Element's goals, objectives and policies.

Goal, Objectives and Policies

GOAL12: Hendry County will strive to achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life.

OBJECTIVE 12.1: Hendry County will promote the conservation and enhancement of natural, cultural, and social resources that represent the County's agriculture, retirement, recreation, and tourist-oriented economy.

Policy 12.1.1: Hendry County will encourage the development of diverse cultural facilities through public, private or public/private partnerships that meet the needs of the residents and visitors of the County.

Policy 12.1.2: Hendry County will cooperate with state entities and other social service providers to encourage the establishment of programs and facilities that assist the elderly population of the County.

Policy 12.1.3: Hendry County will encourage the preservation of sensitive natural resources, including wetlands, estuaries, clean air and water, historic resources, scenic vistas, and other unique natural resources.

Policy 12.1.4: Hendry County will continue to support locating viable industry to the existing industrial areas surrounding the airport in LaBelle and Airglades in Clewiston.

OBJECTIVE 12.2: Hendry County will support programs that are designed to expand and enhance the tourism industry.

Policy 12.2.1: Hendry County will continue to support the local tourism industry and work with the cities of LaBelle and Clewiston, the Economic Development Council, and the Chamber of Commerce, and the Tourist Development Council.

Policy 12.2.2: Hendry County will support the research efforts of appropriate entities to accurately measure the economic impact of tourism.

Policy 12.2.3: Hendry County will support the development of ecotourism in the County.

OBJECTIVE 12.3: Hendry County will support public and private programs, and initiatives which are designed to promote and encourage the recruitment of new industry and job creation as well as the expansion of retention of existing industries in order to diversify the County's economic base.

Policy 12.3.1: Hendry County will continue to support efforts of the Economic Development Council in promoting the expansion and diversification of the County's economic base.

Policy 12.3.2: Hendry County, in coordination with appropriate entities, will continue programs that encourage and assist in the location of new companies that build on the traditional economic base.

Policy 12.3.3: Hendry County will encourage agriculture industry programs to maintain or improve its economic viability, provide necessary support, and promote Hendry County produce.

Policy 12.3.4: Hendry County will continue to implement the Enterprise Zone Program and survey interests of business owners to continue the program past December 31, 2005 every five years, will assesses the program's effectiveness through the annual report to the Governor's Office of Trade, Tourism and Economic Development (OTTED).

Policy 12.3.5: Hendry County will support the economic development initiatives of regional, county, and local nonprofit organizations.

OBJECTIVE 12.4: Hendry County will encourage the expansion and development of educational facilities and programs that complement economic development and diversification.

Policy 12.4.1: Hendry County will continue to coordinate with and assist the Hendry County School Board in the orderly and rational expansion of educational facilities that enhance economic growth and a desired quality of life.

Policy 12.4.2: Hendry County will encourage and promote the development of higher education programs and facilities that provide at institutions of higher learning, including business and commerce, health services, technologies, and education curriculums.

Careers, including but not limited to, Edison College.

Policy 12.4.3: Hendry County will encourage institutions of higher learning to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force an attract industries and skilled workers.

CHAPTER 11: PUBLIC SCHOOL FACILITIES ELEMENT

Goal, Objectives and Policies

GOAL 13: COORDINATE AND MAINTAIN A HIGH QUALITY EDUCATION SYSTEM.

The County and the Cities will collaborate and coordinate with the School Board of Hendry County (School Board) to ensure high quality public school facilities which meet the needs of Hendry County's existing and future population.

OBJECTIVE 13.1: Coordination and Consistency

The County and Cities shall implement and maintain mechanisms designed to closely coordinate with the School Board in order to provide consistency between their respective comprehensive plan and public school facilities programs, such as:

1. Greater efficiency for the School Board, the County, and the Cities by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems;
2. Improved student access and safety by coordinating the construction of new and expanded schools with roads, signalization, turn lanes, bike lanes, bicycle paths, and sidewalk construction programs;
3. The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities; and,
4. The expansion and rehabilitation of existing schools to support neighborhoods.

Policy 16.1.1: Manage the timing of new development to coordinate with adequate school capacity. Where capacity will not be available to serve students from the property seeking a change, the County or the Cities may use the lack of school capacity as a basis for denial of petitions for final subdivisions or site plans for residential development.

Policy 13.1.2: In cooperation with the School Board and the Cities, (LaBelle and Clewiston), the County will implement the Interlocal Agreement for Public School Facility Planning for Hendry County, Florida between Hendry County, and all legislative bodies of the Cities, as required by Section 1013.33, Florida Statutes, includes procedures for:

1. Joint meetings;
2. Student enrollment and population projections;
3. Coordinating and sharing of information;
4. School site analysis, including site acquisition permitting process and procedures per Section of the Interlocal Agreement;
5. Supporting infrastructure;
6. Comprehensive plan amendments, rezonings, and development approvals, coordination of the long range public school facility map with the comprehensive plan including future land use map;
7. Education Plant Survey and Five-Year District Facilities Work Program (aka Work Plan), annual updates to coordinate documents as required by law and rule;

8. Co-location and shared use which will enhance community design pursuant to Policy PSFE 1.2
9. Implementation of school concurrency, including levels of service standards, concurrency service areas, and proportionate-share mitigation;
10. Oversight process; and,
11. Resolution of disputes.

Policy 13.1.3: The County shall include a representative of the school district, appointed by the School Board, as a voting member of the local planning agency, as required by Section 163.3174, Florida Statutes. The voting members of the planning agencies for the Cities are elected.

Policy 13.1.4: The County and the Cities shall coordinate with the School Board regarding annual review of school enrollment projections, and procedures for annual update and review of school board and local government plans consistent with the Interlocal Agreement.

OBJECTIVE 13.2: Enhance Community Design. Enhance community/neighborhood design through effective school facility design and siting standards by the siting of school facilities so they serve as community focal points and so that they are compatible with surrounding land uses.

Policy 13.2.1: Hendry County and the Cities will continue to coordinate with the School Board to assure that proposed public school facility sites are consistent with the land use categories and policies of the County Comprehensive Plan, and the Comprehensive Plans of the Cities, pursuant to the Interlocal Agreement for Public School Facility Planning.

Policy 13.2.2: Consistent with **Policy 1.2.1** of the Hendry County Future Land Use Element, Hendry County shall allow schools in the Agriculture, Public, Low Density Residential, Medium Density Residential, High Density Residential, and Special Density land use categories, consistent with the following criteria.

1. Schools shall be located in a coordinated manner ensuring that the planning, construction, and opening of educational facilities are coordinated in time and location, concurrent with both need and necessary services and infrastructure, and to ensure compatibility with the Comprehensive Plan.
2. The proposed location is compatible with present and projected uses of adjacent property.
3. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
4. The proposed location is not within a velocity flood zone or floodway.
5. Proposed school sites should be located away from industrial uses, railroads, airports, and similar land uses to avoid noise, odor, dust, and traffic impacts and hazards.
6. Disrupting influences caused by school yard noises and traffic shall be buffered to ensure sufficient distances from hospitals, adult communities, and nursing homes.
7. In the planning, siting, land acquisition and development of the facility, evaluation shall include consideration of the student population density of the area (such as sufficient student population of existing rural communities), and public safety.
8. There are no significant environmental constraints that would preclude development of a public educational facility on the site.

9. Hendry County shall advise the School Board of all Plan amendments that may affect the location of new schools and proposed improvements.”

Policy 13.2.3: When considering the acquisition of land for schools, to the greatest extent possible, a location will be selected that collocates the public school, parks, libraries and community centers, which is consistent with **Objective 1.2 of** the Hendry County Future Land Use Element “ SCHOOL SITING: Hendry County shall continue to coordinate with the Hendry County School Board on the siting of new schools, ensuring the schools are located in close proximity to urban residential areas and other public facilities such as parks, libraries, and community centers.”

Policy 13.2.4:Consistent with Section 163.3177, Florida Statutes, the County will include sufficient allowable land use designations for schools approximate to residential development to meet the projected needs for schools.

Policy 13.2.5: All public schools shall provide bicycle and pedestrian access consistent Florida Statutes. Bicycle access to public schools should be incorporated in the countywide bicycle plan. Parking at public schools will be provided consistent with applicable Land Development Regulations.

Policy 13.2.6: The County, and the Cities in coordination with the School Board, shall implement the following strategies:

1. New developments adjacent to school properties shall be required to provide a right-of-way and a direct access path for pedestrian travel to existing and planned school sites, and shall connect to the neighborhood’s existing pedestrian network;
2. For new development and redevelopment within 2 miles of an existing or planned school, the County and the Cities shall require sidewalks (complete, unobstructed, continuous with a minimum width of 5 feet) along the corridor that directly serves the school, or qualifies as an acceptable designed walk or bicycle route to the school;
3. In order to ensure continuous pedestrian access to public schools, priority will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year;
4. Evaluate school zones to consider safe crossing of children along major roadways, including prioritized areas for sidewalk improvements including: schools with a high number of pedestrian and bicycle injuries or fatalities, schools requiring courtesy busing for hazardous walking conditions, schools with significant walking populations, but poor pedestrian and bicycle access, and needed safety improvements; and
5. Coordination with the MPO Long Range Transportation Plans to ensure funding for safe access to schools including: development of sidewalk inventories and list of priority projects coordinated with the School Board recommendations are addressed.

Policy 13.2.7:The County, and the Cities as applicable, and School Board will jointly determine the need for and timing of on-site and off-site improvements including water, sewer, roads, drainage, sidewalks, bus stops, signalization, bike paths and other infrastructure necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Policy 13.2.8: The County, the Cities and the School Board will work to find opportunities to collaborate on transit and bus routes to better serve citizens and students.

OBJECTIVE 13.3: Sustainable Design. Encourage sustainable design and development for educational facilities.

Policy 13.3.1: Coordinate with the School Board to continue to permit the shared-use and co-location of school sites with County and or City facilities with similar facility needs, according to the Interlocal Agreement for Public School Facility Planning for the Hendry County, and the Cities of LaBelle and Clewiston, as it may be amended. Coordinate in the location, phasing, and design of future school sites to enhance the potential of schools as recreation areas.

Policy 13.3.2: Encourage the School Board to use sustainable design and performance standards, such as using energy efficient and recycled materials, to reduce lifetime costs as referenced in Florida Statutes section 1013.451 Life-cycle costs comparison.

Policy 13.3.3: The County and the Cities will continue to work with the School Board to coordinate efforts to build new school facilities, and facility rehabilitation and expansions, to be designed to serve as and provide emergency shelters as required by Section 163.3177, Florida Statutes. The County will continue to fulfill the requirements of Section 1013.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes and shall coordinate with the School Board regarding emergency preparedness issues and plans.

OBJECTIVE 13.4: School Capacity. It is the objective of the County and the Cities to coordinate petitions for changes to future land use, zoning, subdivision and site plans for residential development with adequate school capacity. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the County's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final subdivision and site plans that generate students and impact the school system. Manage the timing of comprehensive plan amendments and other land use decisions to coordinate with adequate school capacity.

Policy 13.4.1: The County and the Cities shall coordinate anticipated students growth based on future land use map projections of housing units with the School Board's long range facilities needs over the 5-year, 10-year and 20-year periods.

Policy 13.4.2: The County and the Cities shall take into consideration the School Board comments and findings on the availability of adequate school capacity when considering the decision to approve comprehensive plan amendment and other land use decisions as provided for in Section 163.3177(6)(a), Florida Statutes.

Policy 13.4.3: The County and the Cities shall give priority consideration to petitions for land uses, zoning and final subdivision and site plans for residential development in areas with adequate school capacity or where school sites adequate to serve potential growth have been donated to or set aside for purchase by the School Board at raw land (pre-development approval) prices reflected in written

agreement approved by the School Board.

Policy 16.4.4: Where capacity will not be available to serve students from the property seeking a land use change, the County and /or the Cities will coordinate with the School Board to ensure adequate capacity is planned and funded. Where feasible, in conjunction with the plan amendment early dedications of school sites shall be encouraged. To ensure adequate capacity is planned and funded, the School Board’s long range facilities plans over the 5-year, 10-year and 20-years periods shall be amended to reflect the needs created by the land use plan amendment.

Policy 13.4.5: In reviewing petitions for future land use, rezoning, or final subdivision and site plans for residential development, which may affect student enrollment or school facilities, the County and the Cities will consider the following issues:

1. Providing school sites and facilities within planned neighborhoods;
2. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites;
3. The co-location of parks, recreation and community facilities with school sites (consistent with **Objective 2.3** of the Hendry County Future Land Use Element “ SCHOOL SITING)
4. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks;
5. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood;
6. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools;
7. The inclusion of school bus stops and turnarounds in new developments;
8. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;
9. School Board staff comments and findings of available school capacity for comprehensive plan amendments and other land-use decisions;
10. Available school capacity or planned improvements to increase school capacity, correct existing deficiencies; and,
11. Whether the proposed location is consistent with school design and planning policies.

OBJECTIVE 13.5: Implement School Concurrency. Manage the timing of residential subdivision approvals, site plans or their functional equivalent to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency, and the school board’s 5-10-20 Year Work Program (aka Work Plan). The Work Program (aka Work Plan) includes a financially feasible short term and long term capital plan for new schools and the repair, renovation and remodeling, of existing schools.

Policy 13.5.1: Consistent with the Interlocal Agreement, the County, the Cities and School Board agree to the following standards for school concurrency:

1. Level of Service Standard:

Consistent with the Interlocal Agreement, the uniform, district-wide level-of service standards are initially set as follows herein, and are hereby adopted in the County’s Public School Facilities Elements and Capital Improvements Element:

- a. Elementary: 100% of permanent FISH capacity as adjusted by the school board annually to account for measurable programmatic changes. The Level of Service may

increase up to 120% of permanent FISH capacity if the District Facilities Work Program” (aka ‘5-Year Facilities Work Plan’) provides appropriate capital projects, or other strategies, to reduce the LOS back to the 100% of permanent FISH capacity within one 3 year cycle.

- b. Middle: 100% of permanent FISH capacity as adjusted by the school board annually to account for measurable programmatic changes. The Level of Service may increase up to 120% of permanent FISH capacity if the District Facilities Work Program” (aka ‘5-Year Facilities Work Plan’) provides appropriate capital projects, or other strategies, to reduce the LOS back to the 100% of permanent FISH capacity within one 3 year cycle.
- c. High: 100% of permanent FISH capacity as adjusted by the school board annually to account for measurable programmatic changes. The Level of Service may increase up to 120% of permanent FISH capacity if the District Facilities Work Program” (aka ‘5-Year Facilities Work Plan’) provides appropriate capital projects, or other strategies, to reduce the LOS back to the 100% of permanent FISH capacity within one 3 year cycle.

Potential amendments to the level of service standards shall be considered at least annually at the staff working group meeting to take place each year as established in the Interlocal Agreement. If an amendment is proposed by the School Board, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plans. The amended level of service shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed. No level of service shall be amended without a showing that the amended level of service is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the first five years of the Capital Facilities Plan. After the first 5-year schedule of capital improvements, capacity shall be maintained within each year of subsequent 5-year schedules of capital improvements.

2. Concurrency Service Areas:

The concurrency service areas shall be as shown in Map PSFE Exhibit 31. Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting to take place each year as established by the Interlocal Agreement. If an amendment is proposed by the School Board, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the comprehensive plan. The amended concurrency service area shall not be effective until all plan amendments and the amended Interlocal Agreement are all fully executed. No concurrency service area shall be amended without a showing that the amended concurrency service area boundaries are financially feasible.

3. Maximizing Concurrency Service Areas:

Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, the effect of court-approved desegregation plans, achieving social and economic, racial and cultural diversity objectives, and other relevant factors as determined by the School Board’s policy on maximization of capacity. Other considerations for amending concurrency service areas

may include safe access (including factors such as the presence of sidewalks, bicycle paths, turn lanes and signalization, general “walkability”), diversity and geographic or man-made constraints to travel. The types of adjustments to school operations that will be considered in the County shall be determined by the School Board’s policies on maximization of capacity.

4. Student Generation Rates:

Consistent with the Interlocal Agreement, the School Board staff, working with the staff of the County and the Cities, will develop and apply student generation multipliers for residential units by type and projected price for schools of each type, considering past trends in student enrollment in order to project school enrollment. The student generation rates shall be determined by the School Board in accordance with professionally accepted methodologies, shall be updated at least every two years and shall be adopted into the County comprehensive plan.

5. School Capacity and Enrollments:

The Department of Education permanent Florida Inventory of School Houses (FISH) capacity is adopted as the uniform methodology to determine the capacity of each school. Relocatables (portable classrooms) are not considered permanent capacity. School enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.

6. Concurrency Availability Standard:

The County and the Cities shall amend the concurrency management systems in their land development regulations to require that all new residential units be reviewed for school concurrency at the time of final subdivision or site plan. The County shall not deny a final subdivision or site plan for residential development due to a failure to achieve and maintain the adopted level of service for public school capacity where:

- a. Adequate school facilities will be in place or under actual construction within three years after the issuance of the final subdivision or site plan; or,
- b. Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,
- c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final subdivision or site plan (or functional equivalent) as provided in the Interlocal Agreement. In evaluating a subdivision plat or site plan for concurrency, any relevant programmed improvements in the current year and years 2 or 3 of the 5-year schedule of improvements shall be considered available capacity for the project and factored into the level of service analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for the project unless funding for the improvement is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means of assuring adequate capacity will available within 3 years. Relocatable classrooms may provide temporary capacity while funded schools or school expansions are being constructed.

7. Subdivision and Site Plan Standards:

In the event that the School Board comments that there is not sufficient capacity in the affected concurrency service area to address the impacts of a proposed development, the following standards shall apply. Either

- a. the site plan or final subdivision must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or
- b. the site plan or final subdivision must be delayed to a date when capacity enhancement and level of service can be assured; or
- c. a condition of approval of the site plan or final subdivision shall be that the project's development plan and/or building permits shall be delayed to a date when capacity enhancement and level of service can be assured. The amount of mitigation required shall be determined by the Department of Education's most current cost per student station applicable to Hendry County.

8. Coordination of the Work Program and the Capital Improvements Element

On an annual basis, the School Board and the County will coordinate the update of the 5 Year Work Program and the Capital Improvements Element by addition of the 5th year.

- a. The School Board will provide a draft plan to the local governments for review and comment prior to adoption, as required by Florida Statute.
- b. Local governments will respond and work with the School Board to achieve financially feasible coordinated planning strategies to achieve stated goals and objectives.

Policy 13.5.2: Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure of level of service for public school capacity shall include the following:

- 1. Contribution of, or payment for, acquisition of new or expanded school sites pursuant to the following formula established by the Florida Department of Education:

<p>(4) Recommended Usable Acreage. The board should ensure that each site contains at least the minimum usable acreage necessary to meet the needs of the anticipated program as follows:</p> <ul style="list-style-type: none"> (a) Elementary School. A minimum of four (4) acres for the first two hundred (200) student capacity plus one (1) acre for each additional one hundred (100) students. (b) Middle or Junior High School. A minimum of six (6) acres for the first three hundred (300) student capacity plus one (1) acre for each additional one hundred (100) students. (c) Senior High School. A minimum of seven (7) acres for the first three hundred (300) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students, plus one (1) acre for each additional one hundred (100) students thereafter. (d) Area Vocational-Technical School. A minimum of twenty (20) acres for the first five hundred (500) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students. (e) Community College. A main campus site shall be a minimum of one hundred (100) acres. Each separate center site shall contain a minimum of forty (40) acres for the first five hundred (500) student capacity plus two (2) acres for each additional one hundred (100) students. Special-purpose center site acreage shall be appropriate to contain the functions identified in the program.
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Source: State Requirements for Educational Facilities Volume 1, as posted on the Department of Education Website June 2007.

- 2. Construction or expansion of permanent school facilities;
- 3. The creation of mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits. Capacity credits shall be sold only to developments within the same concurrency service area or an adjacent concurrency service area; and,

4. Educational Facility Benefit Districts.

Mitigation shall be directed to projects on the School Board's Five-Year Capital Facilities Plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the County, and the applicant executed prior to the issuance of the final subdivision, site plan or functional equivalent. If the school agrees to the mitigation, the school board must commit in the agreement to placing the improvement required for mitigation on its Five-Year Capital Facilities Plan. This development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration.

Policy 13.5.3: The amount of mitigation required shall be determined by calculating the number of student stations for each school type for which there is not sufficient capacity using the student generation rates applicable to a particular type of development and multiplying by the local costs per student station for each school type applicable to Hendry County, as determined by the School Board, in addition to any land costs for new or expanded school sites, if applicable.

OBJECTIVE 13.6: Funding. Continue the use of school impact fees as a way to realize the cost of new development and its impact on land use in regards to the local school system service provision. The School Board will utilize all funding options available to procure funding for new schools and classroom additions.

OBJECTIVE 13.7: Schedule of Capital Improvements to Meet Future Needs. Ensure the inclusion of the Five-Year Schedule of capital improvements of those projects necessary to address existing deficiencies and to meet future needs based upon achieving and maintaining the adopted level of service standards by the end of the 5 year planning period.

Policy 13.7.1: The County will incorporate by reference the Hendry County School Board's 5-Year Work Program (aka Work Plan) by date of adoption on an annual basis into its Capital Improvements Element.

OBJECTIVE 13.8: Correction of Existing School Facility Deficiencies. On an annual basis the County and the Cities will review the School Board's 5 Year Work Program (aka Work Plan) for deficiencies in existing school facilities, for school facilities required to meet future needs, and for consistency with County and City planning.

Policy 13.8.1: The County, the Cities and the School Board will develop a funding plan to correct identified deficiencies in existing school facilities, maximizing the use of existing public facilities, and provide for future school facilities required to maintain the adopted Level of Service consistent with County and City planning.

Policy 13.8.2: The funding plan for correcting deficiencies and maintaining the adopted Level of Service shall allocate the costs of new public facilities based on the benefits received by existing and future residents, and will be cost effective, and fiscally sound based on realistic funding sources.

OBJECTIVE 13.9: Monitoring and Evaluation. The County and the Cities shall strive to continually monitor and evaluate the Public Schools Facilities Element to assure the best practices of the joint

planning processes and procedures for coordination of planning and decision-making are maintained.

Policy 13.9.1: The County, the Cities and the School Board will coordinate during updates or amendments to the Comprehensive Plan and updates or amendments for long-range plans for School Board facilities.

OBJECTIVE 13.8: Future Conditions Maps. Consistent with Section 163.3177(12)(g), Florida Statutes, the Public School Facilities Element shall include future conditions maps showing existing and anticipated schools over the five-year and long-term planning periods. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land. The long range map of existing and approximately located future schools will be reviewed, updated and coordinated as a part of the periodic updates of the comprehensive plan and the future land use map.

ELEMENT XI PUBLIC EDUCATIONAL FACILITIES
5-Year District Facilities Work Plan
HENDRY COUNTY SCHOOL DISTRICT 2010 - 2011 Work Plan

INTRODUCTION

The 5-Year District Facilities Work Program is a very important document. The Department of Education, Legislature, Governor's Office, Division of Community Planning (growth management), local governments, and others use the work program information for various needs including funding, planning, and as the authoritative source for school facilities related information.

The district's facilities work program must be a complete, balanced capital outlay plan that is financially feasible. The first year of the work program is the districts capital outlay budget. To determine if the work program is balanced and financially feasible, the "Net Available Revenue" minus the "Funded Projects Costs" should sum to zero for "Remaining Funds".

If the "Remaining Funds" balance is zero, then the plan is both balanced and financially feasible.
If the "Remaining Funds" balance is negative, then the plan is neither balanced nor feasible.
If the "Remaining Funds" balance is greater than zero, the plan may be feasible, but it is not balanced.

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	Five Year Total
Total Revenues	\$273,494	\$0	\$0	\$0	\$0	\$273,494
Total Project Costs	\$240,000	\$0	\$0	\$0	\$0	\$240,000
Difference (Remaining Funds)	\$33,494	\$0	\$0	\$0	\$0	\$33,494

District HENDRY COUNTY SCHOOL DISTRICT
Fiscal Year Range

CERTIFICATION

By submitting this electronic document, we certify that all information provided in this 5-year district facilities work program is accurate, all capital outlay resources are fully reported, and the expenditures planned represent a complete and balanced capital outlay plan for the district. The district Superintendent of Schools, Chief Financial Officer, and the School Board have approved the information contained in this 5-year district facilities work program; they certify to the Department of Education, Office of Educational Facilities, that the information contained herein is correct and accurate; they also certify that the plan has been developed in coordination with the general purpose local governments as required by §1013.35(2) F.S. We understand that any information contained in this 5-year district facilities work program is subject to audit by the Auditor General of the State of Florida.

Date of School Board Adoption 9/28/2010
Work Plan Submittal Date 9/29/2010
DISTRICT SUPERINTENDENT Richard A. Murphy
CHIEF FINANCIAL OFFICER Michael Yanosik
DISTRICT POINT-OF-CONTACT PERSON Larry Worth
JOB TITLE Director of Operations
PHONE NUMBER 863-674-4100 cell 863-517-1204
E-MAIL ADDRESS worth@hendry.k12.fl.us

Expenditures

Expenditure for Maintenance, Repair and Renovation from 1.50-Mills and PECO

Annually, prior to the adoption of the district school budget, each school board must prepare a tentative district facilities work program that includes a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities of the district.

Item	2010 - 2011 Actual Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
HVAC	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Flooring	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Roofing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Safety to Life	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fencing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Parking	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Electrical	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fire Alarm	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Telephone/Intercom System	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Closed Circuit Television	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Paint	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Maintenance/Repair	\$2,921,228	\$994,293	\$1,365,500	\$1,606,611	\$1,604,282	\$8,491,914
Locations:	CENTRAL ELEMENTARY, CLEWISTON ADMINISTRATIVE OFFICES, CLEWISTON MIDDLE, CLEWISTON SENIOR HIGH, CLEWISTON TRANSPORTATION, CLEWISTON YOUTH DEVELOPMENT ACADEMY, COUNTRY OAKS ELEMENTARY, EASTSIDE ELEMENTARY, EDWARD A UPTHEGROVE ELEMENTARY, LA BELLE ELEMENTARY, LA BELLE SENIOR HIGH, LA BELLE WAREHOUSE (PRINT SHOP, MAINT, & TRANS), LABELLE MIDDLE, LABELLE YOUTH DEVELOPMENT ACADEMY, SUPERINTENDENT'S OFFICE(ANNEX), SUPERINTENDENT'S OFFICE(COURTHOUSE), WESTSIDE ELEMENTARY					
Sub Total:	\$2,921,228	\$994,293	\$1,365,500	\$1,606,611	\$1,604,282	\$8,491,914

PECO Maintenance Expenditures	\$442,382	\$253,600	\$618,274	\$680,398	\$754,116	\$2,748,770
1.50 Mill Sub Total:	\$2,478,846	\$740,693	\$747,226	\$926,213	\$850,166	\$5,743,144

No items have been specified.

Total:	\$2,921,228	\$994,293	\$1,365,500	\$1,606,611	\$1,604,282	\$8,491,914
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Local 1.50 Mill Expenditure For Maintenance, Repair and Renovation

Anticipated expenditures expected from local funding sources over the years covered by the current work plan.

Item	2010 - 2011 Actual Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
Remaining Maint and Repair from 1.5 Mills	\$2,478,846	\$740,693	\$747,226	\$926,213	\$850,166	\$5,743,144
Maintenance/Repair Salaries	\$0	\$0	\$0	\$0	\$0	\$0
School Bus Purchases	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$1,050,000
Other Vehicle Purchases	\$40,000	\$30,000	\$30,000	\$30,000	\$30,000	\$160,000
Capital Outlay Equipment	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,000,000
Rent/Lease Payments	\$0	\$0	\$0	\$0	\$0	\$0
COP Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Rent/Lease Relocatables	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Problems	\$0	\$0	\$0	\$0	\$0	\$0
s.1011.14 Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
Premiums for Property Casualty Insurance - 1011.71 (4a,b)	\$0	\$0	\$0	\$0	\$0	\$0
Qualified School Construction Bonds (QSCB)	\$0	\$0	\$0	\$0	\$0	\$0
Qualified Zone Academy Bonds (QZAB)	\$0	\$0	\$0	\$0	\$0	\$0
Qzab payment	\$158,053	\$158,053	\$158,053	\$158,053	\$158,053	\$790,265
purchase Modulars	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$650,000
Local Expenditure Totals:	\$3,216,899	\$1,468,746	\$1,475,279	\$1,654,266	\$1,578,219	\$9,393,409

Revenue

1.50 Mill Revenue Source

Schedule of Estimated Capital Outlay Revenue from each currently approved source which is estimated to be available for expenditures on the projects included in the tentative district facilities work program. All amounts are NET after considering carryover balances, interest earned, new COP's, 1011.14 and 1011.15 loans, etc. Districts cannot use 1.5-Mill funds for salaries except for those explicitly associated with maintenance/repair projects. (1011.71 (5), F.S.)

Item	Fund	2010 - 2011 Actual Value	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
(1) Non-exempt property assessed valuation		\$1,965,600,739	\$1,965,600,739	\$1,965,600,739	\$1,965,600,739	\$1,965,600,739	\$9,828,003,695
(2) The Millege projected for discretionary capital outlay per s.1011.71		0.75	0.75	0.75	0.75	0.75	
(3) Full value of the 1.50-Mill discretionary capital outlay per s.1011.71		\$3,302,209	\$3,302,209	\$3,302,209	\$3,302,209	\$3,302,209	\$16,511,045
(4) Value of the portion of the 1.50 -Mill ACTUALLY levied	370	\$1,415,233	\$1,415,233	\$1,415,233	\$1,415,233	\$1,415,233	\$7,076,165
(5) Difference of lines (3) and (4)		\$1,886,976	\$1,886,976	\$1,886,976	\$1,886,976	\$1,886,976	\$9,434,890

PECO Revenue Source

The figure in the row designated "PECO Maintenance" will be subtracted from funds available for new construction because PECO maintenance dollars cannot be used for new construction.

Item	Fund	2010 - 2011 Actual Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
PECO New Construction	340	\$0	\$0	\$6,533	\$185,520	\$115,573	\$307,626
PECO Maintenance Expenditures		\$442,382	\$253,600	\$618,274	\$680,398	\$754,116	\$2,748,770
		\$442,382	\$253,600	\$624,807	\$865,918	\$869,689	\$3,056,396

CO & DS Revenue Source

Revenue from Capital Outlay and Debt Service funds.

Item	Fund	2010 - 2011 Actual Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
CO & DS Cash Flow-through Distributed	360	\$44,474	\$44,474	\$44,474	\$44,474	\$44,474	\$222,370
CO & DS Interest on Undistributed CO	360	\$2,939	\$2,939	\$2,939	\$2,939	\$2,939	\$14,695
		\$47,413	\$47,413	\$47,413	\$47,413	\$47,413	\$237,065

Fair Share Revenue Source

All legally binding commitments for proportionate fair-share mitigation for impacts on public school facilities must be included in the 5-year district work program.

Nothing reported for this section.

Sales Surtax Referendum

Specific information about any referendum for a 1-cent or ½-cent surtax referendum during the previous year.

Did the school district hold a surtax referendum during the past fiscal year 2009 - 2010?

No

Additional Revenue Source

Any additional revenue sources

Item	2010 - 2011 Actual Value	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total
Proceeds from a s.1011.14/15 F.S. Loans	\$0	\$0	\$0	\$0	\$0	\$0
District Bonds - Voted local bond referendum proceeds per s.9, Art VII State Constitution	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Special Act Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Revenue from CO & DS Bond Sale	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Voted Capital Improvements millage	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue for Other Capital Projects	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from 1/2 cent sales surtax authorized by school board	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from local governmental infrastructure sales surtax	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Certificates of Participation (COP's) Sale	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms First Bond proceeds amount authorized in FY 1997-98	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms for Kids	\$0	\$0	\$0	\$0	\$0	\$0
District Equity Recognition	\$0	\$0	\$0	\$0	\$0	\$0
Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Proportionate share mitigation (actual cash revenue only, not in kind donations)	\$0	\$0	\$0	\$0	\$0	\$0
Impact fees received	\$0	\$0	\$0	\$0	\$0	\$0
Private donations	\$0	\$0	\$0	\$0	\$0	\$0
Grants from local governments or not-for-profit organizations	\$0	\$0	\$0	\$0	\$0	\$0
Interest, Including Profit On Investment	\$6,100	\$6,100	\$6,100	\$6,100	\$0	\$24,400
Revenue from Bonds pledging proceeds from 1 cent or 1/2 cent Sales Surtax	\$0	\$0	\$0	\$0	\$0	\$0
Total Fund Balance Carried Forward	\$2,021,647	\$0	\$0	\$0	\$0	\$2,021,647
General Capital Outlay Obligated Fund Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
One Cent - 1/2 Cent Sales Surtax Debt Service From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0

Capital Outlay Projects Funds Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$2,027,747	\$6,100	\$6,100	\$6,100	\$0	\$2,046,047

Total Revenue Summary

Item Name	2010 - 2011 Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Five Year Total
Local 1.5 Mill Discretionary Capital Outlay Revenue	\$1,415,233	\$1,415,233	\$1,415,233	\$1,415,233	\$1,415,233	\$7,076,165
PECO and 1.5 Mill Maint and Other 1.5 Mill Expenditures	(\$3,216,899)	(\$1,468,746)	(\$1,475,279)	(\$1,654,266)	(\$1,578,219)	(\$9,393,409)
PECO Maintenance Revenue	\$442,382	\$253,600	\$618,274	\$680,398	\$754,116	\$2,748,770
Available 1.50 Mill for New Construction	(\$1,801,666)	(\$53,513)	(\$60,046)	(\$239,033)	(\$162,986)	(\$2,317,244)

Item Name	2010 - 2011 Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Five Year Total
CO & DS Revenue	\$47,413	\$47,413	\$47,413	\$47,413	\$47,413	\$237,065
PECO New Construction Revenue	\$0	\$0	\$6,533	\$185,520	\$115,573	\$307,626
Other/Additional Revenue	\$2,027,747	\$6,100	\$6,100	\$6,100	\$0	\$2,046,047
Total Additional Revenue	\$2,075,160	\$53,513	\$60,046	\$239,033	\$162,986	\$2,590,738
Total Available Revenue	\$273,494	\$0	\$0	\$0	\$0	\$273,494

Project Schedules

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	Total	Funded
Modulars 2	LA BELLE SENIOR HIGH	Planned Cost:	\$120,000	\$0	\$0	\$0	\$0	\$120,000	Yes
		Student Stations:	50	0	0	0	0	50	
		Total Classrooms:	2	0	0	0	0	2	
		Gross Sq Ft:	1,728	0	0	0	0	1,728	

Modulars 2	CLEWISTON SENIOR HIGH	Planned Cost:	\$120,000	\$0	\$0	\$0	\$0	\$120,000	Yes
	Student Stations:		50	0	0	0	0	50	
	Total Classrooms:		2	0	0	0	0	2	
	Gross Sq Ft:		1,728	0	0	0	0	1,728	

Planned Cost:	\$240,000	\$0	\$0	\$0	\$0	\$240,000
Student Stations:	100	0	0	0	0	100
Total Classrooms:	4	0	0	0	0	4
Gross Sq Ft:	3,456	0	0	0	0	3,456

Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2010 - 2011 Actual Budget	2011 - 2012 Projected	2012 - 2013 Projected	2013 - 2014 Projected	2014 - 2015 Projected	Total	Funded
Project description not specified	Location not specified	\$0	\$0	\$0	\$0	\$0	\$0	No
		\$0	\$0	\$0	\$0	\$0	\$0	

Additional Project Schedules

Any projects that are not identified in the last approved educational plant survey.

Nothing reported for this section.

Non Funded Growth Management Project Schedules

Schedule indicating which projects, due to planned development, that CANNOT be funded from current revenues projected over the next five years.

Nothing reported for this section.

Tracking

Capacity Tracking

Location	2010 - 2011 Satis. Stu. Sta.	Actual 2010 - 2011 FISH Capacity	Actual 2009 - 2010 COFTE	# Class Rooms	Actual Average 2010 - 2011 Class Size	Actual 2010 - 2011 Utilization	New Stu. Capacity	New Rooms to be Added/Removed	Projected 2014 - 2015 COFTE	Projected 2014 - 2015 Utilization	Projected 2014 - 2015 Class Size
EDWARD A UPTHEGROVE ELEMENTARY	537	537	411	28	15	77.00 %	0	0	220	41.00 %	8
CLEWISTON MIDDLE	1,162	1,045	721	51	14	69.00 %	0	0	1,165	111.00 %	23
LA BELLE ELEMENTARY	865	865	524	44	12	61.00 %	0	0	336	39.00 %	8
WESTSIDE ELEMENTARY	609	609	553	34	16	91.00 %	0	0	316	52.00 %	9
EASTSIDE ELEMENTARY	780	780	575	38	15	74.00 %	0	0	558	72.00 %	15
CENTRAL ELEMENTARY	762	762	530	39	14	70.00 %	0	0	343	45.00 %	9
LABELLE MIDDLE	1,148	1,033	732	51	14	71.00 %	0	0	1,166	113.00 %	23
CLEWISTON YOUTH DEVELOPMENT ACADEMY	72	72	31	4	8	43.00 %	0	0	0	0.00 %	0
LABELLE YOUTH DEVELOPMENT ACADEMY	115	115	65	6	11	56.00 %	0	0	0	0.00 %	0
LA BELLE SENIOR HIGH	1,317	1,185	1,026	53	19	87.00 %	50	2	890	72.00 %	16
COUNTRY OAKS ELEMENTARY	988	988	736	53	14	74.00 %	0	0	549	56.00 %	10
CLEWISTON SENIOR HIGH	1,011	859	955	44	22	111.00 %	50	2	891	98.00 %	19
	9,366	8,850	6,859	445	15	77.50 %	100	4	6,434	71.89 %	14

The COFTE Projected Total (6,434) for 2014 - 2015 must match the Official Forecasted COFTE Total (6,434) for 2014 - 2015 before this section can be completed. In the event that the COFTE Projected Total does not match the Official forecasted COFTE, then the Balanced Projected COFTE Table should be used to balance COFTE.

Projected COFTE for 2014 - 2015		Grade Level Type	Balanced Projected COFTE for 2014 - 2015
Elementary (PK-3)	2,322	Elementary (PK-3)	0
Middle (4-8)	2,331	Middle (4-8)	0
High (9-12)	1,781	High (9-12)	0
	6,434		6,434

Relocatable Replacement

Number of relocatable classrooms clearly identified and scheduled for replacement in the school board adopted financially feasible 5-year district work program.

Location	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	Year 5 Total
EASTSIDE ELEMENTARY	1	1	0	0	0	2
WESTSIDE ELEMENTARY	1	1	0	0	0	2
LA BELLE ELEMENTARY	1	1	2	0	0	4
Total Relocatable Replacements:	3	3	2	0	0	8

Charter Schools Tracking

Information regarding the use of charter schools.

Nothing reported for this section.

Special Purpose Classrooms Tracking

The number of classrooms that will be used for certain special purposes in the current year, by facility and type of classroom, that the district will, 1), not use for educational purposes, and 2), the co-teaching classrooms that are not open plan classrooms and will be used for educational purposes.

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Educational Classrooms:		0	0	0	0	0	0

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Co-Teaching Classrooms:		0	0	0	0	0	0

Infrastructure Tracking

Necessary offsite infrastructure requirements resulting from expansions or new schools. This section should include infrastructure information related to capacity project schedules and other project schedules (Section 4).

Not Specified

Proposed location of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. Provisions of 1013.33(12), (13) and (14) and 1013.36 must be addressed for new facilities planned within the 1st three years of the plan (Section 5).

Not Specified

Consistent with Comp Plan? No

Net New Classrooms

The number of classrooms, by grade level and type of construction, that were added during the last fiscal year.

List the net new classrooms added in the 2009 - 2010 fiscal year.					List the net new classrooms to be added in the 2010 - 2011 fiscal year.			
"Classrooms" is defined as capacity carrying classrooms that are added to increase capacity to enable the district to meet the Class Size Amendment.					Totals for fiscal year 2010 - 2011 should match totals in Section 15A.			
Location	2009 - 2010 # Permanent	2009 - 2010 # Modular	2009 - 2010 # Relocatable	2009 - 2010 Total	2010 - 2011 # Permanent	2010 - 2011 # Modular	2010 - 2011 # Relocatable	2010 - 2011 Total
Elementary (PK-3)	0	0	0	0	0	0	0	0
Middle (4-8)	0	0	0	0	0	0	0	0
High (9-12)	0	0	0	0	0	4	0	4
	0	0	0	0	0	4	0	4

Relocatable Student Stations

Number of students that will be educated in relocatable units, by school, in the current year, and the projected number of students for each of the years in the workplan.

Site	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	5 Year Average
CLEWISTON MIDDLE	0	0	0	0	0	0
LA BELLE ELEMENTARY	377	377	377	377	377	377
WESTSIDE ELEMENTARY	61	115	115	115	115	104
EASTSIDE ELEMENTARY	108	198	198	198	198	180
CENTRAL ELEMENTARY	94	202	202	202	202	180
LA BELLE SENIOR HIGH	125	140	140	140	140	137
LABELLE MIDDLE	132	0	0	0	0	26
CLEWISTON YOUTH DEVELOPMENT ACADEMY	0	0	0	0	0	0
LABELLE YOUTH DEVELOPMENT ACADEMY	90	64	64	64	64	69
EDWARD A UPTHEGROVE ELEMENTARY	66	40	40	40	40	45
COUNTRY OAKS ELEMENTARY	138	150	150	150	150	148
CLEWISTON SENIOR HIGH	85	85	85	85	85	85

Totals for HENDRY COUNTY SCHOOL DISTRICT						
Total students in relocatables by year.	1,276	1,371	1,371	1,371	1,371	1,352
Total number of COFTE students projected by year.	6,647	6,563	6,565	6,487	6,434	6,539
Percent in relocatables by year.	19 %	21 %	21 %	21 %	21 %	21 %

Leased Facilities Tracking

Existing leased facilities and plans for the acquisition of leased facilities, including the number of classrooms and student stations, as reported in the educational plant survey, that are planned in that location at the end of the five year workplan.

Location	# of Leased Classrooms 2010 - 2011	FISH Student Stations	Owner	# of Leased Classrooms 2014 - 2015	FISH Student Stations
EDWARD A UPTHEGROVE ELEMENTARY	0	0		0	0
CLEWISTON MIDDLE	0	0		0	0
LA BELLE ELEMENTARY	0	0		0	0
WESTSIDE ELEMENTARY	0	0		0	0
EASTSIDE ELEMENTARY	0	0		0	0
CENTRAL ELEMENTARY	0	0		0	0
LA BELLE SENIOR HIGH	0	0		0	0
COUNTRY OAKS ELEMENTARY	0	0		0	0
CLEWISTON SENIOR HIGH	0	0		0	0
LABELLE MIDDLE	0	0		0	0
CLEWISTON YOUTH DEVELOPMENT ACADEMY	0	0		0	0
LABELLE YOUTH DEVELOPMENT ACADEMY	0	0		0	0
	0	0		0	0

Failed Standard Relocatable Tracking

Relocatable units currently reported by school, from FISH, and the number of relocatable units identified as 'Failed Standards'.

Nothing reported for this section.

Planning

Class Size Reduction Planning

Plans approved by the school board that reduce the need for permanent student stations such as acceptable school capacity levels, redistricting, busing, year-round schools, charter schools, magnet schools, public-private partnerships, multitrack scheduling, grade level organization, block scheduling, or other alternatives.

The district is considering redistricting, grade level reconfiguration, and block scheduling.

School Closure Planning

Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

None

Long Range Planning

Ten-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 6-10 beyond the projects plans detailed in the five years covered by the work plan.

Project	2014 - 2015 / 2019 - 2020 Projected Cost
Major Maintenance and Repair	\$12,000,000
	\$12,000,000

Ten-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 5 years beyond the 5-year district facilities work program.

Nothing reported for this section.

Ten-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2009 - 2010 FISH Capacity	Actual 2009 - 2010 COFTE	Actual 2009 - 2010 Utilization	Actual 2010 - 2011 / 2019 - 2020 new Student Capacity to be added/removed	Projected 2019 - 2020 COFTE	Projected 2019 - 2020 Utilization
Elementary - District Totals	4,541	4,541	3,329.36	73.31 %	0	3,395	74.76 %
Middle - District Totals	2,310	2,078	1,452.50	69.87 %	0	1,519	73.10 %
High - District Totals	2,328	2,044	1,981.24	96.92 %	0	1,951	95.45 %
Other - ESE, etc	187	187	95.50	51.34 %	0	151	80.75 %
	9,366	8,850	6,858.60	77.50 %	0	7,016	79.28 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Ten-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 06 thru 10 out years (Section 28).

None

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 06 thru 10 out years (Section 29).

None

Twenty-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 11-20 beyond the projects plans detailed in the five years covered by the work plan.

Project	2019 - 2020 / 2029 - 2030 Projected Cost
Major Maintenance and Repair	\$20,000,000
	\$20,000,000

Twenty-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 11-20 years beyond the 5-year district facilities work program.

Project	Location, Community, Quadrant or other general location	2019 - 2020 / 2029 - 2030 Projected Cost
New Elementary	Clewiston	\$25,000,000
New High School	Clewiston	\$50,000,000
		\$75,000,000

Twenty-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2009 - 2010 FISH Capacity	Actual 2009 - 2010 COFTE	Actual 2009 - 2010 Utilization	Actual 2010 - 2011 / 2029 - 2030 new Student Capacity to be added/removed	Projected 2029 - 2030 COFTE	Projected 2029 - 2030 Utilization
Elementary - District Totals	4,541	4,541	3,329.36	73.31 %	0	4,000	88.09 %
Middle - District Totals	2,310	2,078	1,452.50	69.87 %	0	2,000	96.25 %
High - District Totals	2,328	2,044	1,981.24	96.92 %	0	2,500	122.31 %
Other - ESE, etc	187	187	95.50	51.34 %	0	0	0.00 %
	9,366	8,850	6,858.60	77.50 %	0	8,500	96.05 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Twenty-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 11 thru 20 out years (Section 28).

New High School and new elementary school in Eastern or Central part of the county.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 11 thru 20 out years (Section 29).

None

DEFINITIONS

The following definitions were taken verbatim from either the Florida Statutes (F.S.) 163.3164 or the Code of Federal Regulations (CFR), and should be applied as appropriate to the implementation, administration and enforcement of this Comprehensive Plan.

Adjusted for family size means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility otherwise determined, based upon a formula as established by the United States Department of Housing and Urban Development.

Adjusted gross income means all wages, regular cash or non-cash contributions from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

Affordable housing means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30% of the amount which represents the percentage of the median adjusted gross annual income for households or persons.

Agricultural uses means activities within land areas which are predominantly used for the cultivation of crops and livestock including; cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas.

Amendment means any action of the Board of County Commissioners which has the effect of amending, adding, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adopting ordinance, but shall not mean legislative act which only codifies ordinances or make corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan as provided in ss 163.3177(3)(b), F.S., and corrections, updates, or modifications of current costs in other elements, as provided in ss 163.3187(2), F.S.

Arterial road means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed.

Bicycle and pedestrian ways means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Capital improvements means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvements is generally nonrecurring and may require multi-year financing. For the purpose of this definition, physical assets shall be identified as projects costing \$25,000 or more, and is identified in the capital improvements element.

Clustering means the grouping together of structures and infrastructure on a portion of a development site.

Collector road means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local

roads or arterial roads.

Commercial uses means activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services.

Community park means a park located near major roadways, and designed to serve the needs of more than one neighborhood.

Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan (F.S. 163.3164) means a plan that meets the requirements of ss.163.3177 and 163.3178

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System means the procedures and/or process that the County uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Cone of influence means an area around one or more major waterwells, the boundary of which is determined by the County having specific authority to make such a determination, based on groundwater travel or drawdown depth.

Conservation uses means activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.

Density means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

Developer (F.S. 163.3164) means any person, including a governmental agency, undertaking any development.

Development order (F.S.163.3164) means any order granting, denying, or granting with conditions an application for a development permit.

Development permit (F.S. 163.3164) includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect permitting the development of land.

Drainage basin or stormwater basin means the area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Educational uses means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

Environmentally sensitive lands means areas of land or water which are determined necessary by the local government, based on locally determined criteria, to conserve or protect natural habitats and ecological systems. Nothing in this definition shall be construed to prohibit silvicultural operations which employ the Florida Department of Agriculture and Consumer Affairs Best Management Practices as revised in 1993.

Evaluation and appraisal report means an evaluation and appraisal report as adopted by the County Commission in accordance with the requirements of Chapter 163.3191, F.S.

Floodprone area means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Foster care facility means a facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

Goal means the long-term toward which programs or activities are ultimately directed.

Group home means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregated Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

Hazardous waste means solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

High recharge area or *prime recharge area* means an area so designated by the South Florida Water Management District governing board. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural system or their status as current or future sources of potable water.

Historic resources means all areas, districts or sites containing properties listed on the Florida Master Site File, the Natural Register of Historic Places, or designated by the County Commissions as historically, architecturally, or archaeologically significant.

Industrial uses means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

Infrastructure means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water system; potable water wells serving a system; solid waste

disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Interagency hazard mitigation report means the recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future flood losses and which is prepared in response to a Presidential Disaster Declaration.

Land (F.S. 163.3164) means the earth, water, and air, above, below, or on the surface includes any improvements or structures customarily regarded as land.

Land development regulations (F.S. 163.3164) means ordinances enacted by the County Commissioners for the regulations of any aspect of development and includes any zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

Land use (F.S. 163.3164) means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Local road means a roadway providing service of which is relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Low income household means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80% of the median annual adjusted gross income for households within the state, or 80% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the County in which the person or family resides, whichever is greater.

Manufacture home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Mineral means all solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy mineral, and any rare earth, which are contained in the soils or waters of the state.

Mobile home means a structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other

attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume four feet to be the length of the drawbar, coupling, or hitch.

Moderate income household means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120% of the median annual adjusted gross income for households within the state, or 120% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the County in which the person or family resides, whichever is greater.

Natural drainage features means the naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains and wetlands.

Natural groundwater aquifer recharge areas or *natural groundwater recharge areas* or *groundwater recharge areas* means areas contributing to or providing volumes of water which make a contribution to the storage or regional flow of an aquifer.

Neighborhood park means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

Non-point source pollution means any source of water pollution that is not a point source.

Objective means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

Open spaces mean undeveloped lands suitable for passive recreation or conservation uses.

Parcel of land (F.S. 163.3164) means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as , a unit or which has been used or developed as a unit.

Park means a neighborhood, community, or regional park.

Person (F.S. 163.3164) means an individual, corporation, governmental agency, business trust, estate, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Point source pollution means any source of water pollution that constitutes a discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concreted animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include returns from irrigated agriculture.

Policy means the way in which programs and activities are conducted to achieve an identified goal.

Pollution is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alterations of the chemical, physical, biological, or radiological integrity of

air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonable interfere with the enjoyment of life or property.

Potable water facilities means a systems of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Potable water wellfield means the site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Private recreation sites means sites owned by private, commercial or non-profit entities available to the public for purposes of recreational use.

Public access means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

Public facilities (F.S. 163.3164) means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreation, health systems and facilities, spoil disposal sites, lands that are owned, leased, or operated by a government entity, such as civic and community centers, libraries, police stations, fire stations, and government administration buildings.

Public recreation sites means sites owned or leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

Recreation means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

Regional park means a park which is designed to serve two or more communities.

Resident population means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

Residential uses means activities within land areas used predominantly for housing.

Roadway function classification means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be sub-categorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rural areas means low density areas characterized by social, economic and institutional activities which may be largely based on agricultural uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved, or low density property.

Rural sprawl means a piecemeal conversion of lands into small, marginally productive parcels of an awkward and inefficient pattern, featuring narrow frontage, deep irregular shaped parcels without consideration of natural system functions and without consideration of needs for small tract agricultural production or for residential development. Indictors:

1. Allows land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing rural services such as stormwater management and fire and emergency response.
2. Constraints consistently sufficient setbacks between wellheads and septic systems on the same or adjacent parcels for permanently safe on-site water supply and sewage disposal
3. Promotes, allows or designates frontage access that creates dangerous and unnecessary turning movements on main public roads.
4. Promotes, allows or designates unnecessarily wasteful areas devoted to long substandard access to private roads or driveways.
5. Requires unnecessary use of main public roads for short neighborhood trips which minimum subdivision standards would route on internal local access streets.
6. Promotes, allows or designates ribbon patterns of substandard rural parcels along public roads.
7. Fails to adequately protect and conserve natural resources, such as wetlands, flood plains, native vegetation, environmentally sensitive areas, natural groundwater recharge areas, lakes, rivers, shorelines, and other significant natural systems.
8. Functionally constrains raising livestock or crops for small tract agriculture.

Sanitary sewer facilities means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

Seasonal population means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long-term visitors.

Solid waste means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste facilities means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Stormwater means the flow of water which results from a rainfall event.

Stormwater facilities means manmade structures that are part of stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.

Stormwater management system has the meaning described in Rule 62, F.A.C. (1992).

Transportation disadvantaged means those individuals who because of physical or mental disability, income status, or age are unable to transport themselves to or purchase transportation and are, therefore dependent upon others to obtain access to health care, employment, educations, shopping, social activities, or other life-sustaining activities.

Urban area means an area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses other than those which are characteristic of rural areas.

Urban infill (F.S. 163.3164) means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10% of the area.

Urban sprawl means urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions:

- a. The premature or poorly planned conversion of rural land to other uses;
- b. The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent areas; or
- c. The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided.

Urban sprawl is typically manifested in one or more of the following land use or development patterns:

- a. Leapfrog or scattered development;
- b. Ribbon or strip commercial or other development; or,
- c. Large expanses of predominantly low-intensity, low-density, or single-use development.

Very-low income family means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, or whichever is greater.

Very-low income household means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50% of the median annual adjusted gross income for households within the state, or 50% of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, or whichever is greater.

Wellhead protection area means an area designated by the County Commission to provide land use protection for the groundwater source for a potable water wellfield, as defined in this chapter, including the surface and subsurface area surrounding the wellfield. Differing levels of protections may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zones of contribution described in existing data.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas.

Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.