SUGAR HILL SECTOR PLAN, SEP14-0001
HENDRY COUNTY

The Council staff has reviewed the proposed Sugar Hill Sector Plan (SEP14-0001) in Hendry County using criteria set forth in Florida Statutes. A synopsis of criteria, requirements, and Council responsibilities is provided as Attachment I; comments are provided in Attachment II; site location and other relevant maps are provided in Attachment III; FDOT letter provided as Attachment IV.

Staff review of the proposed Sector Plan was based on whether it is likely to be of regional concern. This was determined through assessment of the following factors:

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

A summary of the results of the review follows:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Location</th>
<th>Magnitude</th>
<th>Character</th>
<th>Consistency</th>
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<tbody>
<tr>
<td>DEO 14-ISP</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>(1) regionally significant; and (2) unable to determine consistency due to the need for more information.</td>
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RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Hendry County.

09/2014
LOCAL GOVERNMENT COMMUNITY PLANNING ACT

NOTE: THE BELOW IS A SIMPLIFIED AND/OR ABRIDGED VERSION OF THE LAW, SO THAT THE REVIEWING AGENCIES CAN HAVE SOME ADDITIONAL CONTEXT. REFER TO THE FLORIDA STATUTES (PARTICULARLY CH. 163, FS) FOR CLARIFICATION.

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
   A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and

The local government may add optional elements (e.g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:
   Charlotte County, Punta Gorda
   Collier County, Everglades City, Marco Island, Naples
   Glades County, Moore Haven
   Hendry County, Clewiston, LaBelle
   Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
   Sarasota County, Longboat Key, North Port, Sarasota, Venice
Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

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

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

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

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

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.
Selected 2014 Florida Statutes relating to Sector Planning and/or RPC duties
This is to refresh reviewing agencies regarding processes and responsibilities.

Ch 186.502 - Legislative findings; public purpose. [selected]
- (3) The regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.
- (4) The regional planning council is recognized as Florida’s only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. A council shall not act as a permitting or regulatory entity.
- (5) The regional planning council shall have a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.

Ch 186.505 – Regional planning councils; powers and duties. [selected]
- (10) To act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.
- (20) To provide technical assistance to local governments on growth management matters.
- (21) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.
- (22) To establish and conduct a cross-acceptance1 negotiation process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.
- (23) To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems.
- (24) To review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies’ plans and applicable local government plans.

1Ch186.503(2) “Cross-acceptance” means a process by which a regional planning council compares plans to identify inconsistencies. Consistency between plans may be achieved through a process of negotiation involving the local governments or regional planning council which prepared the respective plans.

Ch 186.507 – Strategic regional policy plans. [selected]
- (1) A strategic regional policy plan shall contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation, and that may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district as determined by the regional planning council. Regional plans shall identify and
address significant regional resources and facilities. Regional plans shall be consistent with the state comprehensive plan.

- (3) In preparing the strategic regional policy plan, the regional planning council shall seek the full cooperation and assistance of local governments to identify key regional resources and facilities and shall document present conditions and trends with respect to the policy areas addressed; forecast future conditions and trends based on expected growth patterns of the region; and analyze the problems, needs, and opportunities associated with growth and development in the region, especially as those problems, needs, and opportunities relate to the subject areas addressed in the strategic regional policy plan.

- (4) The regional goals and policies shall be used to develop a coordinated program of regional actions directed at resolving the identified problems and needs.

- (5) The council shall give consideration to existing state, regional, and local plans in accomplishing the purposes of this section.

163.3245 Sector plans. [abridged]

(1) In recognition of the benefits of long-range planning for specific areas, local governments or combinations of local governments may adopt into their comprehensive plans a sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further support innovative and flexible planning and development strategies, and the purposes of this part and part I of chapter 380; to facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors; and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Sector plans are intended for substantial geographic areas that include at least 15,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and public facilities. A sector plan may not be adopted in an area of critical state concern.

(3) Sector planning encompasses two levels: adoption pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(a) In addition to the other requirements of this chapter, a long-term master plan pursuant to this section must include maps, illustrations, and text supported by data and analysis…

A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

(b) In addition to the other requirements of this chapter, the detailed specific area plans shall be consistent with the long-term master plan and must include conditions and commitments…
(4) Upon the long-term master plan becoming legally effective:
(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan…
(b) The water needs, sources and water resource development, and water supply development projects identified in adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709.

(6) Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply for master development approval pursuant to s. 380.06(21) for the entire planning area in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan. Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

(9) The adoption of a long-term master plan or a detailed specific area plan pursuant to this section does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with the plans approved pursuant to this section.
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW

LOCAL GOVERNMENT:

Hendry County

DATE AMENDMENT RECEIVED:

September 2, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

October 2, 2014

Pursuant to Section 163.3184, Fla. Stat. (2014), Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Fla. Stat. (2014), is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

1. AMENDMENT NAME:

Sugar Hill Sector Plan (SEP14-0001)
2. DESCRIPTION OF AMENDMENT(S):

Proposed Development Site Description

The applicant has applied for a large scale Comprehensive Plan amendment through the Sector Planning process as allowed by the State of Florida to redesignate approximately 43,313 ± acres (approximately 5.9% of the County) in a variety of separate parcels located in the northeastern portion of Hendry County. All of the property within the sector plan area is owned by one of two property owners and/or their affiliated companies: Hilliard Brothers and U.S. Sugar. The planning area is bounded by the Glades County line to the north, the City of Clewiston and CR 835 to the east. The southern boundary is generally north of the Montura Ranch Estates community and the western boundary extends west of CR 833. The subject area is comprised of several planning areas (see the attached maps).

The Sugar Hill Sector Plan (SHSP), if approved, will allow a Long Term Master Plan Framework Map that designates six (6) Land Use Categories: Employment Center, Mixed-Use Urban, Mixed-Use Suburban, Rural Estates, Long-Term Agriculture and Natural Resource Management. The intent of these land uses and their associated development standards is to encourage significant development. To this end, the sector plan proposes for the development of 18,000 Residential Dwelling Units and 25,000,000 square feet of Non-Residential Uses distributed among all of the Land Use Categories except Long-Term Agriculture and Natural Resource Management areas. The Long-Term Agriculture Land Use Category allows agricultural uses, including silviculture, conservation, mitigation banks, and residential uses, limited to owner/property manager and farm-worker housing. Agricultural uses are permitted and anticipated on Sector Plan areas until the land is developed.

The project has identified a planning horizon of 46 years to the year 2060. At full buildout, the 18,000 dwelling units would accommodate approximately 58,000 residents, at current estimates of 3.24 people per household (based on U.S. Census, 2008-2012 estimates). The current population of Hendry County is 37,808 residents (U.S. Census, 2013 estimate).

The SHSP is located adjacent to significant Florida Department of Transportation (FDOT) facilities identified on the January 2013 Hendry County Freight and Logistics Overview produced by FDOT, Florida Chamber of Commerce, eFlorida, and Workforce Florida, Inc. The report identifies two (2) Strategic Intermodal System (SIS) Highways (US 27 and SR 80), Rail Lines, and the Airglades International Airport.

The Sector Plan property is primarily used for agricultural. Due to this long-term agricultural use, there are few undisturbed natural areas within the sector plan boundary.
It is the stated intent of the SHSP to provide significant job and housing opportunities to Hendry County. Hendry County is located in an economically distressed area of the state and has been designated as a Rural Area of Critical Economic Concern (RACEC). The SHSP is anticipated to complement the future expansion of the Airglades International Airport (AIA), which is outside of the SHSP planning boundary and is pending approval by the Federal Aviation Administration (FAA). The airport is located adjacent to the sector plan boundary, and a future runway extension area is within the sector plan boundary. The Airglades International Airport is currently undergoing the regulatory review process to convert from a publicly-owned airport to a privately-owned airport, with subsequent expansion. The long-term plans for the AIA are to establish the airport as a reliever air cargo shipment center to Miami International Airport.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Sector Planning Overview

Sector Plans are authorized in Section 163.3245, Fla. Stat. (2014), and are intended to recognize and encourage the benefits of long-range planning for specific areas within a region or local governmental jurisdiction. The minimum size of the land area for a sector plan is 15,000 acres.

The primary goals of a Sector Plan include:

- Promoting long-term planning for conservation, development and agriculture on a landscape scale;
- Supporting innovative and flexible planning and development strategies;
- Facilitating protection of regionally significant resources;
- Ensuring adequate mitigation of impacts to regional resources and facilities, including extra-jurisdictional impacts; and
- Emphasizing urban form in those areas designated for development.

The stated purpose of the Sector Plan is to undertake planning in a regional context in such a manner that the environmental opportunities are enhanced, while economically viable agriculture is supported, and economic development through conversion to newer, more urban oriented land uses are encouraged. It is the intent of a Sector Plan to provide assurances and incentives for the land owners within the proposed development area to develop a long-term plan to achieve economic benefits that could be lost to future fragmentation of the subject lands.
Sector planning is a two-step process. The first step requires a Comprehensive Plan amendment from the local jurisdiction. This amendment establishes the general framework for future land use as described in the Goals, Objectives, and Policies (GOPs) and as depicted on the Long Term Master Plan (LTMP). The second step provides Detailed Specific Area Plans (DSAPs). The DSAPs, which are undertaken at a later date, require more detailed and updated data and analyses that are intended to address the specific impacts and necessary mitigation required for the DSAP sites and development programs. DSAPs are similar to a Planned Unit Development (PUD) zoning category in that they are reviewed and approved by the local jurisdiction. However, unlike a PUD, a DSAP must be rendered to the Florida Department of Economic Opportunity (DEO) pursuant to Section 163.3245(3)(e), Fla. Stat. (2014).

The sector plan process limits the role of the Regional Planning Council to that of a commenting agency to DEO on projects that are by definition regional in scope, in that they will have multi-jurisdictional impacts. Specifically, the application considered herein is requesting approval of the Sector Plan GOPs and the LTMP that establish the general framework for the future DSAPs.

**Consistency with the SWFRPC Strategic Regional Policy Plan**

The Strategic Regional Policy Plan (SRPP) is the guiding document of the Southwest Florida Regional Planning Council (SWFRPC). It is, in part, the document by which all regional considerations are measured by the SWFRPC.

The SHSP is a regionally significant project in location, magnitude, and character. The Sector Planning process does not involve RPCs review of regional issues during the development of DSAPs. As such, this is the only period during which the SWFRPC can comment on and anticipate regional impacts that may occur from the SHSP. For this reason, the SWFRPC has taken this opportunity to ensure that proper rigor and careful, thorough evaluation is given to this proposed Sector Plan.

**Affordable Housing**

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Affordable Housing Element of the SRPP is not able to be determined given the information provided in the application. The SHSP does not explicitly address affordable housing. While the DSAP Transportation Analyses section (Policy 3.3.8) does mention “affordable housing”, it is only in relation to “facilitating development patterns” that support it. Affordable housing is not specifically called out as an objective of the SHSP.
From the general terms with which the SHSP addresses community development, it is unclear if it will be in a village-style format, which would be conducive to creating livable communities, as envisioned in the Affordable Housing Element. The spreading of residential development in rural areas far from existing communities is unlikely to support the SRPP strategy to “protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.” The SHSP does potentially envision a mix of housing types, but their location, distribution, and/or mixture is difficult to determine from the submittal package. As currently depicted, the SHSP draws large swaths of land with somewhat uniform uses.

**Economic Development**

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Economic Development Element of the SRPP is not able to be determined given the information provided in the application. The SRPP does support the attraction of quality businesses for economic diversity. The development itself is contingent upon the expansion of the Airglades International Airport, which is currently unresolved. There is little to no information regarding schools and education in the SHSP, the impact on education cannot be determined. The Economic Development Element Vision Statement also strives to protect the “natural and cultural environments” of the region. The SHSP does address protection of natural and/or cultural resources, which is also a stated interest of the Economic Development Element Vision Statement.

While the Council may support the undecided expansion of the Airglades International Airport, this is not part of the SHSP. The SHSP does set aside land for a potential expansion from AIA in order to achieve the necessary area required for a 12,000 foot runway. However, the positioning of Mixed Use Suburban lands south of this runway expansion has the potential to create conflicts between future residents and airport users. The SHSP envisions Economic Center uses surrounding Airglades International Airport, but ringing the Economic Center is Mixed Use Suburban. The potential impact on these residential lands from a potential airport expansion is undeterminable from the information provided in the SHSP proposal.

The SRPP supports retention of existing businesses. While agricultural uses are permitted within Sector Plans until such time as particular areas are developed (pursuant to F.S. 163.3245(9)), a potential conflict exists between the proposed SHSP and any residential uses that would be proximate to high-intensity agriculture, in this case, sugar cane operations. As part of regular sugar cane growing and harvesting, plant residuals in the cane fields are burned. This causes ash and smoke, similar to any prescribed or agricultural burning. If DSAPs or other residential development in or near sugar cane operations are developed pursuant to the SHSP while agricultural operations are continuing, the potential exists for conflict. Since the main economic driver in the county is sugar cane, the SHSP as currently proposed has the potential to negatively impact an existing strong economic engine in Hendry County. Likewise, since the
major employer in Clewiston is U.S. Sugar’s sugar cane operations, the SHSP could have an impact on their business operations by creating land use conflicts.

Until the expansion of Airglades Airport is approved and/or constructed, it is difficult to determine consistency with the Economic Development Element. The impact on the economy of Hendry County, at this time is undetermined. For instance, if the AIA expansion is not approved, the SHSP may enable sprawling residential development without the accompanying, promised employment centers, for which the County (or other jurisdiction) would be required to provide services (fire, police, EMS, water, solid waste, sewer, etc.). Service provision over large geographic expanses can be very expensive and may disproportionately burden budgets, resulting in reduced service provision elsewhere. If the AIA expansion is approved, the situation may be different. However, with no development phasing currently being planned, it is not possible to determine potential fiscal impacts. After the Airglades expansion is determined, the relationship between SHSP and the SRPP will be more easily drawn.

With regards to educational improvements in Hendry County and the region, the SHSP contains a Public Facilities Analysis (A.9) (p.328 of the Submittal Package) that includes Public Schools. The consultant that developed this section used “a US Census Bureau average of 2.7 people per housing unit”. Currently in Hendry County, the average number of persons per household is 3.24 (United States Census Bureau, Quickfacts, 2008-2012 estimate). This difference will significantly increase the estimates from that analysis. Since educational enhancement is a key factor in the Economic Development Element, it is recommended that this analysis be revised. Indeed, correcting this discrepancy will have an impact on all analyses in this section of the Submittal Package, including projected student and school capacity, public park demand, wastewater and solid waste service, and potable water supply analysis.

Emergency Preparedness

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Emergency Preparedness Element of the SRPP is not able to be determined given the information provided in the application. Emergency preparedness is not discussed in any significant detail in the SHSP. The SHSP does not proactively plan for emergency situations or contingencies.

According to current modeling, the SHSP area would not be threatened by potential storm surge or flooding from Lake Okeechobee by even a Category 5 hurricane. Currently, no accommodation or planning has been made for potential evacuation of the population that is expected to inhabit the SHSP area during a future storm event.

The portion of Hendry County currently proposed for the SHSP is overwhelmingly an industrial agricultural operation. Large-scale agricultural operations often employ large quantities of chemicals (fertilizers, pesticides, fungicides, equipment maintenance fluids and lubricants, fuel
storage tanks, etc.). In addition, some of these chemicals have the potential to accumulate in soil over time, creating legacy or heritage loads of chemicals. Sector Plans are entitled to continue agricultural operations until the time at which they develop the lands upon which they operate. The potential conflicts between siting residential uses (as in the Mixed Use Urban, Mixed Use Suburban, and Rural Estates uses, in particular) on previously industrial agricultural lands that potentially have legacy loads of chemicals or are adjacent to working industrial agricultural chemical storage sites is unaddressed in the SHSP. The safety and health of future residents may be impaired if these issues are not addressed.

Natural Resources

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Natural Resources Element of the SRPP is not able to be determined given the information provided in the application. As stated in other portions of this document, there are no guarantees and little recognition in the SHSP regarding the protection of regionally-significant resources, despite the presence of major state/federal/regional (Everglades, River of Grass) and state/regional (Caloosahatchee River) adopted restoration plans, and federally listed species. There is little to no consideration in the SHSP of regionally significant lands for conservation, not just in their current use, but for their potential linkage in the larger landscape of the Caloosahatchee and Big Cypress Watersheds, particularly as identified by the plans mentioned above. Consideration of conservation linkages is one of the main thrusts of proper sector planning (§163.3245(3)(a)1, §163.3245(3)(a)5, and §163.3245(3)(b)1, Fla. Stat. (2014), in particular).

Additionally, no substantive consideration of water supply, water quality, wastewater, sewer, or solid waste is given in the SHSP. There is no real consideration given to the provision of adequate infrastructure (and associated costs) for any of these areas. Most notably absent is the lack of viable planning and source identification for potable and irrigation fresh water supply provision. Council staff supports the concerns raised by the South Florida Water Management District.

Regional Transportation

The consistency of the Sugar Hill Sector Plan (as currently proposed) with the Regional Transportation Element of the SRPP is not able to be determined given the information provided in the application. The SHSP does not provide adequate information regarding multimodal or balanced intermodal transportation provision. Similarly, the SHSP provides inadequate information regarding “a network of interconnected roads to provide timely, cost-effective movement of people and goods within, through, and out of the Region” (taken from the SRPP). As currently proposed, no new roads are identified within the SHSP, and as such the
SHSP seems to be inconsistent with providing for the additional transportation needs of the nearly 58,000 new residents (using 18,000 dwelling units times 3.24 people per household (current Census estimates for Hendry County)) that the SHSP proposes to accommodate at buildout.

The SRPP does call for a balanced plan for people and freight that coordinates FDOT with regional airport operators. The SHSP does provide for physical expansion of Airglades, but the placement of Mixed Use Suburban land use south of and under the future flight path of the expanded airport could potentially pose conflicts between the AIA expansion and the residents expected to inhabit this portion of the SHSP.

Council staff is also concerned that development of this magnitude on a major east-west connector SIS highway (SR80) would have major detrimental impacts to regional transportation. These potential impacts have not been appropriately addressed in the SHSP, and the Council supports the comments of FDOT.

**Council Analyses and Comments**

Council staff has reviewed the proposed Sugar Hill Sector Plan and provides the following comments:

**Economic Development**

- Council staff agrees with the County that the proposed comprehensive plan amendment (Sugar Hill Sector Plan (SHSP)) may provide for long-term economic opportunities which are consistent with the Hendry County Comprehensive Plan and the Economic Development Element of the SWFRPC Strategic Regional Policy Plan (SRPP). The proposed SHSP will potentially accommodate economic development activities currently promoted in the SRPP. The commercial, warehousing, and industrial land uses identified in the SHSP will provide complementing economic support activities for an improved and expanded Airglades International Airport, should the Airglades expansion be approved by the Federal Aviation Administration (FAA) and then later constructed. In addition, Council staff recognizes the need for additional housing once the airport economic engine is finalized, should that occur. Council staff supports economic activities that will increase the County’s tax base and provide additional funding for important and necessary public services to the citizens of the County.

- Every effort and opportunity should be explored to consider environmental justice issues as they are related to potential health impacts associated with air and/or noise pollution and ensure that all land use decisions, including enforcement actions, are
made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, or socioeconomic status.

- §163.3245(6), Fla. Stat. (2014) prevents downzoning and/or density and intensity reductions of a Sector Plan once approved unless certain criteria are met. These criteria generally include a lack of progressing in good faith, changes in or misrepresentation of the underlying information that justified the Sector Plan, or other factors. The horizon of the SHSP is 46 years; therefore, the approval of this amendment may impact the County’s ability to regulate or manage growth in this area up until the year 2060. The majority of the economic activity envisioned in the SHSP appears to be contingent upon the successful expansion of the Airglades International Airport. If the AIA expansion is not approved, it is possible that the County could use that as leverage to reconsider the fundamental information underlying the SHSP.

Infrastructure

- The proposed development’s infrastructure impacts will be addressed at the time of the DSAP approvals by the County. Future infrastructure provided for the proposed development will have to be in compliance with the applicable Hendry County Comprehensive Plan Goal, Objectives and Policies at the time they are approved and constructed. Specific requirements to address the infrastructure needs including roads, schools, fire protection, law enforcement, emergency medical services, parks, libraries, potable water, and wastewater systems are unclear at this time and will require future reviews. Council staff is concerned that these regional issues/plans will be reviewed by the local government. A regional project needs to be reviewed by agencies with regional perspective and expertise.

Housing/Land Uses

- Constructing housing units in the location proposed on the Long Term Plan places them on existing sugar cane fields that may expose those units to long term environmental pollution from years of fertilizers and insecticides, in addition to potential air quality hazards from operational cane fields and may result in serious health problems. No analyses are provided in the application as to the conditions of the proposed development lands as to whether they are hindered by past agricultural contamination or future agricultural operations.

- The housing located around the proposed Airglades International Airport (AIA), which is planned to become an international cargo facility accommodating the largest cargo planes is located adjacent to the airport. This represents a potential conflict of land uses in that the proposed housing may experience constant noise interruption, particularly
the areas directly south of AIA, which would be directly under the flight path of future cargo jets.

- The proposed housing plan for the project is unclear as to where and how many affordable housing units will be available to future populations in the area. Large estate lots planned for a substantial portion of the subject site are inconsistent with the known demographics of the existing population of the County.

- The residential development pattern must be done in a village pattern in order to ensure the proposed development is not recognized as sprawl. As currently identified, the Long Term Master Plan leaves much to the imagination as to the future configuration and distribution of uses.

**Environment/Natural Resources**

- Geographic location, environmental conditions and intended purposes will differ for each particular agricultural situation. Thus, USDA and EPA strongly encourage state and local agencies to work with individual producers and conservationists to develop plans that include feasible and effective measures for each site.

- Statements of benefits of measures with respect to water quality, soil health, energy savings, and greenhouse gases should be detailed.

- Options should be explored to establish policies that provide for the location of sensitive sites and sources of air pollution in a manner that seeks to avoid the over-concentration of these facilities near sensitive sites. It is recognized that local governments, to make the best decisions for the benefit of their residents, must weigh and balance multiple issues, demands and concerns, including, but not limited to, the need for housing, existing development and development patterns, environmental responsibilities and more when making land use decisions. This issue is related to environmental concerns as well as affordable housing and environmental justice. A number of strategies that may be employed to address over-concentration of emission sources and the cumulative impacts of the combined emissions include:

  1. Physical separation between the source and the sensitive site;
  2. Design features at the source to minimize air pollution emissions;
  3. Siting, permitting and zoning policies; and
  4. Capping cumulative impacts of various pollution sources.
• Large development proposed in rural and conservation areas should identify potential and existing agricultural, industrial, and/or commercial sources of air pollution and poor air quality within the County in which it is planning to occur.

1. There are existing areas in rural Southwest Florida where agricultural sources have been identified as a significant contributor to Particular Matter (PM) in that area. However, for those areas where it is demonstrated that agricultural sources are a significant contributor, proper state or local regulatory review options for managing air emissions from agricultural sources should be employed.

2. Provide a comprehensive listing of all potential emissions reduction measures for mitigating agriculturally-related air quality impacts.

• To the greatest extent possible, siting issues, with respect to sensitive receptors need to be identified early in the review process, preferably before projects are formally submitted to the public agencies’ planning boards. The following three air quality questions related to land use compatibility should be considered for each project in close proximity to sensitive receptors:

1. Will a sensitive receptor be located downwind from an existing source of dust or odors?

2. Will a sensitive receptor be located in close proximity to a congested roadway or an existing facility that emits toxic air pollutants?

3. Is adequate separation provided, or are there established siting criteria to minimize exposure and health risk between sensitive receptors and sources of air and/or noise pollution?

• Waste management planning initiatives should be coordinated and include a standard quality assurance program for any new development and waste management requirements should be addressed regularly throughout any significant large project development periods.

• A Construction Waste Management Plan should ideally recognize project waste as an integral part of an overall comprehensive materials management program. The premise that waste management is a part of materials management, and also the acknowledgment that one project’s wastes are materials available for another project facilitates an efficient and effective waste management approach.
Commercial construction typically generates between 2 to 2.5 pounds of solid waste per square foot, the majority of which can be recycled. Salvaging and recycling C&D waste reduces demand for virgin resources and the associated environmental impacts. Effective construction waste management, including appropriate handling of non-recyclables, can reduce contamination from and extend the life of existing landfills. Whenever feasible, reducing initial waste generation is environmentally preferable to reuse or recycling.

Council staff is concerned with the proposed SHSP in that it will result in numerous adverse effects on regional resources and insufficient data has been provided so that Council staff cannot adequately assess and suggest specific mitigation for these impacts. Areas of particular concern are as follows:

1. To the extent possible, it is important that new large-scale development employ source reduction and recycling during the construction phase which utilizes the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.

The Environmental Analysis in the submittal documents indicates that only one (1) federally listed species is found on the reviewed site, the Florida panther (Puma concolor coryi) within the east parcel boundary. Given the wetland and upland habitats shown in the application the two sites, West and East have the potential for the occurrence of nineteen (19) other Federal and State listed species including the Florida bonneted bat (Eumops floridanus), wood stork (Mycteria americana), snail kite (Rostrhamus sociabilis plumbeus), red-cockaded woodpecker (Picoides borealis), Bachman’s warbler (Vermivora bachmani), Big Cypress fox squirrel (Sciurus niger vicennia), southeastern American kestrel (Falco sparverius paulus), Florida sandhill crane (Grus Canadensis pratensis), crested caracara (Caracara cheriway), eastern indigo snake (Drymarchoncoraiscouperi), gopher tortoise (Gopherus polyphemus), roseate spoonbill (Platalea ajaja), little blue heron (Egretta caerulea), snowy egret (Egretta thula), tricolored heron (Egretta tricolor), white ibis (Eudocimus albus), limpkin (Aramus guarauna), burrowing owl (Athene cunicularia floridana), and American alligator (Alligator mississippiensis).

Hazardous Waste & Emergency Preparedness

- Concerns exist relating to location of hazardous waste sites and/or materials relating to industrial agricultural production next to proposed residential.

- Hazardous wastes must be properly managed according to 40 CFR Part 262 until disposed at a permitted treatment, storage, or disposal facility. The hazardous waste
transporter must also have an EPA identification number. Storage, transport, disposal, and handling of these materials should be considered prior to and in conjunction with any potential development of the SHSP.

- Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.

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

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

- To assure the project does not dilute the delivery of service from adjacent areas, the applicant should meet with representatives of the Hendry County Sheriff's Department and Clewiston Police Department to establish programs and incorporate crime prevention measures by assisting the Sheriff’s Department with the preparation of a Crime Prevention Through Environmental Design (CPTED) Study.

- Facilities are required by risk management program regulations 40 CFR 68.52 (b) (4) and 40 CFR 68.69(a)(iv) to prepare written emergency shutdown procedures and instructions for operators, emergency responders, and others. At a minimum, these materials should be developed for each of the most likely emergency scenarios (e.g., power failure, fire event). These materials should include the following:

  1. A manual of standard operating instructions,
  2. A system drawing showing the integral parts and their locations,
  3. Emergency shutdown procedures and subsequent start-up procedures,
  4. A table of the ranges of safe operating parameters measured at crucial locations,
  5. Safety procedures to be exercised at various locations, and

- Emissions from prescribed burning can be reduced by controlling how the burn is implemented and applying other conservation measures to reduce fuel load to be consumed. Prescribed burning can be conducted to improve combustion efficiency and thus reduce the quantity of trace gases and PM emitted to the atmosphere. Backing
fires (fire spreading, or ignited to spread, into (against) the wind or down slope) ensures that more fuel is consumed in the flaming phase where combustion is cleaner (i.e. fewer trace gases and PM are released) than during the smoldering phase. Burning in clean and dry piles or windrows also results in a fire that generates greater heat and burns more efficiently.

Water Use & Wastewater

- The stormwater management systems required for the proposed development will be required to meet the Hendry County Comprehensive Plan Goals, the Hendry County Land Development Code, and the South Florida Water Management District (SFWMD) permitting criteria. The specifics of the future stormwater management will be addressed through the DSAP process and the permitting process. The Council staff is unable to determine at this time that the future stormwater management planning and efforts are consistent with the SRPP or SFWMD future Everglades (River of Grass, etc.) and Caloosahatchee River restoration plans. Additional information will be needed to assure whether the long term stormwater management plans for the proposed project will be adequate and consistent with the needs of the State and Regional plans for the various resource restoration plans that are now underway.

- Some of the lands identified as part of the development site have been identified as part of the Everglades Restoration Plan and some of these lands have been optioned as part of the South Florida Water Management District purchase option areas (See attachment). Additionally, some of the lands contained in subject site have been identified as part of the Caloosahatchee Restoration Plan. (See attached maps).

- The Sugar Hill Sector Plan appears to be wholly within the Lower West Coast Water Supply Plan (LWCWSP) area. That LWCWSP is principally impactful on Lee and Collier Counties' future population expansions and water supply needs. The LWCWSP did not anticipate the level of population increase and potable water demand that would accompany a project on the scale of Sugar Hill.

On October 12, 2010 the South Florida Water Management District Governing Board closed on a modified land purchase agreement with US Sugar Corporation for land located in the Everglades Agricultural Area (EAA), south, west and east of Lake Okeechobee. The land acquisition proposal has been downsized four times since it was announced in June 2008, due to the economic realities and budget constraints facing the state. This is a critical opportunity to buy back land to restore flow south out of Lake Okeechobee into the Everglades, Florida Bay and Biscayne Bay. Providing an alternative outlet for excess water will reduce damaging discharges that today are dumped out the Caloosahatchee and St Lucie rivers. The revised contract purchased 26,800 acres for
$197 million with cash on-hand. The proposal preserves the option to acquire an additional 153,200 acres of US Sugar land, when economic and financial conditions improve.

SFWMD Governing Board Chairman Eric Buermann characterized the importance of the purchase on the Everglades and Florida’s coastal estuaries as immense, providing an opportunity to restore a unique and treasured ecosystem in ways not previously envisioned.

On November 18, 2010 the Florida Supreme Court affirmed the public purpose of the historic purchase of sugar land for Everglades restoration, and approved the SFWMD's use of bonds to finance 73,000 acres. This decision defeated an effort by the Miccosukee Tribe of Indians and Florida Crystals Corp to stop the project.

In November, 2011 the Army Corps of Engineers announced an expedited planning process, the Central Everglades Planning Project (CEPP) that focuses on reestablishing flow south out of Lake Okeechobee. In coordination with an additional 5.5 miles of bridging of the Tamiami Trail, water will once again flow as nature designed into Everglades National Park and Florida Bay.

Highlights of the proposed acquisition terms include:

- Purchase of 26,800 acres for $197,396,088 with cash on hand;
- 17,900 citrus acres in Hendry County and 8,900 sugarcane acres in Palm Beach County;
- Eliminates the need to issue bonds (Certificates of Participation), eliminates debt service payments;
- Options to acquire remaining 153,200 acres over the next ten years;
- An exclusive 3-year option to additional acreage at a fixed price of $7,400 per acre;
- A subsequent 2-year, non-exclusive option to purchase 46,800 acres at Fair Market Value;
- A subsequent 7-year, non-exclusive option to purchase the remaining acres at Fair Market Value;
- U.S. Sugar will lease lands from the District at $150 per acre;
- Annual revenue from the lease on the initial acquisition lands will generate $1 million;
- Citrus lands available with one year notice; and
US Sugar will pay all taxes and assessments on leased land, manage exotics and maintain structures.

Transportation

- Vehicle miles will certainly increase during large development and associated activities. As such, efforts must be made to implement new cooperative relationship between existing business entities and new companies to reduce vehicle miles traveled and associated pollution emissions.

- The Sector Plan will presumably be served by a future transportation network that will include future connections to Glades County, Moore Haven, and Clewiston and other counties east of Lake Okeechobee. The project has significant impact to transportation facilities inside and outside of the SHSP area, and there will be significant improvements necessary to support a project of this size. Council staff is concerned that the extent of these improvements are not known at this time and will require the FDOT to rework the transportation network in this area of the State. The main portions of the transportation network will have to be approved by the Florida Department of Transportation (FDOT) based on the future needs of the region. Council staff supports the comments provided by the FDOT in their letter dated May 22, 2014.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff finds that the proposed amendments will produce extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of adjacent governmental entities if the proposed changes to the Hendry County Comprehensive Plan are approved as currently submitted. Council staff recommends that this request be found to be regionally significant due to the proposed development’s magnitude, character, and location, but if the concerns made by the Council are adequately addressed, the proposed amendments would be consistent with the Strategic Regional Policy Plan and not inconsistent with the Comprehensive Plans of local governments within the region if conditions are provided that mitigate the regional impacts.

5. COUNCIL STAFF RECOMMENDATIONS

Council staff has reviewed the requested land use and textual changes to the County’s Comprehensive Plan based on the information stated above and concludes that the proposed Sugar Hill Sector Plan (SHSP) has not adequately addressed the regional issues affecting the
resources and facilities in southwest Florida. Council staff therefore recommends that the proposed amendments be held until the applicant sufficiently addresses the concerns that the Council staff and other reviewing agencies have expressed. Council staff is recommending this action because it is the only opportunity under the Sector Plan review process that comments can be rendered. The applicant should provide additional information and analyses related to the Council staff comments identified above.

Council staff concludes that the development of SHSP as proposed will have the potential to produce significant adverse effects on regional resources and facilities that are identified in the Strategic Regional Policy Plan in the Cities of Moore Haven and Clewiston, and Lee, Collier and Glades Counties, in addition to the jurisdictions located east of Lake Okeechobee. This development will have long term impacts on multiple jurisdictions.

The sector planning process is intended to provide general long term development plans for a significant portion of Hendry County and then provide more detailed plans called DSAPs in the future as market conditions and consumer demands permit. Unfortunately, the current legislation for Sector Plans does not identify a specific role for the Regional Planning Councils in the review process even though developments the size of the SHSP will have significant impacts on multiple jurisdictions. Council staff concerns in this matter could be addressed if the County would add language to the amendments that would require the SWFRPC to provide input at such time as future DSAPs are reviewed. Council staff should be given the time to develop meaningful mitigation to lessen impacts to State and regional resources and facilities. This is particularly relevant during the DSAP review process.

Council requests a copy of the adopted version of the amendment? X Yes _ No
APPENDICES

Below are the URL addresses for the various planning documents relating to water-supply planning in the Lower West Coast region of the SFWMD, which includes either in part or in whole the area of the proposed Sugar Hill Sector Plan. This memo lists the chapters of each document and identifies by document page numbers information that is considered useful in background or detail. The “findings” within the 2014 Amendment to the 2012 plan (item #3), adopted April 15, 2014, by the governing board, are the most immediately useful. Brief summaries are provided for items #3 and #4.

1. Lower West Coast Water Supply Plan 2012

2. Lower West Coast Water Supply Plan 2012 Appendices

3. Final Order on 2014 Amendment to the 2012 Lower West Coast Water Supply Plan Update

This document’s “Findings of Fact” states that “existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period.” The planning period is the year 2030. The amendment “is intended to be restricted in scope to solely incorporate the designation of the LWC Planning Area as a water resource caution area.”

Exhibit A in this document is a copy of the DEP guidance letter of November 2013 “relating to Water Resource Caution Area” signed by Drew Bartlett. If districts rely on a WRCA [Water Resource Caution Area] designation in consumptive use permitting, the WRCA must be explicitly designed in rule; if district does not use the WRCA designation in consumptive use permitting the WRCA may be designed in rule or in Regional Water Supply Plan with specific language that affected parties may challenge. It says there is NO [emphasis added] formal process for conveying WRCA boundary information to DEP “who use it in the wastewater permitting program.” If the entire District is designated
as a WRCA, the district must notify the DEP Director but “need not provide any further information.”

**Exhibit B** in this document is a series of passages from the 2012 LWC Water Supply Plan Update, with population projections and water demands, climate change outlook, changes in gross water demands for region’s public water supply and domestic self-supply: 256.1 mgd, which is a 46 percent increase from 175.2 mgd in 2010... Agricultural demand is projected to remain the LWC Planning Area’s “single largest water user category in 2030” at 696 to 741 mgd in 2030 from 630 mgd in 2010. It also cites legal authorities and discusses the Restricted Allocation Area established in Oct 2008; criterion set out in Section 3.2.1 of Basis of Review for Water Use Permit Applications within the South Florida Water Management District; limits withdrawals from Lake Okeechobee and “all surface water hydraulically connected to the lake...By limiting the availability of surface water for new consumptive use allocations, these criteria protect the rights of existing legal users, as well as the region’s water resources.” It also refers readers to the 2012 Lower East Coast Water Supply Plan Update (SFWMD 2012b) for more information.

**Exhibit C** is a notice of rights with filing instructions.


This document includes a number of tables and sections documenting the basis of water-supply planning, identifies significant changes and outlook since last update (p 7-9), describes existing Natural Systems, including Kissimmee River and floodplain, Lake Okeechobee, and Caloosahatchee River (p. 17) and related initiatives and projects (p. 22-23), water use permitting (p 28-29), resource protection standards (p 31-34); Lake Okeechobee Regulation Schedule (LORS) (p.37-40). Chapter 5 (pp. 49-81) deals with water source options and conservation, including “demand management”; Chapter 6 (pp. 83-112) deals with water-quality standards, treatment technologies (including costs p 92), and groundwater contamination (pp. 111-112); Chapter 7 is Kissimmee Basin Planning Area; Chapter 8 is Upper East Coast Planning Area; Chapter 9 [see below] is Lower West Coast Planning area (p. 159-178) including surface water resources (p. 169) and ground water (p. 174) and their relationship (p. 178); Chapter 10 (179-204) deals with Lower East Coast Planning Area.

Using search tool for “Hendry County” : p. 19 Okaloacoochee Slough (outside boundary of Sugar-Hill); Immokalee Rise (p. 180-outside Sugar-Hill) – southeast Hendry County draining toward Gulf of Mexico, sandy soils; West and East Collier basins including parts of Hendry County (p 187 outside Sugar Hill)

**Chapter 9 – Lower West Coast Planning Area**
Locator MAP-- Figure 16 on p. 160 is a useful Locator map (Sugar-Hill is located in northeastern Hendry County abutting Lake Okeechobee and the Palm Beach County line; lines shown on EF overlap map demark the L1 and L2 canals that the Seminoles want to use to move water from Lake Okeechobee to the Big Cypress Reservoir. The map also provides a topographic sense of distance between Sugar Hill and Okaloacoochee Slough, Lake Trafford, Corkscrew, etc.)

Groundwater: Three major aquifers underlie Hendry County: The Surficial, recharged by rainfall; Intermediate, which is partial recharged from surficial flow; and Floridan, which is recharged from outside the Lower West Coast Planning Area. (P. 169)

“Lake Trafford and Lake Hicpochee are not considered suitable water supply sources.” Hicpochee is seasonal and based on overflows from Lake Okeechobee. “The dynamic nature of Hicpochee makes it unsuitable as storage. The inflows are not of potable quality and the water would require relatively expensive treatment for use. In addition construction of the C-43 Canal through the Center of Lake Hicpochee has resulted in lower lake water levels the lake does not provide enough storage to be considered a major water supply source.” (p. 169)

The Caloosahatchee River is the region’s most important surface water source.
Maps
And Graphics

Hendry County
SEP14-0001
Sugar Hill Sector Plan

Proposed Comprehensive Plan Amendment / Sector Plan
AIRGLADES

A new international airport in Clewiston could become Florida's next big air freight hub

BY ROGER WILLIAMS
rwilliams@floridaweekly.com

Hendry County, the poorest of Florida’s 67 counties by some standards, could find its fortunes transformed before the end of this decade — but only if county officials and private investors working in tandem can convince the Federal Aviation Administration to go along with the deal they’re pushing.

Is it too good to be true?

Here, Florida Weekly describes the proposed deal, one that could turn a sleepy county-owned airport surrounded by sugar cane northwest of Clewiston into a privately owned international cargo hub, with a brand new 12,000-foot runway costing as much as $400 million, new water and sewer infrastructure, an

SEE AIRGLADES, A8

▲ The proposed Airglades airport in Clewiston could put Southwest Florida on the map as a worldwide shipping destination.
May 22, 2014

Mr. Shane Parker, PE
Hendry County Public Works Director
P.O. Box 2340
99 East Cowboy Way
LaBelle, FL 33975

RE: Sugar Hill Sector Plan – Transportation Analysis Methodology (V2.3, dated April 30, 2014) - FDOT Comments and Recommendations

Dear Mr. Parker:

The Florida Department of Transportation (FDOT), Districts One and Four (hereafter collectively referred as "FDOT" or "the Department"), offers Hendry County the following comments and recommendations for consideration on the Sugar Hill Sector Plan (SHSP) – Transportation Analysis Methodology dated April 30, 2014, and responses to FDOT’s comments on the previous methodology dated March 10, 2014. These comments and recommendations are offered in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.).

FDOT recognizes the intent behind the SHSP is to create economic and other opportunities in a Rural Areas of Critical Economic Concern (RACEC), with distinct challenges and opportunities. In the interests of ensuring access and mobility, our comments and recommendations continue to reflect the importance of having a full understanding of potential transportation impacts from the SHSP and how best to avoid or mitigate potential adverse impacts to the State Highway System.

**FDOT District One Comments**

1. FDOT recommends that the P.M. Peak Hour trip generation for the multi-family residential land use should be revised to 568 trips (369 enter and 199 exit). The Department further recommends using the average rate to calculate the P.M. Peak Hour trip generation for the Warehouse / Industrial land use, rather than the equation, since the R2 value is less than 0.75. Please also revise the P.M. Peak Hour trip generation for the Warehouse / Industrial land use, rather than the equation, since the R2 value is less than 0.75. Please also revise the P.M. Peak Hour trip generation for Warehouse / Industrial land use to 2,240 trips (560 enter and 1,680 exit).

   **Applicant Response:** The revised methodology reflects the recommended calculations.

   **Additional FDOT Comment:** Response noted. FDOT has no further comments.

2. Since the proposed sector plan located in Hendry County is adjacent to Glades and Palm Beach Counties, FDOT District 1 defers to District 4 and the two Counties to decide

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upon the methodology for determining the transportation study area to measure the impacts of the proposed Sector Plan within their respective jurisdictions. The Department strongly recommends the applicant coordinate with Palm Beach County and the Palm Beach MPO in this regard.

In addition to the roadway facilities listed in the methodology, District 1 recommends the following facilities be included in the study area:

- SR 29 from US 27 to I-75
- SR 78 from SR 29 to US 27
- SR 78 from US 27 to CR 721
- US 27 from SR 29 to I-75 in Palm Beach County
- SR 80 from Lee County Line to CR 700 in Palm Beach County
- US 441 / US 98 from SR 80 to SR 76 in Martin County

**Applicant Response:** The limits of the study area have been revised and adjusted in response to FDOT comments in coordination with Hendry County. The study area has been expanded to include segments of SR 29 and SR 80. In Palm Beach County and District 4 the study will include US 27 from the County Line to SR 80 / Palm Beach Road. This will provide Palm Beach County and the District sufficient information to plan for any additional travel resulting from the proposed SHSP into the District. Hendry County will send a courtesy copy of the sector plan application including the TIS to Palm Beach, Lee, Collier and Glades Counties.

**Additional FDOT Comment:** Comment not addressed. The Department recommends having the applicant revise Table 3 – Study Roadways and Study Roadway Characteristics Table in Attachment 2 – Roadway Network Information to include all the study roadways with appropriate study limits identified in the above comment.

3. Page 3 of the Proposed Transportation Analysis Methodology indicates that “The analysis of projected 2035 conditions will incorporate all programmed and planned transportation improvements within the study area”. The agreed upon objective is to identify those improvements that are anticipated to be needed above and beyond the currently adopted needs assessment roadway network in order to support the proposed Sector Plan traffic at year 2035. The Department recommends that the needs assessment road network, rather than the cost-feasible network, from the 2035 Long Range Transportation Needs Assessment (LRTNA) of all affected rural counties and the 2035 LRTP for Lee and Collier Counties be used in the Lee / Collier / Hendry / Glades (LCHG) model and traffic analysis coincident with the horizon year of 2035. The District can provide assistance in coding the needs road network in the model upon request.

**Applicant Response:** The revised methodology reflects the intent to analyze the current LRTP Needs plans. The applicant will coordinate with the District to code the Needs plans in the 2035 model.

**Additional FDOT Comment:** Response noted. The Department had provided the 2035 Needs Plan from the 2035 Long Range Transportation Needs Assessment (LRTNA) for Hendry and Glades Counties. The 2035 Needs Plan for Lee and Collier counties can be obtained from the individual MPOs. The Department will be able to assist if needed. Please ensure that the 2035 analysis reflects the number of lanes based on the Needs Plan from the respective Counties.

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Please revise Table 3 – Study Roadways and Study Roadway Characteristics Table in Attachment 2 – Roadway Network Information appropriately.

4. Future planned developments within Hendry County such as the Rodina Sector Plan and South West Hendry County Sector Plan and America’s Gateway Logistics Center (AGLC) in Glades County are not currently included in the 2035 LCHG model. The Department recommends the applicant coordinates with Hendry and Glades Counties to establish the appropriate levels of development for the Rodina Sector Plan, the South West Hendry County Sector Plan and AGLC to be included in the model. The District can provide assistance in coding the respective levels of development in the model upon request.

*Applicant Response:* The revised methodology reflects requested modifications to the 2035 LCHG model. The applicant will coordinate with Hendry County and District 1, as needed, to incorporate the appropriate level of development in the model.

*Additional FDOT Comment:* Response noted. FDOT has no further comments

5. In addition to the hard copies, please list and provide supporting documentation for all changes to the model network(s) and socio economic data (zonedata) and provide digital executable copies of all analyses and model files used to conduct the analysis. Please also provide legible model plots showing the study area roadways for agency review.

*Applicant Response:* Comment noted.

*Additional FDOT Comment:* Response noted. FDOT has no further comments

6. The Department recommends that FDOT Standard K and D factors be used to convert daily volumes into peak hour peak direction volumes for the purpose of the roadway segment analyses.

*Applicant Response:* Comment noted.

*Additional FDOT Comment:* It is indicated on page 5 of 6 of the SHSP Transportation Analysis Methodology (dated April 30, 2014), that “AADT volumes will be converted to peak hour volumes using FDOT minimum K and D factors.” The Department recommends the applicant to modify the methodology language to clearly state that the FDOT Standard K and D factors will be used to convert daily volumes into peak hour peak direction volumes for the purpose of the roadway segment analysis.

**FDOT District Four Comments**

1. District Four has a keen interest in the potential impacts to SIS / regionally significant roadways from the SHSP. We, therefore, recommend that the following roadways be included in the transportation study area for the SHSP:
   - US 27 from SR 29 to I-75 in Broward County (including the I-75 / US 27 interchange)
   - SR 80 from Lee County Line to Conner’s Highway (CR 700) in Palm Beach County
   - US 441 / SR 98 from SR 80 to SR 76 in Martin County

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Development of the 850-acre Florida Crystals Inland Logistics Center, located between the Cities of South Bay and Belle Glade, is expected to impact these roadways. There are potential traffic impacts based on potential interaction between the SHSP site and seaports, airports, and other key origins / destinations within Palm Beach, Broward, and Miami-Dade Counties.

Applicant Response: The limits of the study area have been revised and adjusted in response to FDOT comments in coordination with Hendry County. In Palm Beach County and District 4, the study will include US 27 from the County Line to SR 80 / Palm Beach Road. This will provide the County and the District sufficient information to plan for any additional travel resulting from the proposed SHSP into the District. The Florida Crystals Inland Logistics Center and the other population centers are not included in the LCHG model that will be used for this analysis. The effect of these areas, however, will be captured in the revised traffic projections at the external traffic zones in the LCHG model.

Additional FDOT Comment: Given the location of and the proposed changes in land use and development densities / intensities for the SHSP, the Department continues to recommend that the roadways segments noted above be included in the transportation study area.

2. As discussed at the March 13, 2014 videoconference, District Four recommends that the transportation methodology include utilizing the FDOT Statewide Model (with the inclusion of SHSP development) to establish 2035 or 2040 projections at the external station links (at the County / District lines) and then assign those projections to the latest Southeast Florida Regional Planning Model to better assess potential impacts to US-27, US-441, and SR 80.

Applicant Response: The SHSP analysis will be prepared using the Lee / Collier / Hendry / Glades (LCHG) Model prepared by District 1 specifically for this analysis. The LCHG model provided by District 1 will include reasonable modifications to the external stations to reflect reasonable travel projections between District 1 and District 4, which is located on the eastern boundary of the model.

Additional FDOT Comment: Response noted. District One Transportation Modeling Staff has provided the Applicant with an estimate of the percentage of SHSP project trips a percentage of project trips to / from SHSP at the LCGH external stations on the eastern boundary of District One. These percentages were derived by adding the SHSP at a 30% development level to the Florida Statewide Model v. 5124. District One Transportation Modeling Staff are available to assist with model issues, additional data, or subsequent modifications needed to the external stations on the eastern boundary of the LCHG Model. FDOT has no further comments.

3. District Four recommends that the transportation methodology include an assessment of trips using the rail network. The SHSP should optimize the use of rail for freight to reduce roadway impacts related to trucks / freight and to maximize use of existing and potential future rail connections at seaports, airports, and intermodal centers thereby reducing truck impacts to roadways.

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Applicant Response: SHSP and adjacent areas are anticipated to include intermodal centers that integrate anticipated freight movements by all available transportation means. The revised methodology reflects recognition of the policies proposed to encourage multimodal freight movements and intermodal transfer points. An associated 2% to 3% reduction in total industrial / warehousing trips to reflect the anticipated movement of freight by alternative modes is proposed in the methodology.

Additional FDOT Comment: The Department considers the proposed 2% to 3% reduction in truck industrial / warehousing trips to be reasonable. The Department recommends that the Applicant provide a truck route map, as well as railway network map, relative to the SHSP for review.

4. District Four recommends that information be added on anticipated or desired interactions between the SHSP site and Airglades Airport.

Applicant Response: The Airglades Airport is currently a municipal airport. SHSP’s interaction between the Airglades Airport and the surrounding areas will be examined and evaluated by the airport if/when it is appropriate to address the airport’s plans.

Additional FDOT Comment: Response noted. FDOT has no further comments.

5. District Four recommends that the transportation methodology consider the role public transportation can play in serving trip needs generated by and attracted to the SHSP site, particularly for individuals and households in the Glades area without automobiles. There are two existing services - the Clewiston to Belle Glade Community Bus Route and the Belle Glade Express. These services are linked to Palm Tran fixed route bus service.

Applicant Response: Noted.

Additional FDOT Comment: Response noted. FDOT has no further comments.

6. District Four concurs that detailed analysis of traffic impacts beyond 2035 is not necessary at this point and that assuming 30% of the total land use allocation is developable within a 20-year study horizon is reasonable. However, the Department recommends that total trip generation for the SHSP beyond 2035 be estimated to get a better understanding of the build-out magnitude. That estimate would not necessarily be for traffic impact analyses or associated mitigation. The Department also recommends that an estimate be provided of the portion of the total trip generation through build-out that is expected to remain internal to the SHSP given its mix of uses. The SHSP should include a grid of minor arterial and collector roadways and local streets to accommodate internal / local trips and reduce impacts to the State Highway System (SHS). A well-designed grid roadway / street network could minimize the addition of side-street or driveway connections to the SHS, thereby optimizing traffic operations by minimizing the number of conflict points. The SHS should be planned to move traffic and freight to and from the SHSP site as viewed from local and regional scales. Another consideration is accounting for variability in impacts depending on how development on the SHSP site is phased / proceeds. The proposed Warehousing / Industrial uses, for example, could impact transportation facilities connecting the SHSP site to Port Miami, Port Everglades, the Port of Palm Beach, Port Manatee, and the Port of Tampa. Such variability should be recognized in establishing

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study areas for the more detailed traffic analyses that will be part of development of Detailed Specific Area Plans (DSAPs).

**Applicant Response:** The SHSP analysis will be conducted for the 2035 horizon. Analysis beyond the current planning horizon will be conducted at the appropriate time in the future when the planning horizon is extended or as the SHSP approaches the limits of the development program analyzed. The SHSP will include Goals and Policies with respect to an integrated interconnected transportation network to support the proposed plan through the planning horizon. Detailed specific area plans will undergo the required analysis and review at the appropriate time as required in Florida Statutes.

**Additional FDOT Comment:** The Department has staff available, and anticipates participation in the review of the SHSP Comprehensive Plan Amendment, and encourages Hendry County to include the FDOT as part of its review team for DSAPs.

7. A number of these recommendations relate to preparation of the general principles and guidelines for the SHSP long-term master plan that are to be used to establish each modal component intended to optimize mobility, create quality communities of a design that promotes travel by multiple transportation modes, etc.

**Applicant Response:** Comment noted.

**Additional FDOT Comment:** Response noted. This item is addressed in comment #6. FDOT has no further comments.

8. Despite the lack of an identified role for FDOT in Statutes regarding DSAPs, will Hendry County be engaging District One as DSAPS for the SHSP are developed and reviewed, particularly the part involving detailed identification of the transportation facilities to serve the future land uses? If not, will expectations involving detailed identification of the transportation facilities be set in guidelines in the long-term master plan for the SHSP? Is Hendry County likely to seek District One assistance in monitoring approved DSAPs? District Four is available to assist at the DSAP stage as requested.

**Applicant Response:** Hendry County and the applicant(s) will comply with Florida Statutes and Hendry County Code of Ordinances with regard to any DSAPs under the SHSP. If the County deems it necessary to consult FDOT for assistance in monitoring the DSAPs, the County will do so.

**Additional FDOT Comment:** Response noted. This item is addressed in comment #6. FDOT has no further comments.

**Additional Comments – Transportation Analysis Methodology (April 30, 2014)**

1. A single acreage total for the SHSP should be used consistently. It is indicated under the “Introduction” (page 1 of 6) in the SHSP Transportation Analysis Methodology dated April 30, 2014, that the “The planning area encompasses a total of ±43,366 acres.” However, it is indicated in Attachment 1, Sugar Hill Sector Plan Framework Map, that the cumulative development plan is 43,313 acres.

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2. Transportation Network (Needs Plans): References to the Hendry County Long Range Transportation Plan (LRTP) and Glades County LRTP should be deleted from this section.

3. The Study Roadway Characteristics Table in Attachment 2 indicates that the roadway segment of SR 29 from US 27 to CR 846 is a Non-SIS roadway facility. SR 29 is a SIS roadway facility from US 27 to SR 80, and is an Emerging SIS facility from SR 80 to CR 846.

4. Study Roadway Characteristics Table in Attachment 2: The service volumes need to be reviewed to make sure that they correspond to the 2035 area type. For example, the daily service volume at LOS Standard “D” for SR 80 from Cowboy Way to Birchwood Parkway should be 24,200 instead of 23,100 since the 2035 area type is urbanized. Similarly, the corresponding peak hour peak direction service volume at LOS “D” from Cowboy Way to Birchwood Parkway should be 1,190 instead of 1,200.

If you have any questions or need further clarification, please free to me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,

Bob Crawley
District Transportation Modeling Coordinator
FDOT District One

CC: Scott Rogers, Florida Department of Economic Opportunity
    Brenda Winningham, Florida Department of Economic Opportunity
    Lawrence Massey, Florida Department of Transportation, District One
    Lois Bush, Florida Department of Transportation, District Four

BC-BA-JG-DM

www.dot.state.fl.us
October 3, 2014

Mr. Ray Eubanks, Plans Processing Administrator  
Division of Community Development  
Department of Economic Opportunity  
107 East Madison Street, MSC 160  
Tallahassee, FL  32399

Re: Hendry County 14-3SP Proposed Comprehensive Plan Amendment State Coordinated Review

Dear Mr. Eubanks:

The Department of Environmental Protection (Department) has reviewed the above-referenced proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, Florida Statutes (F.S.). The proposed development sits squarely within the Everglades ecosystem, an internationally recognized environmental treasure and the focus of historic restoration efforts by this administration, including the Governor’s $880 million water quality plan. The Department, in partnership with the South Florida Water Management District (SFWMD) and local and federal stakeholders, is expeditiously moving forward with efforts to increase water storage to protect our estuaries and is seeking final approval and funding for the Central Everglades Planning Project to send more water south to Everglades National Park.

As such, the Department’s review of the proposed sector plan focused on potential impacts to Everglades restoration efforts, and also included the review of any potential impacts to: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interests in lands, including state parks, greenways and trails and conservation easements; solid waste; and water and wastewater treatment.

Based on this review, the proposed Hendry County 14-3SP comprehensive plan amendment does not adequately protect against adverse impacts to important state resources, including the Florida Everglades. The proposal does not include adequate information to analyze potential impacts to the surrounding environment. Additionally, the plan amendment, as drafted, impacts the state’s option to purchase certain United States Sugar Corporation, SBG Farms Inc. and Southern Gardens Groves Corporation properties. As such, the plan does not meet the requirements of Sections 163.3177 and 163.3245, F.S., and therefore should not be approved.

The Department submits the following, more detailed comments and recommendations to assist your agency in developing the state’s response to the proposed amendments.
PROPOSED AMENDMENT

The proposed Sugar Hill Sector Plan (SHSP) consists of 43,313 acres located in northeast Hendry County. The subject properties are adjacent to the Airglades International Airport and the City of Clewiston, and border on the Glades County line. The sector plan proposal includes the following six land use categories: Employment Center (10,522 acres); Mixed-Use Urban (1,688 acres); Mixed-Use Suburban (7,779 acres); Rural Estates (8,506 acres); Natural Resource Management (overlay amount not quantified); and Long-Term Agriculture (14,818 acres). The SHSP proposes a long-term (2060) planning horizon for the development of 18,000 residential units and 25 million square feet of non-residential uses. All of the goals, objectives and policies in the amendment package are provided to guide development within the sector plan.

LACK OF GUIDANCE IN GOALS, OBJECTIVES AND POLICIES

In conformance with Section 163.3245, F.S., the sector plan process must include (1) adoption of a long-term master plan for the entire subject area as part of the comprehensive plan, and (2) the subsequent adoption by local development order of two or more detailed specific area plans (DSAPs) that implement the long-term master plan. Additionally, data and analysis within the sector plan must identify regionally-significant natural resources within the planning area and set forth the procedures for their protection. The Department has reviewed the long-term master plan for the SHSP and determined that the goals, objectives and policies do not provide sufficient guidance or predictable standards for the development of future DSAPs. Therefore, the Department cannot determine whether implementation of the SHSP will result in adverse impacts to the Everglades ecosystem, an important regional and state resource. The Department provides comments on the following proposed SHSP policies (italicized).

**Policy 3.2.5 Urban Form**

*DSAPs within the Sugar Hill Sector Plan Area will be designed to include, where appropriate and fiscally efficient, the following:*

- A hierarchy of places intended to create compact nodes of activity at appropriate locations, with adequate infrastructure to serve the development, while directing higher intensity development away from environmentally sensitive areas;
- An efficient land use pattern that encourages internal capture and travel by multiple transportation nodes…;
- Residential neighborhoods that provide a broad range of housing options…;
- Parks, schools and other public services located within easy access to housing;
- Development of balanced communities…;
- Opportunities for a range of educational facilities…

Although the Framework Map depicts the general location of the six land uses, it does not meet the requirements of Subsection 163.3245(3)(a)(1), F.S., which requires the sector plan to include
the general framework for development patterns within the different land uses, including graphic illustrations based on a hierarchy of places and functional place-making components. Instead, Policy 3.2.5 requires the development pattern and hierarchy of places to be located where appropriate and fiscally efficient within the DSAP. Neither the policy, nor the framework map, provides sufficient guidance to predict the form or location of urban development within the DSAPs. Undefined terminology within this policy includes “where appropriate and fiscally efficient,” “adequate infrastructure,” “broad range of housing options,” “range of facilities” and “balanced communities.”

Objective 3.5 Public Facilities and associated Policies 3.5.2, 3.5.3 and 3.5.4.

Objective 3.5: Ensure the provision of adequate public facilities to address the needs and impacts of the DSAPs within the SHSP.

The County’s associated policies require that DSAP analysis include an inventory of existing facilities to determine whether amendments will be needed in the Capital Improvements and other elements of the Hendry County comprehensive plan to serve development within the DSAP. The policies also require DSAPs to include analysis for appropriate and fiscally efficient delivery of sanitary facilities. The policies do not indicate which land uses, densities, intensities or development types within the sector plan or DSAPs will be required to connect to central sewer and/or central water. Due to the absence of this threshold guidance, the Department cannot analyze what constitutes “appropriate and fiscally efficient” delivery of these facilities.

Policy 3.2.2 Future Land Use Categories

The Long-Term Agriculture (LA) Future Land Use Category identifies areas suitable for new and continued long-term agricultural and/or silvicultural activities, mitigation banking for water, wetlands and species, and related supporting uses regardless of intensity. Development within areas designated LA will be limited to agricultural, silviculture, and support uses and will occur in a manner that maintains the subject site’s viability for agricultural use. Residential uses within areas designated LA will be limited to property owner/manager and farm worker housing. Property owner or manager housing may occur at a maximum density of one (1) dwelling unit per 50 acres. Farm worker housing may occur at a maximum density of six (6) units per acre for single-family attached and detached homes/mobile homes/duplexes and ten (10) units per acre for multi-family projects where central potable water and wastewater systems are available...

The policy does not provide sufficient guidance to predict the location and amount of farm worker housing or the intensity of other support uses to be allowed within the Long-Term Agriculture land use category.
Objective 3.8 Prior to the submittal of a DSAP in the SHSP, a clear and efficient process for the preparation, review and approval of DSAPs will be provided for the County to consider and adopt into the Land Development Code.

This sector plan’s policies should include basic criteria with meaningful and predictable standards for the preparation, review and approval of DSAPs. DSAPs should be designed to implement the general framework laid forth by the SHSP. Guidance for the inclusion of this process in the sector plan can be found in Section 163.3245, F.S. The County can also refer to sector plans it has previously submitted or those submitted by local governments in the region.

LACK OF ANALYSIS OF POTENTIAL IMPACTS TO EVERGLADES RESTORATION INITIATIVES

The Department is committed to successfully restoring Florida’s Everglades and maintaining the health and viability of the interconnected waterways and ecosystems that impact this national treasure. By working with federal, state and local partners, the Department has designed a series of projects aimed at reducing pollutants to improve water quality and restoring the hydrology and ecology of south Florida’s waterways which extend from the Kissimmee Chain of Lakes, to Lake Okeechobee, through the Everglades and on to the waters of the Florida Bay – covering 18,000 square miles. Restoration plans in the region are complex, balancing the immediate need to reestablish water quality throughout the ecosystem with the competing objectives of flood control as well as water supply critical to south Florida’s population centers.

The sector plan impacts Everglades restoration and does not analyze these impacts or provide for mitigation. In 2010, the SFWMD executed the Second Amended and Restated Agreement for Sale and Purchase (Agreement) with the United States Sugar Corporation, SBG Farms, Inc. and Southern Gardens Groves Corporation. The Agreement included options to purchase up to 153,209 acres to be used for Everglades ecosystem restoration. The Agreement provides SFWMD multiple options – including options to purchase various portions of the property – with the last option to purchase the property expiring in 2020. It appears that a substantial portion of this option acreage overlaps with the proposed development area. Questions, therefore, arise regarding the compatibility of the SHSP land uses with potential important conservation and restoration plans on this overlapping acreage. This omission alone, the failure to analyze clearly identified and potentially inconsistent conservation uses of the property, results in the SHSP not meeting the requirements of Subsection 163.3245(3)(a)(5), F.S. Accordingly, approval of the SHSP is premature, without the applicant and the County recognizing the potentially incompatible conservation use, analysis of how the proposal may be changed or altered should SFWMD choose to exercise its option and projected alternative plans given each of those scenarios.

In conclusion, based on the information and analysis submitted, the Department has determined that the proposed Hendry County 14-3SP comprehensive plan amendment does not adequately protect against adverse impacts to Everglades restoration and other important state resources, and
therefore is inconsistent with the requirements of Sections 163.3177 and 163.3245, F.S. As such, based on the above analysis, the Department objects to the proposed Sugar Hill Sector Plan. If you have any questions or need additional information, please contact me at (850) 245-2172.

Sincerely,

[Signature]

Suzanne E. Ray, AICP, LEED AP
Office of Intergovernmental Programs

cc: Natalie Schneider, South Florida Water Management District
October 3, 2014

Ray Eubanks
Plan Review and Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
Tallahassee, FL 32399-4120
DCPexternalagencycomments@deo.myflorida.com

Re: Hendry County 14-3 SP, Sugar Hill Sector Plan, Hendry County SEPL 14-0001

Dear Mr. Eubanks:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced proposed comprehensive plan amendment for consistency with applicable provisions of Chapter 163, Florida Statutes. The proposed development is within the area of the Everglades ecosystem southwest of Lake Okeechobee. The Everglades ecosystem is internationally recognized for its unique collection of flora and fauna. Some 67 species within the ecosystem are on the federal threatened or endangered species lists, including the Florida Panther that has become a symbol of this unique natural treasure. It is with this in mind that we reviewed the proposed plan and now raise objections to the proposal as submitted.

In summary, the proposed Sugar Hill Sector Plan does not adequately address potential impacts to important state fish and wildlife, including the Florida Panther. The plan does not identify lands for conservation with the specificity needed to analyze the impacts to wildlife or identify areas appropriate for mitigative measures such as wildlife crossings, signage, and speed control measures. Furthermore, the proposal does not include a plan to coordinate with FWC to ensure potential impacts to fish and wildlife resources are avoided, minimized, or mitigated. As such, we object to the approval of the proposed plan without these issues being adequately addressed.

We provide the following additional and more detailed comments for your consideration in accordance with section 163.3184(3)(b), Florida Statutes.

Project Description

The proposed comprehensive plan amendment identifies approximately 43,000 acres known as the Sugar Hill Sector Plan (SHSP) located immediately south of the Glades County line and immediately west of the City of Clewiston and C.R. 835. The western boundary is located along both sides of C.R. 833 and the SHSP is generally bound by the Montura Ranch Estates community on the south. The acreage included as part of the SHSP consists primarily of active agriculture, including approximately 30,000 acres of sugar cane fields and 7,850 acres of active citrus. The remaining acreage consists of other agricultural uses, canals, and isolated wetlands.
The current SHSP proposal includes 14,818 acres of designated as Long-term Agriculture, 10,522 acres designated as an Economic Center, 1,688 acres of Mixed-Use area, 7,779 acres of Mixed Suburban use, and 8,506 acres of Rural Estates. The area designated as an Economic Center is intended to serve the privatization and expansion of the existing Airglades Airport and to relieve cargo from the Miami International Airport. The remaining uses are intended to support the workforce associated with the Economic Center or to remain in some form of agricultural use, including the Rural Estates designation, which will include provisions for agriculture and conservation, and the Natural Resources Management areas, which allow silvicultural practices associated with enhancement.

Potentially Affect Resources

State and federally listed species or their habitats have been identified onsite, including the federally threatened Audubon's crested caracara (*Polyborus plancus audubonii*) and Eastern indigo snake (*Drymarchon corais couperi*), and the federally endangered Florida panther (*Pumas concolor coryi*). The western one-third of the property is located within the secondary zone for the Florida panther and panther usage of the property is evident from radio-telemetry data collected from collared panthers. There have been two instances of panther roadway mortality within one mile of the project area, one on U.S. 27 and one on S.R. 80.

Comments

The SHSP outlines policies and objectives to guide planning and development during the Detailed Specific Area Plan (DSAP) process. Objective 3.4: *Environmental Resources and Open Space* states that the SHSP will “Identify and protect regionally significant natural resources through the creation of an interconnected open space network within the Sugar Hill Sector Plan area where appropriate and fiscally efficient.” The subsequent policy provides a commitment to consult FWC databases during preparation of the DSAP application, conduct field surveys, and protect natural resources consistent with state regulations. As stated above, telemetry data and mortality data suggest that portions of the property have the potential to support movement of wildlife species, including the Florida panther. Areas proposed for Rural Estate and forested wetland systems associated with the Natural Resource Management likely support panther usage and movement. The Rural Estate designation includes provisions for some agricultural usage, such as the keeping of livestock, and the Natural Resource Management areas include use by residents for passive recreation, including pedestrian trails and wildlife viewing areas. The combination of the proposed land uses and existing wildlife usage may increase the possibility for negative human-wildlife interactions and property damage. The objective also identifies creation of an interconnected open space network. Because of panther roadkills along U.S. 27 and S.R. 80 and the potential for increased traffic along both S.R. 80 and C.R. 833, the areas identified for the open space network may be appropriate for supporting panther movement through the property.

Because of the above-identified wildlife usage of the property and the potential for human-wildlife interactions, we recommend Policies 3.4.1 and 3.4.2 be revised to account for potential impacts to important state fish and wildlife resources. The policy should include a commitment to coordinate with FWC staff through pre-
application meetings to address potential fish and wildlife resource issues prior to submittal of the DSAP application. The policy should also specify that prior to DSAP adoption, Hendry County will develop a policy outlining the process for coordination with FWC to ensure that potential impacts to fish and wildlife resources are avoided, minimized, or mitigated. Having the ability to identify important natural resource concerns during DSAP planning will allow both FWC and the applicant to develop mutually agreed upon solutions to fish and wildlife resource concerns that cannot be identified at the policy and objective level.

Coordination with FWC staff during DSAP development will be essential in identifying areas of highest wildlife usage, identifying areas appropriate for maintaining habitat and open space connections, ensuring wildlife using the property can continue to move through the property, and ensuring the appropriate mechanisms are in place for educating residents on living with panthers and black bears. Through participation in the DSAP application development, FWC staff can also examine the internal roadway network as well as the existing roadways to identify areas appropriate for mitigative measures such as wildlife crossings, signage, and speed control measures. Appropriate protective measures and appropriate locations for habitat connections and wildlife movement cannot be determined at this time. Including a policy to ensure FWC staff participation in DSAP development will be necessary to adequately protect fish and wildlife resources, to ensure continued wildlife movement through the property, and to reduce the possibility of negative human-wildlife interactions.

In conclusion, we appreciate the opportunity to review the Sugar Hill Sector Plan and participate in this planning process. Again, after thoughtful analysis of the proposal, we object to the approval of the proposed plan based on potential impacts to important state fish and wildlife and cannot fully analyze certain impacts with additional information. If you would like to coordinate further, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Jennifer Goff at (850) 617- 9380 or by email at Jennifer.Goff@MyFWC.com.

Sincerely,

Nick Wiley,
Executive Director

NW/jdg

cc: Darrell Land, Florida Fish and Wildlife Conservation Commission, Darrell.Land@myfwc.com
Shane Parker, Hendry County Director of Public Works, SParker@hendryfla.net
Brenda Winningham, Florida Department of Economic Opportunity, Brenda.Winningham@deo.myflorida.com
October 3, 2014

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison, MSC-160
Tallahassee, Florida 32399

Subject: Hendry County, DEO #14-3SP
Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Hendry County (County) that includes the proposed Sugar Hill Sector Plan (Sector Plan). The proposal is located near the southwestern border of Lake Okeechobee and within the general area of the Florida Everglades that is the focus of the State's efforts to construct projects to improve water quality and flow for this unique ecosystem. In fact, a portion of the lands within the proposed Sector Plan have been identified as having potential for future Everglades restoration projects. The District has therefore carefully analyzed the proposal for impacts to Governor Rick Scott’s historic efforts to restore the Everglades.

Based on this review, the District recommends against approving the proposed Sector Plan as it does not provide sufficient information to show that future Everglades restoration efforts will not be harmed. The following overarching policy issues outline some of the District’s areas of concern and additional comments are attached.

Flood Protection
The Sugar Hill Sector Plan anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan’s Long-term Master Plan.

The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.

Pollutant Loading Differences from Changes in Land Uses
Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.

Irrigation Sources
Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public
land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan’s Long-term Master Plan.

**Ecosystem Restoration**

The Environmental Analysis section (Supplement A7, pg. 1, August 26, 2014 Submittal Package) states both, “There are no proposed acquisition areas within this portion of Hendry County. This attests to the lack of environmental sensitivity and regional significance of these lands…” and last paragraph on page 5 of this section, “It should be noted that none of the acquisition areas include the portions of Hendry County that are the subject of the Sugar Hill Sector Plan.”

- These statements should be revised to reflect the District’s two purchase options which include a portion of the lands identified within the Sugar Hill Sector Plan. While no project is currently in the planning stage, it is possible a portion of these properties could be used for restoration. The portion of the Initial Non-Exclusive Option that falls within the boundaries of the Sector Plan is comprised of approximately 13,272 acres and expires October 2015; the portion of the Entire Option Property Non-Exclusive Option is comprised of approximately 19,494 acres and expires October 2020. The Sector Plan language should be revised to reflect these agreements.

In closing, the District has several objections to the proposed Sector Plan, including potential impacts to Everglades restoration efforts. Please find attached more detailed recommendations and technical guidance. The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County’s future water supply needs and to protect the region’s water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Natalie Schneider, Supervising Planner, at (961) 682-2545 or nschneider@sfwmd.gov.

Sincerely,

Dean Powell
Water Supply Bureau Chief

DP/ns

c: Blake Guillory, SFWMD
   Terrie Bates, SFWMD
   Natalie Schneider, SFWMD
   Charles Chapman, Hendry County
   Kathy Hattaway Bengochea, HCl Planning
   Shane Parker, Hendry County
   Suzanne E. Ray, DEP
   Brenda Winningham, DEO
   Margaret Wuerstle, SWFRPC

Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP
Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP

Coordination with the District
- Objective 3.7, Intergovernmental Coordination, states Hendry County (County) will coordinate with local, state, and regional governments as required by the appropriate goals, objectives, and policies of the County’s Comprehensive Plan for extra-jurisdictional impacts. However, no policies have been included to address how intergovernmental coordination will be facilitated and no specific goals, objectives, and policies in the County’s Comprehensive Plan have been identified to address extra-jurisdictional impacts. A policy or policies should be included to identify specific actions or activities to address how intergovernmental coordination will be facilitated for extra-jurisdictional impacts.

Flood Protection and Floodplain Management
- The Sugar Hill Sector Plan (Sector Plan) anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan’s Long-term Master Plan.
- The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.
- Much of the land identified in the Sector Plan Long-term Master Plan is in designated flood zones (A, AE, AH); this condition is not addressed in the text or policies. Definitions of these FEMA Flood Zones should be included with the Flood Hazard Map in the Long-term Master Plan and general policies setting forth procedures to be used to mitigate impacts should be included as well.
- Please include a drainage map showing the stormwater flow patterns and a discussion of anticipated changes in pollutants and pollutant loads that might be associated with stormwater runoff from developed lands versus agricultural lands. General policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan’s Long-term Master Plan.

Wetlands and Other Surface Waters
- Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.
- Policy 3.4.1, Conservation of Wetlands and Regionally Significant Natural Resources, states Detailed Specific Area Plan (DSAP) applications will include a delineation of wetlands and natural water bodies within the DSAP area. However, the policy does not specifically state coordination with the District, only that protection of wetlands will generally occur in the Natural Resource Management (NRM) Areas and in a manner consistent with the County’s Comprehensive Plan Conservation Element and federal, regional, and state regulations. The policy should be revised to specifically address how coordination activities will be undertaken with the South Florida Water Management District (District) and other applicable agencies.
- Pending amendments to Chapter 40E-61 F.A.C. pertaining to the implementation of BMPs in the Caloosahatchee River watershed, as established by the Northern
Everglades and Estuaries Protection Program (NEEPP), render it critical that an
evaluation of any and all proposed land use changes as they potentially affect pollutant
loading in that watershed is included in the Sector Plan Long-term Master Plan.

- Lands currently permitted under Chapters 40E-61 and 40E-63 jurisdictions that lie within
the Sector Plan development area will require permit modifications under the Works of
the District permitting programs where land use changes will occur as a result of the
Sector Plan development.

- Future permit applications for DSAPs located within the jurisdictions of the 40E-61 and
40E-63 rules will require integrated review among the ERP, water use, and Works of the
District programs. Specifically, land use changes affecting drainage, hydrology, and
pollutant loading will have to be addressed by the Works of the District program. Future
scoping meetings with the District should include representatives of the Works of the
District permitting programs.

- The NEEPP (Section 373.4595, F.S.) mandates a Pollutant Control Program be
implemented that includes regulatory Best Management Programs such as the State's
ERP Program. Future proposed DSAPs and/or projects within the Sector Plan should be
reviewed through the appropriate BMP Program.

Water Supply

General water supply comments:

- The District’s Governing Board approved the Lower West Coast (LWC) Regional Water
Supply Plan (RWSP) Update on November 15, 2012. Pursuant to Section
163.3177(6)(c)3. F.S., the County’s Water Supply Facilities (Work Plan) should have
been adopted and transmitted to the District by May 2014. The Work Plan needs to
include updated water demand and population projections for the identified planning
period and also identify any water supply projects needed to meet projected demands.
The Sector Plan Long-term Master Plan should use more up-to-date information
available and rely on the most recent LWC RWSP for population projections and water
demand projections. Further information on updating Work Plans is available at:
www.sfwmd.gov/work_plan_support.

- For the NRM Areas, revise Map C-2 - Proposed Future Land Use, to depict the areas to
be designated as this land use category. Include in the data and analysis for NRM Areas
the total acreage amount of the NRM Areas and water projections and needs.

- Under Objective 3.5, please include policies addressing water supply development
projects and water conservation measures needed to meet the projected demand of the
future land uses.

Potable Water

Potable water demands are being proposed to be met from the Upper Floridan aquifer. Within
this region of the County, there are limited available freshwater sources. The water quality of the
Upper Floridan aquifer in the Sector Plan area is expected to have chloride concentrations of
1,000 mg/L or greater. As a result, a reverse osmosis treatment process will be required and
proper disposal of the brine will be necessary. The Upper Floridan aquifer is the same
withdrawal source as used by the Clewiston Water Treatment Plant (Water Use Permit 26-
00769-W). The potable water demands for the Sector Plan were estimated based on a
population of 48,600 people at 125 gallons per person per day (6.08 MGD) and on non-
residential (commercial/industrial) square footage of 25,000,000 at 0.15 gallons per day (3.75
MGD).
The potential for degradation of the Upper Floridan aquifer water quality will need to be considered and general policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan's Long-term Master Plan.

The overlapping of drawdown contours of the Upper Floridan aquifer existing legal users may be expected and should be considered when designing the wellfield.

Irrigation
The use of reclaimed water is being proposed. It is stated that reclaimed water may provide the majority of irrigation water for the site with supplemental water from wells, canals and lakes. It was estimated that 5,285 acres in the land use categories may have irrigation requirements and a bulk estimate of 25% of this acreage was calculated to require irrigation (1,390 acres).

- Please clarify how the irrigation water demands were derived; the overall estimated irrigated acreage of 1,390 acres maybe a low estimate within the proposed 43,000 acre site.

- Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan's Long-term Master Plan.

- The District supports the use of reclaimed water to the maximum extent feasible.

In an effort to foster water supply planning coordination, the District suggests the inclusion of two policies into the proposed Sector Plan goals, objectives, and policies. These policies are intended to facilitate coordination among the District, the County, and DSAP applicants:

- Policy: Future DSAP applicants are informed that the South Florida Water Management District (SFWMD) is responsible for reviewing and issuing permits and/or approvals associated with water supply, the Water Supply Facilities Work Plan, and environmental resources. Early coordination between the applicant and the SFWMD will help identify potential issues, facilitate permit review, and may identify cost effective solutions early in the planning process. Hendry County shall encourage DSAP applicants to coordinate as early as possible with the SFWMD to identify issues potentially affecting permit review and the Water Supply Facilities Work Plan.

- Policy: To facilitate increased coordination, Hendry County will provide the South Florida Water Management District with a courtesy copy, or digital access to submitted DSAP applications, for informational purposes.

Permitting Technical Assistance
It appears the site is located within two Diversion and Impoundment Water Use Permits (D&I) [Sugarland Drainage District (WU Permit 26-00138-W) and the Flaqhole Drainage District (WU Permit 26-00139-W)]. The individual agricultural projects located within these two D&I permits do not have their own permits and the source of water is from the C-43 Canal which is a restricted source within a “Restricted Allocation Area”.

- Modification of these two D&Is (currently serving agricultural drainage and irrigation) will be required in order to include the addition of the new use classes within the site.
• The D&I permits will need to be modified to terminate the agricultural water use demands as development occurs within the site and there will be a need to determine if this terminated water will be made available for the other use classes within the site.

• There are concerns related with how the systems will be operated and managed. Specifically, a determination of how water levels be maintained in the primary canals and within the internal wetlands currently receiving the benefit of existing surface water elevations.

**Ecosystem Restoration**

The Environmental Analysis section (Supplement A7, pg. 1, August 26, 2014 Submittal Package) states both, “There are no proposed acquisition areas within this portion of Hendry County. This attests to the lack of environmental sensitivity and regional significance of these lands…” and last paragraph on page 5 of this section, “It should be noted that none of the acquisition areas include the portions of Hendry County that are the subject of the Sugar Hill Sector Plan.”

• These statements should be revised to reflect the District’s two purchase options which include a portion of the lands identified within the Sugar Hill Sector Plan. While no project is currently in the planning stage, it is possible a portion of these properties could be used for restoration. The portion of the Initial Non-Exclusive Option that falls within the boundaries of the Sector Plan is comprised of approximately 13,272 acres and expires October 2015; the portion of the Entire Option Property Non-Exclusive Option is comprised of approximately 19,494 acres and expires October 2020. The Sector Plan language should be revised to reflect these agreements.