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SECTION 10

**CONSISTENCY WITH THE
CHARLOTTE COUNTY COMPREHENSIVE PLAN**

CHAPTER 1, FUTURE LAND USE ELEMENT

GOAL 1: Charlotte County will manage growth and development in a manner which safeguards the public investment, balances the benefits of economic growth with the need for environmental protection, and prevents urban sprawl.

OBJECTIVE 1.1 (Urban Service Area): The Urban Service Area strategy will direct the timing, location, density and intensity of development and infrastructure throughout Charlotte County so that at least 90% of urbanized development is located within the Urban Service Area's Infill Areas.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.1.5: Within the East County planning area, Charlotte County will encourage those forms of development which serve an agricultural community and a rural lifestyle.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.1.10: Criteria for amending the Urban Service Area boundary include (i.e., converting rural service area to urban service area lands):

- a. the proposed expansion is contiguous to the Urban Service Area (except for self-supporting development approved as either a New Community or Development of Regional Impact);
- b. proposed land uses are compatible or provide sufficient buffering from existing, adjacent uses;
- c. an enforceable agreement exists for the extension of central potable water and sanitary sewer service into the proposed expansion area; and
- d. the proposed expansion will not interfere with agriculture or conservation activities.

Response:

Babcock Ranch CPA is consistent with the stated criteria and will be developed as a New Community. The proposal will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.2 (Concurrency): Charlotte County will employ a Concurrency Management System to ensure that appropriate Levels of Service identified within this comprehensive plan are achieved or maintained.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.2.1: New development will not reduce urban infrastructure and services below the Level of Service standards adopted by Charlotte County in this comprehensive plan.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy. See responses to Capital Improvements Element, Parks and Open Space, and Transportation (Section 6) for consistency.

POLICY 1.2.4: Charlotte County will not approve proposed comprehensive plan or rezoning amendments which would reduce levels of service below the adopted standards scheduled in the Capital Improvement Element.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.3 (Infrastructure And Services): Charlotte County will use the location and timing of infrastructure and services to direct growth in an orderly and efficient manner.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.3.2: In certain instances, Charlotte County may provide higher levels infrastructure and services to areas regardless of the Urban Service Area designation in order to protect the public health, safety, and welfare or at the request and capital outlay of citizens within an area.

Response:

School sites will be provided as part of the Babcock Ranch CPA to help meet future public services needs and as such, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.4.5: Charlotte County will employ a transfer of development rights program whereby the development rights of property may be severed in perpetu-

ity or until designation as an Infill Area and transferred to locations which are more appropriate for urban development. The transfer of development rights program will identify sending zones from which development rights will be severed and transferred to receiving zones. Sending zones shall include Resource Conservation and Preservation Future Land Use Map locations, Suburban and Rural Areas identified in the Urban Service Area strategy, locations within the Special Surface Water Protection Overlay District, and any property containing historical, archeological, or environmentally sensitive resources. Receiving zones shall include Medium Density Residential and High Density Residential and High Density Residential Future Land Use Map locations, New Communities, Rural Communities, and areas specified within a resource management plan developed consistent with the Natural Resources and Coastal Planning Element.

Response:

The Babcock Ranch CPA is not requesting a transfer of density under the TDU program offered by the County. Instead, density will be allocated within the site under a four (4) party agreement.

OBJECTIVE 1.5: To ensure the availability of suitable land for utility facilities necessary to support proposed development.

Response:

Babcock Ranch CPA is located within the franchised area of Town and Country Utility Company. The following is a short excerpt from the Florida Public Service Hearing giving a brief background on the utility company.

“On November 10, 1998, Town and Country Utilities Company (Town and Country or utility) filed an application for an original certificate to operate a water utility in Charlotte and Lee Counties. Town and Country is a wholly-owned subsidiary of the Babcock Florida Company (Babcock), which currently owns and operates all existing water facilities in the proposed territory.

“The existing water facilities provide potable and non-potable water service to a variety of residential, commercial and agricultural customers. The existing potable water service is provided to approximately 71 equivalent residential connections (ERCs), of which 22.5 are residential customers and 48.5 are commercial customers. The existing non-potable water service is provided to approximately 216,654 ERCs.

“Town and Country has entered into an agreement with Babcock to obtain a long-term right to use the necessary properties for the operation of the water utility. In its application, the utility states that prior to its formation, its parent company owned the existing facilities, which will now be utilized by the utility in providing service to new territory. The utility also states that it will continue to employ operations, maintenance, and technical advisory personnel necessary to ensure continued efficient provision of water service to the various customers of

the utility. Additionally, the utility states that the parent company is currently providing service to its own property at no cost, and “has for 50 years owned the property and overseen the water resources within the property which is to be the service territory of Town and Country Utilities Company.”

Property located within the Babcock Ranch CPA will connect to the public water system as provided by Town and Country Utility Company.

POLICY 1.5.1: Utility facilities shall be allowed in all Future Land Use Map designations.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

POLICY 1.5.2: Utility facilities shall be developed with buffers and setbacks in order to protect adjacent land uses from activities conducted on such utility sites.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.6 (Future Land Use Coordination): The location and intensity of development shall coincide with the availability of facilities and services and appropriate topography and soil conditions.

Response:

Development within the Babcock Ranch CPA will coincide with facility and service availability. Water, sewer, law enforcement, school sites, etc. will be provided in keeping with the desire for a self-sufficient community.

POLICY 1.6.2: Availability of facilities and services shall be measured by the adopted level of service standards.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.6.4: In order to reduce the potential for pollution to soils and groundwater, the use of advanced septic treatment systems or reduced development densities in locations without existing or planned central sanitary service shall be required.

Response:

Babcock Ranch CPA does not fall within the franchised area of any wastewater providers in Lee County. It is Babcock Ranch CPA's intent to construct a wastewater collection, treatment and disposal system to serve the development. This will hold true regardless of what type of governmental entity, development district or utility company is formed to serve the project.

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.6.5: Wetlands shall be protected consistent with the objectives and policies within the Natural Resources and Coastal Planning Element.

Response:

The existing uses allowed within the current Future Land Use designation on the property do not comply with this objective. The proposed amendment would create consistency.

OBJECTIVE 1.7: To ensure the protection of the natural environment by minimizing adverse impacts created by development.

Response:

The amendment proposes to conserve a significant portion of the overall property to protect valuable wildlife and native habitats. The currently existing uses allow indiscriminate clearing of uplands throughout the ranch lands.

POLICY 1.7.1: Charlotte County shall protect groundwater resources by maintaining a maximum density of one dwelling per ten acres in areas of prime aquifer recharge.

Response:

The Babcock Ranch CPA lies outside of the prime recharge area as indicated on Map 4.17 - Aquifer Recharge Area in Chapter 4, Infrastructure Element.

POLICY 1.7.2: Land uses within delineated cones of influence or 1,500 feet where a cone of influence has not been determined shall be evaluated to ensure the protection of potable water wellheads. Land uses in which hazardous wastes are produced or stored shall not be allowed within these areas unless permitted by the Department of Environmental Protection.

Response:

The Babcock Ranch CPA does not include nor is proximate to any wellhead protection areas as delineated on the Future Land Use Map series #5, "Wellhead Protection Areas".

POLICY 1.7.3: Charlotte County adopts the water quality standards of Chapter 62-25, Florida Administrative Code. Pollution abatement shall be accomplished by requiring stormwater management systems in accordance with the requirements of that chapter.

Response:

The Babcock Ranch CPA's water management system will be designed to meet the stated requirements of SFWMD.

POLICY 1.7.4: Commercial and industrial uses shall be developed to avoid the contamination of groundwater.

Response:

The Babcock Ranch CPA's water management system will be designed to meet the stated requirements of SFWMD consistent with those land uses.

POLICY 1.7.5: Charlotte County shall require the use of advanced onsite treatment and disposal systems for new development located on a development site which is less than or equal to 10,000 square feet in size and which does not have central sanitary sewer service currently available or is not located within the short-range sewer installation program included within the five-year schedule of capital improvements.

Response:

Babcock Ranch CPA does not fall within the franchised area of any wastewater providers in Charlotte County. It is the intent of the Babcock Ranch CPA is to construct a wastewater collection, treatment and disposal system to serve the property located within the proposed District. This will hold true regardless of what type of governmental entity, development district or utility company is formed to serve the project.

POLICY 1.7.6: Natural resources shall be protected during mining and excavation activities. No such activities shall be permitted in wetlands or protection zones for listed species unless permitted by state or federal regulations and guidelines. A reclamation plan for post-mining/excavation use is required as a condition of permit issuance by Charlotte County.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.7.7: Development proposals and activities shall protect wetlands so that productive natural functions shall be maintained in the post-development environment.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

GOAL 2 (Land Use Patterns): Charlotte County will provide a variety of development opportunities and will promote freedom of individual choice consistent with the Urban Service Area strategy.

POLICY 2.1.2: The Future Land Use Map series and its implementing regulations will promote a variety of land uses, densities, and housing types to promote well-being and diverse choices and opportunities for Charlotte County's citizens.

Response:

The proposed development program will provide for a wide mix of uses and housing types. It is anticipated that a variety of work force housing products will be made available within close proximity to the commercial development, and within walking distance to schools, parks, churches and civic centers. Construction of all proposed uses will comply with all County and State regulations. Institutional uses desired as part of the Babcock Ranch CPA shall be included in the future land uses. Institutional uses shall be included in the future land uses.

POLICY 2.2.2: In considering amendments to the Future Land Use Map, proposed residential land uses will generally not be located adjacent to incompatible commercial or industrial lands without sufficient mitigation, such as buffering and setbacks, which lessens the impact to the proposed residences.

Response:

Some mixed-uses in the appropriate locations will provide creative means of providing a variety of development choices, and is therefore consistent with this policy.

POLICY 2.2.3: In considering amendments to the Future Land Use Map, non-residential uses, such as industrial uses, will generally not be located adjacent to existing or planned residentially zoned areas.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.9: Developers of commercial land uses will provide buffering in order to protect adjacent less intensive land uses from adverse impacts such as noise, lighting, and traffic.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.17: Industrial uses will be buffered from incompatible adjacent land uses by means such as vegetative, natural, or opaque barriers. The Land Development Regulations will provide appearance standards for buffering techniques.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.19: Charlotte County will encourage the bona fide practice of agriculture and will promote the conservation of agricultural lands to assure that the County experiences no substantial loss of agricultural productivity.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.21: Charlotte County will preserve the economic viability of agricultural lands and will prevent the premature conversion of these lands to other uses.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.22: Agricultural lands within Charlotte County may be converted to other uses when a demonstrated need has been established. A conversion of agricultural land to more intensive urban uses must occur in accordance with the Urban Service Area strategy Rural Community or New Community concepts, or Development of Regional Impact.

Response:

Babcock Ranch CPA will occur in accordance with the New Community concept and will, therefore, be consistent with this policy.

Resource Conservation

These lands will be maintained for continuing the sustainable yield of natural resources, including game, sport fishing, timber, and potable water. Residential densities may not exceed one (1) dwelling unit per forty (40) acres and must be located as far as possible from the resources that are protected.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 2.2.26: Charlotte County will protect environmentally sensitive lands and waters from urban development through various means including, but not limited to, the acquisition and maintenance of land and development rights, or through land use regulation. Implementation programs shall include transfers of development rights, stormwater management, the Special Surface Water Protection Overlay District, prohibition of discharges of untreated wastewater, and erosion control.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 2.5 (Overlay Districts): Charlotte County will identify areas on the Future Land Use Map which require unique consideration for land density and development activities.

POLICY 2.5.1: The Special Surface Water Protection Overlay District (SSWPOD) designates land areas in Charlotte County which border surface waters that are sources of potable water and recreational fisheries, and also contain significant wetland habitats. Development within these areas will be restricted so that there is minimal disruption to the natural hydroperiods, flows, and water quality. Allowable uses are limited to low density and intensity applications as depicted on the Future Land Use Map as Preservation, Low Density Residential, Agriculture, and Resource Conservation. With the exception of bona fide agricultural operations and incidental domestic uses, land uses which utilize, store, or generate hazardous materials, or which involve the bulk storage or transmission of petroleum products or other hazardous substances, shall be prohibited. The design criteria and development standards of a project will be reviewed, depending on use, by staff prior to any land clearing or permit issuance. The impacts to be reviewed include, but are not limited to, erosion control,

stormwater management, water quality monitoring, annual reports on water quality, and setback requirements.

Response:

Not Applicable

POLICY 2.5.5: The Urban Service Area Overlay District designates the locations in Charlotte County which will receive increased levels of service for infrastructure and services in accordance with Policy 1.1.1.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 2.9 (Community Planning): Charlotte County's communities and subdivisions are encouraged to seek a redesign of their communities with the goal of creating more useful and purposeful design incorporating concerns of environmental issues, transportation, housing density, schools, parks, recreation, and commerce. Such community plans shall have main premises of reducing urban sprawl and developing a self-sustaining community.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy. (See also IV.F.2.a.)

POLICY 2.9.1: Charlotte County shall encourage the development of community plans for subdivisions and communities. Communities seeking to increase their levels of infrastructure and service are encouraged to use the community planning process as a means for evaluating and determining appropriate service levels and funding sources.

Response:

Consistent with the Babcock Ranch CPA Land Use designation.

GOAL 3 (Constitutional Rights): Charlotte County recognizes the supremacy of the U.S. Constitution and the Constitution of the State of Florida and will protect the rights of its citizens.

OBJECTIVE 3.1 (Private Property Rights): Charlotte County shall respect private property rights and will not take private property without just compensation. Likewise, private property owners will respect the rights of their neighbors and will develop land in a manner which is respectful of the rights of others.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

GOAL 4 (Land Development): Charlotte County will regulate the use of land in the public interest to protect the health, safety, and welfare of their citizens and also to safeguard the public investment.

POLICY 4.1.9: Charlotte County will evaluate the effects of development on wellheads for all proposed land uses within delineated cones of influence for all central potable water supply wellheads used for public consumption. Where a cone of influence is not determined, all proposed development within 1,500 feet of the wellhead will be evaluated. Land uses in which hazardous materials (such as petroleum products or chemical or biological wastes) are produced or stored are not permitted to adversely impact groundwater resources. Landfills, wastewater treatment facilities, or feedlots/concentrated animal facilities shall be prohibited within this area. These areas are designated on the Future Land Use Map series #5, “Wellhead Protection Areas”.

Response:

The Babcock Ranch CPA does not include nor is proximate to any wellhead protection areas as delineated on the Future Land Use Map series #5, “Wellhead Protection Areas”. There are no wells for public water supply at this time. Future wells for public supply will uphold this policy.

OBJECTIVE 4.2 (Innovative Land Development Techniques): Charlotte County will encourage the effective use of innovative land development techniques.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 4.2.1: Charlotte County will encourage mixed use development as prescribed by the Future Land Use Map and in the definition of the mixed use categories as they appear in this element.

Response:

The Babcock Ranch CPA recognizes Town Centers and Neighborhood Centers are appropriate areas for mixed use development. Development standards established within this document and future regulations will allow the possibility of such mixed use development.

POLICY 4.2.2: The Land Development Regulations will provide incentives for the clustering of development, such as homesites, and for providing open space and green space.

Response:

Clustering development within the southwest corner of the ranch will coincide with preservation of a significant portion of the overall ranch lands via several proposed conservation methods. Current uses could result in divided tracts throughout the ranch lands that can be cleared indiscriminately for agricultural uses.

GOAL 5 (Public Safety): Charlotte County will regulate the use of land to safeguard the public investment and to protect the population.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy. Public lands and service locations will be designed to provide the greatest benefit, especially the ability to provide more than one service from a single facility.

OBJECTIVE 5.1 (Hurricane Protection): Through the planning timeframe of 2010, Charlotte County will protect existing and future populations from the loss of life and property caused by catastrophic hurricanes by limiting densities of new plats to a maximum of 3.5 units per gross acre within the Coastal High Hazard Area.

Response:

Babcock Ranch CPA is not located within the Coastal High Hazard Area. However, due to its location in the category 4/5 storm surge area, the Babcock Ranch CPA can assist Charlotte County as a receiving area for coastal evacuees and schools built within the community may be built as certified hurricane shelters with core areas built to withstand category 5 hurricane winds.

POLICY 5.1.1: To prevent the intense development of lands in unincorporated Charlotte County within the Category I Hurricane Vulnerability Zone as illustrated on the most recently updated SLOSH map issued by the Southwest Florida Regional Planning Council, population densities of development platted subsequent to April 19, 1993 will not exceed 3.5 units per gross acre. In accordance with the provisions of Ordinance #90-58, population densities on the bridgeless barrier islands are reduced to one unit per gross acre; areas on the bridgeless barrier islands platted prior to the date of adoption of Ordinance #90-58 shall have an allowable density of one unit per subdivided lot.

Response:

See response above regarding hurricane shelters.

OBJECTIVE 5.2 (Public Facilities Locations): Through the planning timeframe of 2010, Charlotte County will locate public facilities in locales which are less susceptible to severe weather damage and not within the Coastal High Hazard Area unless such location is the only one which serves a particular structure's intended public purpose.

Response:

The Babcock Ranch CPA will have an approved water management plan. The siting of any public facilities such as water plants, wastewater plants, schools, etc. will be located within areas not susceptible to severe weather damage and not within the coastal high hazard area. The schools should be sited so as to provide additional hurricane shelters for coastal Charlotte County residents.

OBJECTIVE 5.3: Through delineation on the Future Land Use Map, Charlotte County shall assure the availability of suitable land for utility facilities necessary to support development through the planning timeframe of 2010.

POLICY 5.3.1: Utility facilities shall be allowed in all Future Land Use Map designations. The design and construction of such facilities shall protect natural resources and environmental sensitive areas.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

CHAPTER 2, TRANSPORTATION ELEMENT

See Section 6 of this application.

CHAPTER 3, NATURAL RESOURCES AND COASTAL PLANNING ELEMENT

GOAL 1: To conserve, protect, enhance, and where necessary restore Charlotte County's environmental and natural resources to ensure their long-term quality for the future; increase public access to the shoreline and coastal waters; protect human life in areas subject to natural disaster; and limit public expenditures in areas subject to natural disaster.

Response:

A significant percentage of the overall Babcock Ranch property is designated as preservation or has been proposed as part of another conservation method. These lands are not included within the proposed Babcock Ranch CPA and will be protected from development.

POLICY 1.2.2: Charlotte County will protect its surface waters through implementation of the following standards and guidelines:

- b. The discharge of run off, wastewater, or other potential sources of contamination into surface waters resulting in the degradation of the quality of the receiving water body below the standards set forth in Chapters 62-3, 62-4, 62-302, 62-520, 62-522 and 62-550, F.A.C., (including any antidegradation provisions of sections 62-4.242 (1)(a) and (b), 62-4.242(2) and (3) and 62-302.300, F.A.C.), and any special standards for Outstanding Florida Waters and Outstanding National Resources Waters set forth in Sections 62-4.242(2) and (3), F.A.C. (as required environmental resources permitting process) will be prohibited.

Response:

The Babcock Ranch CPA will be developed with a water management system that meets the requirements of South Florida Water Management District (SFWMD) to protect water quality that is discharged to surface waters of Charlotte County. SFWMD's criteria are designed to meet the provisions of the referenced state rules.

- f. Withdrawals from, or discharges to, surface waters which alter hydroperiods shall require the appropriate permits through FDEP, WMD, or the USACOE, and shall not reduce the quality or productive capability of water dependent ecosystems.

Response:

The release of water from the water management system will be designed to meet the peak rate requirements of SFWMD. These requirements are to require projects to mimic the historic peak rate of water flows as much as possible. Withdrawals of water will be reviewed and scrutinized by

SFWMD to keep the use of water from the underlying aquifers from adversely impacting the surface streams, ponds and wetlands.

- g. Development proposals must demonstrate that post development discharges into surface waters, or diversion of freshwater inflow into surface waters, will not lower the quality or productive capability of the receiving water body. All development proposals which require Environmental Resource Permits as provided by Chapter 40D-4 and 62-330, Florida Administrative Code (FAC), will be reviewed for consistency with the Goals Objectives and Policies of the Future Land Use, Infrastructure, and Natural Resources and Coastal Planning elements of the Charlotte County Comprehensive Plan. All development proposals must demonstrate post development discharges into marine and estuarine systems, or waters which flow into estuarine systems will not adversely affect the aquatic system in question. Such discharge must not exceed the legal limit for established surface water quality parameters to include, but not limited to, biological oxygen demand, dissolved oxygen, nutrients, bacteriological quality and turbidity, for the appropriate class water, as outlined in 62-302, FAC.

Response:

The Babcock Ranch CPA will require permitting under the Environmental Resource Permit process. It will be done under Chapter 40E-4 rather than 40D-4 as referenced in this policy since this portion of Charlotte County is in SFWMD and not Southwest Florida Water Management District. The Babcock Ranch CPA water management system will be designed to meet the stated requirements of SFWMD and as such are presumed to meet Chapter 62-302, FAC.

- h. The design and construction of artificial waterbodies will provide sufficient water quality, fish and wildlife habitat values and functions consistent with the requirements of state and federal agency permits and the intended use of the water body.

Response:

The Babcock Ranch CPA water management system will be designed to meet the stated requirements of SFWMD. This design is to provide sufficient water quality treatment to protect the fish and wildlife habitat values.

POLICY 1.2.5: Charlotte County shall continue to work toward compliance with the requirements of the National Pollutant Discharge Elimination System and will provide additional treatment as necessary for stormwater run off and other sources of pollution to ensure that water quality and productive capability meets or exceeds the standards provided in Chapter 62-302, FAC and the Clean Water Act,

33 USC 1251. At such time when nutrient load reduction goals are promulgated through the Charlotte Harbor SWIM program, Charlotte County will review and, as necessary, revise its Code of Laws and Ordinances to ensure that these goals are met through the County's development review processes. Charlotte County will utilize all available means, including stormwater utilities, MSBU's, and other revenue sources, to provide funding for necessary stormwater treatment facilities.

Response:

This Babcock Ranch CPA will provide the necessary controls on construction to limit erosion and sediment transport during construction. The overall water management system will protect the water quality of discharges which will work parallel to the requirements of the National Pollutant Discharge Elimination System (NPDES).

OBJECTIVE 1.3: Charlotte County will protect its marine, and estuarine habitats and finfish and shellfish resources to ensure long-term viability and productivity for scientific, commercial, sport, and recreational purposes.

Response:

The proposed Babcock Ranch CPA does not have marine, estuarine habitats, finfish and shellfish resources within the property, and is therefore consistent with the intent of this policy.

POLICY 1.3.1: Water quality will be protected in accordance with the standards and policies stated under Policy 1.3.4 of the Infrastructure Element, Objective 1.2, above, and through implementation of Policies 1.3.2-9.

Response:

The water management system will be designed to treat the water from the site so that it will not degrade water quality or quantity downstream as required by this policy.

OBJECTIVE 1.4: The quality of Charlotte County's groundwater resources shall not be degraded – either directly or indirectly – by human influences below the minimum criteria for groundwater provided in Chapter 62-520.400 FAC, and shall be maintained or as necessary improved to ensure the availability of this resource for present and future generations.

Response:

The proposed Babcock Ranch CPA does not have marine, estuarine habitats, finfish and shellfish resources within the property, and is therefore consistent with the intent of this policy.

POLICY 1.4.1: Except for bona fide agricultural operations and incidental domestic uses, land use activities which utilize, store, or generate hazardous materials, or which involve the bulk storage or continuous transmission of petroleum products or other hazardous substances, shall be prohibited within recharge areas for the intermediate aquifer system, and or within cones of influence and watershed areas for public water supply wells. The agricultural and domestic exemptions shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of above- or below-ground storage tanks, or other structures or improvements intended for the use, storage, or generation of petroleum products or other hazardous substances. These land use activities shall be consistent with the Future Land Use Element and be reviewed through the County's review of development applications which may affect these areas, and implementation of applicable restrictions and setbacks such as setback requirements under the Zoning Regulations, Article II, and the upland buffer requirements for wetlands as provided by Chapter 3-5, Article XV, Surface Water and Wetland Protection.

Response:

The Babcock Ranch CPA does not include nor is proximate to any wellhead protection areas as delineated on the Future Land Use Map series #5, "Wellhead Protection Areas". If golf courses are proposed within the Babcock Ranch, they will utilize best management practices as defined by the Florida Department of Environmental Protection with respect to any storage and application of chemicals needed for the maintenance of the proposed golf courses.

POLICY 1.4.3: Charlotte County shall work with the Water Management Districts to have free-flowing artesian wells plugged under the Quality Water Improvement Program (QWIP) or by methods approved by the appropriate water Management District and County.

Response:

The landowner will work with SFWMD to make sure that free-flowing wells are properly rehabilitated or abandoned and recorded.

POLICY 1.4.8: Within one year of the date of adoption of this plan, Charlotte County shall initiate discussions with the water management districts, SWFRPC, and jurisdictional local governments to determine what measures may be taken to help prevent impacts to recharge areas and other hydrogeologic features which affect the County's groundwater which occur outside Charlotte County's boundaries.

Response:

There are no recharge areas or other hydrologic features immediately outside of Charlotte County that effect the Babcock Ranch CPA as proposed.

OBJECTIVE 1.5: Charlotte County's soils will be protected and conserved as an essential natural resource and integral part of the County's economy.

POLICY 1.5.3: Best management practices, including sodding, seeding, mulching, and preservation and maintenance of vegetation, shall be utilized throughout and following development activities in order to reduce the erosion of soil by wind and water and to conserve the functions of natural systems.

Response:

Work within the Babcock Ranch CPA will follow the requirements of SFWMD and NPDES as necessary to reduce erosion to the greatest extent practical. Specifically no areas will be left without protective cover for more than 21 days if more work is to be done in that area. Areas that have been final graded will not exceed 14 days without protective cover. This is to the benefit of the community to not have wetlands and streams degraded since they are a part of the quality of life package that is desired by people living in Southwest Florida.

POLICY 1.5.5: During its review of site plans and proposed developments, Charlotte County shall consider how the subject property's topography, vegetation, and hydrology may affect the potential for erosion and erosion control.

Response:

The topography within the Babcock Ranch CPA is relatively flat, one to two feet per mile. The contours will be considered in the grading of all portions of the development.

OBJECTIVE 1.6: Mining and excavation activities in Charlotte County shall be conducted in a manner which minimizes the detrimental effects to groundwater, surface water, wildlife and wildlife habitats, surrounding land uses and values, and the health, safety, and welfare of the general public.

Response:

Mining that is accomplished within the Babcock Ranch CPA will follow the example of the recently permitted expansion in Sections 31 and 32, Township 42 South, Range 26 East. Mining areas are well buffered from the wetlands by leaving upland strips around them. Wildlife will have the wetlands and adjacent uplands for use. Other features of the mining will meet the requirements of Charlotte County and the Florida Department of Environmental Protection to safeguard the water resources of the county. Buffering will

be provided to maintain adjacent land values and protect the public's health, safety and welfare.

POLICY 1.6.1: During its review of proposed mining and excavation activities, Charlotte County will ensure that:

- a. Wetlands, and upland communities which provide habitat for wildlife species listed as endangered, threatened, or of special concern, shall be protected throughout all mining and reclamation activities. No mining or excavation activities shall be allowed in wetlands or in protection zones established for listed species except as allowed by State and Federal regulations and guidelines. Such activities which impact wetlands must receive permits from the appropriate Water Management District under the Environmental Resource Permitting Procedures outlined in Chapters 40D-45 and 62-330, FAC, and from the ACOE under the Clean Water Act, 33 USC 1251. Mining and excavation activities, located in, on, or over wetlands or other surface waters which may adversely affect the conservation of fish and wildlife, including endangered or threatened species, and their habitats, or which adversely affect significant historical and/or archaeological resources will be prohibited, unless otherwise permitted by the appropriate state agency pursuant to the conditions of the Environmental Resource Permit, Chapter 40D-43, FAC. Such activities proposed within habitat utilized by state and federal listed species will be reviewed by county environmental staff for compliance with Chapter 39, FAC and applicable Florida Game and Fresh Water Fish Commission (FGFWFC) policies and guidelines (e.g., Nongame Wildlife Program Technical Reports) and the Endangered Species Act (ESA) 16 USC 1531 and applicable USFWS guidelines (e.g. Habitat Management Guidelines for the Bald Eagle in the Southeast Region), respectively. All mitigation activities performed for such allowable impacts must be agreed upon by Charlotte County and the jurisdictional agency or agencies prior to the commencement of mining activities.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- b. Non-temporary detrimental effects to groundwater and surface water resources are minimized.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- c. Reclamation criteria are included as part of the propose mining or excavation operation. Reclamation plans shall include criteria for beneficial post-operation land use activities as well as maximization of the resultant waterbodies for fish and wildlife habitat consistent with the intended long term use of the subject property. Reclamation plans shall: include the creation and planting of littoral shelves with native plant species to provide wildlife habitat; help improve or maintain water quality; prevent erosion of the shoreline; restore pre-development functions and values, including restoration of similar native communities; and make the site aesthetically pleasing.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- d. Reclamation plans must be approved prior to the commencement of operations.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- e. Impacts to surrounding land uses are minimized through the establishment of setbacks and buffer zones between extractive and non-extractive land use activities. A minimum of fifty (50) feet shall be required for such buffers.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- f. The hydrological functions of natural flow ways and sloughs are maintained during and after the proposed mining or excavation activities.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

- g. Mining and excavation activities shall be phased as necessary to ensure that unavoidable negative impacts associated with such activities will be limited to one area at a time.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.7: Charlotte County shall encourage the continuation of bona fide agricultural practices.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.7.1: In voluntary cooperation with Charlotte County, the owners of agriculture lands may develop property-specific management plans to ensure the long-term viability of agricultural operations. Upon completion and acceptance by the Board of County Commissioners, such plans will be made part of the County's Comprehensive Plan through a comprehensive plan amendment. All agricultural activities included in plans approved by the County will be found consistent with the FLUE and Comprehensive Plan for purposes of permit review, including water management district, FDEP, and ACOE applications. County staff, with assistance as appropriate from the Agricultural and Natural Resources Advisory Committee (ANRAC), as established by Section 1-2-11, County Code and the Environmental Land Acquisition Advisory Council (ELAAC), as established by Article XVII, Section 3-5, County Code (1991), shall review voluntary management plans (VMPs) and provide recommendations to the Board of County Commissioners. Charlotte County will review such plans for consistency with the Comprehensive Plan and shall incorporate those into the Comprehensive Plan.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy

POLICY 1.7.2: Voluntary management plans developed through Policy 1.7.1, above, for properties which contain habitats utilized by wildlife species listed as endangered, threatened, or of special concern shall contain provisions which address the long-term maintenance of these species on the subject property. The density of habitat preserves established as part of a management plan will be increased by 50% over that allowed by their underlying properties' Future Land Use Map and zoning designations. This density may be used within the subject property outside of the preserve or reserve area, or transferred to another property as authorized by Section 3-5-346, County Code. Unless it is the desire of the property owner, the general public shall not have access to habitat preserve or reserve areas created pursuant to this policy. The Transfer of Development

Rights shall be consistent with the Urban Service Area strategy. Plan Amendments shall be required for developments approved as a transfer of development rights activity associated with a voluntary management plan. Potential impacts to designated preserve areas associated with increased development density in rural areas shall be offset by continued management of these preserve areas for optimal habitat conditions and continued listed species utilization upon review by environmental staff and coordination with the FGFWFC, per Chapter 39, FAC, and the USFWS per 16 USC 1531. Development resulting from increased density in rural areas shall be located in the most suitable portion of subject areas which will have the least impact possible. Development in such areas, having impact on listed species and associated habitat, must procure permits or other documents, such as habitat conservation plans, from the appropriate agencies prior to any development.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.7.7: Development proposals and activities shall protect wetlands so that productive natural functions shall be maintained in the post-development environment.

Response:

The proposed Babcock Ranch CPA only includes the southwest corner of the overall Babcock Ranch. This will cluster development on the developable portions of the site and preservation of approximately 80% of the overall ranch lands via conservation measures. Current uses could result in divided tracts throughout the ranch lands that can be cleared indiscriminately for agricultural uses.

OBJECTIVE 1.8: Charlotte County shall protect existing natural reserves, preserves, and resource conservation areas, and will encourage the establishment of additional areas in which natural resource conservation is the primary land use.

Response:

The proposed amendment does not include the portion of the Babcock Ranch established as preserved habitat. This area includes significant flora and fauna species diversity and natural surface water characteristics. By changing the allowed uses and density on the proposed development area, the native flora and fauna will be protected under local, state and federal regulations as well as other conservation measures.

POLICY 1.8.2: Charlotte County will cooperate with the FGFWFC in protecting the Fred C. Babcock – Cecil M. Webb Wildlife Management Area and the

Charlotte Harbor Flatwoods/Yucca Pen Wildlife Management Area by ensuring that land use activities on adjacent properties consistent with such properties' zoning and land use classifications do not prevent the FGFWFC from undertaking land management activities (such as prescribed burns) necessary to maintaining these areas' natural functions and values, and by reviewing applications for Plan Amendments and rezonings which will potentially affect these areas for consistency with the Comprehensive Plan. The ELAAC, or other appropriate advisory committee, will review acquisition proposals and make recommendations to the Board of County Commissioners to prioritize state-funded acquisition projects which connect with, and augment, these wildlife management areas which, collectively, serve as wildlife corridors and provide greater protection for wildlife.

Response:

The size of the proposed Babcock Ranch CPA allows for a regional approach within the overall Babcock Ranch due to its size. Because Babcock Ranch CPA only includes the southwest corner of the overall Ranch, environmental concerns can be considered. Such a regionally based plan specifically benefits panthers and bears by restricting development to the areas shown within the portions of the proposed Babcock Ranch CPA. The resulting wildlife corridor committed within the overall Babcock Ranch lands will promote the continued viability and diversity for these large home range species. The resultant conservation easement areas and other conservation measures provide an essential wildlife corridor from southwest Florida to Lake Okeechobee.

OBJECTIVE 1.10: Charlotte County shall protect wildlife species listed by the USFWS or FGFWFC as endangered, threatened, or of special concern (listed species) and will conserve the habitats upon which they depend in order to maintain balanced, biologically productive ecosystems and native communities for the use and benefit of future generations.

Response:

The proposed amendment only includes a portion of the overall Babcock Ranch and transfers the remainder of the Ranch into conservation measures to protect critical habitat of rare and endangered plant and animal species.

POLICY 1.10.1: Through monitoring of development activities and providing information regarding listed species on properties undergoing development review, Charlotte County will assist in the application of, and compliance with, all State and Federal regulations regarding such species through requirements of the USFWS, under the ESA, 16 USC 1531, FGFWFC, under Chapter 39, FAC and any applicable Development Order as required for Developments of Regional Impact authorized under 9J-2, FAC.

Response:

The protected species regulations do not currently apply to the subject property and gopher tortoise habitat is in danger of indiscriminate clearing under the agricultural tax exemption. Approval of the amendment will bring this property under the protected species regulations as encouraged by the listed policy.

POLICY 1.10.2: When it is determined that properties undergoing development review are utilized by listed species, Charlotte County shall withhold development approval until such time as all applicable State and Federal permits, as required by the FGFWFC pursuant to Chapter 39, FAC and the USFWS pursuant to the ESA, 16 USC 1531, respectively, pertaining to such species have been obtained and copies provided to Charlotte County.

Response:

The Babcock Ranch contains significant habitats for listed species in the portions of the property that are currently not protected under County regulations due to the existing agricultural tax exemption. Approval of the amendment request will bring the property in compliance with this policy and will transfer a significant portion into conservation agreements and other measures.

POLICY 1.10.4: Until such time as Habitat Conservation Plans are developed, the County's review and approval for development proposals shall be consistent with the provisions of listed species guidelines, of the Nongame Wildlife Program promulgated by the FGFWFC as authorized by Chapter 39, FAC, including but not limited to Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay, Technical Report #8 (April 1991) and federal guidelines, including but not limited to, Habitat Management Guidelines for the Bald Eagle in the Southeast Region, Dept. of Interior, USFWS (revised, 1987) promulgated by the USFWS as authorized by 16 USC 1531.

Response:

The currently allowed uses on the property do not achieve this policy. The proposed amendment brings the property under review for this policy.

POLICY 1.10.13: Charlotte County will review development applications for compliance with state guidelines and/or permit requirements for activities which may impact protected (listed) plants under Plant Industry, Preservation of Native Flora, Section 581, FS and any applicable development order language for development activities within a DRI under Chapter 9J-2, FAC, prior to final development review approval. For development applications not subject to a development order for a DRI, county environmental staff will review development applications, and make recommendations, based on listed plant species, imperiled habitats (as defined in the Guide To The Natural Communities

of Florida, Florida Natural Areas Inventory and Department of Natural Resources, February, 1990) and other environmental features for selection of suitable areas to be preserved as open space.

Response:

Approval of the amendment request will promote regulations, incentives, and programs for preservation within environmentally sensitive areas.

OBJECTIVE 1.11: Impacts to Charlotte County's wetland resources shall be avoided, minimized, or mitigated by wetland restoration, creation, or local wetland mitigation banking to the extent that there is no net loss of functional values.

Response:

Removal of the presently allowed uses will help protect fragile ecological characteristics of wetland systems. Current agricultural practices could result in ditching, grazing intrusion, and exotic plant infestation. The currently permitted uses on the ranch lands are not compatible with environmentally sensitive lands. Approval of the amendment request will result in preservation of regionally significant habitats and bring an additional 13,418 acres of Lee County lands under the protection of local regulation.

OBJECTIVE 1.16: Charlotte County shall reduce the threat of loss of life and property to catastrophic hurricanes and locate new public facilities outside of the Coastal High Hazard Area except as necessary to ensure public health and safety.

Response:

The Babcock Ranch CPA is not within the Coastal High Hazard Area and is, therefore, consistent with this objective.

OBJECTIVE 1.18: Charlotte County shall maintain and increase shelter space available for general evacuees and special needs populations.

Response:

The Babcock Ranch CPA will comply with this objective and is therefore consistent.

POLICY 1.18.1: Multi-level structures located within the Category 3 or higher hurricane evacuation zones shall be assessed for use as vertical shelters.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.18.3: Charlotte County will encourage the construction of nursing homes, adult congregate living facilities, and hospitals outside of the Category II Hurricane Vulnerability Zone.

Response:

Babcock Ranch CPA will comply with this policy and is, therefore, consistent.

POLICY 1.18.5: Charlotte County will work with the American Red Cross to identify potential sites for consideration as designated hurricane shelters.

Response:

Babcock Ranch CPA will comply with this policy and is, therefore, consistent.

OBJECTIVE 1.20 (Directing Populations Away From the CHHA): Charlotte County shall direct concentrations of population away from Coastal High Hazard Areas.

Response:

The Babcock Ranch CPA is not within the Coastal High Hazard Area and is, therefore, consistent with this objective.

POLICY 1.20.2: Charlotte County will advocate hotel/motel development in Storm Category Zones 3, 4, or 5 rather than Storm Category Zones 1 or 2.

Response:

The Babcock Ranch CPA is within Storm Categories 4 and 5 and therefore complies with this policy.

CHAPTER 4. INFRASTRUCTURE ELEMENT

STORMWATER MANAGEMENT

GOAL 1: Charlotte County will reduce the flooding of lands where such flooding is at such a reoccurrence interval that it presents a hazard to property. Where practical, Charlotte County will implement best management practices of both non-structural and structural nature that are intended to reduce the impact of stormwater to the receiving water body.

Response:

The stormwater management system for the Babcock Ranch CPA will be designed to meet or exceed the requirements of Charlotte County and SFWMD. Presently the water quality requirements must detain the runoff from a two and half inch rainfall. This is approximately equal to the 3 year-1 hour event. The roads and parking facilities will be above the peak stage of the 5 year-1 day storm-event at a minimum. The arterials and collectors will be set so that at least one lane in each direction will be above the 25 year-1 day event as required to meet Policy 1.1.5.a of Chapter 8, Section IV. The perimeter berm will be set at or above the 25 year-3 day stage to meet the requirements of SFWMD. This is the storm that is used to set the allowable discharge. The minimum building floor elevations will be above the 100 year-3 day storm peak to meet SFWMD requirements. This portion of Charlotte County is in a Zone D area on the FEMA maps.

POLICY 1.1.3: The Charlotte County Public Works Division will develop procedures, for reviewing development orders and/or permits relative to stormwater capacity and quality, to assure consistency with the Master Stormwater Management Plan and its associated drainage basin management plan.

Response:

The development of Babcock Ranch CPA will comply with the Master Stormwater Management Plan and its associated drainage basin management plan.

POLICY 1.1.4: The maintenance of existing stormwater facilities and the construction of new ones will be implemented in accordance with the following priorities:

- (1) Reduction of building structure flooding;
- (2) Reduction of flooding of highways;
- (3) Reduction of other types of flooding.

The priorities shall also reflect the following Urban Service Area strategy, in descending priority:

- (1) First priority – Urban Infill Areas;

- (2) Second priority – Suburban Areas; and
- (3) Rural Service Areas.

Response:

The development of the Master Storm Water Management Plan will hinge on providing the appropriate flood protection and water quality improvements. The existing buildings are associated with the existing mining operation and are constructed to limit flooding. The roadways in the mine are adequate for the intended purpose. The remainder of the roads will be constructed to meet the current county, state and federal standards as necessary.

OBJECTIVE 1.2: Stormwater runoff will be managed to minimize degradation of water quality.

Response:

The water management system of the Babcock Ranch CPA will be designed to meet the standards of SFWMD and Charlotte County to meet state and local water quality criteria.

POLICY 1.2.1: Charlotte County and the applicable water management district will apply the stormwater management plans to new developments in the county. The appropriate water management district will inspect new facilities prior to the transfer of a permit to the Operation and Maintenance Phase as provided by law (*Florida Administrative Code 62-25*).

Response:

The Babcock Ranch CPA water management system will meet the storm water management plan of SFWMD. SFWMD will inspect the components of the system prior to conversion from the construction permit to the operation and maintenance.

POLICY 1.2.2: Charlotte County will be responsible for construction, inspection, and maintenance of stormwater management facilities which are located on County owned land. Charlotte County will maintain stormwater management facilities constructed by others, when they are built, operational dedicated, and accepted by Charlotte County.

Response:

There are no county owned lands in the Babcock Ranch CPA at this time that will be developed. If Charlotte County acquires land within the community, then it is expected that they will have the facilities meet the applicable standards of SFWMD.

POLICY 1.2.3: Land Development Regulations governing drainage will require the following:

- a. All new development meet or exceed the policies and regulations of the applicable water management district (*Florida Administrative Code 62-25*);
- b. The engineering, design, and construction standards for on-site stormwater management systems are reviewed by Land Development in the Building Permit Review;
- c. Appropriate devices, whether temporary or permanent, will be in place on a site to control erosion and insure stormwater runoff quality is maintained. All devices will be installed prior to the commencement of any development activity. Disturbed areas of the site will be revegetated and stabilized as soon as possible. Stormwater management facilities will be operated and maintained by the current owner of the property;
- d. Periodic inspections and maintenance of on-site Stormwater Management systems is required as a condition of Southwest Florida Water Management District (SWFWMD) system permit issuance;
- e. A Professional Engineer will certify that the stormwater management systems were built in substantial conformance to plans approved by the appropriate water management district and Charlotte County before issuance of a certificate of occupancy; and
- f. Stormwater runoff is treated as required by State and Federal regulations (*Florida Administrative Code 62-25: Clean Water Act, 1972 and those appropriate re-authorizations of the Act*).

Response:

Future development within the Babcock Ranch CPA will be done to meet or exceed the policies and regulation of SFWMD.

POLICY 1.2.4: Charlotte County will meet or exceed all requirements of the Federal government's National Pollution Discharge and Elimination System (NPDES) (*USEPA s. 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, and 33 USA ss. 1251 et seq.*).

Response:

The Babcock Ranch CPA will abide by the NPDES requirements. At this time, the requirements would apply to the construction of projects with greater than one acre of soil disturbance over the life of the project. Additional requirements may be applicable during the life of the project.

POLICY 1.2.5: Stormwater management facilities which discharge into the waters of the State, including wetlands, will meet or exceed the design and per-

formance standards specified in Chapters 62-25 and 62-4, Florida Administrative Code V. 19, p. 172, Chapter 62-25.025 Design and Performance Standards (5/85).

Response:

Stormwater management facilities will treat for water quality prior to discharge to waters of the state and wetlands as specified by SFWMD.

POLICY 1.2.6: The post-development runoff rate of an individual site or a new subdivision (in its entirety) will not exceed the pre-development runoff rate for all new development except as exempted by Policy 1.3.2 (d), or unless applicable County and/or water management district permit(s) issued in accordance with Charlotte County Code #v 3-5-111 and FAC 62-25 provide otherwise.

Response:

A pre-development rate has been set for the Babcock Ranch CPA in prior permitting through SFWMD.

POLICY 1.2.7: Stormwater facilities constructed for new development and the upgrading of existing infrastructure will use both structural and non-structural Best Management Practices (BMPs) (Handbook, Urban Runoff Pollution Prevention and Control Planning. EPA/625/R-93/004, September 1993).

Response:

Babcock Ranch CPA will construct new facilities using the appropriate best management practices (BMPs).

POLICY 1.2.8: Charlotte County will determine areas which need to be acquired in order to provide adequate retention/detention capacity within drainage basins.

Response:

Developers within the Babcock Ranch CPA will be bound to follow the concepts of the Master Surface Water Management Plan as approved by SFWMD.

POLICY 1.2.9: Stormwater management facilities and conveyances constructed in Charlotte County shall have easements to enable maintenance around culverts, storm drains, and other enclosed conduit drainage systems.

Response:

The entire Babcock Ranch CPA water management system will provide easements for maintenance as required by this policy.

POLICY 1.2.10: Charlotte County will discourage the use of closed stormwater conveyance systems which will reduce the infiltration capacity of the soils and treatment characteristics of an open swale conveyance system.

Response:

The surface water management system will use open swales to the greatest extent practical. If open swales are not practical, other BMPs will be applied to provide the treatment characteristics of the open swales.

OBJECTIVE 1.3: Charlotte County will ensure that stormwater management facilities are in place and available to serve all new development, whether provided by County of by those creating the new development.

POLICY 1.3.1: In Charlotte County, a development order or permit will be issued subject to the condition that, at the time of issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or at the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, *Florida Statutes*, or an agreement or development order issued pursuant to Chapter 380 Florida Statutes, to be in place and available to serve new development at the time of the issuance of the certificate of occupancy or its functional equivalent.

Response:

Babcock Ranch CPA will comply with the requirements of Policy 1.3.1.

POLICY 1.3.2: Charlotte County adopts the following level of service standards for stormwater management facilities:

- a. New arterial and collector roadways will be designed and constructed to enable not less than one lane of traffic in each direction above the design high water elevation resulting from a 25-year frequency, 24-hour duration rainfall event distributed in accordance with methodologies approved by the appropriate water management district;

Response:

Arterial and collector roadways in Babcock Ranch CPA will be built to meet or exceed the requirement that at least one lane of traffic in each direction will be open in storms that are equal to or less than a 25 year-24 hour event. This level of service will be considered as necessary to provide the type of community that is desired.

- b. Stormwater management facilities for structures in all new subdivisions will manage stormwater resulting from a 25-year frequency, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district; by either providing individual on-site facilities or a central facility(s).

Response:

The storm water management system of the Babcock Ranch CPA will meet or exceed the requirements for controlling discharge in the 25 year-24 hour event to meet this policy and the 25 year-3 day event to meet the requirements of SFWMD and the Charlotte County Comprehensive Plan.

- c. New parking facilities will be designed and constructed with a maximum temporary detention depth of nine (9) inches resulting from a 5-year frequency, 24-hour duration rainfall event distributed in accordance with methodologies approved by the appropriate water management district;

Response:

New parking facilities will meet or exceed this policy by meeting the SFWMD requirements of not having water on the parking lot in a 5 year-1 day event.

- d. All new development on existing platted lots (except single-family, duplex, and tri-plex dwelling unit within Charlotte County) is required to provide on-site stormwater management for runoff resulting from a 25-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district;

Response:

New development within the Babcock Ranch CPA will be designed to meet or exceed the requirements of this policy. SFWMD will require design to the 25 year-3 day storm event which is greater than the 25 year-24 hour requirement of this policy.

- e. New local residential streets will be designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district.

Response:

Local residential streets will meet or exceed the requirements of this policy within the Babcock Ranch CPA as provided in this policy and regulations of SFWMD.

POLICY 1.3.3: All improvements for the replacement, expansion, or increase in capacity of stormwater management facilities will meet or exceed the level of service standards described in Policy 1.3.2.

Response:

Plans for the alteration of the Babcock Ranch CPA storm water management system will meet or exceed the requirements of Policy 1.3.2.

POLICY 1.3.4: Charlotte County adopts the water quality standards of Chapter 62-25, Florida Administrative Code. Pollutant abatement shall be accomplished by requiring stormwater management systems in accordance with the requirements of that chapter.

Response:

Future development within the Babcock Ranch CPA will be done to meet or exceed the policies and regulation of SFWMD. This is the same as Policy 1.2.3.a.

POLICY 1.3.5: Relatively unaltered drainage features will be protected from disruption of natural hydroperiods, flows and water quality. Natural hydroperiods, flows and water quality will be protected from construction allowed in relatively unaltered drainage features.

Response:

Most if not all the drainage features within the overall Babcock Ranch has been altered to some degree. More than 50 percent of the land has been actively farmed previously. Some is in active use at this time. Hydroperiods of remaining systems will be maintained or improved as practical to meet this policy.

OBJECTIVE 1.7: Charlotte County will manage development within the Federal Emergency Management Agency (FEMA) 100-year floodplain.

POLICY 1.7.2: All new residential or commercial development located within the FEMA 100-year flood hazard zone will be constructed at or above the base flood elevation, as established by the FEMA Flood Insurance Rate Maps.

Response:

The Babcock Ranch CPA in Charlotte County is not within a 100-year flood hazard zone.

GOAL 4: SOLID WASTE COLLECTION: Charlotte County will maintain a county-wide msw collection franchise system designed and operated to assure that msw is collected and transported to the County's permitted msw management facilities in an efficient, economical and environmentally sound manner.

POLICY 4.1.1: MSW generated within the political jurisdiction of Charlotte County is to be properly collected and transported to a permitted County msw management facility.

Response:

The portions of Babcock Ranch CPA within Charlotte County fall within the service area of the Municipal Solid Waste Management Division's Zemel Road M.S.W. Facility.

POLICY 4.3.3: Charlotte County will continue to accept msw generated within the corporate limits of any municipality within the county, collected and transported by municipal forces or by private firms under contract with the municipality, provided such collection programs meet the qualitative requirements of the County (i.e., exclusion of prohibited materials, proper separation of waste types).

Response:

The Babcock Ranch CPA is expected to generate approximately 371,776 lbs per day of solid waste or 135,698,140 lbs per year. All solid waste will be collected by the franchise hauler for that area of Charlotte County. Recycling programs will be offered in the proposed community and will comply with all qualitative requirements of the County. All solid waste will be collected and transported to the Zemel Road landfill located off of U.S. 41. Letters from Charlotte County and Waste Management have been secured indicated availability of services and capacity

GOAL 7: LEVELS OF SERVICE: Charlotte County will maintain an Integrated Municipal Solid Waste Management System and MSW Collection System to serve current and future needs at an acceptable Level of Service (LOS) and a mechanism to control development to ensure that established LOS Standards are met.

POLICY 7.1.1: Charlotte County's IMSWM and MSW Collection systems will be maintained to provide for the proper collection and management of no less than 7.2 pounds of msw per permanent resident per day.

Response:

The portions of Babcock Ranch CPA within Charlotte County fall within the service area of the Municipal Solid Waste Management Division's Zemel Road M.S.W. Facility.

The table below provides an estimate of the solid waste expected to be generated as a result of Babcock Ranch CPA.

Land Use	Unit of Measure	Generation Rate	Domestic Solid Waste	
			Cubic Yards/Day	Lbs/Day*
Office	1,900,000	1 cy/10,000sf/day	190	24,700
Retail	2,925,000	1 cy/2,500sf/day	1,170	152,100
Residential	17,870	2 cy/unit/month	1,191	154,873
Light Industrial	664,057	1 cy/2,500sf/day	266	34,531
Hotel	600	1/2 cy/room/week	43	5,571
Total			2,860	371,776

Using the assumptions provided in the table above, it is anticipated that the proposed Babcock Ranch CPA will generate approximately 371,776 lbs per day of solid waste or 135,698,140 lbs per year.

POLICY 7.1.2: Charlotte County's IMSWM system will be maintained to provide for disposal of no less than 5.0 pounds of recyclables per resident per day.

Response:

See response to Policy 7.1.1 above (Levels of Service).

POLICY 7.1.3: Charlotte County's IMSWM system will be maintained to provide for the recycling of no less than 2.2 pounds of recyclables per permanent resident per day.

Response:

See response to Policy 7.1.1 above (Levels of Service).

NATURAL AQUIFER RECHARGE

GOAL 8: Charlotte County will manage the development of land in areas of prime aquifer recharge so that the long-term quality of groundwater is maintained at safe levels.

Response:

The Babcock Ranch CPA lies outside of the prime recharge area as indicated on Map 4.17 - Aquifer Recharge Area in Chapter 4, Infrastructure Element.

OBJECTIVE 8.1: Charlotte County will protect the function of natural recharge areas and natural drainage features at a level consistent with the long-term public good.

Response:

The Babcock Ranch CPA lies outside of the prime recharge area as indicated on Map 4.17 - Aquifer Recharge Area in Chapter 4, Infrastructure Element.

POLICY 8.1.1: Land uses within areas of prime aquifer recharge will be limited to those uses which have limited impervious surfaces, thereby allowing for the greatest amount of water to infiltrate to the ground. Allowable uses include very low density residential development and agricultural and resource conservation activities.

Response:

The Babcock Ranch CPA lies outside of the prime recharge area as indicated on Map 4.17 - Aquifer Recharge Area in Chapter 4, Infrastructure Element.

POLICY 8.1.2: Natural hydroperiods, flows, and water quality will be maintained or improved when development activity occurs upon a site.

Response:

The Babcock Ranch CPA will be developed with a water management system that meets the requirements of SFWMD to protect hydroperiods, flows and water quality that is discharged to surface waters of Charlotte County. Improvement to the existing system may be possible as the farm fields are converted to other uses. Some of the previous natural feature by be restored.

POLICY 8.1.3: Altered drainage features will be protected from further overall degradation. Development will be permitted which utilizes existing drainage works or which creates new drainage works which on balance mitigate the adverse effects of previous works. This policy specifically allows for the construction necessary to maintain the original use and beneficial use of altered drainage systems.

Response:

There are several drainage systems within the Babcock Ranch CPA that exist today. Future alterations to the lands to create the surface water management

system will result in the maintenance or improvement of altered drainage systems compared to the existing conditions.

POLICY 8.1.4: Mitigation of impacts to relatively unaltered natural drainage features will be considered and evaluated on a case by case basis by the responsible review and permitting departments.

Response:

Mitigation will be proposed where there are unavoidable impacts to unaltered drainage features. There are few of these within the Babcock Ranch CPA.

POLICY 8.1.5: Charlotte County shall protect groundwater resources by maintaining a maximum of one dwelling unit per ten acres in areas of prime aquifer recharge.

Response:

The Babcock Ranch CPA lies outside of the prime recharge area as indicated on Map 4.17 - Aquifer Recharge Area in Chapter 4, Infrastructure Element.

OBJECTIVE 8.2: The quality of Charlotte County's groundwater resources shall be maintained or improved and shall not be degraded, either directly or indirectly, by human influences, below Federal or State standards.

Response:

The Babcock Ranch CPA's water management system will be designed to meet the stated water quality requirements of SFWMD.

POLICY 8.2.3: Charlotte County shall cooperate with the Water Management Districts to have free flowing artesian wells plugged under the Quality Water Improvement Program (QWIP) or by methods approved by the appropriate Water Management District and County.

Response:

In the event any unused free flowing artesian wells are identified in the Babcock Ranch CPA, the wells will be properly abandoned by a state licensed water well contractor.

POLICY 8.2.6: Charlotte County will comply with, and enforce, emergency water conservation measures as required by the Southwest Florida Water Management District and the South Florida Water Management District.

Response:

The Babcock Ranch CPA will also comply with emergency water conservation measures as required by the South Florida Water Management District.

POTABLE WATER AND SANITARY SEWER

GOAL 9: Charlotte County will encourage public and private utility companies (utilities) to provide well-designed and economically efficient systems of potable water and sanitary sewer service that maximizes the use of existing facilities to meet the needs of a growing population, while protecting the natural environment.

Response:

All of Babcock Ranch CPA is located within the franchised area of Town and Country Utility Company. The following is a short excerpt from the Florida Public Service hearing giving a brief background on the utility company.

“On November 10, 1998, Town and Country Utilities Company (Town and Country or utility) filed an application for an original certificate to operate a water utility in Charlotte and Lee Counties. Town and Country is a wholly-owned subsidiary of the Babcock Florida Company (Babcock), which currently owns and operates all existing water facilities in the proposed territory.

“The existing water facilities provide potable and non-potable water service to a variety of residential, commercial and agricultural customers. The existing potable water service is provided to approximately 71 equivalent residential connections (ERCs), of which 22.5 are residential customers and 48.5 are commercial customers. The existing non-potable water service is provided to approximately 216,654 ERCs. Both the potable and non-potable water services are currently being provided at no cost.

“The utility plans to expand its facilities to provide additional potable water service to five proposed residential developments within the proposed service area. These five developments are:

- 1) Babcock Family Community;*
- 2) SR 31 Ag Facility;*
- 3) Trout Creek Golf Course and Country Club;*
- 4) Deep Lake Villas; and*
- 5) The Wilderness at Crescent B Ranch*

“The communities and developments will be constructed on a phased basis over a period of at least fifteen years. While the application describes the phasing concept only the first phase cost factors are included for purposes of setting rates in

this Order. Of the five residential developments listed above, the first two are part of the utility's Phase 1. The other three will be phased in at a later date.

"The utility has no plans for expanding the agricultural water service. However, the utility is proposing to provide bulk raw water to neighboring utilities.

"Town and Country has entered into an agreement with Babcock to obtain a long-term right to use the necessary properties for the operation of the water utility. In its application, the utility states that prior to its formation, its parent company owned the existing facilities, which will now be utilized by the utility in providing service to new territory. The utility also states that it will continue to employ operations, maintenance, and technical advisory personnel necessary to ensure continued efficient provision of water service to the various customers of the utility. Additionally, the utility states that the parent company is currently providing service to its own property at no cost, and "has for 50 years owned the property and overseen the water resources within the property which is to be the service territory of Town and Country Utilities Company."

Babcock Ranch CPA will be a potable water customer of Town and Country Utility Company. A copy of the PSC hearing document which includes interlocal agreements between Charlotte County and Utility and Lee County and Utility is attached giving more background on the utility and its ability to serve Babcock Ranch CPA.

Babcock Ranch CPA is not located within the service area of any wastewater utility company including Lee County. The most probably solution to wastewater treatment and disposal will be to construct a single plant system (in phases) centrally located within the developed area. This will likely hold true regardless of what entity, whether County Government, Community Development District or other quasi-governmental entity is ultimately chosen to be responsible for its construction and operation.

OBJECTIVE 9.1: Charlotte County and the utilities serving the county shall assure the provision of potable water and sanitary sewer services to new and existing development in conjunction with previously certificated areas and the Urban Service Area strategy through the planning timeframe of 2010.

Response:

Refer to response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

POLICY 9.1.1: Utilities are encouraged to extend central potable water and sanitary sewer services to Infill Areas in accordance with the Urban Service Area strategy. Such extensions will represent sequential extensions of service.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

POLICY 9.1.2: In the case of a utility which provides both central potable water and sanitary sewer service, the utility is encouraged to extend potable water and sanitary sewer lines concurrently. As an exception to this policy, lines may be extended separately if the service area is primarily composed of one type of service line and is located at a distance from which it would be economically inefficient to require concurrent extensions.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

POLICY 9.1.3: In the case of utilities which provide both central potable water and sanitary sewer service, the certificated area for one service will not be extended to an area unless the certificated area for the other service is also extended to the same location.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

POLICY 9.1.4: Certificated areas will not be extended or expanded for potable water or sanitary sewer service outside of Infill Area boundaries. Exceptions shall be made in the case of New Communities or Developments of Regional Impact in West County, Mid County, or South County or Rural Communities in East County; or in the case of where a utility(s) shall provide both central potable water and sanitary sewer service in a tandem manner within the Urban Service Area Overlay District.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

POLICY 9.1.5: Utilities which have an approved certification to provide service shall serve their approved areas in accordance with the certification.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

Objective 9.2: Charlotte County, in making land use decisions, shall utilize the availability of central potable water and sanitary sewer service.

Response:

Refer to Response provided to Goal 9. Babcock Ranch CPA will provide a central potable water and wastewater system.

OBJECTIVE 9.3: Charlotte County shall protect its existing and future potable water supplies, such as the Peace River, and wellhead locations in order to continue using those natural resources for drinking water purposes.

Response:

Charlotte County has no existing nor has identified any future potable water supplies, such as Peace River and wellhead locations within the Babcock Ranch CPA.

POLICY 9.3.1: Charlotte County will evaluate the effects of development on wellheads for all proposed land uses within delineated cones of influence for all central potable water supply wellheads used for public consumption. Where a cone of influence is not determined, all proposed development within 1,500 feet of the wellhead will be evaluated. Land uses in which hazardous materials (such as petroleum products or chemical or biological wastes) are produced or stored are not permitted to adversely impact groundwater resources. Landfills, wastewater treatment facilities, or feedlots/concentrated animal facilities shall be prohibited within this area. These areas are designated on the Future Land Use Map series #5, "Wellhead Protection Areas".

Response:

The Babcock Ranch CPA does not include nor is proximate to any wellhead protection areas as delineated on the Future Land Use Map series #5, "Wellhead Protection Areas". The proposed golf courses within the Babcock Ranch CPA will utilize best management practices as defined by the Florida Department of Environmental Protection with respect to any storage and application of chemicals needed for the maintenance of the proposed golf courses.

POLICY 9.3.2: Land uses in which hazardous materials (such as petroleum products or chemical or biological wastes) are produced or stored or which may have an adverse impact on central potable water supplies for public consumption shall be allowed only in areas where their presence will not adversely impact

groundwater resources, recharge areas, or watersheds that drain into surface water supplies.

Response:

Charlotte County has no existing nor has identified any future potable water supplies, such as Peace River and wellhead locations within the Babcock Ranch CPA. The proposed golf courses within the Babcock Ranch CPA will utilize best management practices as defined by the Florida Department of Environmental Protection with respect to any storage and application of chemicals needed for the maintenance of the proposed golf courses.

POLICY 9.3.4: Disposal of sludge shall be allowed only in areas which will not adversely impact groundwater resources, recharge areas, or watersheds that drain into surface water supplies.

Response:

Sludge disposal is not proposed within the Babcock Ranch CPA.

OBJECTIVE 9.4: To maintain a residential per capita water use rate of 110 gallons per day or less through 2010 and to identify and conserve water supplies.

POLICY 9.4.1: Utilities are encouraged to develop facilities and programs for recycling treated wastewater and to promote water reuse through such methods as irrigation.

Response:

Babcock Ranch CPA does not fall within the franchised areas of any wastewater providers in Charlotte County. At this time it appears to be an open and unserved area. The most profitable solution to wastewater treatment and disposal will be to construct a single plant system (in phases) centrally located within the developed area. This would likely hold true regardless of what entity, whether County government, community development district or other quasi-governmental entity is ultimately chosen to be responsible for construction and operation. The primary component of treated wastewater effluent disposal would be through reuse/irrigation of the golf courses, common landscaped and residential areas.

POLICY 9.4.7: Potable water providers shall be encouraged to adopt a special conservation rate for users.

Response:

It is Town and Country Utilities Company's intention to comply with this requirement.

GOAL 10: Utilities are encouraged to maintain adequate levels of service for potable water and sanitary sewer service.

OBJECTIVE 10.1: Utilities shall provide needed capital improvements to maintain existing facilities, to replace obsolete or worn-out facilities and to eliminate existing deficiencies in order to serve future development and redevelopment through the planning timeframe of 2010.

Response:

It is Town and Country Utilities Company's intention to comply with this requirement.

POLICY 10.1.1: In order to determine adequate facility capacity for concurrency requirements for providers of sanitary sewer and potable water utilities, Charlotte County will rely upon these Levels of Service standards:

Response:

It is Town and Country Utilities Company's intention to comply with this requirement.

- a. Potable Water Facilities: Charlotte County adopts a minimum Level of Service standard of 190 gallons per day per Equivalent Residential Connection.

Response:

It is Town and Country Utilities Company's intention to comply with this requirement.

- b. Sanitary Sewer Facilities: Charlotte County adopts a minimum Level of Service standard of 161.5 gallons per day per Equivalent Residential Connection.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 10.1.4: Package treatment plants constructed within Charlotte County after the adoption date of this policy shall meet or exceed the minimum level of service standard for sanitary sewerage.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

GOAL 11: Charlotte County will attempt to reduce negative impacts to the natural environmental and the public health, safety, and welfare resulting from the use of sanitary wastewater treatment systems (septic systems, package treatment plants, and central sewer systems).

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 11.1.6: The owners of septic systems will bear the financial costs of the septic system management program.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 11.2.4: New or replacement septic systems installed for all development, both existing and proposed, will meet or exceed the more stringent minimum treatment standard for onsite disposal systems within Chapter 10D-6, Florida Administrative Code or local ordinance.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 11.3.1: Whenever central sanitary sewer service is made available to any developed property, the landowner will connect to the central potable water system within 365 days of written notification by the utility provider. Made available means that a utility line exists within a public easement or right-of-way that abuts a property and is within 200 feet of the property line of a developed establishment. Upon connection, the existing well may be converted to irrigation or other non-potable uses consistent with State law and the rules of the appropriate water management district.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 11.3.3: Whenever central sanitary sewer service is made available as defined in 381.0065, Florida Statutes, to any developed property utilizing an onsite sewage treatment and disposal system, the landowner will connect to the sewer system within 365 days of written notification by the utility provider. Upon connection, the existing septic system or package treatment plant will be made inoperable consistent with State law.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

OBJECTIVE 11.4: For non-residential non-potable water purposes, the lowest quality water available shall be used.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

POLICY 11.4.1: To protect potable water supplied, non-potable uses shall be met by non-potable supplies whenever possible.

Response:

It is Babcock Ranch CPA's intention to comply with this requirement.

CHAPTER 5, RECREATION AND OPEN SPACE ELEMENT

GOAL 1: Develop and maintain a park and recreation system that will provide a diverse, yet balanced, range of active and passive recreation opportunities and facilities which meets the needs of all persons, while maintaining the unique natural features of the land.

Response:

The area set aside for recreation and open space within Babcock Ranch CPA will include school grounds, parks, golf courses, recreation facilities within the residential tracts, recreation areas, conservation areas, pedestrian/bike pathways, lakes, retention/detention ponds and buffering, and will more than offset any recreational demand created by this project. These areas will include a broad range of opportunities for active and passive recreation activities. Acreage designed for parks, recreational areas and open space will more than meet the Charlotte County requirements.

POLICY 1.1.2: Adopt a Level of Service of 3.0 acres per thousand population for all active and multipurpose parks, including mini-parks/playgrounds, neighborhood parks, community parks, district parks, and special purpose facilities.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.1.3: Adopt a Level of Service of 3.0 acres per thousand population for all passive parks and preserves.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.2 (Alternative Strategies): Promote recreational activities outside the traditional system through the increased use of community and educational facilities and develop creative alternative recreational opportunities in order to serve a larger segment of the population.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement. Educational facilities within the project may also serve as recreational and community centers to develop alternative recreational opportunities for Charlotte County, including, but not limited to shared ball fields, recreation halls, gymnasiums, auditoriums, cafeterias, play courts, restroom facilities, playfields, concession stands, parking areas,

stadiums, and the like. Schools may be open to the public after hours and on weekends to ensure public access to these facilities for additional taxpayer benefit.

OBJECTIVE 1.3 (Funding): identify, evaluate and initiate use of alternative sources of revenue such as user fees, bond referenda, grant programs, public/private partnerships, and others for acquisition, development and operation of recreation programs and facilities.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

POLICY 1.3.1: Encourage the use of public and private financial and other resources for the development of recreational opportunities.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.4 (Management): Protect and maintain open space and parkland that will conserve forests, wetlands, fish, marine life, and wildlife, and in order to retain their environmental, economic, aesthetic and recreational values.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.4.2: Protect and restore, where feasible, the ecological function of natural systems to ensure their long-term environmental, economic, and recreational values.

Response:

The currently allowed uses on the property do not achieve this policy. The proposed amendments bring the property under review for this policy.

CHAPTER 6, HOUSING ELEMENT

GOAL 1: Charlotte County will promote the availability of a choice of safe, sanitary housing on a nondiscriminatory basis to current and anticipated households of all income levels.

GOAL 2: Charlotte County will promote the construction, conservation and rehabilitation of housing for very-low, low, and moderate income households, and those with special housing needs including the identification of historically significant housing.

Response:

The proposed development program will provide a wide mix of housing types. It is anticipated that a variety of affordable housing products will be made available within close proximity to the commercial development, and within walking distance to schools, parks, churches and civic centers.

GOAL 3: Charlotte County will promote the availability of foster care facilities group homes, and Assisted Living Facilities (ALFs).

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

CHAPTER 7, INTERGOVERNMENTAL COORDINATION ELEMENT

GOAL 1: Charlotte County will maintain or enhance the level of coordination and cooperation among the various governments, authorities and agencies making decisions affecting natural resources, housing, historic and archaeological resources, public facilities, and public services within and around Charlotte County.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

OBJECTIVE 1.3: Charlotte County will coordinate with adjacent local governments to ensure that impacts of development are addressed.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement. However, we have met with both Lee and Charlotte Counties and are committed to coordinating the amendment efforts concurrently.

POLICY 1.3.4: Future development in Charlotte County and other affected jurisdictions will pay the proportionate cost of joint infrastructure and services resulting from the development's impact.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

CHAPTER 8: CAPITAL IMPROVEMENTS ELEMENT

GOAL 1: Consistent with the provisions of Chapter 9J-5, Florida Administrative Code, Charlotte County will organize the use of its limited fiscal resources to provide public capital facilities and services concurrently with the needs generated by new and existing residents of the community.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

POLICY 1.1.1: Charlotte County, as well as private providers of infrastructure and services, will meet or exceed the adopted level of service standards identified in the Infrastructure Element for Sanitary Sewer, Potable Water, Drainage, and Solid Waste, Recreation and Open Space Element, and Transportation Element.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

POLICY 1.1.5: Charlotte County adopts the following level of service standards for the Infrastructure Element:

Drainage

- a. New arterial and collector roadways will be designed and constructed to enable not less than one lane of traffic in each direction above the design high water elevation resulting from a 25-year frequency, 24-hour duration rainfall event distributed in accordance with methodologies approved by the appropriate water management district.
- b. Stormwater management facilities for structures in all new subdivisions will manage stormwater resulting from a 25-year frequency, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district; by either providing individual on-site facilities or a central facility(s).
- c. New parking facilities will be designed and constructed with a maximum temporary detention depth of nine (9) inches resulting from a 5-year frequency, 24-hour duration rainfall event distributed in accordance with methodologies approved by the appropriate water management district.
- d. All new development on existing platted lots (except single-family, duplex, and triple dwelling units within Charlotte County) is required to

provide on-site stormwater management for runoff resulting from a 25-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district.

- e. New local residential streets will be designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall event distributed in accordance with methodologies approved by the appropriate water management district.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

Solid Waste Management

- a. Charlotte County's IMSWM and MSW Collection systems will be maintained to provide for the proper collection and management of no less than 7.2 pounds of msw per permanent resident per day.
- b. Charlotte County's IMSWM system will be maintained to provide for the disposal of no less than 5.0 pounds of msw per permanent resident per day.
- c. Charlotte County's IMSWM system will be maintained to provide for the recycling of no less than 2.2 pounds of recyclables per permanent resident per day.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

Potable Water

- a. Potable Water Facilities: Charlotte County adopts a minimum Level of Service standard of 190 gallons per day per Equivalent Residential Connection.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

Sanitary Sewer

- a. Sanitary Sewer Facilities: Charlotte County adopts a minimum Level of Service standard of 161.5 gallons per day per Equivalent Residential Connection.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

POLICY 1.1.6: Charlotte County adopts the following levels of service standards for the Recreation and Open Element:

- a. a minimum Level of Service of 3.0 acres per thousand population for all active and multipurpose parks, including mini-parks/playgrounds, neighborhood parks, community parks, district parks, and special purpose facilities and
- b. a minimum Level of Service of 3.0 acres per thousand population for all passive parks and preserves.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

OBJECTIVE 1.2: Future development in Charlotte County will pay its fair share cost of new infrastructure.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

CHAPTER 9, HISTORIC PRESERVATION ELEMENT

GOAL 1: Charlotte County will protect and preserve its historical, archaeological, architectural, and scenic resources that serve to exemplify the heritage of the county, state, and nation.

Response:

Approval of Babcock Ranch CPA will not effect the implementation of this requirement.

CHAPTER 10, COMMUNITY FACILITIES & SERVICES ELEMENT

GOAL 1: Within financial feasibility.

POLICY 1.6.1: Charlotte County will explore opportunities for developing sheltering possibilities, especially for shelters in the category 4 or 5 hurricane storm surge zone.

Response:

The Babcock Ranch CPA, as conditioned, will comply with all applicable standards and is, therefore, consistent with this policy.

According to the Director of Charlotte County Emergency Management, the vast majority (approximately 98%) of residential dwelling units in Charlotte County are located within the high hazard flood plain. The subject property, however, falls within Categories 4 and 5 as identified by the Hurricane Storm Tide Atlas prepared by the Southwest Florida Regional Planning Council (Exhibit 5.7) and according to FEMA maps, virtually all of Babcock Ranch CPA within Charlotte County is located above the 100-year flood plain. – check for possible update

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