



Flagler County Board of County Commissioners Meeting Agenda

May 15, 2023 • 5:00 p.m.

Government Services Building 2, Board Chambers, 1769 E. Moody Blvd., Bunnell, FL 32110

1. Pledge to the Flag and Moment of Silence
2. Additions, Deletions and Modifications to the Agenda
3. Announcements by the Chair
4. Recognitions, Proclamations and Presentations:
 - 4a) Recognitions:
 - 1) April 7, 2023 Choking Victim Life Saving Awards Presented To:
Paramedic/Firefighter Prince Mack and Paramedic/Firefighter Marianne Hutson
(Requested by Fire Rescue Chief Michael Tucker)
 - 2) April 8, 2023 Ocean Rescue Life Saving Awards Presented To:
Paramedic/Firefighter Andrew Shook and EMT/Firefighter John Strickland
(Requested by Fire Rescue Chief Michael Tucker)
 - 4b) Proclamations:
 - 1) Historic Preservation Month – May 2023 *(Requested by the Flagler County Historical Society)*
 - 2) Emergency Medical Services Week – May 21-27, 2023 *(Requested by Fire Rescue Chief Michael Tucker)*
 - 3) Mental Health Awareness Month – May 2023 *(Requested by Pam Wu, Human Resources Director)*
 - 4c) Presentations:
 - 1) Flagler County, the Carver Community Center, its Foundation, the Bunnell Police Department and the Flagler-NAACP have worked together to secure funding to install a New Digital Security Camera for the Carver Center. *(Check Presentation Requested by Shelley Ragsdale)*
 - 2) Pre-Hurricane Season Briefing *(Presented by Jonathan Lord, Emergency Management Director)*
5. Community and Board Comments:
 - 5a) **Community Outreach:** *This thirty-minute time period has been allocated for public comment on any consent agenda item or topic not on the agenda. Each speaker will be allowed up to three (3) minutes to address the Commission. Speakers should approach the podium, identify themselves and direct comments to the Chair.*
 - 5b) **Board Comments on Consent Items**
6. Consent: Constitutional Officers:
 - 6a) **Clerk: Bills and Related Reports:** Request the Board approve the report(s) of funds withdrawn from County depositories by the Flagler County Clerk of the Circuit Court and

the Revenue Collected Report presented in compliance with the provisions of Section 136.06, Florida Statute as listed below:

- 1) Disbursement Report for Week Ending April 21, 2023
- 2) Disbursement Report for Week Ending April 28, 2023

6b) Clerk: Approval of Board Meeting Minutes: Request the Board approve the minutes from the following Meetings:

- 1) April 17, 2023 Regular Meeting

6c) Sheriff:

- 1) **Patrick Leahy Bulletproof Vest Partnership (BVP) Program Grant:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*
- 2) **BJA FY23 Paul Coverdell Forensic Science Improvement Grant:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*
- 3) **Justice Assistance Grant (JAG) Program:** Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval. *(Requested by the Flagler County Sheriff's Office)*

7. Consent: BOCC Departments:

7-a) Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian, and Nicole. *(Requested by Jonathan Lord, Emergency Management Director)*

7-b) Consideration of a Resolution and First Amendment to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the Amount of \$900,000 to Add Funding to the T-Hangar Construction Project at the Flagler Executive Airport: Request the Board approve the First Amendment to the PTGA, approve the Unanticipated Revenue Resolution, and adopt the Resolution authorizing the Chair to execute the agreement and authorize the County Administrator to execute all necessary documents associated with accepting and implementing said agreement as approved as to form by the County Attorney. *(Requested by Roy Sieger, Airport Director)*

7-c) Budget Transfer from the Daytona North Service District Fund 1104 Reserves for increased Road and Bridge Staff Time: Request the Board approve the Budget Transfer. *(Requested by Mike Dickson, General Services Director and E. John Brower, Financial Services Director)*

7-d) Request for Authorization for the County Administrator to Execute Flagler County School District Proportionate Share Mitigation Agreements on Behalf of Flagler County: Staff recommends that the Board adopt the Resolution authorizing the County Administrator to execute Flagler County School District Proportionate Share Mitigation Agreements on behalf of Flagler County. *(Requested by Adam Mengel, Growth Management Director and Sean Moylan, Deputy County Attorney)*

- 7-e) Interlocal Agreement with Tax Collector for Solid Waste Special Assessments:** Request the Board approve the Interlocal Agreement with the Tax Collector for Collection of the Solid Waste Special Assessment. *(Requested by Sean Moylan, Deputy County Attorney)*
- 7-f) Consideration to Amend Resolution 2003-190 to Change the Interest Rate Index:** Request the board approve the resolution. *(Requested by E. John Brower, Financial Services Director)*
- 7-g) Tourist Development Council Appointment Requests:** Request the Board approve the reappointments of Mr. Eric Cooley and Mr. John Lulgjuraj and the appointment of Mr. Daniel Mundrean to the Tourist Development Council each for a four-year term. *(Requested by Amy Lukasik, Tourism Director)*
- 7-h) Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding:** Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$4,000.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-i) Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding:** Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$6,500.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-j) Consideration of Contract with Arrivalist to Provide Visitor Research and Behavioral Data Services to the Tourism Development Office in the Amount of \$63,750:** Request the Board approve entering into a contract with Arrivalist and authorize the County administrator to execute all necessary documents associated with accepting and implementing the contract, including any amendments approved as to form by the County Attorney. *(Requested by Amy Lukasik, Tourism Director)*
- 7-k) Consideration of Distribution of Local Option Gas Tax FY 2023-2024:** Request the Board approve the Distribution Table as presented and authorize the County Engineer to forward this information to the Florida Department of Revenue. *(Requested by Faith Alkhatib, County Engineer)*
- 7-l) Consideration of Project Recommendations and Ranking of the FDOT Transportation Alternative Priorities for Fiscal Years 2024/2025 through 2028/2029:** Request the Board approve staff's recommended FDOT Transportation Alternatives Program submittal for Fiscal Years 2024/2025 through 2028/2029. *(Requested by Faith Alkhatib, County Engineer)*
- 7-m) Consideration to Negotiate Interlocal Agreement between Flagler County and the City of Bunnell for Permitting, Building Code Services, Plan Review and Inspection Services and Authorize County Staff to Provide Temporary Services:** Request the Board authorized staff to negotiate an Interlocal Agreement with the City of Bunnell for permitting services related to Florida Building Code compliance permit review and inspections and authorize staff to provide temporary services by the Flagler County Building Division.

8. **General Business:** *Presentations limited to 15 minutes with public comments limited to 3 minutes per speaker.*

8-a) **Interlocal Agreement with the City of Bunnell to Provide Solid Waste Collection and Disposal Services to Certain City Residents:** Approve the Interlocal Agreement Providing for Solid Waste Collection and Disposal Services to Certain Residential Properties within the City of Bunnell. *(Requested by Mike Dickson, General Services Director and Sean Moylan, Deputy County Attorney)*

8-b) **Perpetual Easement Agreement Between Flagler County and the Hammock Dunes Owners' Association, Inc., for Beach Restoration and Maintenance – Continued Discussion.**

9. **Public Hearings:** *Public Hearings will be heard after 5:30 p.m.*

Quasi-Judicial Process: *The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.*

Time limits will be observed:

- *Staff – 10 minute presentation.*
- *Applicant – 15 minute presentation (unless time extended by consensus of Board).*
- *Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.*
- *Applicant Rebuttal and Closing Staff Comments – 10 minutes each.*

9-a) **LEGISLATIVE—Amendments to Chapter 27 of the County Code Related to Solid Waste:** Request the Board approve the ordinance on first reading, which will return on June 5, 2023, for approval and adoption on second reading. *(Requested Sean Moylan, Deputy County Attorney)*

9-b) **Approval of Resolution Including List of County-owned Parcels Suitable for Affordable Housing:** Staff recommends that the Board accept the inventory of County-owned parcels suitable for affordable housing and adopt the Resolution. *(Requested Adam Mengel, Growth Management Director)*

9-c) **LEGISLATIVE – Application #3330 – Future Land Use Map Amendment from Commercial: High Intensity and Industrial to Residential High Density for a 28.32+/- acre parcel located South of State Road 100 East; Parcel Number: 08-12-31-0650-000B0-0070. Owner: Flagler Pines Properties, LLC / Applicant: Jay W. Livingston, Esquire. (Project # 2022090031):** The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-d) **QUASI-JUDICIAL – Application #3331 – Request to Rezone from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District located on the South side of State Road 100 East and North of the Flagler Executive Airport; Parcel Number: 08-12-31-0650-000B0-0070. 28.32+/- acres, 5615 State Highway 100 East. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esquire (Project # 2022090031):** The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-e) **LEGISLATIVE – Adoption of an Ordinance Establishing the Ormond Station Community Development District:** Staff recommends that the Board of County

Commissioners adopt the ordinance establishing the Ormond Station Community Development District. *(Requested Adam Mengel, Growth Management Director)*

9-f) QUASI-JUDICIAL – Application #3346 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Groveside Model Homes. Parcel Number 22-14-31-0000-01010-0110; 39.81+/- acres. Owner: ADJ Hunters Ridge, LLC; Applicant: D. R. Horton (Project #2023020047): The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

9-g) QUASI-JUDICIAL – Application #3347 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Gardenside Model Home. Parcel Numbers: 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC; Applicant: D. R. Horton (Project #2023020048): The Board of County Commissioners may: 1) Approve; 2) Deny; or 3) Continue. *(Requested Adam Mengel, Growth Management Director)*

10. Additional Reports and Comments:

10-a) County Administrator Report/Comments

10-b) County Attorney Report/Comments

10-c) Community Outreach: *This thirty-minute time period has been allocated for public comment for items not on the agenda. Each speaker will be allowed up to three (3) minutes to address the Commission. Speakers should approach the podium, identify themselves and direct comments to the Chair.*

10-d) Commission Reports/Comments/Action

11. Adjournment

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in this meeting should contact the (386) 313-4001 at least 48 hours prior to the meeting.

**A PROCLAMATION OF THE
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
RECOGNIZING MAY 2023, AS
“HISTORIC PRESERVATION MONTH” IN FLAGLER COUNTY**

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, walks of life and ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of heritage that has shaped us as a people and a community; and

WHEREAS, established in 1973 by the National Trust for Historic Preservation, events are planned to promote historic places for the purpose of instilling national and community pride, promoting heritage tourism and showing the social and economic benefits of historic preservation.

NOW THEREFORE, BE IT PROCLAIMED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS that they hereby proclaim **May 2023**, as “**Historic Preservation Month**” in Flagler County and urge the citizens to recognize the importance of historic preservation in Flagler County.

Adopted this 15th day of May 2023.

Attest:

Flagler County Board of County Commissioners

Tom Bexley, Clerk of the
Circuit Court and Comptroller

Gregory L. Hansen
Chair

**A PROCLAMATION OF THE
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
DESIGNATING MAY 21 - 27, 2023 AS
“EMERGENCY MEDICAL SERVICES WEEK” IN FLAGLER COUNTY**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, public safety telecommunicators, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by recognizing Emergency Medical Services Week.

NOW THEREFORE, BE IT PROCLAIMED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS that they hereby proclaim May 21 – 27, 2023 as **“Emergency Medical Services Week”** in Flagler County.

Adopted this 15th day of May 2023.

Attested:

Flagler County Board of
County Commissioners

Tom Bexley, Clerk of the
Circuit Court and Comptroller

Gregory L. Hansen
Chair

**A PROCLAMATION OF THE
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PROCLAIMING MAY 2023 AS
“MENTAL HEATH AWARENESS MONTH” IN FLAGLER COUNTY**

WHEREAS, millions of adults and children experience mental health conditions, including anxiety, depression, schizophrenia, bipolar disorder, and post-traumatic stress disorder; and

WHEREAS, those living with mental health conditions are our family, friends, classmates, neighbors and coworkers; and

WHEREAS, mental health includes our emotional, psychological, and social well-being and affects how we think, feel, work and act; and

WHEREAS, breaking the stigma is important because it helps to create a more understanding and compassionate world for those who suffer from mental illness; and

WHEREAS, each business, school, government agency, health care provider, organization, and citizen share the responsibility of promoting mental health awareness in support of a stigma free society.

NOW THEREFORE, BE IT PROCLAIMED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS that they hereby declare the month of **May 2023** as “**Mental Health Awareness Month**” and encourage all citizens, government agencies, public and private institutions, businesses, and schools in Flagler County to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

Adopted this 15th day of May, 2023.

Attest:

Flagler County Board of
County Commissioners

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Gregory L. Hansen
Chair

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06

Invoices Processed for period 04/17/23 to 04/21/23

Item 6a(1)

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	904	P&A ADMINISTRATIVE SERVICES, INC	04.14.2023	\$291.85	P&A Flexible Spending 04.14.2023
			Check Total	\$291.85	
04/17/23	905	P&A ADMINISTRATIVE SERVICES, INC	04.16.2023	\$265.54	P&A Flexible Spending 04.16.2023
			Check Total	\$265.54	
04/17/23	906	P&A ADMINISTRATIVE SERVICES, INC	04.15.2023	\$138.55	P&A Flexible Spending 04.15.2023
			Check Total	\$138.55	
04/18/23	908	STATE OF FLORIDA	AIRPORT SALES TAX	\$5,693.95	AIRPORT DOR MARCH 2023
			Check Total	\$5,693.95	
04/18/23	909	STATE OF FLORIDA	PRINCESS PLACE SLSTX	\$843.73	PRNC PL DOR MARCH 2023
			Check Total	\$843.73	
04/18/23	910	STATE OF FLORIDA	BULL CREEK SALES TAX	\$616.39	BULL CREEK DOR MARCH 2023
			Check Total	\$616.39	
04/18/23	911	STATE OF FLORIDA	PARKS SALES TAX	\$536.33	PARKS DOR MARCH 2023
			Check Total	\$536.33	
04/18/23	912	STATE OF FLORIDA	BINGS SALES TAX	\$59.57	BINGS DOR MARCH 2023
			Check Total	\$59.57	
04/18/23	913	P&A ADMINISTRATIVE SERVICES, INC	04.17.2023	\$9.87	P&A Flexible Spending 04.17.2023
			Check Total	\$9.87	
04/18/23	914	STATE OF FLORIDA	LIBRARY SALES TAX	\$5.02	LIBRARY DOR MARCH 2023
			Check Total	\$5.02	
04/19/23	915	BANK OF AMERICA - P-CARD	Mar 2023 Pcard purch	\$140,317.54	March 2023 Pcard purchases
			Check Total	\$140,317.54	
04/19/23	916	EXPRESS TAX - TTL WIRE	Payroll0421	\$117,666.68	Week of 04/21/2023
			Check Total	\$117,666.68	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/19/23	917	FLAGLER CO TAX COLLECTOR	PRINCESS PL SALES TX	\$453.76	PRNC PL TOURIST MARCH 2023
			Check Total	\$453.76	
04/19/23	918	FLAGLER CO TAX COLLECTOR	BULL CREEK SALES TAX	\$440.27	BULL CREEK TOURIST MARCH 2023
			Check Total	\$440.27	
04/21/23	921	NATIONWIDE RETIREMENT SOLUTIONS INC	Payroll0421	\$9,609.11	Week of 04/21/2023
			Check Total	\$9,609.11	
04/21/23	922	EXPERT PAY - CHILD SUPPORT WIRE	Payroll0421	\$1,159.86	Week of 04/21/2023
			Check Total	\$1,159.86	
04/21/23	923	P&A ADMINISTRATIVE SERVICES, INC	04.20.2023	\$214.71	P&A Flexible Spending 04.20.2023
			Check Total	\$214.71	
04/17/23	202453	1ST AMERICA FIRE SERVICES LLC	1721	\$6,277.80	HOSE, LADDER & SUCTION ANNUAL TESTING
			Check Total	\$6,277.80	
04/17/23	202454	AETNA	J0593956	\$3,627.65	April 2023 Vision Fees
04/17/23	202454	AETNA	J0593958	\$345.93	April 2023 Retiree Fees
			Check Total	\$3,973.58	
04/17/23	202455	ALLEN, NORTON & BLUE PA	171227	\$238.50	PROFESSIONAL SVC - MARCH 31, 2023 FILE #3320-00004
			Check Total	\$238.50	
04/17/23	202457	AMERICAN HEART ASSOCIATION, INC.	SCPR125298	\$16,335.50	ACLS, BLS AND PALS RECERTIFICATION
			Check Total	\$16,335.50	
04/17/23	202458	AMERICAN JANITORIAL, INC.	24404	\$48,008.67	INV#24404 - April Monthly - 4.30.23
			Check Total	\$48,008.67	
04/17/23	202459	AMERICAN SONGWRITER	2060	\$500.00	PRINT MAGAZINE
			Check Total	\$500.00	
04/17/23	202460	AMERIFLEX	INV611859	\$300.60	April 2023 COBRA Admin Fees
			Check Total	\$300.60	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202461	AT&T INC	287315918621X0 325202	\$1,130.24	FIRSTNET SERVICES
			Check Total	\$1,130.24	
04/17/23	202462	AT&T INC	287315918621X0 125202	\$1,130.24	FIRSTNET SERVICES 1.18.23 - 2.17.23
			Check Total	\$1,130.24	
04/17/23	202463	AT&T SERVICES	386MOI- 53312350563	\$199.00	E911 SERVICES 3.16.23 - 4.15.23
			Check Total	\$199.00	
04/17/23	202464	BLUE CROSS BLUE SHIELD OF FLORIDA	April 2023 Admin Fee	\$27,272.80	April 2023 Medical Admin Fees
			Check Total	\$27,272.80	
04/17/23	202465	BLUE LINE INNOVATIONS, LLC.	13435	\$2,849.99	UNIFORM PANTS
			Check Total	\$2,849.99	
04/17/23	202466	BORLAND-GROOVER CLINIC PA	RO MO12045	\$127.05	IHC KNIGHT RO MO12045
			Check Total	\$127.05	
04/17/23	202468	CDW GOVERNMENT LLC	GM66954	\$1,820.43	HP SB X3601040G8 - GROWTH MNGMT
04/17/23	202468	CDW GOVERNMENT LLC	HN11691	\$2,441.40	COMPUTER MONITORS FOR EOC OPERATIONS
04/17/23	202468	CDW GOVERNMENT LLC	HW60087	\$90.81	HP 410A TONER BLACK-PUBLIC DEFENDER
			Check Total	\$4,352.64	
04/17/23	202469	CHURCH ON THE ROCK, PALM COAST	CHURCH RENT 0523	\$3,500.00	CHURCH RENT - CONG MEALS MAY 2023
			Check Total	\$3,500.00	
04/17/23	202470	CINTAS CORPORATION	4148392863	\$7.81	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4148392894	\$36.66	INV#4148392894 - Shop Towels - 03.06.2023
04/17/23	202470	CINTAS CORPORATION	4149089687	\$7.81	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4149803423	\$7.81	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4150503000	\$5.38	4X6 LOGO MAT
04/17/23	202470	CINTAS CORPORATION	4150503020	\$7.81	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4151201909	\$32.25	INV#4151201909 - Landfill - 04.03.2023

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202470	CINTAS CORPORATION	4151201920	\$7.81	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4151202063	\$13.24	INV# - Purchasing - 04.03.2023
04/17/23	202470	CINTAS CORPORATION	4151917636	\$36.66	INV#4151917636 - Shop Towels - 04.10.2023
04/17/23	202470	CINTAS CORPORATION	4151917658	\$13.24	INV#415917658 - Purchasing - 04.10.2023
04/17/23	202470	CINTAS CORPORATION	4151918072	\$243.49	UNIFORM RENTALS
04/17/23	202470	CINTAS CORPORATION	4151918557	\$383.77	INV#4151918557 - Uniforms - 04.10.2023
			Check Total	\$803.74	
04/17/23	202471	CITY OF BUNNELL	01-0331-00 0223	\$211.12	61 SHERIFF EW JOHNSTON DR 1.19.23 - 2.18.23
04/17/23	202471	CITY OF BUNNELL	05-0030-01 0223	\$14,861.54	1001 JUSTICE LN 1.19.23 - 2.18.23
04/17/23	202471	CITY OF BUNNELL	05-0040-01 0223	\$575.34	1001 JUSTICE LN 1.19.23 - 2.18.23
04/17/23	202471	CITY OF BUNNELL	05-0052-00 0223	\$254.64	610 JUSTICE LN 1.19.23 - 2.18.23
			Check Total	\$15,902.64	
04/17/23	202472	CITY OF PALM COAST	15650106	\$5,833.51	170 AVIATION DR 2.10.23 - 3.16.23
04/17/23	202472	CITY OF PALM COAST	694409-19097 0223	\$608.95	14 PALM HARBOR VILLAGE WAY 2.10.23 - 3.15.23
04/17/23	202472	CITY OF PALM COAST	REIMBURSE HC 4	\$34,930.52	REIMBURSEMENT FOR HAMMOCK COMM
04/17/23	202472	CITY OF PALM COAST	REIMBURSE WW 4	\$29,284.42	REIMBURSEMENT FOR WILLOW WOODS
04/17/23	202472	CITY OF PALM COAST	RO U003549	\$201.03	EA ASSIST WALKER RO U003549
04/17/23	202472	CITY OF PALM COAST	RO U003550	\$133.95	EA ASSIST MARSHALL RO U003550
			Check Total	\$70,992.38	
04/17/23	202473	CONFIDENT CARE OF FLORIDA CORP		\$659.52	
04/17/23	202473	CONFIDENT CARE OF FLORIDA CORP		\$7,309.68	
04/17/23	202473	CONFIDENT CARE OF FLORIDA CORP		\$8,949.32	
04/17/23	202473	CONFIDENT CARE OF FLORIDA CORP		\$9,453.12	
			Check Total	\$26,371.64	
04/17/23	202474	CONFIDENT CARE OF FLORIDA CORP	CC 0323	\$4,781.52	HHS-CONFIDENT CARE MARCH 2023
			Check Total	\$4,781.52	
04/17/23	202475	DELL MARKETING, LP	10663663211	\$1,745.54	NEW LAPTOP

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$1,745.54	
04/17/23	202476	DEPARTMENT OF JUVENILE JUSTICE	202304-18	\$16,654.00	PRE-DISPOSITIONAL DETENTION COSTs - APRIL
			Check Total	\$16,654.00	
04/17/23	202477	EAST CENTRAL FL OUTPATIENT IMAGING	RO M012067	\$29.38	IHC KNIGHT RO MO12067
			Check Total	\$29.38	
04/17/23	202478	EASTERN AVIATION FUELS INC	3764674	\$37,367.22	AVIATION FUEL RESALE - AVGAS
04/17/23	202478	EASTERN AVIATION FUELS INC	3766179	\$25,067.05	AVIATION FUEL RESALE
			Check Total	\$62,434.27	
04/17/23	202479	EMPIRE COMPUTING & CONSULTING, INC.	13405	\$120.00	EQUIPMENT MAINTENANCE FOR STATE ATTORNEY
			Check Total	\$120.00	
04/17/23	202480	ENVIRONMENTAL CONTROL SYSTEMS INC	27871	\$425.00	PUMP AND CLEAN SEPTIC TANK
04/17/23	202480	ENVIRONMENTAL CONTROL SYSTEMS INC	27874	\$750.00	PUMP & CLEAN LIFT STATION, & MAINT
04/17/23	202480	ENVIRONMENTAL CONTROL SYSTEMS INC	27876	\$495.00	PUMP AND CLEAN SEPTIC TANK
04/17/23	202480	ENVIRONMENTAL CONTROL SYSTEMS INC	27877	\$250.00	PUMP RO TANK
			Check Total	\$1,920.00	
04/17/23	202481	ENVIRONMENTAL LAND SERVICES OF FC	150331	\$271.05	C&D AND YARD WASTE TIPPING FEE
			Check Total	\$271.05	
04/17/23	202482	FLAGLER AUDITORIUM GOV BOARD, INC	2026	\$1,250.00	FY23 PROMOTIONAL SERVICE AGREEMENT-2ND INSTALLMENT
			Check Total	\$1,250.00	
04/17/23	202483	FLAGLER BEACH HISTORICAL MUSEUM INC	Q22022-23	\$1,250.00	BOCC/TDO & FBHM PER MOU AGRMNT JAN - MAR 2023
			Check Total	\$1,250.00	
04/17/23	202484	FLAGLER CO CLERK OF CIRCUIT COURT &	4958202302	\$177.50	ORDER # 1391956, 1392222, 1394116, 1394393,1394424

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202484	FLAGLER CO CLERK OF CIRCUIT COURT &	4958202303	\$79.50	ORDER NUMBERS 1395727 AND 1397759
			Check Total	\$257.00	
04/17/23	202485	FLAGLER CO SHERIFF OFFICE	LETF 04.10.23	\$7,912.55	LAW ENFORCEMENT TRUST FUND REQUEST
			Check Total	\$7,912.55	
04/17/23	202486	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	3050	\$10,414.47	TITLE IIIB TRANSPORTATION COSTS FOR IIIB CLIENTS
			Check Total	\$10,414.47	
04/17/23	202487	FLAGLER HABITAT FOR HUMANITY INC	RO R001832	\$596.00	MORTGAGE ASSIST MARSHALL RO R001832
			Check Total	\$596.00	
04/17/23	202488	FLAGLER HUMANE SOCIETY INC	830AB	\$950.00	S/N REBATE FOR MARCH 2023
04/17/23	202488	FLAGLER HUMANE SOCIETY INC	831AB	\$15,500.00	ANIMAL CONTROL SERVICES FOR MARCH 2023
04/17/23	202488	FLAGLER HUMANE SOCIETY INC	839AB	\$3,025.00	INTAKE AND HOUSING FOR MARCH 2023
			Check Total	\$19,475.00	
04/17/23	202489	FLORIDA COMBINED LIFE	Apr 2023 Admin Fees	\$2,218.25	April 2023 Dental Admin Fees
			Check Total	\$2,218.25	
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.14.23 CD	\$87.40	INMATE 03.14.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.16.23 AVE	\$199.76	INMATE 03.16.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.16.23 CC	\$87.40	INMATE 03.16.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.23.23 GM	\$81.16	INMATE 03.23.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.27.23 TM	\$87.40	INMATE 03.27.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 03.30.23 LS	\$81.16	INMATE 03.30.23
04/17/23	202490	FLAGLER COUNTY HEALTH DEPARTMENT	INMATE 04.04.23 JJ	\$143.58	INMATE 04.04.23

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$767.86	
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	01956-16289 0323	\$1,849.89	1001 JUSTICE LN 2.28.23 - 3.30.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	07090-14427 0323	\$149.28	1700 OLD KINGS RD S OFC 3.2.23 - 4.3.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	11396-20247 0323	\$1,360.82	1769 E MOODY BLVD #5/11 PUB WKS 3.7.23 - 4.6.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	13295-01892 0323	\$361.04	201 AIRPORT RD #HGRB 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	14382-81592 0323	\$393.34	120 AIRPORT RD #3RD 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	17227-13276 0323	\$620.94	201 AIRPORT RD #VAULT 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	28533-73419 0323	\$315.25	610 JUSTICE LN 2.28.23 - 3.30.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	31022-57114 0323	\$487.69	1001 JUSTICE LN #SFTY COMM 2.28.23 - 3.30.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	39389-61087 0323	\$692.05	5593 N OCEAN SHORE BLVD 02.27.23-03.29.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	39675-97109 0323	\$237.88	201 AIRPORT RD #LIGHTPOLES 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	40122-87340 0323	\$3,384.19	1002 JUSTICE LN #INMATE 2.28.23 - 3.30.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	41445-07755 0223	\$221.78	1 RIMI RIDGE BLVD #FIRE STA 2.22.23 - 3.24.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	59130-88497 0223	\$430.54	170 AVIATION DR 1.5.23 - 3.6.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	86702-35418 0323	\$131.74	41 OLD MOODY BLVD #BEIGET-HGRS 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	88277-77288 0323	\$498.54	1250 S OLD DIXIE HWY #CELL TWR 3.2.23 - 4.3.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	88758-76271 0323	\$143.32	FPL VSB MONTHLY ELECTRIC
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	91498-48013 0423	\$7,876.73	EOC BLDG MONTHLY ELECTRIC
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	94625-21015 0323	\$731.52	1050 AVIATION DR #ATCT 3.6.23 - 4.5.23
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	96326-02984 0323	\$1,084.17	ST-LGT #DY N SRVC DIST 03.03.23-04.04.23

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202491	FLORIDA POWER & LIGHT COMPANY	96476-02979 0323	\$239.29	201 AIRPORT RD #STREETLIGHTS 3.3.23 - 4.4.23
			Check Total	\$21,210.00	
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	03915-09833 0323	\$112.97	41 OLD MOODY BLVD #BLUET-HGRSEAS 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	03925-07869 0323	\$74.99	41 OLD MOODY BLVD #BLUET-HGRSW 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	07015-28267 0323	\$76.78	106 E MOODY BLVD #GUARDIAN AD LITEM 3.7.23-4.6.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	08467-82472 0323	\$41.88	120 AIRPORT RD #1B 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	10105-51479 0323	\$104.96	201 AIRPORT RD #ES 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	13195-06828 0323	\$53.33	201 AIRPORT RD #FUELFARM 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	17255-00381 0323	\$56.84	ST-LGT #I/O CR 302 & S 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	20156-99081 0323	\$27.78	303 OLD MOODY BLVD #HSE 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	24796-09303 0323	\$71.02	206 E MOODY BLVD #VET SVCS 3.7.23 - 4.6.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	26363-71375 0323	\$26.18	1700 S OLD KINGS RD #CND WELL 3.2.23 - 4.3.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	32515-00892 0323	\$26.63	1100 OLD KINGS RD #ES 12TS SR 100 3.2.23 - 4.3.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	32555-09899 0323	\$38.14	1100 OLD KINGS RD 3.2.23 - 4.3.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	45806-91493 0323	\$31.77	201 AIRPORT RD #ENTRANCESIGN 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	46026-27020 0323	\$94.05	133 OLD MOODY BLVD 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	53126-12590 0323	\$67.26	267 OLD MOODY #HSE 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	74259-57136 0323	\$43.38	131 AIRPORT RD #LIFTSTATION 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	75853-68025 0323	\$75.13	153 OLD MOODY BLVD 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	78966-77429 0323	\$124.28	201 AIRPORT RD #ES 1000S 100N 3.6.23 - 4.5.23

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	86149-11595 0323	\$119.86	120 AIRPORT RD #HSE 3.6.23 - 4.5.23
04/17/23	202492	FLORIDA POWER & LIGHT COMPANY	98533-59595 0323	\$27.98	279 OLD MOODY BLVD 3.6.23 - 4.5.23
			Check Total	\$1,295.21	
04/17/23	202493	FLORIDA POWER & LIGHT COMPANY	10849-66405 0323	\$24.44	106 E MOODY BLVD #OL 3.7.23 - 4.6.23
04/17/23	202493	FLORIDA POWER & LIGHT COMPANY	36350-83011 0323	\$25.66	5885 E HIGHWAY 100 #GATE 3.6.23 - 4.5.23
			Check Total	\$50.10	
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	12188-84086 0223	\$132.70	EHEAP FPL ASSIST T. DRABCZYK
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	34417-52502 0223	\$158.35	EHEAP FPL ASSIST K. HARPER
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	52234-26098 0123	\$390.79	EHEAP FPL ASSIST E. MURPHY
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	52234-26098 1222	\$171.31	EHEAP ARPA ASSIST E. MURPHY
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	64572-83239	\$94.85	EHEAP FPL ASSIST E. LETHCOE
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	98776-71439 0223	\$187.97	EHEAP FPL ASSIST E. TURNER
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	RO U003548	\$145.73	FPL ASSIST ELMORE RO U003548
04/17/23	202494	FLORIDA POWER & LIGHT COMPANY- ASSIS	RO U003551	\$79.16	FPL ASSIST BUT RO U003551
			Check Total	\$1,360.86	
04/17/23	202495	FLORIDAS BEST ROOFING INC	SHIP - BARFIELD	\$18,920.00	SHIP ROOF REPL 29 CLARIDGE CT N, B BARFIELD
			Check Total	\$18,920.00	
04/17/23	202496	FPL ENERGY SERVICES	1100218551 0323	\$772.47	1002 JUSTICE LN 2.1.23 - 3.1.23
			Check Total	\$772.47	
04/17/23	202497	FRIENDS ASSISTING SENIORS &FAMILIES	CSI 0323	\$1,264.08	CSI - CCE HMK PECA MARCH 2023
			Check Total	\$1,264.08	

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202498	GAI CONSULTANTS, INC.	2185542	\$27,907.74	CONSTRUCTION OF WATER OAK ROAD IMPROVEMENTS
			Check Total	\$27,907.74	
04/17/23	202499	GANNETT MEDIA CORP	0005381614	\$112.85	ADVERTISEMENT: ORDER NUMBER 8355313 AND 8305626
04/17/23	202499	GANNETT MEDIA CORP	0005457284	\$131.56	ORDER NUMBER: 8574364
			Check Total	\$244.41	
04/17/23	202500	GUARDIAN FUELING TECHNOLOGIES INC	SRVCE2614960	\$316.25	FUEL PUMP REPAIRS
			Check Total	\$316.25	
04/17/23	202501	HALL'S WAY LLC		\$8,244.00	
			Check Total	\$8,244.00	
04/17/23	202502	HERITAGE FUNERAL & CREMATION SRVC	RO BO00329	\$600.00	INDIGENT CREMATION LARID RO BO00329
			Check Total	\$600.00	
04/17/23	202503	HOYLE, TANNER & ASSOCIATES, INC	0068738	\$49,350.00	CONSTRUCTION ADMIN SVC 02.26.23 - 04.01.23
			Check Total	\$49,350.00	
04/17/23	202504	INDEPENDENT PRINTING	7590	\$8,164.00	15,000 X FLAGLER COUNTY GUIDES
04/17/23	202504	INDEPENDENT PRINTING	7609	\$2,458.00	5,000@TREK BROCHURES
			Check Total	\$10,622.00	
04/17/23	202505	INTERIM HHA OF ST AUGUSTINE, INC.	CCE 0323	\$1,969.40	CCE HMK, RESP, PECA, 3E RESP
			Check Total	\$1,969.40	
04/17/23	202506	J&J AUTO BODY, INC	7130	\$2,371.40	AUTO BODY REPAIR - VEH #7289
			Check Total	\$2,371.40	
04/17/23	202507	JARAMA LLC	RO RO01833	\$1,000.00	RENTAL ASSIST WALKER RO RO01833
			Check Total	\$1,000.00	
04/17/23	202508	KNIGHT JON BOY INC	367394	\$80.00	INV#367394 - Hammock - 3.29.23
			Check Total	\$80.00	
04/17/23	202509	KYOCERA DOCUMENT SOLUTIONS AMERICA, INC	55V1319896	\$95.30	MAINTENANCE OF EQUIPMENT (PRINTERS AND FAX)

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$95.30	
04/17/23	202510	LABORATORY CORPORATION OF AMERICA	RO MO12093	\$32.89	IHC SHIPMAN RO MO12093
			Check Total	\$32.89	
04/17/23	202511	LEROY W. SIEGER JR.	TRAVEL 02.16.23	\$138.48	CFASPP COMMITTEE MEETING
04/17/23	202511	LEROY W. SIEGER JR.	TRAVEL 3.28.23	\$461.20	SUN N FUN AEROSPACE EXPO 3.28.23 - 4.2.23
			Check Total	\$599.68	
04/17/23	202512	MANSFIELD OIL COMPANY	24161638	\$23,418.50	BULK OIL
04/17/23	202512	MANSFIELD OIL COMPANY	24176981	\$25,152.45	BULK OIL
04/17/23	202512	MANSFIELD OIL COMPANY	24179336	\$24,669.68	BULK OIL
04/17/23	202512	MANSFIELD OIL COMPANY	24179685	\$25,884.37	BULK OIL
			Check Total	\$99,125.00	
04/17/23	202513	PIERRE-JEAN, MELODY	INV #5	\$90.00	INV #5 SS DIETITIAN SERVICES/CONG MEALS
			Check Total	\$90.00	
04/17/23	202514	ALYSSA JARECKI		\$40.00	ALYSSA JARECKI
			Check Total	\$40.00	
04/17/23	202515	AMANDA SHUPP		\$10.00	AMANDA SHUPP
			Check Total	\$10.00	
04/17/23	202516	ASHLEY GONZALEZ		\$30.00	ASHLEY GONZALEZ
			Check Total	\$30.00	
04/17/23	202517	ATHENA CARDIN		\$69.74	ATHENA CARDIN
			Check Total	\$69.74	
04/17/23	202518	CHRISTOPHER ELLIS		\$200.00	CHRISTOPHER ELLIS
			Check Total	\$200.00	
04/17/23	202519	CYRIACUS ALCINDOR		\$10.00	CYRIACUS ALCINDOR

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$10.00	
04/17/23	202520	DANIEL COGO		\$1,000.00	DANIEL COGO
			Check Total	\$1,000.00	
04/17/23	202521	ERICA VICKERS		\$20.00	ERICA VICKERS
			Check Total	\$20.00	
04/17/23	202522	HANNAH CRIM		\$100.00	HANNAH CRIM
			Check Total	\$100.00	
04/17/23	202523	HANNAH OSBORNE		\$100.00	HANNAH OSBORNE
			Check Total	\$100.00	
04/17/23	202524	KARI STEINNGER		\$166.64	KARI STEINNGER
			Check Total	\$166.64	
04/17/23	202525	LEEANN JASSO		\$5.00	LEEANN JASSO
			Check Total	\$5.00	
04/17/23	202526	MAYKEL RODRIGUEZ		\$1,000.00	MAYKEL RODRIGUEZ
			Check Total	\$1,000.00	
04/17/23	202527	MICHAEL BRADLEY		\$10.00	MICHAEL BRADLEY
			Check Total	\$10.00	
04/17/23	202528	ROBERT OTTO		\$220.00	ROBERT OTTO
			Check Total	\$220.00	
04/17/23	202529	SARAH ROSE		\$100.00	SARAH ROSE
			Check Total	\$100.00	

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202530	SEBASTIAN LOPEZ		\$100.00	SEBASTIAN LOPEZ
			Check Total	\$100.00	
04/17/23	202531	STEPHANIE HEDGES		\$120.00	STEPHANIE HEDGES
			Check Total	\$120.00	
04/17/23	202532	TANJA BUCKLES		\$100.00	TANJA BUCKLES
			Check Total	\$100.00	
04/17/23	202533	P & S PAVING INC	PAY APP 6 RETAINAGE	\$36,335.16	RETAINAGE RELEASE
			Check Total	\$36,335.16	
04/17/23	202534	PALM COAST HISTORICAL SOCIETY	0002-1	\$1,250.00	2023 - 2ND QTR TOURISM GRANT PYMT
			Check Total	\$1,250.00	
04/17/23	202535	PALM COAST SIGNS & GRAPHICS INC	23-747	\$2,295.00	KEEP OFF THE DUNES 4x4 SIGN
			Check Total	\$2,295.00	
04/17/23	202536	Patriot Response Group, LLC.	055-50	\$13,086.00	SHIP REHAB - 41 WELLSTONE DR, D. & B. WALKER
			Check Total	\$13,086.00	
04/17/23	202537	PRIDE ENTERPRISES	E2081620	\$3,450.00	PICNIC TABLES, FIRERINGS, GRIL
04/17/23	202537	PRIDE ENTERPRISES	E2081621	\$3,287.32	PICNIC TABLES, FIRERINGS, GRIL
			Check Total	\$6,737.32	
04/17/23	202538	ALPHA WOMEN'S CENTER	6892-ALPHA WOMENS	\$100.00	6892 - HIDDEN TRAILS CC
			Check Total	\$100.00	
04/17/23	202539	BARNEY, CYLEIGH	6514-1 - BARNEY	\$100.00	6514-1 - ESPANOLA CC - CANCELLATION-DEP
			Check Total	\$100.00	
04/17/23	202540	BARNEY, CYLEIGH	6514-2 - BARNEY	\$112.15	6514-2 - ESPANOLA CC - CANCELLATION-FEE
			Check Total	\$112.15	
04/17/23	202541	BARNEY, CYLEIGH	6514-3 - BARNEY	\$7.85	6514-3 - ESPANOLA CC - CANCELLATION-TAX
			Check Total	\$7.85	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202542	CANGELOSI, TRISHANNA	6714-1 - CANGELOSI	\$100.00	6714-1 - PELLICER CC-CANCELLATION-DEP
			Check Total	\$100.00	
04/17/23	202543	CANGELOSI, TRISHANNA	6714-2 - CANGELOSI	\$112.15	6714-2 - PELLICER CC-CANCELLATION-TAX
			Check Total	\$112.15	
04/17/23	202544	CANGELOSI, TRISHANNA	6714-3 - CANGELOSI	\$7.85	6714-3 - PELLICER CC-CANCELLATION-TAX
			Check Total	\$7.85	
04/17/23	202545	CLARK, ABIGAIL	6398 - CLARK	\$100.00	6398 - ESPANOLA CC
			Check Total	\$100.00	
04/17/23	202546	CLARK, ELIZABETH	R491 - 3304 - CLARK	\$200.00	R491 - 3304 - PPP - COTTAGE#2
			Check Total	\$200.00	
04/17/23	202547	DEBOER, KRISTIE	5185-1 - DEBOER	\$100.00	5185-1 -PPP-COTTAGE#3-CANCELLATION-DEP
			Check Total	\$100.00	
04/17/23	202548	DEBOER, KRISTIE	5185-2 - DEBOER	\$334.82	5185-2 -PPP-COTTAGE#3-CANCELLATION-FEE
			Check Total	\$334.82	
04/17/23	202549	DEBOER, KRISTIE	5185-3 - DEBOER	\$40.18	5185-3 -PPP-COTTAGE#3-CANCELLATION-TAX
			Check Total	\$40.18	
04/17/23	202550	GILYARD, OTIS	6787 - GILYARD	\$100.00	6787 - BINGS LANDING - GAZEBO
			Check Total	\$100.00	
04/17/23	202551	GOLL, VICTORIA	6972 - GOLL	\$100.00	6972 - HIDDEN TRAILS CC
			Check Total	\$100.00	
04/17/23	202552	GRANT, ROB	4676-1 - GRANT	\$93.75	4676-1 - BC RV#10 - CANCELLATION - FEE
			Check Total	\$93.75	
04/17/23	202553	GRANT, ROB	4676-2 - GRANT	\$11.25	4676-2 - BC RV#10 - CANCELLATION - TAX
			Check Total	\$11.25	
04/17/23	202554	HALL, KRISTIN	6887-1 - HALL	\$100.00	6887-1 - BAY DR PARK-CANCELLATION-DEP
			Check Total	\$100.00	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202555	HALL, KRISTIN	6887-2 - HALL	\$74.77	6887-2 - BAY DR PARK-CANCELLATION-FEE
			Check Total	\$74.77	
04/17/23	202556	HALL, KRISTIN	6887-3 - HALL	\$5.23	6887-3 - BAY DR PARK-CANCELLATION-TAX
			Check Total	\$5.23	
04/17/23	202557	HUBER, AMY	6950 - HUBER	\$100.00	6950 - HIDDEN TRAILS - PAVILION
			Check Total	\$100.00	
04/17/23	202558	JACKSON, CAROL	5970 - JACKSON	\$200.00	5970 - PPP - COTTAGE#2
			Check Total	\$200.00	
04/17/23	202559	KAYLOR, LAURETTA	6554 - KAYLOR	\$100.00	6554 - PPP - PAVILION
			Check Total	\$100.00	
04/17/23	202560	KOPPELL, MARC	6419 - KOPPELL	\$100.00	6419 - HERSCHEL KING PARK - PAVILION
			Check Total	\$100.00	
04/17/23	202561	LANTIER, SARAH	5931 - LANTIER	\$100.00	5931 - HAMMOCK CC - CANCELLATION - DEP
			Check Total	\$100.00	
04/17/23	202562	LITTLE ANGELS DAYCARE	6397-LITTLE ANGELS	\$100.00	6397 - HAW CREEK CC
			Check Total	\$100.00	
04/17/23	202563	MATLOCK, PAIZLEY	6856 - MATLOCK	\$100.00	6856 - PPP - PAVILION
			Check Total	\$100.00	
04/17/23	202564	MAYER, MARTY	4328 - MAYER	\$200.00	4328 - PPP - COTTAGE#1
			Check Total	\$200.00	
04/17/23	202565	MCILWAIN, SIERRA	6624 - MCILWAIN	\$100.00	6624 - PPP - PAVILION
			Check Total	\$100.00	
04/17/23	202566	MCKELVIN, CHERIE	6924 - MCKELVIN	\$100.00	6924 - PELLICER CC
			Check Total	\$100.00	
04/17/23	202567	MENG, CARRIE	6889 - MENG	\$100.00	6889 - GRAHAM SWAMP TRAIL
			Check Total	\$100.00	
04/17/23	202568	MORAN, AARON	6000 - MORAN	\$200.00	6000 - PPP - COTTAGE#2

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$200.00	
04/17/23	202569	MYATT, JOHN	5872 - MYATT	\$100.00	5872 - BINGS LANDING - S PAVILION
			Check Total	\$100.00	
04/17/23	202570	NEW WAY CHURCH	6805 -NEW WAY CHURCH	\$300.00	6805 - WADSWORTH PARK - FIELDS
			Check Total	\$300.00	
04/17/23	202571	NOVI, DARREN	4920 - NOVI	\$200.00	4920 - PPP - COTTAGE#1
			Check Total	\$200.00	
04/17/23	202572	ONEIL, JOHN	6857-1 - ONEIL	\$70.09	6857-1 - PPP CAMPING - CANCELLATION -FEE
			Check Total	\$70.09	
04/17/23	202573	ONEIL, JOHN	6857-2 - ONEIL	\$4.91	6857-2 - PPP CAMPING - CANCELLATION -TAX
			Check Total	\$4.91	
04/17/23	202574	PANELLA, GERALD	4461 - PANELLA	\$200.00	4461 - PPP - COTTAGE#3
			Check Total	\$200.00	
04/17/23	202575	PARKVIEW CHURCH	5983 -PARKVIEW CHURH	\$150.00	5983 - PPP - OPEN FIELD
			Check Total	\$150.00	
04/17/23	202576	PERIVIER, HELEN	6306 - PERIVIER	\$200.00	6306 - PPP - COTTAGE#3
			Check Total	\$200.00	
04/17/23	202577	PETA-GAYE YEE KEE	5031 - YEE KEE	\$200.00	5031 - PPP - COTTAGE#1
			Check Total	\$200.00	
04/17/23	202578	PREVATT, RYAN	6690-1 - PREVATT	\$28.04	6690-1 - BAY DR PAV - CANCELLATION - FEE
			Check Total	\$28.04	
04/17/23	202579	PREVATT, RYAN	6690-2 - PREVATT	\$1.96	6690-2 - BAY DR PAV - CANCELLATION - TAX
			Check Total	\$1.96	
04/17/23	202580	RAWLINS, J	6962 - R	\$100.00	6962 - BETTY STEFLIK - PAVILION
			Check Total	\$100.00	
04/17/23	202581	RIOS, JOANN	6451 - RIOS	\$100.00	6451 - PELLICER CC
			Check Total	\$100.00	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202582	SARAH LANTIER	5931-1-LANTIER	\$120.00	HAMMOCK COMMUNITY CENTER
			Check Total	\$120.00	
04/17/23	202583	SAULL, JANE	4879 - SAULL	\$200.00	4879 - PPP - COTTAGE#2
			Check Total	\$200.00	
04/17/23	202584	SKOGLUND, VALLERY	6939 - SKOGLUND	\$100.00	6939 - BINGS LANDING - S PAVILION
			Check Total	\$100.00	
04/17/23	202585	SPICHER, KAYLA	6884 - SPICHER	\$100.00	6884 - HAW CREEK CC
			Check Total	\$100.00	
04/17/23	202586	STATE OF FLORIDA - WASHINGTON OAKS GARDE	5952- WASHINGTON OAKS	\$100.00	5952 - HAMMOCK CC
			Check Total	\$100.00	
04/17/23	202587	STATE OF FLORIDA - WASHINGTON OAKS GARDE	5953- WASHINGTON OAKS	\$100.00	5953 - HAMMOCK CC
			Check Total	\$100.00	
04/17/23	202588	STRUTYNSKY, IRINA	6805 - STRUTYNSKY	\$100.00	6805 - HERSCHEL KING PARK - PAVILION
			Check Total	\$100.00	
04/17/23	202589	SULLIVAN, LARKIN	6241 - SULLIVAN	\$200.00	6241 - PPP - COTTAGE#1
			Check Total	\$200.00	
04/17/23	202590	UKRAINIAN CLUB OF PALM COAST	6984-UKRAINIAN CLUB	\$100.00	6984 - BETTY STEFLIK - PAVILION
			Check Total	\$100.00	
04/17/23	202591	VESPRY, BRYAN	6188 - VESPRY	\$100.00	6188 - HAMMOCK CC
			Check Total	\$100.00	
04/17/23	202592	WOOLLEN, JESSICA	6711 - WOOLLEN	\$100.00	6711 - BINGS LANDING - GAZEBO
			Check Total	\$100.00	
04/17/23	202593	YELVINGTON, DEBBIE	6893 - YELVINGTON	\$100.00	6893 - BINGS LANDING - GAZEBO
			Check Total	\$100.00	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202594	RING POWER CORPORATION	01WR8637344	\$1,273.79	EQUIPMENT PARTS AND SERVICE - EQUIP #9399
04/17/23	202594	RING POWER CORPORATION	18PC8419557	\$4,378.34	PARTS FOR EQUIP 10581
04/17/23	202594	RING POWER CORPORATION	18PC8586450	\$100.35	EQUIPMENT PARTS - EQUIP #8361
04/17/23	202594	RING POWER CORPORATION	18PC8634590	\$1,538.85	EQUIPMENT PARTS - EQUIP #734
04/17/23	202594	RING POWER CORPORATION	18PC8634591	\$118.73	EQUIPMENT PARTS - EQUIP #8172
04/17/23	202594	RING POWER CORPORATION	18WC8640008	\$1,044.36	PARTS FOR EQUIP #11022
			Check Total	\$8,454.42	
04/17/23	202595	RSINET, LLC	7137	\$180.00	RSINET DATE SVC JAN-MAR 2023
			Check Total	\$180.00	
04/17/23	202596	S.E. CLINE CONSTRUCTION INC.	PAY APP 7	\$732,906.72	T-HANGAR CONSTRUCTION
			Check Total	\$732,906.72	
04/17/23	202597	SEI ELEVATORS LLC	201809	\$1,497.00	INV#201809 - April Monthly - 4.1.23
04/17/23	202597	SEI ELEVATORS LLC	201810	\$65.00	INV#201810 - Airport - April Monthly - 4.1.23
			Check Total	\$1,562.00	
04/17/23	202598	STANDARD INSURANCE COMPANY	Apr 2023 Basic Life	\$709.82	April 2023 Basic Life Fees
			Check Total	\$709.82	
04/17/23	202599	STEALTH PARTNER GROUP	April 2023 Stop Loss	\$72,311.90	April 2023 Stop Loss Fees
			Check Total	\$72,311.90	
04/17/23	202600	STEPHANIE LYNNE BROWN		\$30.00	
			Check Total	\$30.00	
04/17/23	202601	SUMMIT HOME HEALTHCARE PRODUCTS	3B MATE 0323	\$610.67	SS SUMMIT 3B MATE MARCH 2023
04/17/23	202601	SUMMIT HOME HEALTHCARE PRODUCTS	3ES SCSM 0323	\$571.48	SS SUMMIT 3ES SCSM MARCH 2023
04/17/23	202601	SUMMIT HOME HEALTHCARE PRODUCTS	ADI SCSM 0323	\$536.08	SS SUMMIT ADI SCSM MARCH 2023
04/17/23	202601	SUMMIT HOME HEALTHCARE PRODUCTS	CCE SCSM 0323	\$814.33	SS SUMMIT CCE SCSM MARCH 2023
			Check Total	\$2,532.56	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/17/23 to 04/21/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/17/23	202602	TECO PEOPLES GAS	211012619618 0323	\$701.45	1002 JUSTICE LN 3.2.23 - 3.29.23
			Check Total	\$701.45	
04/17/23	202603	TECTA AMERICA SOUTHEAST, LLC	SI70412	\$1,200.00	ROOF LEAK REPAIRS - UNIT 277
04/17/23	202603	TECTA AMERICA SOUTHEAST, LLC	SI70420	\$1,200.00	ROOF LEAK REPAIRS - UNIT 150
			Check Total	\$2,400.00	
04/17/23	202604	T. REILLY VINTAGE AIRCRAFT. INC	13132	\$2,000.00	APPEARANCE FEE B-25
			Check Total	\$2,000.00	
04/17/23	202605	TOMOKA EYE ASSOCIATES, PA	RO MO11956	\$127.05	IHC FOUNTAIN RO MO11956
			Check Total	\$127.05	
04/17/23	202606	TRAFFIC SUPPLIES AND DISTRIBUTION,	24963	\$2,115.00	SIGNS/ACCESSORIES TO RESTOCK - PARTIAL INVOICE
			Check Total	\$2,115.00	
04/17/23	202607	U.S. BANK NA	13664683	\$638.09	BANK FEES FOR 02.01.23-02.28.23
			Check Total	\$638.09	
04/17/23	202608	VILLAGE KEY AND ALARM	402604	\$145.00	INV#402604 - Baptist - Fire Alarm Inspect- 3.20
04/17/23	202608	VILLAGE KEY AND ALARM	402978	\$282.46	INV#402978 - GSB - Replace Batteries - 4.11.23
04/17/23	202608	VILLAGE KEY AND ALARM	402982	\$255.00	INV#402982 - EOC - Connect Power Supply - 4.11
			Check Total	\$682.46	
04/17/23	202609	W.W. GRAINGER, INC	9658497442	\$3,309.96	2@DRINKING FTN W/BTTLE FILLER
04/17/23	202609	W.W. GRAINGER, INC	9668524441	\$174.53	HEAT GUN FOR LABEL/STICKER REMOVING/REPLACEMENT
			Check Total	\$3,484.49	
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383255	\$283.57	DUMPSTER SERVICE - TRIANGLE AIR LLC
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383274	\$124.20	INV#383274 - Pellicer CC - 4yd Frontload - 3.31
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383275	\$124.20	INV#383275 - Espanola CC - 4yd Frontload - 3.31
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383276	\$112.91	INV#383276 - Haw Creek CC - 4yd Frontload - 3.31
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383414	\$146.33	DUMPSTER SERVICE - AIRPORT CORP CENTER
04/17/23	202610	WASTE PRO OF FLORIDA INC	0000383816	\$77.00	Dumpsters and Rolloff Dumpster-FREEDOM FEST

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$868.21	
04/17/23	202611	WEST GROUP	848070220	\$257.48	COMPUTER SOFTWARE UPGRADE OF WESTLAW
			Check Total	\$257.48	
04/17/23	202612	WEX BANK	88224964	\$1,376.34	MARCH 2023 - Monthly Gas Card Charges
			Check Total	\$1,376.34	
04/18/23	202613	FLORIDA POWER & LIGHT COMPANY	41361-43007 0323	\$132.25	4601 E MOODY BLVD STE F1 3.6.23 - 4.5.23
			Check Total	\$132.25	
04/20/23	202614	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	Tuition Reim LMartin	\$1,623.05	Tuition Reimbursement Lacy Martin
			Check Total	\$1,623.05	
04/20/23	202615	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	Payroll0421	\$15,309.36	Week of 04/21/2023
			Check Total	\$15,309.36	
04/20/23	202616	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	Payroll042123	\$1,645.99	Week of 04/21/2023
			Check Total	\$1,645.99	
04/20/23	202617	UNITED WAY OF VOLUSIA-FLAGLER, INC	Payroll0421	\$1.00	Week of 04/21/2023
			Check Total	\$1.00	
			Report Total	\$1,809,736.92	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06

Invoices Processed for period 04/24/23 to 04/28/23

Item 6a(2)

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/19/23	919	P&A ADMINISTRATIVE SERVICES, INC	04.18.2023	\$209.09	P&A Flexible Spending 04.18.2023
			Check Total	\$209.09	
04/20/23	920	P&A ADMINISTRATIVE SERVICES, INC	04.19.2023	\$8.29	P&A Flexible Spending 04.19.2023
			Check Total	\$8.29	
04/24/23	924	OPTUMRX PBM OF ILLINOIS, INC	INV1322797	\$61,875.50	INV1322797_04.01.2023 - 04.15.2023
			Check Total	\$61,875.50	
04/24/23	925	P&A ADMINISTRATIVE SERVICES, INC	04.22.2023	\$199.94	P&A Flexible Spending 04.22.2023
			Check Total	\$199.94	
04/24/23	926	P&A ADMINISTRATIVE SERVICES, INC	04.21.2023	\$166.70	P&A Flexible Spending 04.21.2023
			Check Total	\$166.70	
04/24/23	927	P&A ADMINISTRATIVE SERVICES, INC	04.23.2023	\$20.01	P&A Flexible Spending 04.23.2023
			Check Total	\$20.01	
04/24/23	929	EXPRESS TAX - TTL WIRE	Payroll0428	\$110,940.27	Week of 04/28/2023
			Check Total	\$110,940.27	
04/26/23	930	P&A ADMINISTRATIVE SERVICES, INC	04.25.2023	\$206.49	P&A Flexible Spending 04.25.2023
			Check Total	\$206.49	
04/27/23	931	P&A ADMINISTRATIVE SERVICES, INC	04.26.2023	\$223.87	P&A Flexible Spending 04.26.2023
			Check Total	\$223.87	
04/28/23	933	NATIONWIDE RETIREMENT SOLUTIONS INC	Payroll0428	\$9,609.11	Week of 04/28/2023
			Check Total	\$9,609.11	
04/28/23	934	EXPERT PAY - CHILD SUPPORT WIRE	Payroll0428	\$1,159.86	Child Support 04/28/2023
			Check Total	\$1,159.86	
04/28/23	935	P&A ADMINISTRATIVE SERVICES, INC	04.27.2023	\$486.80	P&A Flexible Spending 04.27.2023
			Check Total	\$486.80	
04/24/23	202618	ADVANCE AUTO PARTS	8483309683671	\$49.62	MISCELLANEOUS AUTO PARTS
04/24/23	202618	ADVANCE AUTO PARTS	8483310371042	\$324.96	MISCELLANEOUS AUTO PARTS
			Check Total	\$374.58	

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/24/23 to 04/28/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202619	AMY'S SIGNS & GUARDRAIL INC	41723-305	\$2,906.25	GUARDRAIL REPAIR - CR 305 & CR 302
			Check Total	\$2,906.25	
04/24/23	202620	ANITA TIPTON	3B 0323	\$7,044.04	3B HOMEMAKING MARCH 2023
04/24/23	202620	ANITA TIPTON	3E RESP 0323	\$2,344.96	3E RESPITE MARCH 2023
04/24/23	202620	ANITA TIPTON	ADI RESP 0323	\$1,804.52	ADI RESPITE MARCH 2023
04/24/23	202620	ANITA TIPTON	CCE 0323	\$5,807.44	CCE HOMEMAKING MARCH 2023
			Check Total	\$17,000.96	
04/24/23	202621	AUTO PLUS AUTO PARTS	650125793	\$2,089.40	AUTOMOTIVE PARTS AND SUPPLIES
04/24/23	202621	AUTO PLUS AUTO PARTS	650125935	\$729.17	AUTOMOTIVE PARTS AND SUPPLIES
04/24/23	202621	AUTO PLUS AUTO PARTS	650127348	\$15.55	AUTOMOTIVE PARTS AND SUPPLIES
			Check Total	\$2,834.12	
04/24/23	202622	BAKER & TAYLOR, INC	5018199502	\$15.92	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018199504	\$1,166.95	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018205824	\$2,444.36	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018205876	\$794.30	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018219849	\$465.37	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018219850	\$30.71	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018219851	\$199.63	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018222647	\$104.41	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018222648	\$139.90	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018222649	\$187.54	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018225878	\$163.26	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018225879	\$59.09	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018233145	\$106.29	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018242245	\$534.42	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018242246	\$62.17	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	5018267822	\$113.54	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	H64588710	\$45.73	LIBRARY MATERIALS

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202622	BAKER & TAYLOR, INC	H64588720	\$45.73	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	H64603230	\$23.97	LIBRARY MATERIALS
04/24/23	202622	BAKER & TAYLOR, INC	H64603240	\$23.97	LIBRARY MATERIALS
			Check Total	\$6,727.26	
04/24/23	202623	BAKER & TAYLOR, INC	5018199503	\$14.18	LIBRARY MATERIALS
04/24/23	202623	BAKER & TAYLOR, INC	5018222646	\$14.21	LIBRARY MATERIALS
			Check Total	\$28.39	
04/24/23	202624	BESCH AND SMITH CIVIL GROUP, INC.	Pay App #25 March	\$238,202.95	Construction of Marineland Acr
			Check Total	\$238,202.95	
04/24/23	202625	BLACKSTONE PUBLISHING	2094679	\$180.75	RENEW AUDIO MATERIALS
			Check Total	\$180.75	
04/24/23	202626	BOULEVARD TIRE CENTER	27-102761	\$923.60	NON SHERIFF TIRES FOR CENTRAL
04/24/23	202626	BOULEVARD TIRE CENTER	27-GS102760	\$6,334.76	TIRES
04/24/23	202626	BOULEVARD TIRE CENTER	27-GS102861	\$230.94	TIRES
04/24/23	202626	BOULEVARD TIRE CENTER	27-GS102876	\$230.94	TIRES
			Check Total	\$7,720.24	
04/24/23	202627	BOUND TREE MEDICAL LLC	84912644	\$15,418.39	MEDICAL SUPPLIES
04/24/23	202627	BOUND TREE MEDICAL LLC	84912645	\$159.20	MEDICAL SUPPLIES
04/24/23	202627	BOUND TREE MEDICAL LLC	84914310	\$599.06	MEDICAL SUPPLIES
04/24/23	202627	BOUND TREE MEDICAL LLC	84914311	\$295.50	MEDICAL SUPPLIES
			Check Total	\$16,472.15	
04/24/23	202628	BOYS & GIRLS CLUBS OF VOL/FLAG	BOYS & GIRLS QTR 2	\$7,500.00	YOUTH PROGRAM 2ND QTR JAN-MAR 2023
			Check Total	\$7,500.00	
04/24/23	202629	CARRIER CORPORATION	90267951	\$6,234.23	EOC LIEBERT MOTOR REPAIR - EMERGENCY REPAIR
			Check Total	\$6,234.23	
04/24/23	202630	CARRIER ENTERPRISE LLC	4979614-00	\$4,520.00	HVAC REPLACEMENT - MARINELAND - GTMNERR
04/24/23	202630	CARRIER ENTERPRISE LLC	4979614-01	\$8,090.00	HVAC REPLACEMENT - MARINELAND - GTMNERR

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$12,610.00	
04/24/23	202631	CDW GOVERNMENT LLC	HS995571	\$1,108.00	HP SB THUNDERBOLT 120W DOCK G4
04/24/23	202631	CDW GOVERNMENT LLC	HT48796	\$293.21	HP SB THUNDERBOLT 120W DOCK G4
04/24/23	202631	CDW GOVERNMENT LLC	HV31099	\$201.38	APC BACK-UPS 650VA 8OUTLET 120V UPS
			Check Total	\$1,602.59	
04/24/23	202632	CENGAGE LEARNING INC.	80721549	\$384.65	LARGE PRINT BOOKS
			Check Total	\$384.65	
04/24/23	202633	CHARTER COMMUNICATIONS	165919001040123	\$179.80	2500 PALM COAST PKWY NW 4.1.23 - 4.30.23
04/24/23	202633	CHARTER COMMUNICATIONS	169368801040123	\$150.00	4601 E MOODY BLVD RRBC F2 4.1.23 - 4.30.23
			Check Total	\$329.80	
04/24/23	202634	CINTAS CORPORATION	4152612269	\$8.22	INV#4152612269 - Landfill - 04.17.23
04/24/23	202634	CINTAS CORPORATION	4152612376	\$36.66	INV#4152612376 - Shop Towels - 04.17.23
04/24/23	202634	CINTAS CORPORATION	4152612410	\$13.24	INV#4152612410 - Purchasing - 04.17.2023
04/24/23	202634	CINTAS CORPORATION	4152612684	\$102.76	UNIFORM RENTALS
04/24/23	202634	CINTAS CORPORATION	4152613288	\$349.22	INV#4152613288 - Uniforms - 04.17.23
			Check Total	\$510.10	
04/24/23	202635	CITY OF BUNNELL	01-0250-01 0323	\$2,029.87	1769 E MOODY BLVD 1 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	01-0260-01 0323	\$1,440.02	1769 E MOODY BLVD 2 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	01-0280-01 0323	\$250.69	1769 E MOODY BLVD 4 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	01-0290-01 0323	\$677.41	1769 E MOODY BLVD 5
04/24/23	202635	CITY OF BUNNELL	01-0300-01 0323	\$2,807.20	1769 E MOODY BLVD 6A 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	01-3930-04 0223	\$240.82	4601 E MOODY BLVD F1 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	01-5250-02 0223	\$257.85	1790 OLD MOODY BLVD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	02-1950-01 0323	\$397.04	206 E MOODY BLVD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-0290-03 0123	\$228.23	202 S CHAPEL ST 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-3500-01 0223	\$229.96	160 SAWGRASS RD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-3510-01 0323	\$247.31	160 SAWGRASS RD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-3540-01 0323	\$309.42	160 SAWGRASS - FAIR GROUNDS RD 1.19.23 - 2.18.23

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202635	CITY OF BUNNELL	03-3560-01 0323	\$250.69	160 SAWGRASS@FAIRGROUNDS RD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-3571-00 0323	\$515.93	160 SAWGRASS@FAIRGROUNDS RD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	03-3572-00 0323	\$88.15	160 SAWGRASS RD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	04-1090-01 0323	\$384.95	201 E DRAIN ST 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	04-1180-01 0323	\$228.23	201 E DRAIN-RESTROOMS ST 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	04-2400-02 0323	\$335.93	103 E MOODY BLVD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	04-2410-01 0323	\$239.59	106 E MOODY BLVD 1.19.23 - 2.18.23
04/24/23	202635	CITY OF BUNNELL	RO U003556	\$165.76	UTILITY ASSIST ALLEN RO U003556
			Check Total	\$11,325.05	
04/24/23	202636	CITY OF BUNNELL	01-0310-01 0323	\$84.95	1769 E MOODY BLVD 6B 1.19.23 - 2.18.23
04/24/23	202636	CITY OF BUNNELL	03-3550-01 0323	\$84.76	160 SAWGRASS RD 1.19.23 - 2.18.23
			Check Total	\$169.71	
04/24/23	202637	CITY OF FLAGLER BEACH	02009 0323	\$225.12	825 MOODY LN 2.14.23 - 3.15.23
04/24/23	202637	CITY OF FLAGLER BEACH	02010 0323	\$133.09	815 MOODY LN 2.14.23 - 3.15.23
			Check Total	\$358.21	
04/24/23	202638	CITY OF PALM COAST	15649055	\$72.25	79 MALACOMPRA AVE 2.9.23 - 3.14.23
04/24/23	202638	CITY OF PALM COAST	15649065	\$118.92	115 MALACOMPRA RD
04/24/23	202638	CITY OF PALM COAST	15649475	\$28.51	5862 N OCEANSHORE BLVD 2.9.23 - 3.14.23
04/24/23	202638	CITY OF PALM COAST	15649477	\$169.32	5862 N OCEANSHORE BLVD RSTRM 2.9.23 - 3.14.23
04/24/23	202638	CITY OF PALM COAST	15650433	\$1,509.12	2500 NW PALM COAST PKWY 2.19.23 - 3.14.23
04/24/23	202638	CITY OF PALM COAST	15655178	\$40.30	1000 S PARK RD 2.10.23 - 3.15.23
04/24/23	202638	CITY OF PALM COAST	15657765	\$77.76	5695 COLBERT LN 2.10.23 - 3.15.23
04/24/23	202638	CITY OF PALM COAST	15658423	\$368.05	30 BAY DR 2.9.23 - 3.14.23
04/24/23	202638	CITY OF PALM COAST	RO U003553	\$166.07	EA ASSIST GOYZUETA RO U003553
04/24/23	202638	CITY OF PALM COAST	RO U003554	\$109.93	EA ASSIST CELANO RO U003554
			Check Total	\$2,660.23	
04/24/23	202639	CONFIDENT CARE OF FLORIDA CORP	CC 1222	\$4,653.28	HHS - CONFIDENT CARE DECEMBER 2022
			Check Total	\$4,653.28	

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04/24/23	202640	CONSOR ENGINEERS, LLC	D210167FL.03-4	\$2,978.32	CEI SERVICES - FIRST AVE, APACHE, AND OSCEOLA
04/24/23	202640	CONSOR ENGINEERS, LLC	D210167FL.04-9	\$3,264.92	CEI Serv-Const of Malacompra Rdway Resurf Imprvmts
			Check Total	\$6,243.24	
04/24/23	202641	CROWN CASTLE FIBER LLC	1322980	\$1,441.13	MONTHLY INTERNET CHARGES FOR STATE ATTORNEY
			Check Total	\$1,441.13	
04/24/23	202642	DADE PAPER & BAG, LLC	13282815	\$4,046.80	JANITORIAL AND SANITATION SUPP
			Check Total	\$4,046.80	
04/24/23	202643	DOGS BASEBALL BOOSTERS, INC.	100	\$500.00	TRASH CLEAN UP FOR WARBIRDS OVER FLAGLER
			Check Total	\$500.00	
04/24/23	202644	DUNES COMM DEV DISTRICT	002-0007-02 0323	\$349.61	200 16TH RD PARK RESTRM 2.7.23 - 3.7.23
04/24/23	202644	DUNES COMM DEV DISTRICT	002-0039-00 0323	\$162.28	JUNGLE HUT RD PARK 2.7.23 - 3.7.23
			Check Total	\$511.89	
04/24/23	202645	EASTERN AVIATION FUELS INC	3771675	\$25,350.67	AVIATION FUEL RESALE-JET W/ADDITIVE
04/24/23	202645	EASTERN AVIATION FUELS INC	M3767261	\$700.00	2@55-GAL DRUMS-SMOKE OIL FOR WARBIRDS OVER FLAGLER
			Check Total	\$26,050.67	
04/24/23	202646	ENGLAND, THIMS & MILLER, INC	0206935	\$3,969.00	ENGINEERING ANALYSIS/LETTER REPORT - SEASCAPE DRIVE
04/24/23	202646	ENGLAND, THIMS & MILLER, INC	0207420	\$1,642.70	ENGINEERING ANALYSIS/LETTER REPORT - SEASCAPE DRIVE
			Check Total	\$5,611.70	
04/24/23	202647	ENVIRONMENTAL LAND SERVICES OF FC	150808	\$2,948.40	C&D AND YARD WASTE TIPPING FEES
04/24/23	202647	ENVIRONMENTAL LAND SERVICES OF FC	150984	\$2,688.86	C&D AND YARD WASTE TIPPING FEES
			Check Total	\$5,637.26	
04/24/23	202648	EPIC COMMUNITY SERVICES	03-2023	\$21,148.92	22-026P - ADULT DRUG TREATMENT 1.1.2023-3.31.23
04/24/23	202648	EPIC COMMUNITY SERVICES	12-2022	\$12,468.02	22-026P - ADULT DRUG TREATMENT -11.1.2022-12.31.22
			Check Total	\$33,616.94	

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04/24/23	202649	ESI AQUISITION, INC.	INVEST4964	\$8,125.00	WEBEOC DISASTER SYSTEM ENHANCEMENTS
			Check Total	\$8,125.00	
04/24/23	202650	FAMILY LIFE CENTER	DV 0323	\$5,416.00	DV MARCH 2023
04/24/23	202650	FAMILY LIFE CENTER	SAVE 0323	\$2,292.00	SAVE MARCH 2023
			Check Total	\$7,708.00	
04/24/23	202651	FERGUSON ENTERPRISE LLC	1701280	\$358.30	PLUMBING PARTS AND SUPPLIES
04/24/23	202651	FERGUSON ENTERPRISE LLC	1701280-1	\$38.05	PLUMBING PARTS AND SUPPLIES
04/24/23	202651	FERGUSON ENTERPRISE LLC	1740724	\$212.22	PLUMBING PARTS AND SUPPLIES
			Check Total	\$608.57	
04/24/23	202652	FERGUSON ENTERPRISES, INC.	1996873	\$15,046.40	18x20 & 24x20 HDPE PIPE
04/24/23	202652	FERGUSON ENTERPRISES, INC.	1996921	\$14,760.00	ASPHALT COATED PIPE TO RESTOCK INVENTORY
			Check Total	\$29,806.40	
04/24/23	202653	FLAGLER CARES, INC.	CJMHTA Q5FY23 -FACRE	\$10,360.07	Reimbursement of CJMHTA Grant Q5
			Check Total	\$10,360.07	
04/24/23	202654	FLAGLER CO CLERK OF CIRCUIT COURT &	2023-001	\$1,044.24	TYLER - MUNIS IMPLEMENTATION - SRI CONTRACTED SVCS
04/24/23	202654	FLAGLER CO CLERK OF CIRCUIT COURT &	2023-002	\$3,928.48	TYLER - MUNIS IMPLEMENTATION - SRI CONTRACTED SVCS
			Check Total	\$4,972.72	
04/24/23	202655	FLAGLER CO CLERK OF CIRCUIT COURT &	BOA PCARD REBATE	\$448.88	CLERK - BOA PCARD REBATE JANUARY- DECEMBER 2022
			Check Total	\$448.88	
04/24/23	202656	FLAGLER CO SHERIFF OFFICE	CJMHTA Q5FY23 -FCSO	\$52,366.86	Reimbursement of CJMHTA Grant Q5
			Check Total	\$52,366.86	
04/24/23	202657	FLAGLER CO SUPERVISOR OF ELECTIONS	FY23 #8	\$123,715.69	FY23 #8 - MAY
			Check Total	\$123,715.69	
04/24/23	202658	FLAGLER COUNTY FREE CLINIC, INC.	QTR 2 22/23	\$15,000.00	MEDICAL SERVICES 2ND QTR JAN-MAR 2023

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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$15,000.00	
04/24/23	202659	FLAGLER COUNTY PUBLIC SCHOOL DISTRICT	CJMHTSA Q5FY23 -FCS	\$38,202.46	Reimbursement of CJMHTSA Grant Q5
04/24/23	202659	FLAGLER COUNTY PUBLIC SCHOOL DISTRICT	SCH/IMP 03/23	\$121,296.06	SCHOOL BOARD IMPACT FEES 3931/23
			Check Total	\$159,498.52	
04/24/23	202660	FLORIDA GOVERNMENT UTILITY AUTHORITY	40010032 0323	\$506.95	1250 S OLD DIXIE HWY 02.07.23-03.07.23
04/24/23	202660	FLORIDA GOVERNMENT UTILITY AUTHORITY	40010038 0223	\$278.13	3665 N OCEANSHORE BLVD 02.16.23-03.17.23
			Check Total	\$785.08	
04/24/23	202661	FLORIDA HIGH SPEED INTERNET	126752	\$2,000.00	FL HIGH SPEED INTERNET SERVICE
			Check Total	\$2,000.00	
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	01043-14372 0423	\$1,043.81	2200 MOODY BLVD #SOCCER LIGHTS 03.13.23-04.12.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	03688-49469 0423	\$352.68	2200 E MOODY BLVD #SKATE PARK 03.13.23-04.12.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	07003-08471 0323	\$729.70	650 COUNTY RD 13 #CATTLEMEN HALL 3.3.23 - 4.4.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	26874-80067 0323	\$650.95	160 SAWGRASS RD #CONCESSION 3.3.23 - 4.4.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	36091-05808 0323	\$799.19	203 E DRAIN ST #BUILDING 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	39883-30217 0423	\$23,806.70	1769 E MOODY BLVD #1 COURTHSE 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	44446-01472 0423	\$418.19	HHS ADMIN FPL MAR 2023-APR 2023
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	49149-80497 0323	\$14,843.38	1769 E MOODY BLVD #6 ENERGY 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	50788-00983 0323	\$2,001.78	650 COUNTY RD 13 #BSEBLL123 3.3.23 - 4.4.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	53990-63535 0423	\$520.20	2355 MATANZAS WOODS #CELL TWR 03.15.23-04.14.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	57450-95140 0323	\$323.09	1769 E MOODY BLVD #9 03.07.23-04.06.23

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04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	59234-52527 0323	\$468.89	1769 E MOODY BLVD #14 03.07.23-04.06.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	60028-07961 SEP-MAR	\$4,579.57	650 COUNTY RD 13 #SFTBLL FLD 6-8, 9.2.22 - 3.3.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	61389-02967 0323	\$477.26	99 E COUNTY RD 2006 #FRNT 3.3.23 - 4.4.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	63468-06141 0323	\$457.67	1601 OLD MOODY BLVD 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	70274-65041 0323	\$579.71	130 AIRPORT RD #RESCUE 3.6.23 - 4.5.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	73612-47260 0423	\$825.24	2200 MOODY BLVD #SCR LTS/CONCES 03.13.23- 04.12.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	74328-22307 0323	\$801.37	203 E DRAIN ST #AC SYST 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	89694-78208 0323	\$18,763.11	1769 E MOODY BLVD #2 GVT SVC 3.7.23 - 4.6.23
04/24/23	202662	FLORIDA POWER & LIGHT COMPANY	90268-02992 0323	\$379.41	3055 COUNTY RD 13 #SEC 3.3.23 - 4.4.23
			Check Total	\$72,821.90	
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	13664-19370	\$125.42	2500 PRINCESS PL RD #RSTRM/BARN4 2.21.23 - 3.23.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	18447-64587 0323	\$108.40	650 COUNTY RD 13 RSTRMS#2 3.3.23 - 4.4.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	24842-09941 0323	\$112.13	5820 S US HWY 1 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	27952-43464 1222	\$183.22	14331 W HIGHWAY 100 #SHELLBLUFF 12.02.22- 04.04.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	28609-72260 0323	\$192.60	1769 E MOODY BLVD #4 SEC FACIL 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	32820-32121 0323	\$159.25	2500 PRINCESS PL RD #LEGCY BLDG2 2.21.23 - 3.23.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	36563-15029 0323	\$246.18	6108 MAHOGANY BLVD #WELL 2.23.23 - 3.27.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	36742-68275 0323	\$235.24	1000 MOODY BLVD #SL 3.2.23 - 4.3.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	48120-11007 0223	\$133.77	650 COUNTY RD 13 #BSEBLL FLD#4 2.2.23 - 3.3.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	50828-09988 0323	\$274.34	650 COUNTY RD 13 #BSEBLL CONCESS 3.3.23 - 4.4.23

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04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	59130-88497 0323	\$241.62	170 AVIATION DR 3.6.23 - 4.5.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	62068-57051 0323	\$242.10	2500 PRINCESS PL RD #LODGE#3 2.21.23 - 3.23.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	64795-59269 0323	\$305.96	106 E MOODY BLVD 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	65088-63427 0323	\$147.73	1769 E MOODY BLVD #CRTHSE PK LT 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	72877-30472 0423	\$278.07	ADC FPL MAR 2023-APR 2023
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	77253-47111 0323	\$177.58	1769 E MOODY BLVD #COM TWR #A 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	81090-05747 0323	\$177.16	9257 CR 304 #COMM CENTER 0323
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	85871-67134 0323	\$152.67	1790 OLD MOODY BLVD 3.7.23 - 4.6.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	87546-48304 0323	\$203.68	3570 CR 205 #COMM CENTER 03.03.23-04.04.23
04/24/23	202663	FLORIDA POWER & LIGHT COMPANY	98467-02190 0323	\$109.05	9805 N OCEAN SHORE BLVD 02.27.23-03.29.23
			Check Total	\$3,806.17	
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	12592-00911 0423	\$82.07	815 MOODY LN #BOAT LAUNCH RSTRMS 3.8.23 - 4.7.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	12767-86025 0323	\$75.68	6108 MAHOGANY BLVD #COMM CNTR 2.23.23 - 3.27.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	16049-79573 0323	\$80.34	2604 PRINCESS PL RD #1 2.21.23 - 3.23.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	20877-23538 0323	\$54.01	1250 S OLD DIXIE HWY #PARK 3.2.23 - 4.3.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	21842-01701 0323	\$93.11	1380 COUNTY RD 2007 #COMM CNTR 2.21.23 - 3.23.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	22985-08843 0423	\$70.48	2200 MOODY BLVD #TENNIS COURTS 03.13.23-04.12.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	22995-06879 0423	\$105.71	2200 MOODY BLVD #RACQUETBALL 03.13.23-04.12.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	31007-31375 0323	\$70.84	650 COUNTY RD 13 #SFTBLL FLD#5 PUMP 3.3.23-4.4.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	34697-10234 0323	\$107.72	650 COUNTY RD 13 #EXHIBIT HALL/SHOW 3.3.23-4.4.23

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04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	43976-81067 0323	\$93.36	160 SAWGRASS RD #IRRIGATION 3.3.23 - 4.4.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	44770-07886 0323	\$68.82	204 E MOODY BLVD #HOLDEN HSE 3.7.23 - 4.6.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	45498-00391 0323	\$87.13	2500 PRINCESS PL RD #EQUST CMPGRD 2.21.23- 3.23.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	48120-11007 0323	\$54.56	650 CR 13 #BASEBALL FIELD 4 03.03.23-04.04.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	61379-04931 0323	\$63.96	99 E COUNTY RD 2006 #ST JOHNS CC 3.3.23 - 4.4.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	76810-55310 0323	\$73.00	2200 MOODY BLVD #STREET LT 3.3.23 - 4.4.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	77979-32220 0323	\$75.20	2007 CR 2007 #PAV/RESTROOMS 02.21.23-03.23.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	78658-98345 0323	\$76.94	650 CR 13 #PUMP HOUSE 03.03.23-04.04.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	80548-26360 0323	\$87.62	2500 PRINCESS PLACE#ISLAND HOUSE 02.21.23- 03.23.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	92357-52210 0323	\$100.29	6108 MAHOGANY BLVD#OUTLIGHT 02.23.23- 03.27.23
04/24/23	202664	FLORIDA POWER & LIGHT COMPANY	96118-17231 0323	\$97.94	2500 PRINCESS PLACE RD 02.21.23-03.23.23
			Check Total	\$1,618.78	
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	03187-55246 0323	\$35.79	1705 COUNTY RD 2007 2.21.23 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	03888-82060 0323	\$29.39	160 SAWGRASS RD #LS 3.3.23 - 4.4.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	03937-28589 0323	\$29.15	2500 PRINCESS PL RD #2ND GATE 2.21.23 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	05724-42036 0423	\$45.68	2200 E MOODY BLVD#SOCCER LIGHTS 03.13.23- 04.12.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	06375-06288 0323	\$46.24	3861 W COUNTY RD 2006 #SEC LGHT 2.21.23 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	17482-31378 0323	\$31.18	1852 PRINCESS PL RD #ISLND HSE APT 2.21 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	21728-50535 0323	\$36.27	5633 N OCEANSHORE BLVD #LGHT 2.27.23 - 3.29.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	21962-09718 0323	\$28.49	1380 COUNTY RD 2007 #ARENA 2.21.23 - 3.23.23

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
Invoices Processed for period 04/24/23 to 04/28/23

Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	31708-98138 0323	\$35.60	203 E DRAIN ST #OUTSIDE LT 3.7.23 - 4.6.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	34228-11491 0323	\$30.10	2500 PRINCESS PL RD #PMPHSE 1 2.21.23 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	35222-51366 0323	\$32.98	30 BAY DR #PARK 3.2.23 - 4.3.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	44664-41492 0323	\$30.92	2500 PRINCESS PL RD #CRETKER CABIN5 2.21 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	60038-05998 0323	\$31.77	650 CNTY RD 13 #SFTBALL CONCESS 3.3.23 - 4.4.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	64470-84044 0323	\$27.89	1669 COUNTY RD 2007 #BOYSCOUTCM 2.21.23 - 3.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	74064-79332 0323	\$41.13	200 16TH RD #RSTRMS 2.27.23 - 3.29.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	75671-85124 0323	\$28.59	1769 E MOODY BLVD #IRR PUMP 3.7.23 - 4.6.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	75684-02643 0323	\$33.21	125 JUNGLE HUT RD #RSTRMS 2.27.23 - 3.29.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	81713-40493 0323	\$29.96	2500 PRINCESS PL RD #OPEN FIELD 02.21.23-03.23.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	90600-43370 0423	\$30.66	2200 MOODY BLVD #OUTSIDE LIGHT 03.13.23-04.12.23
04/24/23	202665	FLORIDA POWER & LIGHT COMPANY	91321-02493 0323	\$43.89	3861 CR 2006 W 02.21.23-03.23.23
			Check Total	\$678.89	
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	01366-80451 0423	\$27.28	2200 E MOODY BLVD #SCOREBOARD 03.13.23-04.12.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	30447-09560 0323	\$25.66	3333 OLD KINGS RD 3.2.23 - 4.3.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	32986-21099 0323	\$25.66	3055 COUNTY RD #13 #SS 3.3.23 - 4.4.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	47343-86420 0323	\$25.66	2500 PRINCESS PL RD #MAINGATE 2.21.23 - 3.23.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	50998-03925 0323	\$16.06	650 COUNTY RD 13 #OUTSIDE LT 3.3.23 - 4.4.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	55778-80338 0323	\$11.40	2500 PRINCESS PL RD #OUTSIDE LT 2.21.23 - 3.23.23
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	79701-80480 0323	\$25.66	3861 W CR 2006 #MARINA 02.21.23-03.23.23

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202666	FLORIDA POWER & LIGHT COMPANY	83341-06518 0323	\$22.79	2500 PRINCESS PL RD #OUTSIDE LT#2 2.21.23 - 3.23.23
			Check Total	\$180.17	
04/24/23	202668	FLORIDA'S FIRST COAST OF GOLF INC	2888	\$3,000.00	META AWARENESS CAMPAIGN - 60 DAYS
			Check Total	\$3,000.00	
04/24/23	202669	GAI CONSULTANTS, INC.	2186935	\$5,600.00	PROFESSIONAL SVC MARCH 1 - MARCH 31, 2023
			Check Total	\$5,600.00	
04/24/23	202670	GARY YEOMANS FORD LINCOLN	935414	\$101.05	AUTOMOTIVE PARTS AND SUPPLIES
			Check Total	\$101.05	
04/24/23	202671	GUARDIAN MEDICAL MONITORING INC	27086	\$308.00	SENIOR SERVICE CLIENT MONITORING MARCH 2023
			Check Total	\$308.00	
04/24/23	202672	H.R. LEWIS PETROLEUM CO.	328510	\$1,534.24	OIL FOR CENTRAL STORES
			Check Total	\$1,534.24	
04/24/23	202673	HALIFAX HOSPITAL MEDICAL CENTER	CJMHSA Q5FY23 -HH	\$17,500.00	Reimbursement of CJMHSA Grant Q5
			Check Total	\$17,500.00	
04/24/23	202674	IBS OF COASTAL JACKSONVILLE	30045098	\$1,131.98	VEHICLE BATTERIES
			Check Total	\$1,131.98	
04/24/23	202675	JDI MARINELAND LLC	207642-14394 0323	\$41.51	9805 N OCEAN SHORE BLVD 0323
			Check Total	\$41.51	
04/24/23	202676	LEVEL 3 COMMUNICATIONS LLC	636124980	\$1,973.88	CHARGES DUE
			Check Total	\$1,973.88	
04/24/23	202677	RELX INC.	3094381421	\$726.00	DIGITAL ACCESS LAW MATERIALS (2 USERS)- MARCH 2023
			Check Total	\$726.00	
04/24/23	202678	LOWE'S HOME CENTERS, LLC	01533	\$948.29	MRO SUPPLIES - STATION 62
04/24/23	202678	LOWE'S HOME CENTERS, LLC	1773	\$382.77	MRO SUPPLIES - HEALTH DEPT 200 BLDG
04/24/23	202678	LOWE'S HOME CENTERS, LLC	2524	\$58.21	SPACKLING & TOOLS-TRUCK 9654

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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04/24/23	202678	LOWE'S HOME CENTERS, LLC	2659	\$7.70	DRIP EDGE-HEALTH DEPT-200 BLDG
04/24/23	202678	LOWE'S HOME CENTERS, LLC	2946	\$170.74	PAINT-INMATE FACILITY
04/24/23	202678	LOWE'S HOME CENTERS, LLC	77896	\$567.26	TOILET - CARVER GYM
04/24/23	202678	LOWE'S HOME CENTERS, LLC	78978	\$1,241.25	LUMBER-RIVER TO SEA
04/24/23	202678	LOWE'S HOME CENTERS, LLC	87264	\$991.76	STOVE & MICROWAVE - STATION 71
04/24/23	202678	LOWE'S HOME CENTERS, LLC	89857	\$2,209.52	PILINGS - VARN PARK
04/24/23	202678	LOWE'S HOME CENTERS, LLC	89890	\$301.50	LUMBER-JUNGLE HUT PARK
04/24/23	202678	LOWE'S HOME CENTERS, LLC	89893	\$1,206.00	LUMBER-RIVER TO SEA
04/24/23	202678	LOWE'S HOME CENTERS, LLC	90935	\$410.31	SCREWS-PARKS
			Check Total	\$8,495.31	
04/24/23	202679	M & B TREE SERVICE, LLC	9424	\$1,543.50	TREE REMOVAL SERVICES-PRINCESS PLACE
04/24/23	202679	M & B TREE SERVICE, LLC	9434	\$210.00	TREE REMOVAL SERVICES - CR 110
			Check Total	\$1,753.50	
04/24/23	202680	MASCI GENERAL CONTRACTOR INC	Pay App #19 March 20	\$181,024.29	CONSTRUCTION OF GRAHAM SWAMP M
			Check Total	\$181,024.29	
04/24/23	202681	MIDWEST TAPE, LLC	503585451	\$1,841.94	RENEW HOOPLA DIGITAL MATERIALS ACCESS
			Check Total	\$1,841.94	
04/24/23	202682	DALTON AND BRITTANY BAYLOR	APP 3356	\$220.00	BAYLOR REFUND - APP 3356/DETERMINATION OF USE
			Check Total	\$220.00	
04/24/23	202683	DONOVAN E. LLOYD	REIMB LLOYD 04.06.23	\$17.69	REIMB REQ FOR RETURN OF LOST BK-JUST TYRUS:A MEMOI
			Check Total	\$17.69	
04/24/23	202684	OPEN DOOR RE-ENTRY AND RECOVERY MINISTRY, INC	QTR 2 22/23	\$2,250.00	RECOVERY PROGRAM 2ND QTR JAN-MAR 2023
			Check Total	\$2,250.00	
04/24/23	202685	P & S PAVING INC	Pay App #8	\$346,959.85	WATER OAK ROAD IMPROVEMENTS
			Check Total	\$346,959.85	
04/24/23	202686	PALM COAST SIGNS & GRAPHICS INC	23-692	\$250.00	2 SIGNS - 48x12 & 48x48

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$250.00	
04/24/23	202687	Patriot Response Group, LLC.	055-100	\$13,086.00	SHIP REHAB - 41 WELLSTONE DR, D & B WALKER
			Check Total	\$13,086.00	
04/24/23	202688	PHYSICIANS AMBULATORY SURGERY CENTR	RO M012066	\$256.96	IHC SHIPMAN MO12066
			Check Total	\$256.96	
04/24/23	202689	BURTON, DANIELLE	6708 - BURTON	\$100.00	6708 - BAY DRIVE PARK - PAVILION
			Check Total	\$100.00	
04/24/23	202690	CHATTIN, ASHLEY	6377 - CHATTIN	\$100.00	6377 - HERSCHEL KING PARK - PAVILION
			Check Total	\$100.00	
04/24/23	202691	COLLINS, MICHELE	6724 - COLLINS	\$100.00	6724 - PPP - PAVILION
			Check Total	\$100.00	
04/24/23	202692	DAYTONA BEACH BOAT CLUB	6483-DAYTONA BOAT	\$100.00	6483 - BINGS LANDING - S PAVILION
			Check Total	\$100.00	
04/24/23	202693	EMBERS, AMBER	6582 - EMBERS	\$100.00	6582 - HAMMOCK CC
			Check Total	\$100.00	
04/24/23	202694	EMBERS, AMBER	6742 - EMBERS	\$100.00	6742 - HAMMOCK PARK - PAVILION
			Check Total	\$100.00	
04/24/23	202695	FERRARIE, TARA	6668 - FERRARIE	\$100.00	6668 - BETTY STEFLIK - PAVILION
			Check Total	\$100.00	
04/24/23	202696	FERRARIE, TARA	5046 - FERRARIE	\$100.00	5046 - BETTY STEFLIK - PAVILION
			Check Total	\$100.00	
04/24/23	202697	FINK, JAMES	4651-1 - FINK	\$125.00	4651-1 - BC RV#17 - CANCELLATION - FEE
			Check Total	\$125.00	
04/24/23	202698	FINK, JAMES	4651-2 - FINK	\$15.00	4651-2 - BC RV#17 - CANCELLATION - TAX
			Check Total	\$15.00	
04/24/23	202699	FRIENDS OF GTMNERR	5092 - GTMNERR	\$400.00	5092 - PPP - COTTAGE#1 & 2
			Check Total	\$400.00	
04/24/23	202700	FRIENDS OF GTMNERR	5094 - GTMNERR	\$200.00	5094 - PPP - COTTAGE#3

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$200.00	
04/24/23	202701	KELLER, JESSICA	6470 - KELLER	\$100.00	6470 - HAMMOCK CC
			Check Total	\$100.00	
04/24/23	202702	KETRON, JAMES	4997 - KETRON	\$200.00	4997 - PPP - COTTAGE#3
			Check Total	\$200.00	
04/24/23	202703	LYNDON, KANA	6125 - LYNDON	\$100.00	6125 - HAMMOCK CC
			Check Total	\$100.00	
04/24/23	202704	MCCABE, BRIANNA	6383 - MCCABE	\$100.00	6383 - HAMMOCK CC
			Check Total	\$100.00	
04/24/23	202705	MEGAN BOYD	6157-BOYD	\$100.00	HERSCHEL KING PARK PAVILION-DEP REFUND
			Check Total	\$100.00	
04/24/23	202706	MICHAEL, LAUREN	5827 - MICHAEL	\$100.00	5827 - OLD DIXIE PARK - PAVILION
			Check Total	\$100.00	
04/24/23	202707	MOROS, CHEREE	6900 - MOROS	\$100.00	6900 - PELLICER CC
			Check Total	\$100.00	
04/24/23	202708	SAUER, KENNETH	6829-1 - SAUER	\$93.75	6829-1 - BC RV#19 - CANCELLATION - FEE
			Check Total	\$93.75	
04/24/23	202709	SAUER, KENNETH	6829-2 - SAUER	\$11.25	6829-2 - BC RV#19 - CANCELLATION - TAX
			Check Total	\$11.25	
04/24/23	202710	SHAULIS, HEATHER	5358 - SHAULIS	\$100.00	5358 - PPP - PAVILION
			Check Total	\$100.00	
04/24/23	202711	SHEA WHITLEY	6947-1-WHITLEY	\$75.00	PRINCESS PLACE APVILION-OPEN FIELD
			Check Total	\$75.00	
04/24/23	202712	WEST, MELISSA	6052 - WEST	\$100.00	6052 - PPP - PAVILION
			Check Total	\$100.00	
04/24/23	202713	WESTFALL, PATRICIA	4963 - WESTFALL	\$200.00	4963 - PPP - COTTAGE#2
			Check Total	\$200.00	
04/24/23	202714	WHEDBEE, ELYSSA	6680 - WHEDBEE	\$100.00	6680 - HERSCHEL KING PARK - PAVILION

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$100.00	
04/24/23	202715	RING POWER CORPORATION	18PC8655612	\$68.76	EQUIPMENT PARTS - #9399
			Check Total	\$68.76	
04/24/23	202716	THE SHERWIN-WILLIAMS COMPANY	3588-3.1	\$320.00	FCSO OPS CENTER - LAST SHERWIN WILLIAMS INVOICE
			Check Total	\$320.00	
04/24/23	202717	SMA HEALTHCARE, INC.	SMA 0323	\$377.27	IHC MULTIPLE RO'S
04/24/23	202717	SMA HEALTHCARE, INC.	SMA QTR 2 22/23	\$43,325.00	MENTAL HEALTH & SUBSTANCE 2ND QTR JAN-MAR 2023
			Check Total	\$43,702.27	
04/24/23	202718	ST JOHNS HOUSING PARTNERSHIP INC.	6120	\$600.00	SHIP REHAB, INSPECTION/SITE VISIT,41 WELLSTONE DR
			Check Total	\$600.00	
04/24/23	202719	STATE OF FLORIDA	2U-3972	\$72.44	BUNNELL PHONE CHARGES FOR STATE ATTORNEY
			Check Total	\$72.44	
04/24/23	202720	SUNBELT RENTALS INC.	137367007-0001	\$888.12	EQUIPMENT RENTALS-50' TOWABLE ART MANLIFT
			Check Total	\$888.12	
04/24/23	202721	THE EARLY LEARNING COALITION OF FLAGLER & VOLUSIA	2ND QTR 22/23	\$15,800.00	CHILD CARE PROGRAM 2ND QTR JAN-MAR 2023
			Check Total	\$15,800.00	
04/24/23	202722	THE FLORIDA UROLOGY CENTER, P.A.	RO M012065	\$236.07	IHC SHIPMAN MO12065
			Check Total	\$236.07	
04/24/23	202723	TOMOKA EYE ASSOCIATES, PA	RO MO12100	\$158.49	IHC KUNSMAN RO MO12100
			Check Total	\$158.49	
04/24/23	202724	TRAFFIC SUPPLIES AND DISTRIBUTION,	25037	\$3,242.50	SIGNS AND ACCESSORIES TO RESTOCK INVENTORY
			Check Total	\$3,242.50	
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-412488	\$12,000.00	50% OF DEDICATED PROJECT MANAGER - MARCH 2023
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-414888	\$90,000.00	25% OF PROJECT MANAGER
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-414889	(\$90,000.00)	CREDIT FOR INVOICE 045-414888

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-415146	\$637.50	EXTENDED ANALYSIS
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-415147	\$3,825.00	TYLER MUNIS FEES
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-416076	\$2,800.00	TYLER MUNIS FEES
04/24/23	202725	TYLER TECHNOLOGIES, INC	045-416077	\$5,588.40	TYLER MUNIS IMPLEMENTATION - #163175
			Check Total	\$24,850.90	
04/24/23	202726	US WATER SERVICES CORPORATION	SI69618	\$209.89	MONTHLY LIFT STATION INSPECTIONS
04/24/23	202726	US WATER SERVICES CORPORATION	SI70948	\$257.35	RO MEMBRANE LEAK REPAIR - DAYTONA NO WTP
			Check Total	\$467.24	
04/24/23	202727	VERDEGO LANDSCAPE, LLC	11149B	\$1,001.00	INV#11149B - Airport - April Landscaping - 4.1.23
			Check Total	\$1,001.00	
04/24/23	202728	W.W. GAY MECHANICAL CONTRACTOR, INC	918000771	\$321.00	INV#918000771 - EOC - Troubleshoot Dispatch - 4.20
			Check Total	\$321.00	
04/24/23	202729	W.W. GRAINGER, INC	9675495973	\$195.19	LOGISTICAL EQUIPMENT CART
			Check Total	\$195.19	
04/24/23	202730	WASTE PRO OF FLORIDA INC	0000383273	\$147.49	INV#383273 - Palm Harbor SS - 6yd Frontload - 3.31
			Check Total	\$147.49	
04/27/23	202731	FLAGLER CO CLERK OF CIRCUIT COURT &	Payroll0428	\$18.00	Week of 04/28/2023
			Check Total	\$18.00	
04/27/23	202732	FLAGLER CO PROF FIREFIGHTERS ASSO	Payroll0406	\$972.00	Week of 04/06/2023
04/27/23	202732	FLAGLER CO PROF FIREFIGHTERS ASSO	Payroll041423	\$972.00	Week of 04/14/2023
04/27/23	202732	FLAGLER CO PROF FIREFIGHTERS ASSO	Payroll0421	\$972.00	Week of 04/21/2023
04/27/23	202732	FLAGLER CO PROF FIREFIGHTERS ASSO	Payroll0428	\$972.00	Week of 04/28/2023
			Check Total	\$3,888.00	
04/27/23	202733	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	Payroll0428	\$15,367.86	Week of 04/28/2023
			Check Total	\$15,367.86	
04/27/23	202734	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS	Payroll042823	\$1,634.53	Week of 04/28/2023

Flagler County Board of County Commissioners - Disbursement Report Required per F.S. 136.06
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Check Date	Check #	Vendor Name	Invoice #	Net Trans Amt	Description
			Check Total	\$1,634.53	
04/27/23	202735	STANDARD INSURANCE COMPANY	Payroll0406	\$2,089.98	Week of 04/06/2023
04/27/23	202735	STANDARD INSURANCE COMPANY	Payroll041423	\$2,110.44	Week of 04/14/2023
04/27/23	202735	STANDARD INSURANCE COMPANY	Payroll0421	\$2,100.78	Week of 04/21/2023
04/27/23	202735	STANDARD INSURANCE COMPANY	Payroll0428	\$2,091.97	Week of 04/28/2023
			Check Total	\$8,393.17	
04/27/23	202736	UNITED WAY OF VOLUSIA-FLAGLER, INC	Payroll0428	\$1.00	Week of 04/28/2023
			Check Total	\$1.00	
			Report Total	\$1,816,518.99	

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 17, 2023

REGULAR MEETING

Present: Chair Gregory Hansen, Vice Chair Andy Dance, Commissioners Leann Pennington, Donald O'Brien, David Sullivan, County Administrator Heidi Petito, Deputy County Attorney Sean Moylan and Deputy Clerk Stephanie Tolson

Chair Hansen called the meeting to order at approximately 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair Hansen led the Pledge to the Flag and requested a moment of silence.

ITEM 2 - ADDITIONS, DELETIONS AND MODIFICATIONS TO THE AGENDA

None

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

Chair Hansen announced the following:

- Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils
- Varn Park will be closed for three months beginning March 27, 2023
- Upcoming meetings:
 - Regular Meeting – May 1, 2023 at 9:00 a.m. in the Board Chambers

ITEM 4A - RECOGNITIONS

None

ITEM 4B - PROCLAMATIONS - CRIME VICTIMS RIGHTS WEEK - APRIL 23-29, 2023

Commissioner Pennington read the proclamation.

Candi Wilke, Family Life Center, and B.A.C.A. (Bikers Against Child Abuse), spoke in support of the proclamation.

Sheriff Staly, Flagler County Sheriff, thanked the BOCC for the proclamation.

A motion was made by Commissioner Pennington to adopt the proclamation. Seconded by Commissioner Sullivan.

April 17, 2023
Regular Meeting

(Item 4b1 continued)

Chair Hansen called the question. Motion carried unanimously.

**ITEM 4B2 – PROCLAMATIONS – VOLUNTEER WEEK FOR MEALS ON WHEELS –
APRIL 16-22, 2023**

Commissioner O'Brien read the proclamation.

Winnie Costello, Senior Service Program Manager, shared some highlights about Meals on Wheels.

Ron Moyer and JW Gilmore, both Volunteer's, shared their experiences when volunteering.

A motion was made by Commissioner O'Brien to adopt the proclamation. Seconded by Commissioner Sullivan.

Chair Hansen called the question. Motion carried unanimously.

ITEM 4B3 – PROCLAMATIONS – NATIONAL VOLUNTEER MONTH – APRIL 2023

Commissioner Dance read the proclamation.

Suzy Gamblain, Executive Director for Flagler Volunteer Services, spoke about the volunteer services offered in Flagler County and the number of volunteers over the last couple of years.

A motion was made by Commissioner Dance to adopt the proclamation. Seconded by Commissioner Sullivan.

Chair Hansen called the question. Motion carried unanimously.

ITEM 4B4 – PROCLAMATIONS – NATIONAL LIBRARY WEEK – APRIL 23-29, 2023

Commissioner Sullivan read the proclamation.

Holly Albanese, Library Director, thanked the BOCC.

Carl Laundry, President of Friends of the Library, invited everyone to the next book sale on April 29, 2023.

A motion was made by Commissioner Sullivan to adopt the proclamation. Seconded by Commissioner Dance.

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(Item 4b4 continued)

Chair Hansen called the question. Motion carried unanimously.

ITEM 4C1 – PRESENTATIONS – NATIONAL LIBRARY WEEK PRESENTATION

Holly Albanese, Library Director, gave the presentation.

Commissioner Sullivan thanked Ms. Albanese for all the work she does and shared his support for the library.

ITEM 4C2 – PRESENTATIONS – FLAGLER COUNTY HOUSING FORUM UPDATE

Nealon Joseph, Chairman of Flagler County Affordable Housing Committee, gave the update.

ITEM 4C3 – PRESENTATIONS – ENGINEERING PROJECT UPDATE

Faith Alkhatib, Engineering Director, gave the update on Commerce Parkway and the Pedestrian Bridge.

Buckley Williams, England-Thims & Miller, shared some highlights about Graham Swamp trail.

ITEM 5A – COMMUNITY OUTREACH

Charles Cowart, Resident of Bunnell, provided an update about the community on the westside of the County.

ITEM 5B – BOARD COMMENTS ON CONSENT ITEMS

Commissioner Sullivan spoke about Item 7b and the Tourism Development Council. Board Meeting for the TDC will take place Wednesday, April 19, 2023

CONSENT AGENDA – ITEMS 6A THROUGH 7H

Commissioner Pennington pulled Item 7d from the Consent Agenda for discussion.

A motion was made by Commissioner O'Brien to approve the Consent Agenda with the exception of Item 7d. Seconded by Commissioner Pennington.

Chair Hansen called the question. Motion carried unanimously.

The following items were approved as part of the Consent Agenda:

ITEM 6A – BILLS AND RELATED REPORTS

The report(s) of funds withdrawn from the County depositories by the Flagler County Clerk of the Circuit Court and the Revenue Collected Report presented in the compliance with the provisions of Section 136.03, Florida Statute as listed below:

- Disbursement Report for Week Ending March 24, 20223, in the amount of \$3,839,786.33
- Disbursement Report for Week Ending March 31, 2023, in the amount of \$3,306,288.12

ITEM 6B – APPROVAL OF BOARD MEETING MINUTES

The following minutes were approved as part of the Consent Agenda:

- March 20, 2023, Workshop
- March 20, 2023, Regular Meeting

**ITEM 6C – SHERIFF: CONSIDERATION TO APPLY FOR THE TARGETED
VIOLENCE AND TERRORISM PREVENTION GRANT PROGRAM FROM
THE DEPARTMENT OF HOMELAND SECURITY (DHS):
FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 6c**

SUBJECT: Consideration to apply for the Targeted Violence and Terrorism Prevention Grant Program from The Department of Homeland Security (DHS).

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: The Flagler County Sheriff's Office is seeking approval to apply for Targeted Violence and Terrorism Prevention Grant Program from The Department of Homeland Security (DHS). Under this grant application, FCSO seeks funding to develop a robust and sustainable local prevention framework with the addition of a new construction building in S. Bunnell. This building will house community programs to address risk factors for, and strengthen protective factors against, escalation to violence, including recidivism reduction programs for local youth in partnership with the Flagler County Sheriff's Office Police Athletic League.

This is a pass through grant where the Flagler County Board of County Commissioners serves as the coordinating unit of government/applicant. The County signs the application and the Sheriff's Office serves as the sub-recipient and will manage and administer the grant and ensure compliance with the terms and conditions of the grant.

STRATEGIC PLAN:

Focus Area: Public Health & Safety Objectives

- **Goal 1:** Operate a Risk Reduction Program
 - **Objective PHS 2.1:** Assess needs and utilize data to design and implement a community risk reduction program.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: FCSO Grant Accountant, Valena Smith (386)586-2732
Financial Services Director, John Brower (386) 313-4008

RECOMMENDATION: Request the Board approve the application submittal. If awarded, any agreements, certifications or other documents required to be executed by the County will be brought back to the Board for approval.

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**ITEM 7A – RATIFICATION OF FLAGLER COUNTY EMERGENCY
PROCLAMATIONS EXTENDING THE STATE OF LOCAL EMERGENCY
DUE TO SEVERE COASTAL EROSION AND VULNERABILITY:**

The following request was ratified as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7a**

SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: Flagler County has been under a declared state of local emergency due to Hurricane Matthew since October 4, 2016. During that time, other storms have struck the County exacerbating the damage to the dune system and compounding the exposure of public and private property on the barrier island to future storms and flooding. The County declared local states of emergency for Hurricane Irma (2017), Hurricane Dorian (2019), Hurricane Isaias (2020), and this year for Hurricanes Ian and Nicole.

Due to the cumulative effect of the storms as well as the tidal events, nor'easters, and erosion generally, Flagler County is now in the most precarious position relative to ocean flooding in its history. Public and private property on the barrier island remain vulnerable to catastrophic storm damage without further and sustained protective efforts. FEMA and Florida Department of Environmental Protection (DEP) have provided grant funding to renourish portions of the coastline in the northern portion of the County. The Board has hired a coastal engineer and is working on a long-term beach management plan and is also exploring additional projects and how to fund them.

The County has commenced a repair project for emergency berms in the northern part of Flagler County. The Board has authorized and directed County forces to proceed taking all necessary action to commence these repair activities. The action authorized also includes informing the public of the project and especially coastal property owners. If any owners have issues, staff will address them, including excluding them from the project but only if legally required and only after notifying such owners of the perils of being excluded from the project. Further, as other funds become available from DEP and possibly other sources, they will be added so as to lengthen the segment of beach being repaired. The same contractor will be used to take advantage of economies of scale and reducing mobilization costs.

In addition, the County continues to press for obtaining the last two easements necessary for the Army Corps of Engineers to conduct a beach renourishment project in south Flagler Beach which are presently before the federal bankruptcy court due to irregularities in how the owner of the two dune remnants treated them in her personal bankruptcy.

The County intends to also renourish the rest of Flagler Beach through a combination of funding from the Florida Department of Transportation and DEP, utilizing the same contractor as the Army Corps of Engineers project to save significant mobilization costs.

Continuing the state of local emergency will help the County with the foregoing efforts and allow the County to take any other necessary emergency measures, including expedited procurement and the issuance of emergency administrative orders, to restore, protect and maintain the dunes and beaches or any other viable buffer between the community and the Atlantic Ocean.

FUNDING INFORMATION: Funding for the Debris Monitoring Task Order is available within the Disaster Relief Fund.

DEPARTMENT CONTACT: Jonathan Lord, Emergency Management Director (386) 313-4240

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian and Nicole.

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ITEM 7B – TOURIST DEVELOPMENT COUNCIL REAPPOINTMENT REQUEST:

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM #7b**

SUBJECT: Tourist Development Council Reappointment Request.

DATE OF MEETING: April 3, 2023

OVERVIEW/SUMMARY: The Commission has received a request for reappointment from Mr. Stephen Baker. Mr. Baker is a Flagler County resident and registered voter.

Function: To recommend to the Board expenditures of tourist development tax monies and to generally review and make recommendations on other aspects of tourism in the County.

Membership: Consists of 9 members - the Board of County Commission Chair, 2 elected municipal officials (1 from the most populous municipality in the County), 3 owners or operators of business subject to tourist development tax, and 3 involved in tourist industry.

Appointment Terms: Four-year terms

Meeting Information: Quarterly – Oct, Jan, Apr and July at 9:00 a.m.
Government Services Complex, Building 2, Board Chambers

Staff Liaison: Amy Lukasik, Tourism Director (386) 313-4230

Appt Term	Member
12/07/2020	Board of County Commission Chair/Designee Commissioner David Sullivan
05/18/2020	(2) Elected Municipal Officials Commissioner Eric Cooley, City of Flagler Beach
11/17/2020	Council Member Nick Klufas, City of Palm Coast, District 3
03/01/2019 – 03/01/2023	(3) Owners or Operators Subject to Tourist Development Tax Stephen Baker, Hammock Beach Resort
03/21/2022 – 03/21/2026	Ryan Crabb, Hilton Garden Inn
02/17/2020 – 02/17/2024	Lisa Robinson, Hampton Inn and Suites
03/02/2020 – 03/02/2024	(3) Involved in the Tourist Industry Only Pamela Walker, Walker Adventures
06/03/2019 – 06/03/2023	John Lulgjuraj, Oceanside Beach, Bar and Grill
07/15/2019 – 07/15/2023	Felicia Robinson Cook, Marineland Leisure

Vacancies are advertised on the County's website, www.FlaglerCounty.gov.

If any further applications are received, they will be presented to the Board prior to the meeting.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Amy Lukasik, Tourism Director (386) 313-4230

RECOMMENDATION: Request the Board approve the reappointment of Mr. Stephen Baker to the Tourist Development Council in the category of "Involved in the Tourist Industry" for a four-year term.

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ITEM 7C – APPROVAL OF SELECTION OF INSPIRE PLACEMAKING COLLECTIVE, INC., OF ORLANDO AS THE COMPREHENSIVE PLAN UPDATE CONSULTANT UNDER RFP #23-001P:

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7c**

SUBJECT: Approval of Selection of Inspire Placemaking Collective, Inc., of Orlando as the Comprehensive Plan Update Consultant under RFP #23-001P.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: The County requested proposals for the update to the Comprehensive Plan through RFP #23-001P. This will complete the first major update to the Plan since 2011, and will coincide with the adoption of the Strategic Plan.

Three firms responded to the request by submitting proposals: Inspire Placemaking Collective, Inc.; Kimley-Horn and Associates, Inc.; and Klavon Design Associates, Inc. All three firms presented complete responses to the request and had similar approaches; however, the Selection Committee – following a review of the proposals and in-person presentations by Inspire and Kimley-Horn – selected Inspire.

The Selection Committee was especially impressed with Inspire's approach to the Plan update and the level of public involvement. The timeline to complete the Update – once work commences – will be 18 months. The amount proposed by Inspire to complete the Plan update is \$239,273. There will be an opportunity to overlap the schedule for the update to the Land Development Code once the framework of the Plan update – particularly the Future Land Use Element – is in place.

Based on the Selection Committee's recommendation, the Board is requested to award the contract to Inspire and authorize staff to pursue contract negotiations with Inspire.

STRATEGIC PLAN:

Focus Area: Economic Vitality

- Goal 1 – Diversify and Enhance the Tax Base to Improve the Local Economy
 - Objective EV 1.1: Foster a regulatory framework conducive to sustainable economic growth.
 - EV-1.4 (1.4.2): Update Comprehensive Plan and Land Development Code.

FUNDING INFORMATION: Funding in the amount of \$239,800 was included in the FY 2022-23 budget for Comprehensive Plan, Economic Plan, and the Land Development Code updates.

DEPARTMENT CONTACT: Robert Rounds, Purchasing Manager (386) 313-4097

RECOMMENDATION: Request the Board approve the award of RFP #23-001P to Inspire Placemaking Collective, Inc., for the Comprehensive Plan update for an amount not to exceed \$239,273 and authorize staff to negotiate a contract with Inspire. Staff will bring the contract to the Board for approval at a future meeting.

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**ITEM 7E – AMENDED SUBCONTRACT WITH FLAGLER CARES, INC. TO
SUPPORT AN OPIOID ADDICTION STABILIZATION PROGRAM IN
FLAGLER COUNTY:**

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7e**

SUBJECT: Amended Subcontract with Flagler Cares, Inc. to Support an Opioid Addiction Stabilization Program in Flagler County.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: At the October 17, 2022 BOCC meeting an agreement between Flagler CARES and the BOCC was approved and executed to support the implementation of an opioid drug addiction stabilization program within the County. This subcontract allows Flagler Cares to provide funding for the provision of Community Paramedic services via Flagler County Fire Rescue to administer a medication assisted treatment (MAT) portion of the program. The term of that agreement was set through August 31, 2023. Due to changes in reporting and funding timeframes associated with the term of the subcontract from the State of Florida the agreement is being amended to June 30, 2023.

STRATEGIC PLAN:

- Goal 4 – Expand Behavioral Health and Substance Abuse Programs
 - Objective PHS 4.3

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Michael Tucker, Fire Rescue (386) 313-4255

RECOMMENDATION: Request the Board approve the amendment to the original subcontract with Flagler Cares, Inc. to allow for a change in the new end date of subcontract term.

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**ITEM 7F – CONSIDERATION OF CAREER SOURCE FLAGLER/VOLUSIA'S
APPLICATION FOR SUBSEQUENT LOCAL WORKFORCE AREA
DESIGNATION FOR JULY 1, 2023 THROUGH JUNE 30, 2024:**

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7f**

SUBJECT: Consideration of CareerSource Flagler/Volusia's Application for Subsequent Local Workforce Area Designation for July 1, 2023 through June 30, 2024.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: The Regional Workforce Development Board of Flagler and Volusia Counties (CareerSource - Program Administrator) provides employment training services for Flagler and Volusia County residents. The Flagler and Volusia Counties Board of County Commissioners serves as the local government authority for this Board. CareerSource is seeking approval of the local workforce re-designation and continuation of their charter. The initial designation became effective July 1, 2015. Subsequent designations must be applied for every year.

In accordance with the Interlocal Agreement between Flagler and Volusia Counties regarding the CareerSource Flagler/Volusia Board, both Counties must approve the Re-designation and Continuation. CareerSource promotes a seamless delivery of services to job seekers, youth and business with streamlined access to a wide range of high quality information and services about jobs, careers, labor markets, skill standards, education and training programs for Flagler and Volusia residents.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Administration, Heidi Petito (386) 313-4001

RECOMMENDATION: Request the Board authorize the Chair to execute the Local Workforce Development Area Designation.

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**ITEM 7G – REQUEST APPROVAL OF AN UNANTICIPATED REVENUE
RESOLUTION RELATED TO THE LAND MANAGEMENT HOMINY
BRANCH GRANTS PHASE I AND PHASE II:**

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7g**

SUBJECT: Request Approval of an Unanticipated Revenue Resolution Related to the Land Management Hominy Branch Grants Phase I and Phase II.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: Flagler County (County) was awarded grants for ecological restoration of the Hominy Branch area of Princess Place during Fiscal Year 2017 (Phase 1) and 2019 (Phase II). The U.S. Fish and Wildlife Service (USFWS) Partners for Fish and Wildlife program grant was provided to begin restoration on this area of unique and increasingly rare habitat that includes a mosaic of scrub, pine flatwoods, wetland and oak hammock.

Ecological restoration is a practice of restoring ecological habitat that has been disturbed by the interruption or elimination of natural processes. The primary disturbance noted during consultation with USFWS, Florida Fish and Wildlife Conservation Commission (FWC), and the St. Johns River Water Management District (SJRWMD) and Flagler County Land Management was the suppression of fire over the past few decades.

The rationale for pursuing these grants was to continue the process of ecologically enhancing Princess Place Preserve which has, since its purchase by the County in funding partnership with the State of Florida and the St. Johns River Water Management District in the late 1980's and 1990's been considered by many to be the "Crown-Jewel" of the County's system of parks and natural lands. Along with the grant funding provided by the state agencies to acquire the property, certain covenants and deed restrictions related to management of recreation and conservation of natural areas were agreed upon and recorded with the deed.

Particular to this request the Grant Award Agreement states in section III(1) that "The Project site shall be managed only for the conservation, protection, and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with conservation, protection and enhancement of the project site." Further, Section V(2) states that "The pine flatwood, scrub, wetland, and oak hammock vegetative communities that occur on the Project site shall be preserved and appropriately managed to ensure the long-term viability of those communities"

In Section V(9) there is a requirement that the County "shall remove the remnants of the plantation pine community located in the scrub community and restore the area in terms of biological composition and ecological composition"

The southwestern extent of Princess Place Preserve is known as "Hominy Branch" due to its proximity to the Hominy Branch, a tannic freshwater creek that runs generally north into Styles Creek and then into Pellicer Creek, an Outstanding Florida Water. The terrestrial habitats there include the aforementioned "scrub" community and are generally defined by a mosaic of relict sandhill/scrub/scrubby flatwoods ecosystems grading to marsh and hardwood swamp.

In 2017, Flagler County Land Management applied for and was awarded a \$25,000.00 grant (with an in-kind local match of \$23,163.88) through the USFWS for ecological restoration of 91 acres at Hominy Branch intended to preserve and manage the long-term viability of the communities by creating conditions to enhance the ability to safely introduce fire back into the system.

(Item 7g continued)

In 2019, a separate grant \$25,000.00 grant (with an in-kind local match of \$26,254.98) was applied for and awarded as a Phase II of the grant which added an additional 70 acres of similar management activities.

In both grants management activities include the use of mechanical mulching for mid-story and understory management, installation of firelines, and herbicide use for hardwood and invasive plant management. The County's in-kind match includes administration of the grant and prescribed fire activities in both cases.

These grants were not fully utilized and remain available to Flagler County for the intended management activities, which is why they are being brought forward for the Board's consideration at this time.

FUNDING INFORMATION: Grant funding in the amount of \$14,400 remains available from Phase I of this project and will be appropriated upon approval of the Unanticipated Revenue Resolution.

Funding for Phase II in the amount of \$24,928 from USFWS will be appropriated upon approval of the Unanticipated Revenue Resolution. There is a local contribution requirement of \$26,254.98 that will be in the form of in-kind labor for prescribed fire.

DEPARTMENT CONTACT: Michael Lagasse, Land Management (386) 313-4064

RECOMMENDATION: Request the Board ratify the Hominy Branch Agreements and approve the Unanticipated Revenue Resolutions.

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ITEM 7H – CONSIDERATION AND APPROVAL OF FINAL RANKING OF REQUEST FOR STATEMENT OF QUALIFICATION RSQ 23-009Q FOR PROFESSIONAL CONSTRUCTION ENGINEERING & INSPECTION SERVICES FOR FLAGLER CENTRAL COMMERCE PARKWAY CONNECTOR – BUNNELL PROJECT:

The following request was approved as part of the Consent Agenda:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7h**

SUBJECT: Consideration and Approval of Final Ranking of Request for Statement of Qualifications RSQ 23-009Q for Professional Construction Engineering & Inspection Services for Flagler Central Commerce Parkway Connector – Bunnell Project.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: A Request for Statement of Qualifications (RSQ) was advertised in the Daytona News Journal as well as publicly broadcast on www.Vendorlink.com for Professional Construction Engineering & Inspection (CEI) Services for Flagler Central Commerce Parkway Connector – Bunnell Project. RSQ-23-009Q requested proposals from qualified firms to provide a full range of these services for the roadway and utility construction project in the City of Bunnell.

This project will include the construction of the new Flagler Central Commerce Parkway Connector roadway in the City of Bunnell, Florida. The project limits are between US-1 and SR-100 and will include the construction of a 2-lane undivided ±1.7-mile roadway with 12-ft travel lanes, 8-ft shoulders (5-ft paved), a 5-ft sidewalk, a wildlife fence, five (5) stormwater management ponds, drainage improvements, traffic monitoring site (US-1), and associated utility improvements. In addition, the project will include construction of both left and right turns lanes on US-1.

The final negotiated scope of professional services for the specified project is anticipated to include, but may not be limited to, the following:

- Provide Construction Engineering and Inspection (CEI) services which are required for contract administration, inspection, and materials sampling and testing for the roadway and utilities (water and sewer) construction projects.
- Provide required ecological and environmental services such as gopher tortoise relocation permitting and obtain permitting prior to construction. Perform ecological and environmental monitoring services as required by FDEP ERP and other project permits.
- Administer, monitor, and inspect the Construction Contract such that the project is constructed in conformance with the plans, specifications, and special provisions for the Construction Contract.
- Provide administrative support for surveillance and monitoring of the Contractor and Subcontractor's compliance with Construction Contract requirements.
- Provide a digital video recording of the pre-construction conditions throughout the project limits. Provide a digital photo log or video of project activities, with heavy emphasis on potential claim items/issues and on areas of real/potential public controversy.
- Provide monthly project progress photographs with a summarizing PowerPoint presentation of the project.
- Observe the Contractor's work to determine the progress and quality of work. Identify discrepancies, report significant discrepancies to the County, and direct the Contractor to correct such observed discrepancies.
- Facilitate communications between all parties (e.g., architectural, mechanical, materials, landscaping, local agencies, contractors, etc.), ensuring responses and resolutions are provided in a timely manner. Maintain accurate records to document the communication process.
- Monitor the Contractor's on-site construction activities and inspect materials in accordance

(Item 7h continued)

with the Contract Documents for the Construction Contract to determine that the projects are constructed in reasonable conformity with such documents. Maintain detailed accurate records of the Contractor's daily operations and of significant events that affect the work. Inform the designated County project personnel of any significant omissions, substitutions, defects, and deficiencies noted in the Contractor's work and the corrective action that has been directed to be performed by the Contractor.

- Services provided by the Consultant shall comply with the Joint Participation Agreement (JPA) and appropriate Florida Department of Transportation (FDOT) manuals, procedures, and memorandums in effect regarding this project.
- Monitor and inspect Contractor's Temporary Traffic Control Plan and review modifications to the Temporary Traffic Control Plan, including Alternate Traffic Control Plan, in accordance with the Department's procedures. Consultant employees performing such services shall be qualified in accordance with the Department's procedures.
- Provide contractor coordination assistance between the roadway contractor and the utilities contractors to ensure smooth daily construction operations and avoid scheduling or onsite conflicts.
- Provide qualified personnel necessary to carry out the requirements of the project services.
- Schedule, coordinate, and attend project meetings (e.g., kickoff, community, preconstruction, monthly progress, coordination, etc.) to discuss the project as determined by the County. Develop and provide meeting minutes for each.
- Facilitate, develop and provide project information to be hosted on the County's website. The website shall be accessible by the public from the County's website and provide information regarding detours/lane closures that effect traffic, up to date project schedule(s), details regarding the project scope and the ability for public contact by email and telephone.
- Exercise independent engineering judgment in pursuit of the project. Personnel are expected to gather information from project inspection personnel and make informed, technically sound decisions to promote timely, successful completion of the project without sacrificing quality. For technical issues which require coordination with the County, all levels of CEI Project Engineer shall be expected to present options for consideration along with a preferred option. Engineering experience and expertise are considerations for the selection of Consultant staff.
It is the County's expectation that this experience and expertise will be employed by Consultant staff to make sound engineering judgments and recommendations throughout the project.
- Perform sampling and testing of component materials and completed work in accordance with the Contract Documents. Perform both on and off site, including verification and acceptance per FDOT standards and specifications as applicable.
- Prioritize the County's goal of the timely and successful completion of the project. Work to actively develop solutions to issues encountered on the project in an expedient manner and work to ensure that issues do not persist for long periods without resolution.
- Produce reports, verify quantity calculations, and field measure for payment purposes as needed to prevent delays in Contractor operations and to facilitate prompt processing of such information in order for the County to make timely payment to the Contractor.
- Review and evaluate monthly Contractor Pay Estimates.

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- Maintain detailed accurate records of the Contractor's daily operations and events that effect the work.
- Prepare monthly comprehensive project progress reports that include but not limited to pay applications review and processing, daily CEI reports, all Construction Materials Testing (CMT) field and lab reports (both QC and VT), estimated schedule and % work completed, summary of progress, photo summary, and estimated dates/timelines for completion of the following month's work.
- Verify that the Contractor is conducting inspections, preparing reports and monitoring all storm water pollution prevention measures associated with the project. For each project that requires the use of the NPDES General Permit, provide at least one (1) inspector who has successfully completed the "Florida Stormwater, Erosion, and Sedimentation Control Training and Certification Program for Inspectors and Contractors".
- Provide coordination with local and jurisdictional agencies and utility providers.
- Coordinate with Flagler County, Engineer of Record and the FDOT, as required.
- Serve as the County's representative to receive and assist in answering public inquiries while providing provide good customer service.
- Observe and record the progress and quality of foundation, abutment, or other structural work to determine that the structural components are properly constructed and at the correct location and elevation, identify discrepancies, and direct the Contractor to correct any such discrepancies.
- Verify and document the Contractor is conducting QC inspections, preparing reports and monitoring all storm water pollution prevention measures and complying with permit requirements associated with the project.
- Monitor, inspect, document and assist in resolution of any utility construction conflicts or issues.
- Hold public safety paramount throughout the project. If the Consultant determines that any activity of the Contractor poses an imminent hazard to the public, the Consultant shall notify the County and direct the Contractor to immediately cease the activity and to close the affected lanes of traffic until the deficiency is addressed.
- Negotiate additional work/time/costs with the Contractor, as requested.
- Analyze and monitor construction baseline and progress schedule updates.
- Review Contractor developed "As-Built" Plans for conformance with the Project Documents, FDOT requirements and completed work.
- Provide County with all appropriate documentation and certifications to confirm compliance with all project and jurisdictional requirements.
- Assistance with project closeout and submittal of required documentation and certifications to the Florida Department of Transportation and other regulatory agencies.
- Provide Final Certifications to Flagler County and FDOT as required.

On February 10, 2023, the County received nine (9) responses as detailed on the Initial Ranking Sheet. The Selection Committee reviewed the proposals for conformity to specifications and met on March 7, 2023 to rank the submissions. On March 27, 2023, the Selection Committee received presentations from the five (5) highest ranked firms. Consor Engineering was determined to be the top ranked firm. The evaluation committee recommends entering into negotiations with Consor Engineering to finalize a scope of work and associated fee. Should

(Item 7h continued)

negotiations fail, staff would formally terminate negotiations and begin negotiations with the second ranked firm followed by the third ranked firm, if necessary.

FUNDING INFORMATION: Funding for the professional CEI services will be provided via the following sources as needed:

- State Grant Funding Agreement (SFGA) in the amount of \$6,800,000 from state legislative appropriation funding will be appropriated in the Constitutional Gas Tax Fund 1112.
- \$1,000,000.00 is being contributed by the City of Bunnell for the roadway design plans update, the roadway construction, and CEI that is being funded from impact fees collected by the City.
- \$1,750,000.00 is being contributed by the City of Bunnell for the water utility design plans preparation, permitting, CEI, and construction.
- \$1,750,000.00 is being contributed by the City of Bunnell for the wastewater utility design plans preparation, permitting, CEI, and construction.
- \$3,138,655.00 is anticipated to be contributed by the County toward the project with funding collected from East Impact fees.

DEPARTMENT CONTACT: Robert Rounds, Purchasing Manager, (386) 313-4063

RECOMMENDATIONS: Request the Board approve the Selection Committee final ranking of Request for Statement of Qualifications 23-009Q, Professional Services for Professional Construction Engineering & Inspection Services for the Flagler Central Commerce Parkway Connector – Bunnell project and authorize staff to negotiate a contract with Consor Engineering. Upon final completion of negotiations, staff will bring the contract to the Board for approval.

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The following item was pulled from Consent Agenda for discussion and action:

ITEM 7D - LETTER OF SUPPORT FOR THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PARTICIPATION IN THE EPA CLIMATE POLLUTION REDUCTION GRANTS PROGRAM: FORMULA GRANT FOR PLANNING.:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7d**

SUBJECT: Letter of Support for the East Central Florida Regional Planning Council Participation in the EPA Climate Pollution Reduction Grants Program: Formula Grants for Planning.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: East Central Florida Regional Planning Council (ECFRPC) is planning to participate in the Climate Pollution Reduction Grants (CPRG) Program on behalf of the Deltona-Daytona Beach-Ormond Beach Metropolitan Statistical Area (DDO-MSA), of which Flagler County (County) is a part. ECFRPC will undertake responsibility for the MSA counties and cities in managing grant funds and the coordination of activities associated with the CPRG Planning Grant program's data collection and reports.

Like the Resilient Florida program, the CPRG program is designed in two-stages providing funding for planning grants (\$250 million), and then competitive implementation grants (\$4.6 billion). Planning funds can be used to update existing climate, energy, or sustainability plans, or to develop new plans. For implementation through the CPRG program, the development of technologies and solutions that will address emissions of harmful air pollution and related activities are expected.

Flagler County's letter of support will be submitted as a part of the ECFRPC's Notice of Intent to Participate in the grant funding opportunity.

STRATEGIC PLAN: Focus area: Public Health and Safety

- Goal 2: Operate a Risk Reduction Program
 - Objective: PHS 2.1.2: Expand the LMS scope....and incorporate community climate change resiliency.
 - Objective: PHS 2.4: Incorporate climate resiliency in the applicable plans

FUNDING INFORMATION: NA

DEPARTMENT CONTACT: Michael Lagassé, Land Mgmt. (386) 313-4064

RECOMMENDATION: Request the Board authorize the chair to sign a letter of support.

Commissioner Pennington lead the discussion. Asked if Flagler County is part of the East Central Florida Regional Planning Council (ECFRPC).

Michael Lagasse, Land Management, answered Flagler County is in a MSA (Municipal Statistical Area) that included Volusia County, but the Regional Council is the Northeast Florida Regional Council (NEFRC).

Commissioner Pennington asked if this grant is awarded, will ECFRPC oversee the grant, implementation, and activities associated with it and involve Flagler County

(Item 7d continued)

Mr. Lagasse answered the ECFRPC will oversee the grant, but Flagler County is only supporting them applying for the grant. Once it's engaged, it would be data collection only.

Commissioner Pennington shared her concerns.

Mr. Lagasse commented by supporting the letter, the County is not signing up to participate.

Commissioner Sullivan stated as a representative for the NEFRC, he is going to check if a similar study is being done, so Flagler can participate in that one.

Commissioner Dance concurred with Commissioner Pennington.

Commissioner O'Brien stated he understood by signing the letter the BOCC was sharing support, because we are in the MSA, but that the grant itself would be for Ormond Beach.

A motion was made by Commissioner Pennington to table Item 7d pending more information about responsibility and commitment. Seconded by Commissioner Dance.

Chair Hansen called the question. Motion carried unanimously.

UNOFFICIAL

April 17, 2023
Regular Meeting

GENERAL BUSINESS

ITEM 8A – PARKS AND RECREATION ADVISORY BOARD APPOINTMENTS:

The following was requested by Frank Barbuti, Parks Manager:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM #8a**

SUBJECT: Parks and Recreation Advisory Board Appointments.

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: The Commission has received an applications from Mr. Bob Cunningham, Mr. Charles Cowart and a reappointment request from Mr. Robert Knapp. All are Flagler County residents and registered voters.

Function: To make recommendations to the Board of County Commissioners on matters pertaining to county parks, recreational programs, and facilities.

Membership: 7 Members loosely representative of different areas of the County.

Appointment Terms: 2-year terms

Meeting Date/Time: Monthly the 4th Wednesday @ 10:00 a.m.

Meeting Location: Government Services Bldg,
1769 E. Moody Blvd, Bldg 2
1st Floor Conf. Rm, Bunnell, FL 32110

Staff Liaison: Frank Barbuti, Parks Manager (386) 313-4144

Appointment - ExpirationMember	
08/15/2022 – 08/15/2024	Arnold Levine
08/15/2020 – 08/15/2024	Michael Dembosz
04/15/2021 – 04/15/2023	Robert Knapp
07/12/2021 – 07/12/2023	Reginald Kirven
08/02/2021 – 08/02/2023	Arthur Kuepper
10/17/2022 – 10/17/2024	Rick Belhumer
	Member Vacancy

Vacancies are advertised on the County's website www.FlaglerCounty.gov. If additional applications are received, they will be presented to the Board prior to the meeting.

DEPARTMENT CONTACT: Frank Barbuti, Parks Manager (386) 313-4144
County Administration

RECOMMENDATION: Request the Board approve the appointment/reappointment of two members to the Parks and Recreation Advisory Board for two-year terms.

Deputy County Attorney Sean Moylan handed out the ballots for the BOCC to vote on two members for appointment/reappointment for the Parks and Recreation Advisory Board. After BOCC voted, the winners were Charles Cowart and Robert Knapp.

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ITEM 8B – ADOPTION OF A RESOLUTION TO VACATE A PORTION OF THE PLAT OF THE DEERFIELD TRACT SUBDIVISION IN THE PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT WITHIN THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT (DRI) – APPLICANT: STEVEN R. BUSWELL, P.E., R.L.A., WITH PARKER MYNCHENBERG & ASSOCIATES, INC./OWNER: STEPHEN J. THOMPSON, AS MANAGER OF ROYAL LIONS GATE, LLC – 16 DEERFIELD COURT; PARCEL #22-14-31-0258-00000-0080:

The following was requested by Adam Mengel, Growth Management:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM #8b**

SUBJECT: Adoption of a Resolution to Vacate a Portion of the Plat of the Deerfield Trace Subdivision in the PUD (Planned Unit Development) Zoning District within the Hunter's Ridge Development of Regional Impact (DRI) – Applicant: Steven R. Buswell, P.E., R.L.A., with Parker Mynchenberg & Associates, Inc./Owner: Stephen J. Thompson, as Manager of Royal Lions Gate, LLC – 16 Deerfield Court; Parcel #22-14-31-0258-00000-0080.

DATE OF MEETING: April 17, 2023

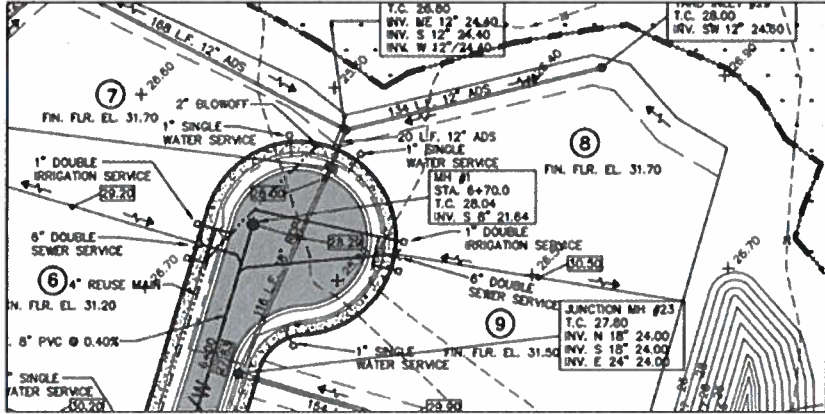
OVERVIEW/SUMMARY: The County has received a petition to vacate a portion of the Deerfield Trace Subdivision so that a proposed home could be placed on Lot 8. Stephen J. Thompson, Manager of Royal Lions Gate, LLC, as the parcel owner, is seeking the vacation of the northerly drainage easement on Lot 8 as depicted on the plat of the Deerfield Trace subdivision, as recorded in Map Book 39, Pages 97 and 98, of the Public Records of Flagler County, Florida. The Property Appraiser's aerial depicts:



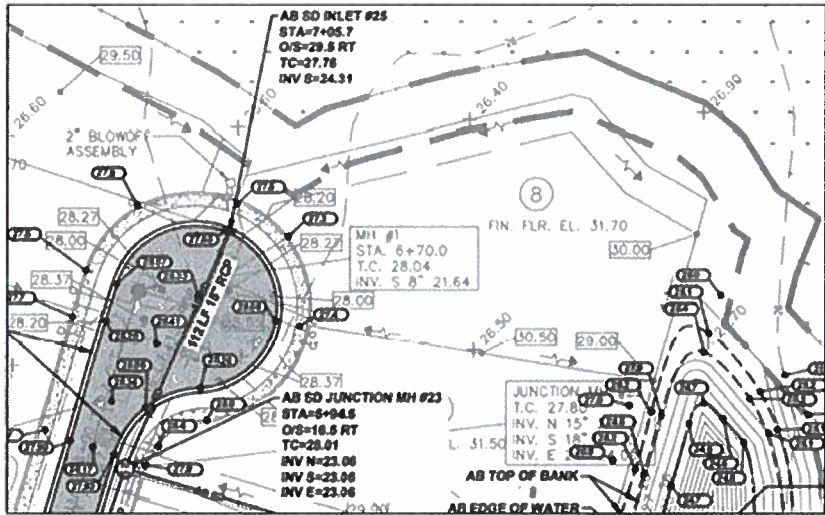
Specifically, Mr. Thompson is requesting the vacation of the fifteen foot (15') wide drainage easement running along the entire North lot line of Lot 8. Through the attached

(Item 8b continued)

resolution, this drainage easement would be vacated. As originally proposed in the construction plans for the subdivision, a common drainage structure consisting of a yard inlet and a 12-inch diameter corrugated plastic (ADS) pipe 134 feet in length was to be installed within the drainage easement:

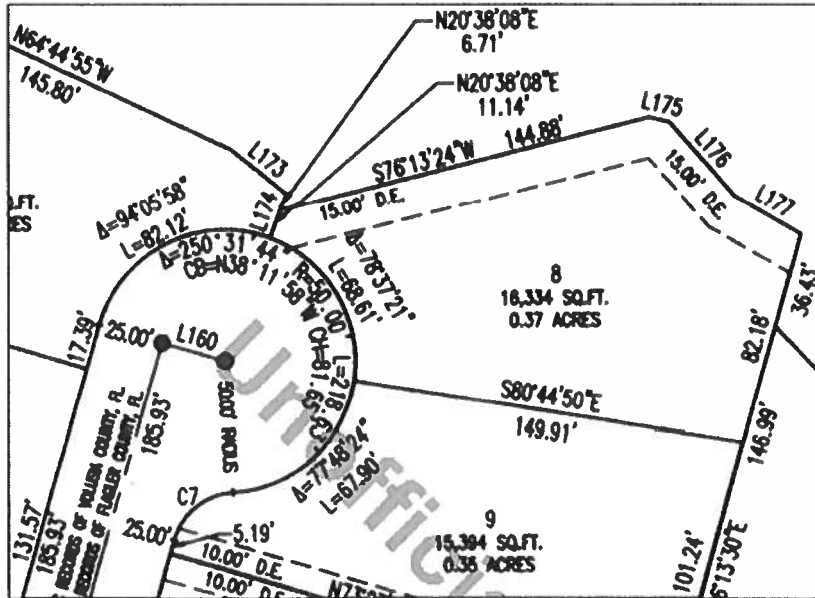


Instead, the stormwater was directed through grading to the cul-de-sac (and a curb inlet) and the pipe was not installed:



(Item 8b continued)

The recorded plat matched the proposed construction drawings by providing a fifteen foot (15') wide drainage easement within which the proposed drainage pipe would be placed:



Because the drainage pipe was ultimately not installed, the drainage easement is no longer needed. Unlike other requests that the Board has reviewed which seek to vacate and relocate platted easements, this request is limited to vacation only (no relocation) since the drainage easement is no longer needed.

The statutory guidance for plat vacations is primarily limited to ensuring that continued access is provided following any plat vacation:

"The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision." (s. 177.101(3), Florida Statutes).

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(Item 8b continued)

The County's Land Development Code provides:

"The owner(s) of any land within an existing approved plat may request BOCC approval to vacate that portion of the plat which is owned by the applicant(s). If the existing plat includes a plat agreement/amendment, a portion of the original plat cannot be vacated without the consent of all current property owners within the plat. The vacating of public streets/rights-of-way and easements within a plat is subject to state statutes and county ordinances. Plats, or portions thereof, cannot be vacated without the consent of the appropriate utilities or regulatory agencies." (Sec. 4.08.03. – Vacating plats, Flagler County Land Development Code).

The Hunter's Ridge Homeowners Association of East Florida, Inc., consented to the vacation of the drainage easement. No utility companies provided written consent since the easement is limited to drainage to be maintained (and enforced) by the Homeowners Association. Through the letter dated December 16, 2022 and provided to Ms. Booker as the agent for the Homeowners Association (and included with the attached Petition), Mr. Buswell provides his determination under his signature and seal that:

"The Lot 8 drainage easement to be relocated [vacated] is not required by any permit condition and is not required for any conservation nor stormwater drainage design."

All taxes have been paid in full.

Lot 8 is subject to the following setbacks as adopted through Ordinance No. 2018-17 for the Deerfield Trace Subdivision at Hunter's Ridge Planned Unit Development (PUD) recorded on October 22, 2018 at Official Records Book 2313, Page 1091, Public Records of Flagler County, Florida:

Minimum lot size:	10,000 square feet
Minimum lot width:	70 feet
Minimum front setback:	20 feet
Minimum rear setback:	10 feet
Minimum side setback (interior lot):	7.5 feet
Minimum side setback (street side):	20 feet
Minimum rear accessory structure setback:	5 feet
Minimum rear setback for pools, hot tubs, decks, screen rooms, and patios:	5 feet

The advantage to the owner is that instead of staying outside of the fifteen foot (15') wide drainage easement with any portion of the structure (inclusive of the eaves) on this lot, removing the easement through the vacation will allow any structure to observe the 7.5 foot side setback (excluding the eaves) instead.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC, and consistent with Section 177.101, Florida Statutes.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

DEPARTMENT CONTACT: Planning & Zoning, Adam Mengel (386) 313-4065

RECOMMENDATION: Request the Board adopt the resolution for the vacation of the portion of the plat described as the fifteen foot wide drainage easement lying on the southerly side of the North (left) side lot line of Lot 8, Deerfield Trace, as recorded in Map Book 39, Pages 97 and 98, Public Records of Flagler County, Florida.

(Item 8b continued)

Adam Mengel, Growth Management, gave the presentation.

Chair Hansen asked if the neighborhood approved the resolution.

Mr. Mengel answered yes, the HOA wrote a letter of approval.

Commissioner Dance asked if this is part of a change order or an approved deletion.

Mr. Mengel answered he did not locate a change or deletion.

Chair Hansen opened for public comment.

Steve Buzwell, Parker Mynchenberg & Associates, provided clarification on any change or deletion.

Chair Hansen closed public comment.

A motion was made by Commissioner Dance to approve the resolution. Seconded by Commissioner O'Brien.

Chair Hansen called the question. Motion carried unanimously.

UNOFFICIAL

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ITEM 8C – QUASI-JUDICIAL – APPLICATION #3329 – REQUEST FOR FINAL PLAT APPROVAL AND ACCEPTANCE OF MAINTENANCE AND PERFORMANCE BONDS FOR GROVESIDE AT ORMOND STATION. PARCEL NO. 22-14-31-0000-01010-0091; 39.84+/- ACRES. OWNER: ADJ HUNTERS RIDGE, LLC; AGENT: TAYLOR TROPF, PROJECT MANAGER, AMERICAN SURVEYING & MAPPING, INC. (PROJECT #2022090029)

The following was requested by Adam Mengel, Growth Management:

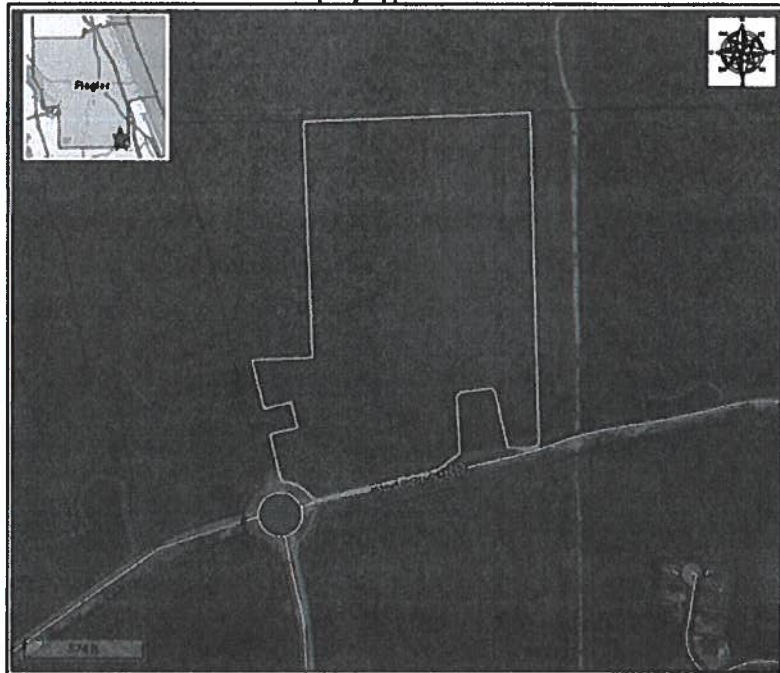
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM #8c**

SUBJECT: QUASI-JUDICIAL – Application #3329 – Request for Final Plat Approval and Acceptance of Maintenance and Performance Bonds for Groveside at Ormond Station. Parcel No. 22-14-31-0000-01010-0091; 39.84+/- acres. Owner: ADJ Hunters Ridge, LLC; Agent: Taylor Trof, Project Manager, American Surveying & Mapping, Inc. (Project #2022090029).

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request will plat 39.84+/- acres in Parcel No. 22-14-31-0000-01010-0091 as Groveside at Ormond Station (formerly known as Celedine at Hunter's Ridge PUD). The subject parcel lies on the North side of Airport Road, East of the northerly extension of Hunter's Ridge Boulevard (not yet platted) North of the roundabout:

Property Appraiser Aerial



The agent on behalf of the owner submitted a final plat application and supporting documents to the County on September 21, 2022. Through the submittal, the applicant

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(Item 8c continued)

is seeking approval of the final plat for 99 single-family detached lots on approximately 39.84 acres within the Hunter's Ridge Development of Regional Impact (DRI). As a reminder to the Board, all lands within a DRI are zoned Planned Unit Development (PUD) and a PUD must be platted (Land Development Code Section 3.04.04.D).

On June 5, 2017, the Board of County Commissioners approved the PUD Development Agreement and PUD Site Development Plan (Application #3059, and adopted through Ordinance No. 2017-06) and Preliminary Plat for Celedine (Application #3060). The PUD was approved with the following dimensional criteria:

Minimum lot size:	5,000 square feet
Minimum lot width:	35 feet, with an average lot width of no less than 50 feet
Minimum front setback:	20 feet
Minimum rear setback:	10 feet
Minimum side setback (interior lot):	5 feet
Minimum side setback (street side):	20 feet
Minimum rear accessory structure setback:	5 feet
Minimum rear setback for pools, hot tubs, decks, screen rooms, and patios:	5 feet
Maximum building height:	35 feet
Minimum pervious area:	30%
Maximum lot coverage:	35%
Minimum living area:	1,250 square feet

The proposed Celedine at Hunter's Ridge subdivision is the first subdivision proposed outside of Phase 1A of the Hunter's Ridge DRI. The smallest lot is 0.126+/- acres in size, while the largest is 0.308+/- acres in size (Lot 44), with the majority of the lots at 0.126 acres. Sidewalks are shown along one side of all streets, including the cul-de-sac (Clementine Court).

Comprehensive Plan consistency: The project is designated as Mixed Use: Low Intensity, Low to Medium Density, the same as the other DRIs within the County. However, this cluster is specifically designated through the Development Order as High Density Residential (11-15 units per acre) with a maximum density of 320 units on 21.3 acres and a maximum height limit of 45 feet. The adopted Development Order provides for reducing downward any cluster density to the next lowest cluster use category (Section II.5.a., Resolution No. 2010-61), which in this case would be Medium Density Residential (6-10 units per acre) instead of the Low Density Residential (0-5 units per acre) requested through this submittal at 2.5 units per acre. The decrease from High to Low Density Residential is subject to restriction at final plat approval to the lower density by the Board (Section II.5.a., Resolution No. 2023-18).

As-builts for completion of subdivision improvements to-date have been reviewed as of the date of publication of the Board's agenda. Included as part of this request is a performance bond (Bond No. NFL 3433) in the amount of \$734,731.50 (representing greater than 125% of the remaining balance of work at \$437,549.80) and a maintenance

(Item 8c continued)

bond (Bond No. NFL 3444) in the amount of \$375,418.21 (representing ten percent of the Engineer's total construction cost completed to-date of \$3,754,182.11). The Board approval of the final plat also includes acceptance of the performance bond and the maintenance bond.

BCC review authority: Section 4.05.03, LDC, requires that no plat may be recorded unless and until the plat has been approved by the Board of County Commissioners.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public notice has been completed consistent with the requirements of Section 2.07.00, Flagler County Land Development Code.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
 - Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.

DEPARTMENT CONTACT: Growth Management, Adam Mengel 386-313-4065

OPTIONS FOR THE BOARD: The Board finds that the final plat for Groveside at Ormond Station is consistent with: the PUD Site Development Plan; the Comprehensive Plan; the Land Development Code; and the Hunter's Ridge Development of Regional Impact (DRI) Development Order (D.O.) and:

Approves Application #3329, the final plat for Groveside at Ormond Station, and accepts the performance bond in the amount of \$734,731.50 and the maintenance bond in the amount of \$375,418.21 for the subdivision improvements, conditioned upon the final plat not being recorded until:

- a. the resolution of all final site inspection comments; and
- b. the Development Engineer's review and approval of the updated final as-builts; and further conditioned upon the perpetual maintenance of the drainage and private roadway tracts by the Groveside at Ormond Station Homeowners Association, Inc., including its successors and assigns, without recourse to Flagler County.

Denies Application #3329, the final plat for Groveside at Ormond Station.

Continues Application #3329, the final plat for Groveside at Ormond Station, to a time and date certain.

Chair Hansen asked for ex-parte disclosures.

There were none.

Adam Mengel, Growth Management, gave the presentation.

Commissioner O'Brien asked for clarification on the lift station

Mr. Mengel answered yes, it is mostly utility related.

(Item 8c continued)

Chair Hansen stated he sees the five-foot setbacks, but asked if there is any discussion about air conditioning units, generators, etc.

Mr. Mengel answered no, but the developer can be informed that we would like to include that.

Chair Hansen requested public comment.

There was none.

Chair Hansen closed public comment.

A motion was made by Commissioner Dance to approve Item 8c. Seconded by Commissioner Sullivan.

Chair Hansen called the question. Motion carried unanimously.

UNOFFICIAL

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Regular Meeting

PUBLIC HEARINGS

ITEM 9A – QUASI-JUDICIAL – APPLICATION #3339 – REQUEST TO AMEND SPECIAL EXCEPTION FOR 14 TOWNHOMES AT ALLOW 16 SINGLE FAMILY DETACHED LOTS IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT AT 6645 NORTH OCEANSHORE BOULEVARD. PARCEL #37-10-31-1550-00000-0220; 3.87+/- ACRES. OWNER: CONSOLIDATED CAPITAL FUNDING II, LLC/APPLICANT: MICHAEL D. CHIUMENTO, III, ESQUIRE (PROJECT # 2022120002):

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9a**

SUBJECT: QUASI-JUDICIAL – Application #3339 – Request to amend Special Exception for 14 Townhomes to allow 16 Single Family Detached Lots in the R/C (Residential/limited commercial) District at 6645 North Oceanshore Boulevard Parcel #37-10-31-1550-00000-0220, 3.87+/- acres. Owner: Consolidated Capital Funding II, LLC/Applicant: Michael D. Chiumento, III, Esquire (Project # 2022120002).

DATE OF MEETING: April 17, 2023

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request was continued from the Board's March 20, 2023 regular meeting. The request is for approval of an amendment to the Special Exception to change the approval for 14 townhomes to 16 residential lots in the R/C (Residential/limited commercial) zoning district:



Since the March 20th Board meeting, staff has confirmed that the subject parcel is not listed by the Florida Department of Environmental Protection as a brownfield. As for the onsite sewage treatment and disposal system (OSTDS, or more commonly referred to as a septic tank), the tank was pumped, crushed, and filled on May 25, 2004 through Department of Health Permit No. 04-0118A.

On the issue of traffic incidents, there were 20 reported incidents within the last ten years for the segment of North Oceanshore Boulevard between River to Sea and the Washington Oaks State Park entrance (see attached map). Out of these 20 incidents, there was one fatality involving a passenger in a single car crash (classified as an off road incident) northbound on North Oceanshore near Surf Club (<https://flaglerlive.com/114179/man-killed-another-injured-mustang/>). Six of these

(Item 9a continued)

incidents were classified as rollovers, three as single vehicle incidents, four off road incidents, and three animal-related incidents. The other four incidents were all single events: bicycle; head on; right angle; and same direction sideswipe. Eleven of these occurred in dark (non-lighted) conditions, eight during daylight, and one at dusk. Of the three incidents proximate to the subject parcel, one was one of the rollovers, one was the same direction sideswipe, and the last was the single vehicle off road fatality. With all of that said, the issue of ingress and egress to the site from S.R. A1A is one for the Florida Department of Transportation to address and not the County Commission.

Regarding the restoration of the dune by the developer, no decision has been made as to the amount of replacement dune sand that should be added by the developer. Reference was made at the hearing to the County's current work that will place approximately six cubic yards per linear foot along the North coastline, along with Chair Hansen's statement that the developer had agreed during the Scenic A1A review to add ten cubic yards per linear foot to what the County is now providing. The applicant on behalf of the developer has agreed to the restoration of the dunes to the extent permitted by the respective agencies. As of the date of this staff report, discussion between the applicant, developer, and County staff is ongoing as it relates to the extent of dune restoration that will be required by the developer. The County Engineer notes that the dune restoration needs to be engineered (meaning permitted by FDEP based on a coastal engineer's design) in order that the property is eligible for FEMA funding in the future, especially for Category G projects.

As for other concerns and objections voiced at the March 20th public hearing, the applicant's position is as follows:

- legal issues have been resolved some three years ago as a precursor to discussions with the Matanzas Shores Homeowners Association for the sewer extension (had the legal hurdles not been identified and mitigated then the developer would not have proceeded with negotiations with Matanzas Shores to extend sewer to the project);
- the beach access will be provided either along the North or the South parcel line, and no public beach parking will be provided by the project (see note below from County Engineer);
- the developer agrees to require installation of a 13D or 13R fire sprinkler system within each single-family residence;
- Lot 16's width can be reduced to provide for a 30 foot wide buffer adjacent to the North Oceanshore Boulevard right-of-way line;
- in the applicant's financial analysis, the number of lots cannot be reduced below 16 lots and the project still remain viable; and
- agrees to execute the dune maintenance/restoration easement.

Concerning the location of the public access easement, the County Engineer prefers that it is along the north boundary of the property. The County is seeking eligibility for future Army Corps funding and the north alignment is more favorable for the County in pursuing such funding eligibility and with a higher federal match amount.

The Commission requested a legal analysis from the County Attorney's office which is attached for the record.

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(Item 9a continued)

The proposed conditions for the Board's consideration have been modified to reflect the assurances made by the applicant on behalf of the developer.

Public notice has been provided for this application according to Flagler County Land Development Code Section 2.07.00.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

• Goal 1 – Provide Quality Fundamental Infrastructure and Assets

- Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.

Focus Area: Effective Government

• Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government

- Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

Approve Application #3339, approving the project-specific dimensional requirements for the development of 16 detached single-family lots, approving the extension of wastewater service by the Matanzas Shores Owner's Association in accordance with Section 30-33(g) of the County Code, and concurring with the Planning and Development Board's finding that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met for the amendment to single family detached lots at 6645 N. Oceanshore Boulevard (Parcel #40-10-31-1550-00000-0220), subject to the following conditions:

- a. that the Owner satisfy any outstanding conditions related to the 2006 Planning Board determination; the 2008 Settlement Agreement; and the 2008 Planning Board determination, as applicable;
- b. that the Project connect to central sewer as provided through the Matanzas Shores Owner's Association system (the executed Wastewater Treatment Service License Agreement was previously attached);
- c. that the Owner provides the County – either along the North parcel line or the South parcel line – with the 15 foot wide pedestrian easement for a public dune walkover;
- d. that the Owner consents to a dune maintenance/restoration easement in favor of the County;
- e. that the Developer (and successors or assigns, inclusive of any HOA) reconstruct the damage to the dunes to pre-damage conditions to the greatest extent possible consistent with permits issued by FDEP;
- f. that the Owner, in consultation with the County, agrees to the restoration of the dunes bordering the subject parcel to the extent permitted by the respective agencies;
- g. that the North and West perimeter buffers be augmented so as to create an opaque (80% opacity) barrier of natural vegetation a minimum of six (6) feet in height within five (5) years of the commencement of development of the parcel;
- h. that the Project is designed with a cul-de-sac with a minimum fifty (50) foot turning radius and the secondary means of ingress and egress is stabilized with an all weather surface sufficient to accommodate emergency service vehicles;
- i. that all single-family homes within the limits of the Project shall be required to install either a 13D or 13R fire sprinkler system;
- j. that Lot 16's width be reduced at the time of platting so as to provide an adjacent buffer width a minimum of thirty feet (30') in width between Lot 16's West lot line and the East right-of-way line of North Oceanshore Boulevard;
- k. that the final Site Plan comport with the dimensional requirements of the Concept Plan reviewed by the Board as part of this request; and
- l. that the Owner present the final Site Plan to the A1A Scenic PRIDE Committee for their review and comment prior to final Site Plan approval by the County.

Deny Application #3339, denying the project-specific dimensional requirements for the development of 16 detached single-family lots, denying the extension of wastewater service by the Matanzas Shores Owner's Association in accordance with Section 30-33(g) of the County Code, and/or not concurring with the Planning and Development Board's finding that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met (i.e., finding that the criteria have not been met) for the amendment to single family detached lots at 6645 N. Oceanshore Boulevard (Parcel #40-10-31-1550-00000-0220) for the amendment to single family detached lots at 6645 N. Oceanshore Boulevard (Parcel #40-10-31-1550-00000-0220).

Continue Application #3339, on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the amendment to the special exception request. Continuing the special exception request to a time and date certain will provide an opportunity for staff or the applicant to provide additional information.

(Item 9a continued)

Chair Hansen asked for ex-parte disclosures.

Commissioner Dance spoke with Mr. Chiumento in the lobby after the previous meeting just rehashing the meeting. No new information. Also had a phone call repeating the same objections he had and was awaiting legal to provide clarification.

Commissioner Pennington received email concerns from residents.

Commissioner O'Brien received emails from Mr. Chiumento.

Chair Hansen has received emails from residents and discussed them with Mr. Chiumento.

Adam Mengel, Growth Management, shared answers to the concerns presented at the previous meeting.

Chair Hansen asked if there was a decision on the beach access, will it be on the north side or south side of the development.

Mr. Mengel answered it appears to be remaining on the south side.

Chair Hansen asked for the start date and completion date.

Commissioner Sullivan shared concerns about the left turn into the development and asked if it's in the agreement that all the houses must look the same or can anyone go in and build

Chair Hansen would like clarification on the feet to fill and water management.

Mr. Mengel responded that Department of Transportation (DOT) would have to make the decision to put in a left turn lane. Also there could be language included to specify uniformity if the BOCC requests it.

Michael Chiumento III, Chiumento Law, Attorney for the developer, shared information regarding BOCC concerns presented at the previous meeting.

Mr. Chiumento responded to Chair Hasen that there will be approximately three to four feet of fill.

Chair Hansen asked about the walkway to the beach.

(Item 9a continued)

Mr. Chiumento stated there is a non-exclusive easement to the beach to Mr. Koch. If BOCC wanted it to be moved to the northside, those conditions would have to be worked through and agreed upon by Mr. Koch as well.

Commissioner Dance asked about the use of special exception.

Mr. Chiumento answered the type of product being presented would not meet the R/C requirements.

Discussion about zoning and special exception continued.

Chair Hansen asked what the homes are going to look like and what guarantees will there be to require the homes to look said way.

Mr. Chiumento stated the plans and designs provided will be what is used.

Commissioner Sullivan commented that there is a newly developed house across from the area discussed and shared concern for potential issues that may come about when looking at the traffic lanes.

Commissioner Pennington concurred with Commissioner Dance and asked for more clarification.

Discussion continued.

Chair Hansen requested public comment.

The following members of the public spoke in opposition:

- Charles Beaman, Hammock Resident
- Chris Koch, Hammock Resident
- Dr. Lynne Bravo Rosewater, Hammock Resident

The following members of the public spoke in support and shared concern about the berm (dunes):

- Ronnie Wilson, Former President of Matanzas Shore HOA
- Kenneth Anderson, Hammock Resident

The following members of the public spoke in support of the beach access remaining on the south side of the development:

- Jon Titus Steele, Environmental Analysis and Regional Planning, University of Michigan
- Dennis Bayer, Attorney on behalf of the Hammock Civic Association and the Koch's

(Item 9a continued)

Chair Hansen closed public comment.

Chair Hansen would like to discuss the zoning requirement specifically for land between the scenic highway and the ocean.

Mr. Mengel answered the language guides rezoning to the lowest intensity zoning category.

Commissioner Sullivan asked if there was no history on this property, with this plan, would it meet the requirements for the current zoning.

Mr. Mengel answered no.

Discussion continued.

Mr. Moylan clarified that his office's memo was them trying to stay in their lane since they are not the decision maker.

A motion was made by Commissioner Sullivan to deny Item 9a. Seconded by Commissioner Pennington.

Chair Hansen called for public comment.

Chair Hansen called the question. Motion carried 4-1 with Commissioner O'Brien in opposition.

ITEM 10A - COUNTY ADMINISTRATOR REPORT/COMMENTS

County Administrator Petito reported the following:

- The 5-year FDOT work program schedule will be included at the next board meeting

ITEM 10B - COUNTY ATTORNEY REPORT/COMMENTS

None

ITEM 10C - COMMUNITY OUTREACH

None

April 17, 2023
Regular Meeting

ITEM 10D – COMMISSION REPORTS/COMMENTS/ACTION

Commissioner Dance spoke about how April is Autism Awareness Month.

Commissioner Pennington shared 4H and FFA are alive and well.

ADJOURNMENT

The meeting was adjourned by consensus at 8:06 p.m.

APPROVED AND ADOPTED _____

ATTEST:

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

Tom Bexley
Clerk of the Circuit Court & Comptroller

Gregory L. Hansen
Chair

UNOFFICIAL



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

MEMORANDUM

DATE: 5/08/2023
TO: Luci Dance
Michael Catalano
VIA: Chain of Command
FROM: Nikki Smith- Accountant/Grants
RE: Agenda Item
SUBJECT: Agenda Item Request

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Patrick Leahy Bulletproof Vest Partnership (BVP) Program

Funding Opportunity Title: FY23 Patrick Leahy Bulletproof Best Partnership

Assistance Listing Number: 16.607

FCSO seeks consideration to apply for the FY23 Patrick Leahy Bulletproof Vest Partnership (BVP) Program created by the Bulletproof Vest Partnership Grant Act of 1998 in coordination with the Flagler County BOCC as the jurisdiction/applicant. This initiative administered by OJP-Bureau of Justice Assistance (BJA) is designed to provide a critical resource to state and local law enforcement.

Program eligibility dictates state or local law enforcement agencies are permitted to be recipients of BVP funds, however the jurisdiction itself must be the applicant.

If awarded, FCSO will provide the required 50% match.

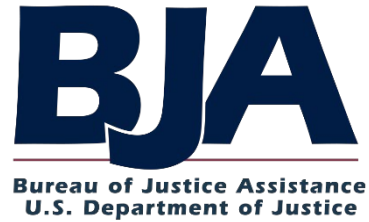
DEPARTMENT CONTACT: Valena Smith, Staff Accountant-Grants Specialist (386) 586-2732
Michael Catalano, Grant & Project Accountant (386) 313-4049

ATTACHMENTS:

1. BJA-BVP FAQ

Proudly Serving the Community Since 1917
A Four Diamond Accredited Law Enforcement Agency





Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Program (BVP)

Frequently Asked Questions (FAQs)

The Department of Justice, Office of Justice Programs is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety, and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

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[Eligibility and Program Requirements](#)
[How to Apply](#)
[Access to Funds](#)
[Body Armor Vest Information](#)
[Other Officer Safety Resources](#)

GENERAL PROGRAM INFORMATION

1. **What is the BVP Program?**

The Patrick Leahy Bulletproof Vest Partnership (BVP) Program, created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative administered by the [Office of Justice Programs \(OJP\)](#), [Bureau of Justice Assistance \(BJA\)](#) that is designed to provide a critical resource to state and local law enforcement.

The purpose of the BVP Program is to reimburse states, counties, federally recognized tribes, cities, and local jurisdictions up to 50 percent of the cost of body armor vests purchased for law enforcement officers. A BVP fact sheet with further information can be found at: <https://bja.ojp.gov/doc/bvp-fact-sheet.pdf>.

2. What is the Assistance Listing number for the BVP Program?

The Assistance Listing number for the BVP Program is [16.607](#).

3. What additional information and resources are available?

Additional BVP information and resources can be found at:

<https://www.ojp.gov/program/bulletedproof-vest-partnership/program-resources> and

<https://www.ojp.gov/program/bulletedproof-vest-partnership/body-armor-resources>.

4. Is a list of prior BVP recipients available online?

Yes. BVP award information, statistics, and other information can be found at

<https://www.ojp.gov/program/bulletedproof-vest-partnership/program-resources#h449q>.

ELIGIBILITY AND PROGRAM REQUIREMENTS

5. Who is eligible to apply for BVP funds?

States, units of local government, and federally recognized Indian tribes, i.e., jurisdictions, that employ eligible law enforcement officers are eligible to apply for BVP funds.

For the purposes of the BVP Program, "state" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the state level.

6. How is "Law Enforcement Officer" defined?

"Law Enforcement Officer" is defined as any officer, agent, or employee of a state, unit of local government, or an Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders. This includes full-, part-time, and auxiliary personnel, whether paid or volunteer.

Below is a list of general job categories determined to be eligible for this program. This is not an all-inclusive list. Job categories not listed below may be eligible. Please contact the BVP Help Desk for assistance with eligibility determinations at 1-877-758-3787 or vests@usdoj.gov.

- Police officers
- Sheriff deputies
- Adult and juvenile jail, detention center, and correctional institution officers
- Judicial officers
- Prosecutorial officers
- Transit authority police officers
- Harbor/port authority police officers
- Fire marshals
- Arson investigators
- State police officers
- County college, city college, and university police
- Park and conservation police officers
- Traffic and code enforcement officers

- Liquor control/authority investigators
- Adult and juvenile probation officers
- Parole officers
- Police chaplains

The following categories are generally considered outside the scope of the BVP statute and are ineligible.

- Federal employees
- K-9 dogs
- Private college/university police officers
- Emergency medical personnel
- Fire and rescue personnel
- Private correctional officers or private police officers under contract with a local, state, or tribal government to provide related services*.

*If officers, agents, or employees engaged in private police or correctional work are being paid by an eligible jurisdiction and rely on that jurisdiction to provide for their personal equipment needs, they may be eligible to receive funds. However, the police/correctional officers or their corporate employers may not apply directly.

7. *Can I participate as a jurisdiction?*

States, units of local government, and federally recognized Indian tribes, i.e., jurisdictions, that employ eligible law enforcement officers are eligible to apply for BVP funds.

The jurisdiction's chief executive is required to complete the online registration and to provide general oversight and approval of key transactions between the BVP Program and the participating law enforcement agencies.

8. *Who is considered the Chief Executive Officer?*

The Chief Executive Officer (CEO) is the highest ranking elected or appointed official of the jurisdiction (e.g., city mayor; city, town or village manager; state governor; county executive; chairman of the governing board; chairman of the county commissioners; Tribal chief; or Tribal governor). In some localities, the highest-ranking law enforcement officer may also be considered the jurisdiction's CEO (e.g., the State of Louisiana).

9. *Are law enforcement agencies (LEAs) eligible to apply for BVP funding?*

Yes, if the LEA is a state, unit of local government, or federally recognized Indian tribe and employs eligible law enforcement personnel. The agency director/designee acts as the program liaison between agency personnel and the jurisdiction's chief executive. However, only the chief executive (or designee) of the jurisdictions can formally submit a completed application. State or local law enforcement agencies are permitted to be recipients of BVP funds, the jurisdiction itself must be the applicant.

10. *Can law enforcement officers apply directly as individuals?*

No. Individual law enforcement officers may not register or apply as individuals. Eligible law enforcement officers must work through their employing agency.

11. Must a state agency connect its application with that of other state agencies (e.g., state police), or can each state agency apply separately?

Each participating state agency registers and completes their portion of the state's application through their own law enforcement agency BVP application, which is then approved at the state level.

12. I am a county executive, and within my county there are several smaller towns and villages. Do I coordinate the body armor vest needs and the application process for all jurisdictions within my county's boundaries?

No. Multiple jurisdictions are not permitted to combine their body armor vest needs into one application. This program regards each jurisdiction as unique and discrete. Your county application will only include county-level agencies; the state-level application will only include state-level agencies; a town application will only include town-level agencies.

13. Are officers currently in training eligible?

Yes. This program does not make a distinction between new hires and trained or certified law enforcement officers, if the officers in question meet the definition of a law enforcement officer when the BVP-funded body armor vests are purchased. The only relevant restriction applies to positions that are authorized or funded but unfilled. Jurisdictions are not permitted to include anticipated body armor vest needs for authorized but unfilled positions in their application.

14. Can jurisdictions apply more than once in a program year?

No. Jurisdictions are permitted to apply only once per program year. Jurisdictions may apply for additional body armor vests during subsequent program years, even though prior year body armor vest orders or payments are still pending.

15. What link is there between use of Edward Byrne Memorial Justice Assistance Grant (JAG) funds for body armor, and eligibility for the BVP Program?

Pursuant to the BVP statute, receipt of JAG funding by a unit of local government may impact its eligibility for funding under the BVP Program in the same fiscal year, unless it is a qualifying unit of local government with fewer than 100,000 residents.

16. What are the requirements for body armor vests purchased using BVP funds?

Body armor vests purchased with BVP funds must have been tested through the National Institute of Justice (NIJ) [Compliance Testing Program \(CTP\)](#) and found to comply with the most current NIJ body armor standards, appear on the [NIJ Compliant Products List](#) as of the date the body armor was ordered, be uniquely fitted, and be made in the United States. In addition, applicants must have a written mandatory wear policy for uniformed patrol officers in place at the time of application.

17. Do NIJ compliant body armor vests contain a certification mark?

Although the NIJ CTP maintains a list of compliant products for practitioners to reference, additional reliance has been placed on a specific statement of compliance that manufacturers apply to compliant products. Controlling the false application and imitation of the NIJ statement of compliance has proven to be difficult. Fortunately, the U.S. Patent and Trademark Office (USPTO) allows product certification bodies—similar to the NIJ CTP—to register certification marks. The “NIJ Mark” is a trademark that is only authorized by the NIJ CTP to appear on the labels of armor panels and plates that both

meet the requirements of the NIJ CTP and that are listed on the [Compliant Products List](#). This is a quick, visual way for manufacturers to indicate that their armor is NIJ certified, and for the end user to check whether their armor is listed by NIJ. The NIJ Mark is only available to manufacturers who actively participate in the NIJ CTP and may only be placed on armor that is certified and listed by NIJ. As of November 12, 2019, the NIJ Mark is registered with the USPTO under Registration Number 5,906,126. More information can be found here: <https://cjtec.org/compliance-testing-program/national-institute-of-justice-mark/>.

18. What is NIJ's process for testing body armor?

More information on NIJ's body armor testing process and requirements can be found at <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>. Specifically, an overview of compliance testing can be found at <https://nij.ojp.gov/body-armor-compliance-testing>.

19. What is the definition of "uniquely fitted" body armor vests?"

In the BVP Program, "uniquely fitted" means protective (ballistic or stab-resistant) body armor vests that conform to the individual wearer in order to provide the best possible fit and coverage through a combination of 1) correctly sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the Standard Practice for Body Armor Wearer Measurement and Fitting of Armor (Active Standard ASTM E3003) available at no cost. The Personal Armor Fit Assessment checklist is excerpted from ASTM E3003 ([The Personal Armor Fit Assessment Checklist](#)).

In addition, a certification section is included in the BVP application stating that the applicants are aware of and will comply with this requirement.

20. What must the required written mandatory wear policy consist of, and when must the mandatory wear policy be in effect?

There are no specific requirements regarding the nature of the mandatory wear policy, other than that it must specify when mandatory wear is required for uniformed officers on duty. The written mandatory wear policy must be in effect when the jurisdiction submits its application for BVP funds. Each submitting government official will need to electronically certify during the application process that there is a written mandatory wear policy for all uniformed law enforcement officers. The policy will need to be submitted as part of the BVP application and said policy will be subject to random review and verification. In order to meet the requirement of the BVP Program, the mandatory wear policy must bear the date that the policy was enacted and be signed by the CEO or the authorized representative of the requesting agency/jurisdiction. For more information, see the Mandatory Wear FAQs at: <https://www.ojp.gov/bvp/mandatory-wear-faqs>.

21. Are sample mandatory wear policies available?

Yes. Law enforcement agency administrators and jurisdiction CEOs can obtain a copy of the Body Armor Model Policy and Issues Paper (developed by the International Association of Chiefs of Police) by contacting the BVP Help Desk at 1-877-758-3787 or

by email at vests@usdoj.gov.

22. Do SWAT or tactical body armor vests qualify under BVP?

BVP funds can be used for tactical-level body armor vests, including threat level IV body armor vests, but only one body armor vest may be purchased with these funds per officer in a replacement cycle. If the agency purchases a tactical-level body armor vest for an officer, it must be the officer's primary body armor vest; the jurisdiction cannot use BVP funds to purchase a regular-duty body armor vest for the same officer during the same replacement cycle.

23. Can jurisdictions use BVP funds to replace the trauma plates for existing body armor vests?

No. Using BVP funds to purchase trauma plates for existing body armor vests is not permitted. The program does permit the use of federal funds to offset up to 50 percent of the total vest cost, which includes the cost of the body armor vest, body armor vest carriers, attachments, inserts, trauma plates, and covers considered integral or essential for the armor's proper care, use, and wearability, including shipping, handling, fitting charges, and applicable taxes. However, this total cost assumes that a body armor vest is being purchased, along with the attachments and inserts.

24. Are stab resistance body armor vests eligible for funding?

Yes. Please see the latest NIJ stab compliant body armor vest list here: [NIJ Compliant Products List](#).

25. Can used body armor vests be purchased with BVP funds?

No. BVP funds may not be used to purchase used body armor vests, regardless of the age of the body armor vest or the agency selling it, since the conditions in which the used armor was stored and the conditions to which it was exposed cannot be verified.

26. Are other types of ballistic resistant equipment such as K9 body armor, ballistic shields, and ballistic helmets eligible for reimbursement through BVP?

No. Only ballistic and stab body armor appearing on the NIJ [Compliant Products List](#) is eligible for reimbursement under BVP.

HOW TO APPLY

27. Where do I apply?

BJA accepts applications through the online BVP system located at <https://vests.bja.ojp.gov/bvp/login/externalAccess.jsp>. The BVP system is an independent application system and is only used for the BVP Program.

28. Who must complete and submit the BVP application?

The Chief Executive Officer of the jurisdiction must complete and submit the BVP application.

29. How do I obtain access to the BVP system?

The first step to obtain access to the BVP system is onboarding to OJP's Digital Identity and Access Management Directory (DIAMD), which replaced the former BVP access control system in January 2023. DIAMD is a modern single-sign-on gateway service with multi-factor authentication. If you are an OJP grant program applicant or recipient, you may already have an account registration with DIAMD, and your BVP user account will

be added to the OJP systems you access through DIAMD. If you do not already have an account with DIAMD, your BVP account will be migrated to DIAMD, and you will need to complete a registration profile process in order to activate your new BVP/DIAMD account.

Existing BVP users received an email on January 9, 2023, from the DIAMD system containing instructions and an active link to the DIAMD registration/profile page in order to complete the activation of their DIAMD account. The link within the email message is strictly personal to the user as the account holder. The link expires 120 hours, or five days, after email delivery. If the user does not complete the DIAMD registration within the noted 120-hour period, the link will expire, and the user must then contact the BVP ServiceDesk by phone at 1-877-758-3787 or email at vests@usdoj.gov in order to have the link reset. Please see the BVP login page for details:

<https://vests.bja.ojp.gov/bvp/login/externalAccess.jsp>. Detailed instructions can be found at <https://justicegrants.usdoj.gov/noindex/general-entity-user-experience.pdf>.

The second step to obtain access to the BVP system is to create a BVP User Profile and associate the BVP User Profile with an agency. Detailed instructions can be found at <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/BVPUserAgencyRegistrationGuide.pdf>.

30. How do I reset my password?

If your account becomes locked and you need to reset your password, complete the following steps:

Step 1: [Unlock your account](#)

Step 2: [Reset your forgotten password](#)

You may call or email the BVP Help Desk at 1-877-758-3787 or vests@usdoj.gov for assistance. If an email is sent, please include your name and the name of your jurisdiction in the correspondence. Every effort will be made to respond to your request within 24 business hours of your call or email.

31. When does the BVP Program typically open for applications?

The BVP application period generally opens in April of each year. However, this date is subject to change. Please check the [BVP website](#) for updates on the application notice each year.

32. What is the application deadline?

Program deadlines are prominently displayed on the BVP homepage. They are designed to allow all interested jurisdictions an opportunity to complete and submit their applications. Jurisdictions will be notified once funding decisions have been made.

33. What type of documentation do we need for the application?

Applicants will be asked to report the total number of full and part-time officers, the agency's body armor vest replacement cycle, and the total amount of previously awarded BVP funds obligated at the time the application is completed.

34. Does the Law Enforcement Agency (LEA) need to fill out an application?

Smaller jurisdictions with one law enforcement agency should only register and apply as the jurisdiction. If a jurisdiction has multiple law enforcement agencies eligible for BVP funds, each LEA should register and apply for funds as an LEA under the jurisdiction.

35. How do we apply as a jurisdiction?

Step by step, detailed instructions are provided in the Jurisdiction Handbook, activated by following the steps for 'How Do I Participate as a Jurisdiction' accessible from the [BVP homepage](#) (see the [BVP resources page](#) for step-by-step instructions on submitting an application: <https://www.ojp.gov/program/bulletproof-vest-partnership/program-resources#hf3a1a>).

36. Can individual law enforcement agencies register if the jurisdiction has not yet registered?

No. Law enforcement agencies that are not considered jurisdictions must be part of the jurisdiction application, but you will be able to register and complete your portion of the application beforehand. The jurisdiction's application cannot be processed until the chief executive registers and submits the completed application electronically to BJA.

37. Is there a match requirement?

Yes. The federal portion of the costs for body armor vests purchased under the BVP Program may not exceed 50 percent.

38. Can jurisdictions request a waiver of the 50 percent match requirement for body armor vests purchased with BVP funds?

Yes. Jurisdictions with BVP award funds may request a financial or natural disaster hardship waiver during the payment request process and receive up to 100 percent of the cost of each body armor vest submitted for reimbursement. Jurisdictions requesting a waiver of the 50 percent match requirement may not use BVP funds toward the purchase of any body armor vest with a total unit cost greater than \$1,200, excluding taxes, shipping, and handling fees (if any), to maximize funding for all eligible jurisdictions. All standard BVP body armor vest requirements apply to the eligible body armor vest types.

Additionally, jurisdictions requesting a waiver must meet criteria of financial or natural disaster hardship and must cite the source of that hardship during the waiver request process. Jurisdictions must keep documentation substantiating the hardship for four years, and such documentation is subject to audit. Finally, all applicant jurisdictions requesting a hardship waiver of the 50 percent match are required to certify that the jurisdiction's Chief Executive Officer formally accepts the request for the waiver and confirms the waiver justification provided. The certification must list the highest elected official from the requesting jurisdiction to be approved. Detailed instructions on the process for requesting a waiver and the documentation required can be found at: <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/BVPReceiptsandPaymentRequestsUserGuide.pdf>.

39. Can we use JAG formula funds along with BVP funds to cover the costs of body armor vests?

JAG funds may not be used to pay for that portion of the body armor vest (50 percent) that is not covered by BVP funds. JAG funds may be used to purchase body armor vests for an agency, but may not be used as the 50 percent match for BVP purposes.

40. Our jurisdiction received less than 50 percent funding for last fiscal year's application. Can we re-apply for additional funds to increase this share in the current fiscal year application?

No. Recipients are not permitted to apply for current fiscal year funds to increase the

application amount if a previous application was less than 50% funded.

41. Do smaller jurisdictions receive priority under BVP?

Yes. By statute, funds are first allocated to qualifying units of local government with fewer than 100,000 residents. Any remaining funds are then awarded to other qualifying applicants.

42. How are funds distributed to other qualifying applicants if funds are available after providing funds to smaller jurisdictions?

If remaining funds are available after providing funds to qualifying units of local government with fewer than 100,000 residents, BJA awards the remaining funds at an equal percentage to eligible states, units of local government, and federally recognized Indian tribes that have a violent crime rate at or above the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program national average.

ACCESS TO FUNDS

43. When will funding be available?

Funds will be available approximately three to four months after the application deadline. BJA will notify successful applicants via email when the award is made and the funds are available.

44. Is an active registration in the System for Award Management (SAM) required to receive funds?

Yes. Jurisdictions not registered with SAM are strongly encouraged to access the SAM website at <https://www.sam.gov/SAM/> as soon as possible in order to obtain information on and complete the online SAM registration process. Applicants should ensure that current bank routing and bank account information is included in the SAM.gov profile, as the banking information in the SAM at the time of application will be used to transfer reimbursement funds to your jurisdiction. For more information about renewing and updating your existing SAM registration, or registering in SAM as a new entity, please visit <https://sam.gov/content/help>. The SAM Helpdesk can be reached at (866) 606-8220.

45. How much funding will our jurisdiction receive?

BJA cannot provide information about anticipated funding levels. Given the dynamic nature of available funding and program participation, jurisdictions should complete applications based upon their current body armor vest needs for all eligible law enforcement officers.

46. Can we expect additional funding in the same federal fiscal year?

No. All funding decisions are made after the close of the application period, and all available program funds are committed.

47. How long will it take to receive funding?

Funds will be available approximately three to four months after the application deadline. BJA will notify successful applicants via email when the award is made and the funds are available.

48. How soon must we purchase body armor vests to avoid expiration of funds?

Recipients have approximately two years from the time the awards are released in the BVP system to request reimbursement. BVP awards are typically released by

September 30 of the applicable fiscal year, and the expiration date for the funds is provided in the award notification.

49. Once awarded, what is the process for receiving reimbursement for the body armor vests?

The reimbursement process may only be completed through the online BVP system. The chief executive or authorized designee, who must be an employee of the jurisdiction, must complete section 4.1 Manage Receipts, and then proceed to complete and submit section 5.1 Request Payment. Once the two sections have been completed, payment will be processed and transferred to the designated ACH account in SAM.gov that each applicant provided to BJA during the registration process. Payment will be made in approximately five to six weeks following successful submission and CEO certification of the payment request. Only the jurisdiction can request payment. Law enforcement agencies (LEA) will only be able to report receipt of body armor vests (by completing section 3.1). Once this is completed, the jurisdiction will then need to request payment on behalf of the LEA. Please note that during the Request Payment process, jurisdictions are required to identify the fund source or award from which the payment will be deducted. Step-by-step instructions for submitting payment requests can be found at:

<https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/BVPReceiptsandPaymentRequestsUserGuide.pdf>.

50. What responsibilities will the CEO have regarding the control and disbursement of funds?

Only the Chief Executive Officer (CEO) of a jurisdiction or an authorized designee, who is an employee of the jurisdiction, may request funds from OJP on behalf of the participating law enforcement agencies. Payments may be requested only after body armor vests have been purchased and delivered. The CEO or their authorized designee is responsible for ensuring that no law enforcement agency within their jurisdiction requests or receives BVP payments that exceed 50 percent of the cost of each body armor vest purchased.

51. What is Total Vest Cost?

The Total Vest Cost includes the cost of the body armor vest, body armor vest carriers, attachments, inserts, and covers considered integral or essential for its proper care, use, and wearability, including shipping, handling, fitting charges, and applicable taxes. Essentially, the total invoiced price, after all vendor and prompt payment discounts have been deducted, is what BJA uses to determine total cost. Information about the invoiced purchase price and related costs will be reported to BJA when payment is requested.

52. What is the unit price of a body armor vest?

The unit price can include the cost of an extra body armor vest carrier, attachments, inserts, and covers considered integral or essential for the vest's proper care, use, and wearability. Shipping and handling fees, fitting charges, and applicable taxes can also be included in the unit price.

53. Can we purchase body armor vests that we did not include in our application?

Yes. BJA recognizes that law enforcement agency operational and equipment needs may change. Consequently, participating agencies are not required to purchase the exact number, type or model of body armor vests contained in the approved application. Body armor vests may be purchased at any threat level, make or model, from any

distributor or manufacturer, as long as the body armor vests have been tested and found to comply with the applicable NIJ body armor standards, appear on the NIJ [Compliant Products List](#), are uniquely fitted, and are made in the United States. The original application cannot be changed; any changes in actual purchases are reflected in the online Receipt of Vests in the online payment request. All payments are made after eligible body armor vests have been ordered and received.

54. Are supplanting restrictions applicable to the BVP Program?

No. Supplanting is not prohibited under the BVP Program.

55. How will the BVP Program work with our jurisdiction's policy of procuring products from the lowest bidder?

Procurement policies are outside the scope of BVP. The online body armor vest application contains information about each agency's body armor vest needs, but agencies do not order body armor vests through this program. The actual purchase is handled through the agency's normal procurement process independent of the BVP Program. Purchasing from the lowest bidder and other requirements that may comprise agency procurement policy must be followed, documented, and maintained for future audit purposes.

56. I'm a correctional officer, and I'm more interested in a body armor vest that provides stab/puncture protection instead of ballistic protection. What assistance can you provide?

In September 2000, NIJ released [NIJ Standard 0115.00, Stab Resistance of Personal Body Armor](#), which classifies armor into two protection classes: spike (puncture-resistant) and edged blade. For each protection class, there are three protection levels against which the armor can be tested. The NIJ CTP includes armor tested in accordance with this standard, and models found to be in compliance are certified by NIJ, and then listed on the [NIJ Compliant Products List](#). For more information on stab protection, please see: <https://www.policearmor.org/Addressing-Real-World-Stab-Slash-Threats.html>.

57. When funding approval is made that accounts for less than 50 percent of the requested funds in a jurisdiction's application, who will determine how much each individual LEA within a jurisdiction receives?

The CEO of the jurisdiction, or their authorized designee, who is an employee of the jurisdiction, is responsible for ensuring the equitable distribution of funds to each LEA listed on each annual BVP approved application. The award amount made available to each LEA should be equal to the percentage of total funds that each LEA requested on the application. For instance, if an LEA's application equaled 10 percent of the total amount proposed on the application, that LEA should receive 10 percent of the actual award amount.

58. Can we link to the BVP website on our own homepage?

Yes. Agencies and organizations may link to the [BVP website](#).

59. Can we use the BJA or BVP logo?

The BJA and BVP logo cannot be used unless prior approval is granted by BJA. Prior-approval requests can be submitting a request to BJA using the online form at <https://bja.ojp.gov/library/communications-guidance#contact-us>. Additional information, including the available logos, can be found at: <https://bja.ojp.gov/library/communications->

[guidance/logos.](#)

60. Can we use the NIJ Mark?

No. The NIJ Mark is only available to manufacturers who actively participate in the NIJ CTP and may only be placed on armor that is certified and listed by NIJ.

61. Will our jurisdiction be subject to audits or inspections if we purchase body armor vests using BVP funds?

Yes. BVP payments and transactions are subject to audits and reviews by the General Accounting Office, Department of Justice's Office of the Inspector General, and applicable state/local auditors. Jurisdictions must follow their own procurement policies and procedures, including maintenance of reliable and accurate accounting systems, record keeping, and systems of internal control. Recipients of federal funds are expected to retain documentation supporting all BVP transactions for at least three years after the closure of audit reports related to such funding. If any litigation, claim, negotiation, audit, or other action involving records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all related issues, or until the end of the regular three-year period, whichever is later.

BODY ARMOR VEST INFORMATION

62. Which manufacturer makes the best body armor?

Neither BJA, NIJ, nor the NIJ CTP endorse any particular manufacturer or model of armor. NIJ standards for body armor and the NIJ CTP ensure that models of armor offered for sale to law enforcement and corrections personnel meet minimum performance requirements. NIJ publishes and continuously updates its [Compliant Products List](#), which includes models that have been tested and comply with the applicable NIJ standards.

63. Can jurisdictions utilize vendor promotional offerings//incentives offerings when purchasing body armor vests using BVP funds?

Yes. BJA does not interfere with legitimate, free market practices and processes that occur between body armor vest vendors and law enforcement consumers. BJA does not anticipate any oversight, review, or approval of discounts or incentives resulting from negotiations for body armor vest purchases. However, the terms and conditions of the procurement must comply with the jurisdiction's procurement laws and regulations. Further, BJA will not endorse any manufacturer over another nor will it provide information about a jurisdiction's financial transactions, purchasing terms and conditions, or vendor incentives and promotions.

64. How do I choose the right body armor?

NIJ's [Selection and Application Guide to Ballistic-Resistant Body Armor](#) contains important information to assist agencies and individual officers in selecting, purchasing, and caring for body armor. Body armor that is eligible to purchase using BVP funds must be selected from NIJ's [Compliant Products List](#).

65. How do I dispose of my old body armor vest?

Check with your department to determine whether there is a policy regarding the disposal of used body armor. If not, there are several organizations that accept donations of used body armor vests for distribution to law enforcement agencies here in the U.S. You may also wish to consult your local Fraternal Order of Police. If you are not

comfortable donating your used armor to another agency, you may also contact the manufacturer of your body armor vest to determine if they will dispose of your used body armor.

66. How does stab and puncture resistant body armor work?

Stab and puncture resistant body armor helps to prevent fatal/harmful injury caused by a severe cut and/or tear by a sharp object such as a knife. Stab and puncture resistant armors are made from a variety of materials. The most commonly used materials are made from extremely strong fibers, which can be either woven or laminated together. Other materials used are metals and composites. As the threat impacts the armor, the materials either deflect the threat, or due to their very high level of cut and/or tear resistance, they 'stretch' and the impact forces are dissipated over a larger area of the armor.

67. Is ballistic-resistant armor also stab/puncture resistant (or vice versa)?

The materials technology that makes body armor ballistically resistant does not necessarily make it stab or puncture resistant (and vice versa). The International Association of Chiefs of Police /DuPont KEVLAR Survivors' Club has documented several incidents over the years where ballistic resistant armor has provided some protection against attacks from a variety of sharp edged and other weapons.

68. What types of ballistic resistant materials are used to make body armor?

Flexible body armor vests that resist handgun threats can be made from a number of different types of woven or non-woven high-performance materials. Materials frequently found in such flexible body armor include aramids and ultrahigh molecular weight polyethylenes. Hard armor plates that resist rifle threats can be made from a number of materials, including steels, ceramics, polyethylenes, aramids, and other composite materials.

69. How long does body armor last?

There are several factors that can influence the service life of body armor. NIJ has sponsored research which indicates that age is not the only factor in determining the service life of armor. Other factors to consider include how regularly the armor was worn; how it was cared for; whether the armor fits the wearer properly; and the overall condition of the armor. BJA encourages departments to have a routine inspection program for body armor, just as they would for weapons, vehicles, and other types of issued equipment. NIJ's [Selection and Application Guide to Ballistic-Resistant Body Armor](#) contains a sample form which can be used as a checklist when inspecting armor.

70. What is the best way to care for body armor?

Follow the manufacturer's care instructions provided with your body armor vest or refer to the instructions on the armor labels. Failure to follow these instructions may damage the ballistic performance capabilities of the body armor vest. NIJ's [Selection and Application Guide to Ballistic-Resistant Body Armor](#) offers general guidelines on how to properly care for body armor vests.

71. How do I know if my body armor fits correctly?

How a body armor fits is very important and the BVP requires that armor purchased through the program be uniquely fitted. Officers should be measured so that the armor selected fits their torso well through a combination of correctly sized panels and carriers and adjustments that can be made on the carrier (via straps, velcro, etc.) The NIJ CTP

offers guidelines on how to determine proper fit of body armor here: <https://www.policearmor.org/basics/selection-fit.html>. In addition, more specific information on fit for female officers is provided here: <https://www.policearmor.org/basics/female-fit.html>.

For both male and female models of body armor vests, the NIJ CTP recommends that an agency arrange to have their officers try on a variety of models from different manufacturers on the NIJ [Compliant Products List](#). This will assist in selecting the model that provides the best combination of comfort, fit, and protection capability, as well as information concerning accessories and features. Be sure to ask the manufacturer's representative about ongoing customer support, and what steps they will take to properly measure and fit the body armor vests, as well as adjustments once the armor has been delivered. Ask the representative for references from other agencies that have purchased their armor and contact other agencies in your area who have recently purchased armor to learn about their experiences.

72. Is there a difference between male and female models of armor?

Yes, many armor panels are designed specifically for female officers. In addition, some manufacturers also offer armor carriers designed for female officers. Generally speaking, the difference between male and female models is that for female body armor, most manufacturers cut and stitch the material to create bust cups. Therefore, the NIJ Standard views male and female body armor vests as separate models, even though they may be made of the same type and sequence of layers of ballistic materials. When a female body armor model is tested, the laboratory is instructed to locate the seam that is created by folding and/or stitching the material to make the bust cup, and to place one of the shots on that seam. This is done to ensure that the weakest point of the body armor vest (typically a seam) provides the minimum level of ballistic protection required by the standard.

There are many different types and styles of female body armor vests, as well as different ways of fitting body armor vests in order to accommodate the various sizes and shapes needed for female officers. Some manufacturers have developed methods which 'mold' the bust cups into the material, negating the need for cutting and stitching to create a bust cup. Other manufacturers simply alter the outside dimensions of the panel (i.e., enlarging the arm hole openings) to accommodate certain types of builds and body types (commonly referred to as a 'unisex' body armor vest).

In summary, when selecting a female body armor vest, NIJ recommends that an agency look at and have their officers try on a variety of models from different manufacturers, which have been tested and found to comply with the NIJ Standard for Personal Body Armor. This will assist in selecting the model that provides the best combination of comfort, fit, and protection capability, as well as accessories and features.

OTHER OFFICER SAFETY RESOURCES

73. Does BJA offer any other resources for officer safety and wellness?

Yes. BJA provides [Law Enforcement Officer Safety and Wellness](#) programs and resources such as [BJA's Officer Robert Wilson III Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability \(VALOR\) Initiative](#), which provides a comprehensive set of programs that deliver no-cost officer safety, wellness, resilience training, resources, and technical assistance to law

enforcement throughout the country. VALOR brings together the latest research and practices to address current and emerging officer safety and wellness issues/threats. Please see the VALOR Initiative Overview-Booklet for a detailed synopsis of this important initiative: <https://bja.ojp.gov/doc/VALOR-Initiative-Overview-Booklet.pdf>.

In addition, BJA launched a proactive initiative to create collections of critical and impactful resources designed to address the most crucial and current challenges officers are facing. These include:

- [Mitigating the impact of stress on officers and their families.](#)
- [Preventing suicide among law enforcement officers.](#)
- [Increasing officer safety by defusing difficult situations.](#)
- [Promoting public confidence in policing and, in doing so, honoring those who serve.](#)

74. Do other DOJ components offer officer safety and wellness resources?

Yes. The DOJ Office of the Associate Attorney General has a dedicated website that includes articles, podcasts, infographics, trainings, webinars, and other publications produced in recent years dealing with all aspects of law enforcement officer and family wellness, including information on a variety of topics such as financial literacy, substance use disorders, and preventing or recovering from the suicide death of a colleague, among others. See: <https://www.justice.gov/asq/officer-safety-and-wellness-resources>.

75. Are there any officer safety and wellness programs designed specifically for corrections officers?

Yes. BJA will soon launch a Corrections Officer and Staff Safety and Wellness Center ("The Center"). The Center will develop and offer training and technical assistance to improve institutional and community corrections officer and staff safety and wellness and will build upon the knowledge base of what works to continually improve the safety and wellness of officers and staff. The Center will serve as a repository of corrections policies, protocols, trainings, and innovations that work to improve corrections officer and staff safety, wellness, resilience, and retention. In addition, it will identify, prioritize, develop, and deliver trainings to improve safety, wellness, resilience, and retention. In addition, since suicide by corrections officers occurs at a rate much higher than that of the general population, The Center will also consider and address suicide awareness and prevention. The Center may also work with corrections officers (institutional and community) to test new strategies, policies, and protocols.



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

MEMORANDUM

DATE: 05/08/2023

TO: Luci Dance/Michael Catalano

VIA: Chain of Command

FROM: Nikki Smith- Accountant/Grants

RE: Agenda Item

SUBJECT: Agenda Item Request

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Request to Participate

Funding Opportunity Title:
BJA FY 23 Paul Coverdell Forensic Science Improvement Grants

Funding Opportunity Number: O-BJA-2023-171700

FCSO seeks consideration to apply for the BJA FY 23 Paul Coverdell Forensic Science Improvement Grant in coordination with the Flagler County BOCC as the jurisdiction/applicant. If awarded, funding will assist in the acquisition of forensic equipment for the Flagler County Sheriff's Office Investigative Services Division. This solicitation does not require a match.

DEPARTMENT CONTACT: Valena Smith, Staff Accountant-Grants Specialist (386) 586-2732
Michael Catalano, Grant & Project Accountant (386) 313-4049

ATTACHMENTS:

FY 2023 Paul Coverdell Forensic Science Improvement Grants Program Solicitation

Proudly Serving the Community Since 1917
A Four Diamond Accredited Law Enforcement Agency



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



BJA FY 23 Paul Coverdell Forensic Science Improvement Grants Program – Competitive

Assistance Listing Number # 16.742

Grants.gov Opportunity Number: O-BJA-2023-171700

Solicitation Release Date: March 30, 2023 5:00 PM ET

Step 1: Application Grants.gov Deadline: May 24, 2023 8:59 PM ET

Step 2: Application JustGrants Deadline: May 31, 2023 8:59 PM ET

Overview

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) seeks applications for funding to the FY 2023 Paul Coverdell Forensic Science Improvement Grants Program – Competitive, to improve forensic science and medical examiner/coroner services, including services provided by laboratories operated by states and units of local government. This program furthers the DOJ's mission by providing states and units of local government with tools needed to meet the challenges of crime and justice.

This solicitation incorporates guidance provided in the OJP Grant Application Resource Guide which provides additional information for applicants to prepare and submit applications to OJP for funding. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

Solicitation Categories

This solicitation does not include Solicitation Categories.

Eligible Applicants:

City or township governments, County governments, State governments

An applicant entity may submit more than one application, if each application proposes a different project in response to the solicitation. Also, an entity may be proposed as a subrecipient (subgrantee) in more than one application.

Contact Information

For assistance with the requirements of this solicitation, contact the OJP Response Center at 800-851-3420, 301-240-6310 (TTY for hearing-impaired callers only), or grants@ncjrs.gov. The OJP Response Center operates from 10:00 a.m. to 6:00 p.m. eastern time (ET) Monday–Friday, and 10:00 a.m. to 8:00 p.m. ET on the solicitation close date.

Submission Information

Registration: Before submitting an application, all applicants must register with the System for Award Management (SAM). You must renew and validate your registration every 12 months. If you do not renew your SAM registration, it will expire. An expired registration can delay or prevent application submission in Grants.gov and JustGrants. Registration and renewal can take up to 10 business days to complete.

Submission: Applications must be submitted to DOJ electronically through a two-step process via Grants.gov and JustGrants.

Step 1: The applicant must submit by the Grants.gov deadline the required **Application for Federal Assistance standard form (SF-424)** and a **Disclosure of Lobbying Activities (SF-LLL)** form when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. **Submit the SF-424 and SF-LLL as early as possible, but no later than 48 hours before the Grants.gov deadline.** If an applicant fails to submit in Grants.gov, they will be unable to apply in JustGrants.

For technical assistance with submitting the SF-424 and a SF-LLL in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, Grants.gov Customer Support, or support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

Step 2: The applicant must submit the **full application**, including attachments, in JustGrants at [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov) by the JustGrants application deadline.

For technical assistance with submitting the **full application** in JustGrants, contact the JustGrants Service Desk at 833-872-5175 or JustGrants.Support@usdoj.gov. The JustGrants Service Desk operates 7 a.m. to 9 p.m. ET Monday–Friday and 9 a.m. to 5 p.m. ET on Saturday, Sunday, and Federal holidays.

OJP encourages applicants to review the “[How To Apply](#)” section in the [OJP Grant Application Resource Guide](#) and the [JustGrants website](#) for more information, resources, and training. Applicants should maintain all receipts and confirmations received from SAM.gov, Grants.gov, JustGrants systems.

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Program Description

Overview

OJP is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

With this solicitation, the Bureau of Justice Assistance (BJA) seeks to fund proposals for competitive funding under the Paul Coverdell Forensic Science Improvement Grants Program – Competitive (Coverdell Competitive Program), which awards grants to states and units of local government to help improve forensic science and medical examiner/coroner services. Under the Coverdell Competitive Program, state administering agencies (SAAs) may apply for both formula and competitive funds. Units of local government may apply for competitive funds. **This solicitation is ONLY for competitive funds.** An applicant seeking to apply for Coverdell formula funds (consistent with 34 U.S.C. § 10563(a)(1)) available for grants to eligible states would need to apply separately under BJA's FY 2023 Paul Coverdell Forensic Science Improvement Grants Program (Formula) solicitation.

Statutory Authority

Pub. L. No. 90-351, Title I, Sec. 2801-2806 (codified at 34 U.S.C. 10561-10566)

Specific Information

This program furthers the Department's mission by providing states and units of local government with tools needed to meet the challenges of crime and justice. Specifically, this program seeks to improve forensic science and medical examiner/coroner services, including services provided by laboratories operated by states and units of local government. Funding is to be used for forensic science laboratories. (See the Definitions section for additional information).

Funding awarded under the Coverdell Program may not be used for research. However, applicants may address emerging forensic science issues and technology through implementation of new technologies and processes into public laboratories. Applicants are encouraged to review resources, such as the National Institute of Justice's Forensic Technology Center of Excellence (FTCoE) when working to evaluate and implement new technologies and processes in the laboratory to help ensure that strong evidence-based methods and best practices are used. FTCoE provides reports, webinars, and other free products to assist practitioners with technology transition (including implementation strategies, technology landscape studies, and success stories).

Agencies are also encouraged to participate in the National Forensic Laboratory Information System (NFLIS). NFLIS is a program of the Drug Enforcement Administration (DEA), Diversion Control Division, and systematically collects drug identification results and associated information from drug cases submitted to and analyzed by participating federal, state, and local forensic laboratories with drug chemistry sections. The program consists of three components (Drug, Toxicology, and Medical Examiner/Coroner) that complement each other to provide a

holistic picture of the drugs analyzed by the U.S. forensic community. Data are submitted on a voluntary basis and agencies are encouraged to seek participation from any labs used for outsourcing in an effort to strengthen the understanding of drug mortality, novel psychoactive substances, drug frequency trends, levels of drugs involved in cause of death, and laboratory or office methods and practices.

Definitions

For the purposes of this solicitation, the following are defined:

Backlog: A backlog in the analysis of forensic science evidence exists if such evidence:

- Has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility.
- Has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.

Forensic Science Laboratory: Any state/local government entity performing forensic science services is considered a "forensic science laboratory." Medical examiner and coroner offices are considered to be forensic science laboratories for the purposes of this solicitation.

Research: A systematic investigation—including research development, testing, and evaluation—designed to develop or contribute to generalizable knowledge. Validation of established technologies for implementation in a laboratory setting is not considered research for the purposes of this solicitation.

Accreditation: A formal process by which an impartial entity reviews the policies and procedures of an organization to ensure its operations are consistent with national or international standards. Accreditation assesses a forensic laboratory's capacity to generate and interpret results in a particular forensic discipline and helps to ensure an ongoing compliance to industry and applicable international standards.

Goals, Objectives, and Deliverables

Goals

The result of Coverdell grants to applicant states should be a demonstrated improvement over current operations in forensic science or medical examiner/coroner services provided in the state, including services provided by laboratories operated by the state and services provided by laboratories operated by units of local government within the state. Reduction in forensic analysis backlogs is considered an improvement in timeliness of services.

The result of Coverdell grants made directly to units of local government should be a demonstrated improvement over current operations in forensic science or medical examiner/coroner services provided by the local jurisdiction.

Objectives

An applicant should address the objectives that are relevant to their proposed program/project in the Goals, Objectives, Deliverables and Timeline web-based form.

A state or unit of local government that receives a Coverdell grant must use the grant for one or

more of the following six purposes/objectives:

1. To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner/coroner services in the state, including those services provided by laboratories operated by the state and those operated by units of local government within the state.
2. To eliminate a backlog in the analysis of forensic science evidence, including, among other things, a backlog with respect to firearms examination, latent prints, impression evidence, toxicology, digital evidence, fire evidence, controlled substances, forensic pathology, questioned documents, and trace evidence.
3. To train, assist, and employ forensic laboratory personnel and medicolegal death investigators, as needed, to eliminate such a backlog.
4. To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).
5. To educate and train forensic pathologists.
6. To fund medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.

Important Note: Congress has appropriated funding to help the forensic science community address the specific challenges crime laboratories are confronting related to the proliferation of opioids and synthetic drugs. To address these issues, BJA plans to allocate approximately 55 percent of available funds to specifically target the challenges that opioids and synthetic drugs have brought to the forensic science community.

Deliverables

All Coverdell grantees are required to report specific programmatic metrics (see [Performance Measures](#)). In addition, the applicant is asked to consider what other metrics may be of use in demonstrating the successful outcome of the program/project.

The Goals, Objectives, and Deliverables are directly related to the performance measures that show the completed work's results, as discussed in the "Application and Submission Information" section.

Evidence-Based Programs or Practices

OJP strongly encourages the use of data and evidence in policymaking and program development for criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the [OJP Grant Application Resource Guide](#).

Information Regarding Potential Evaluation of Programs and Activities

OJP may conduct or support an evaluation of the projects and activities funded under this solicitation. For additional information and applicable documentation to be included in the application, see the [OJP Grant Application Resource Guide](#) section entitled "Information Regarding Potential Evaluation of Programs and Activities."

Federal Award Information

Solicitation Categories

This solicitation does not include Solicitation Categories.

Awards, Amounts and Durations

Anticipated Number of Awards

10

Anticipated Maximum Dollar Amount of Awards

\$500,000

Period of Performance Start Date

10/1/23

Period of Performance Duration (Months)

36

Anticipated Total Amount to be Awarded Under Solicitation

\$4,690,617

Continuation Funding Intent

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation through continuation awards. OJP will consider, among other factors, OJP's strategic priorities, a recipient's overall management of the award, and the award-funded work's progress, when making continuation award decisions.

Availability of Funds

This solicitation, and awards under this solicitation, are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by the agency or by law. In addition, nothing in this solicitation is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Type of Award

BJA expects to make awards under this solicitation as grants. See the "Administrative, National Policy, and Other Legal Requirements" section of the [OJP Grant Application Resource Guide](#) for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See the [OJP Grant Application Resource Guide](#) for additional information.

Budget Information

The figures and calculations reflected in this solicitation are based on an estimated total amount available of \$31,270,782 (combined Formula and Competitive funds available), although the amount ultimately made available could be higher or lower. Applicants are strongly advised to check for updates to the solicitation prior to submitting applications.

Competitive Funds for States and Units of Local Government

Fifteen percent (\$4,690,617) of the available funds will be allocated among states and units of local government through a competitive process. The average annual number of Part 1 violent crimes reported by each state to the Federal Bureau of Investigation for calendar years 2019, 2020, and 2021; existing resources; and current needs of the potential grant recipient will be considerations in award decisions. For FY 2023, the maximum amount a state or unit of local government may receive in competitive funds is \$500,000. Units of local government that provide forensic science or medical examiner/coroner services (whether through a forensic science laboratory, medical examiner office, or coroner's office) may apply directly to BJA for competitive funds. A state may apply through its SAA for competitive funds for forensic sciences improvements above and beyond those it can accomplish with its estimated amount of formula funds.

Permissible Expenses

The types of expenses listed below may generally be paid with Coverdell funds. Federal funds must be used to supplement existing state and local funds for program activities, and must not supplant those funds that have been appropriated for the same purpose. Please refer to the DOJ Grants Financial Guide, section 2.3, "Standards for Financial Management Systems," for more information on supplanting.

Note: The following list details the types of expenses allowed under the Coverdell Program. These expenses should NOT be used as budget categories—instead they are to be incorporated into the appropriate standard OJP budget categories. For more information on OJP's standard budget format, see the section titled What an Application Should Include.

- **Salary and benefits of laboratory employees.** Funds may be used for forensic science or medical examiner/coroner office personnel, fellowships, visiting scientists, interns, consultants, or temporary staff.
- **Overtime for laboratory staff.** Funds may be used to pay overtime for laboratory scientists (excluding executive personnel) to directly examine, analyze, and interpret physical and/or digital evidence in criminal matters. Any payments for overtime must be in accordance with the applicable provisions of the DOJ Financial Guide.
- **Computerization.** Funds may be used to upgrade, replace, lease, or purchase computer hardware and software for forensic analyses and data management.
- **Laboratory equipment.** Funds may be used to upgrade, lease, or purchase forensic laboratory **or medical examiner/coroner office equipment and instrumentation.**
- **Supplies.** Funds may be used to acquire forensic laboratory or medical examiner/coroner office supplies.
- **Accreditation.** Funds may be used to prepare for laboratory accreditation by the ANSI-ASQ National Accreditation Board (ANAB), National Association of Medical Examiners (NAME), the American Association for Laboratory Accreditation (A2LA), International Association of Coroners & Medical Examiners (IAC&ME) or other appropriate, accrediting bodies for forensic science and/or medicolegal death investigation. Funds may also be used for application and maintenance fees charged by appropriate accrediting bodies. Per 34

U.S.C. §10562(2), such an accrediting body must be “an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement[.]”

An applicant that proposes to use any portion of the grant amount to fund a forensic science laboratory system, including any laboratory operated by a unit of local government within the state, that is not accredited (as set out in the Coverdell law) will be required to use (or, as applicable, must require any unaccredited subrecipient forensic science laboratory system to use) a portion of the grant amount for accreditation purposes. Coverdell awardees must use grant funds to prepare and apply for accreditation of any FY 2023 Coverdell grant-funded unaccredited forensic laboratory system, including any laboratory operated by a unit of local government within the state, not more than 2 years after the FY 2023 Coverdell award date.

- **Education, training, and certification.** Funds may be used for appropriate internal and external training of staff that are involved directly and substantially in providing forensic science or medical examiner/coroner services. In appropriate cases, funds also may be used for fees charged by appropriate certifying bodies for certification of staff in specific forensic discipline areas. All education, training, and certification activities must be designed to improve forensic science or medical examiner/coroner services. The grant application should demonstrate that the proposed training or certification is directly related to the job position and duties of the individual(s) receiving the training or seeking certification. OJP recognizes the benefit of attending discipline-related conferences to receive training and/or education, however, it is recommended that the applicant consider the cost-effectiveness of this option compared to other viable modes of training. For example, hosting onsite training or attending a local program may be more suitable for the applicant’s personnel and organization.
- **Facilities.** Funds may be used for program expenses related to facilities, provided that the expenses are directly attributable to improving forensic science or medical examiner/coroner services. Funds may also be used for renovation and/or construction undertaken as part of the applicant’s program to improve forensic science or medical examiner/coroner services.
- **Limitations on use of funds for costs of new facility.** The Coverdell law limits the amount of funds that may be used for the costs of a new facility or facilities (34 U.S.C. § 10564(c)). Maximum amounts are determined by the total amount of the Coverdell grants received (including both formula and competitive funds) and the total amount of funds available for Coverdell grants nationwide. The maximum amounts that may be used for costs of new facilities are as follows below. Note that estimates and calculations are based on the assumption that the total available funds for Coverdell awards in FY 2023 (Formula and Competitive) will be \$31,270,782. Please refer to the discussion under Available Funding.

Grants that exceed 0.6 percent of the total available funds. If an applicant state receives grants whose total amount exceeds 0.6 percent of the total available funds (estimated here at \$187,625), the amount of the grant that can be used for the costs of any new facility cannot exceed the sum of 80 percent of 0.6 percent of the total available funds (such 80 percent estimated here at \$150,100) plus 40 percent of the amount of the grant in excess of 0.6 percent of the total available funds. For example, if \$31,270,782 were to become available for Coverdell awards in FY 2023 and a state were to receive a total Coverdell grant of \$312,708, no more than \$237,658 may be used for the costs of any new facility.

A sample calculation for a \$312,708 grant would be as follows:

Eighty percent of 0.6 percent of the total available funds: $\$187,625 \times .80 = \$150,100$.

Amount in excess of \$312,708: $\$312,708 - \$187,625 = \$125,083$.

Forty percent of amount in excess of \$312,708: $\$125,083 \times .40 = \$50,033$.

Sum of $\$150,100 + \$50,033 = \$200,133$.

Estimates and calculations are based on the assumption that the total available funds for ALL Coverdell awards (formula and competitive) in FY 2023 will be \$31,270,782.

- Administrative expenses. Not more than 10 percent of the total amount of a Coverdell grant may be used for a recipient's administrative expenses.

Program activity involving forensic genetic genealogical DNA analysis and searching (FGGS) is subject to the DOJ [Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching](#) or to the final policy, when issued. See Performance Measures for additional required grantee reporting on FGGS activities.

Note on the use of funds to address opioid- and synthetic drug-related challenges: The application should demonstrate, wherever applicable, how any proposed use of funds would address challenges that opioids and/or synthetic drugs have brought to the forensic science community, as described in the "Important Note" under "Objectives" in the Program Description. To facilitate this, an applicant should annotate each line item in the budget as "opioid- and/or synthetic drug-related" (addressing the opioid and/or synthetic drug crisis) or "non-opioid- or synthetic drug-related." Coverdell funds are available for permissible uses that would not address the opioid- and synthetic drug-related challenges. However, applications requesting Coverdell funds for projects that address specified opioid- and synthetic drug-related challenges to the forensic science community will be given priority consideration in award decisions over applications not requesting funds for such projects.

Expenses That Are Not Permitted

1. **Funds to conduct research**, although applicants may address emerging forensic science issues and technology through implementation of new technologies and processes into public laboratories.
2. **Expenses other than those listed above** (including expenses for general law enforcement functions or non-forensic investigatory functions).
3. **Costs for any new facility** that exceed the limits described above.
4. **Recipient administrative expenses** (direct or indirect) that exceed 10 percent of the total grant amount.
5. **The use of funds for the purchase and/or lease of vehicles**, such as crime scene vans.
6. **The use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV)**, and all accompanying accessories to support UAS/UAV, is unallowable.

Cost Sharing or Matching Requirement

This solicitation does not require a match.

Pre-agreement Costs (also known as Pre-award Costs)

See the [OJP Grant Application Resource Guide](#) for information on pre-agreement costs (also known as pre-award costs).

Limitation on Use of Award Funds for Employee Compensation: Waiver

See the [OJP Grant Application Resource Guide](#) for information on the Limitation on Use of Award Funds for Employee Compensation; Waiver.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

See the [OJP Grant Application Resource Guide](#) for information on Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs.

Costs Associated with Language Assistance (if applicable)

See the [OJP Grant Application Resource Guide](#) for information on Costs Associated with Language Assistance.

Eligibility Information

For eligibility information, see the solicitation cover page.

For information on cost sharing or match requirements, see the “Federal Award Information” section.

States and units of local government may apply for FY 2023 Coverdell Competitive Program funds for use for forensic science laboratories (see Definitions section for additional information on how “forensic science laboratory” is defined for the purposes of this solicitation).

States may be eligible for both formula and competitive funds. Units of local government within states may be eligible for competitive funds and may apply directly to BJA. This solicitation is ONLY for the competitive funds. Any state application for funding MUST be submitted by the Coverdell SAA (see a list of SAAs on the OJP website at <http://www.ojp.usdoj.gov/saa/index.htm>). (Other interested state agencies or departments must coordinate with their respective SAAs.)

For the purposes of this solicitation, “state” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Notice regarding law enforcement agencies: State, local, and university or college law enforcement agencies must be certified by an approved independent credentialing body or have started the certification process to be eligible for FY 2023 DOJ discretionary grant funding. To become certified, the law enforcement agency must meet two mandatory conditions: (1) the agency’s use-of-force policies adhere to all applicable federal, state, and local laws, and (2) the agency’s use-of-force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. The certification requirement also applies to law enforcement agencies receiving DOJ discretionary grant funding through a subaward. For detailed information on this certification requirement, please visit <https://cops.usdoj.gov/SafePolicingEO> to access the Standards for Certification on Safe Policing for Safe Communities, the Implementation Fact

Sheet, and the List of Designated Independent Credentialing Bodies.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

Note: A prospective recipient of grant funds that is found to have an “unresolved audit finding” from a DOJ Office of the Inspector General audit, as described in 34 U.S.C. § 10263, will be ineligible to receive grant funds during the period specified in that statute. See 34 U.S.C. § 10263(2).

The Coverdell law (34 U.S.C. § 10562) requires that, to request a grant, an applicant for Coverdell funds **must submit:**

- **A certification and description regarding a plan for forensic science laboratories (state form OR unit of local government form).** Each applicant must submit a certification that the state or unit of local government has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including such services provided by the laboratories operated by the state and those operated by units of local government within the state. Applicants must also specifically describe the manner in which the grant will be used to carry out that plan.
- A certification regarding use of **generally accepted laboratory practices**. Each applicant must submit a certification that any forensic laboratory system, medical examiner’s office, or coroner’s office in the state, including any laboratory operated by a unit of local government within the state, that will receive any portion of the grant amount (whether directly or through a subgrant) uses generally accepted laboratory practices and procedures established by accrediting organizations or appropriate certifying bodies.
- **A certification regarding forensic science laboratory accreditation.** Each applicant must submit a certification that any forensic science laboratory system in the state, including any laboratory operated by a unit of local government within the state, that will receive any portion of the grant amount (whether directly or through a subgrant) either is accredited or is not so accredited, but will (or will be required in a legally binding and enforceable writing to) use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under the FY 2023 Coverdell Program.

NOTE: Applicants requesting funds for only medical examiner or coroner’s offices are not required to submit this certification. See 34 U.S.C. § 10562(2).

- **A certification and description regarding costs of new facilities.** Each applicant must submit a certification that the amount of the grant used for the costs of any new facility constructed as part of a program to improve the quality and timeliness of forensic science or medical examiner services will not exceed certain limitations set forth in the Coverdell law at 34 U.S.C. § 10564(c). (See information on “permissible expenses” in Federal Award Information.) Applicants must also specifically describe any new facility to be constructed, as well as the estimated costs of the facility.

NOTE: Applicants must submit this certification even if no new facilities are being

constructed.

- **A certification regarding external investigations into allegations of serious negligence or misconduct and the External Investigations Attachment Template.** Each applicant must submit a certification that “a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner office, coroner’s office, law enforcement storage facility, or medical facility in the state that will receive a portion of the grant amount.” In connection with the certification regarding external investigations (described above), applicants must provide, prior to receiving award funds, the name(s) of the existing “government entity” (or government entities). This information is to be provided as an attachment to the proposal narrative section of the application using the External Investigations Attachment Template.

Applicants are expected to carefully review the requirements of each certification before determining whether the certification may be properly made. Any certification that is submitted must be executed by an official who is both familiar with the requirements of the certification and authorized to make the certification on behalf of the applicant agency (that is, the agency applying directly to BJA). **Certifications must be submitted using the templates provided at Paul Coverdell Forensic Science Improvement Grants Program | Certifications | Bureau of Justice Assistance (ojp.gov)**.

Certifications made on behalf of subrecipients of award funds—rather than certifications made on behalf of the agency applying directly to BJA—are not acceptable to satisfy the certification requirements and should not be submitted.

In connection with the certification regarding forensic science laboratory accreditation (described above), applicants must demonstrate, prior to receiving award funds, that any forensic science laboratory system, including any laboratory operated by a unit of local government within the state, that will receive any portion of the grant amount either is accredited or will (or will be required to) prepare and apply for accreditation consistent with the Coverdell law. See the “What an Application Should Include” section, which describes the documentation and information an applicant is to provide regarding its accreditation or its plans to prepare and apply for accreditation.

The accrediting body must be a signatory to an internationally recognized arrangement and must offer accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement. The scope of the accreditation must include all discipline(s) for which funds are requested. If the current scope of accreditation does not include the discipline(s) for which funds are requested, the applicant must include funds in its budget and plans in its proposal narrative to prepare and apply for accreditation in those disciplines.

Please note that funds will not be made available to applicant agencies that fail to provide the necessary information.

Important Note on Referrals in Connection with Allegations of Serious Negligence or

Misconduct

The highest standards of integrity in the practice of forensic science are critical to the enhancement of the administration of justice. BJA assumes that recipients (and subrecipients) of Coverdell funds will make use of the process referenced in their certification as to external investigations and will refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to government entities with an appropriate process in place to conduct independent external investigations, such as the government entities identified in the grant application.

For **each fiscal year** of an award made under this solicitation, recipients will be required to report to BJA on an annual basis:

- The number and nature of any such allegations.
- Information on the referrals of such allegations (e.g., the government entity or entities to which referred, the date of referral).
- The outcome of such referrals (if known as of the date of the report).
- If any such allegations were not referred, the reason(s) for the nonreferral.

Payments to recipients (including payments under future awards) may be withheld if the required information is not submitted on a timely basis.

Special Guidance on Certification Regarding External Investigations into Allegations of Serious Negligence or Misconduct

The certification regarding external investigations has a number of requirements—each of which must be satisfied before the certification may be made. The official authorized to make the certification on behalf of the applicant agency must carefully review each of the statutory elements and this guidance before determining whether a certification properly may be made.

After reviewing the information and guidance provided here, the official, on behalf of the applicant agency, must determine whether:

- A government entity exists
- With an appropriate process in place
- To conduct independent, external investigations
- Into allegations of serious negligence or misconduct
- Substantially affecting the integrity of the forensic results
- Committed by employees or contractors
- Of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the state that will receive a portion of the grant amount.

Note: In making this certification, the certifying official is certifying that these requirements are satisfied not only with respect to the applicant itself, but also with respect to each entity that will receive a portion of the grant amount. Certifying officials are advised that:

1. A false statement in the certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and/or 1621 and

34 U.S.C. §§ 10271-10273.

2. OJP grants, including certifications provided in connection with such grants, are subject to review by OJP and/or DOJ's Office of the Inspector General.

The following guidance, provided by way of examples for applicants' review, is designed to illustrate elements of the external investigation certification that the official authorized to make the certification on behalf of the applicant agency must take into account in determining whether the certification may be properly made.

Because it is not possible for BJA to provide examples relating to every type of government entity with an appropriate process in place to conduct independent, external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors, this guidance should not be viewed as all inclusive. In addition, this guidance is not intended to constitute legal advice from BJA on the question of whether the required certification may be properly made on behalf of the applicant. Such a determination must be made by an appropriate official based on the statutory requirements of the certification after review of this guidance.

Illustrative Examples:

One: The only government entity that will receive Coverdell award funds is a forensic laboratory that is a unit of a local law enforcement agency (e.g., a police department). The law enforcement agency has an Internal Affairs Division (IAD) that reports directly to the head of the law enforcement agency (the police chief) and the head of the unit of local government (the mayor/city commissioner). The IAD has the authority to conduct investigations into allegations of serious negligence or misconduct by laboratory employees and contractors.

Guidance: Execution of the certification might be appropriate under these facts. Nevertheless, the official authorized to make the certification on behalf of the applicant agency must be satisfied that the IAD at issue has the requisite authority to conduct independent investigations (for example, whether the IAD is completely free from influence or supervision by laboratory management officials) into allegations relating to employees or contractors of the laboratory.

Two: A state intends to distribute Coverdell award funds to state and local forensic laboratories and medical examiners/coroners' offices. There is an Office of the Inspector General (OIG) in the state with authority to conduct investigations into allegations of serious negligence or misconduct by employees and contractors of forensic laboratories and medical examiner/coroner's offices, both at the state and local levels.

Guidance: Execution of the certification might be appropriate under these facts. Nevertheless, the certifying official must be satisfied that the state OIG's authority in this regard is not circumscribed in such a way that the OIG's ability to conduct independent investigations is limited (for example, through a reporting hierarchy that does not provide for the OIG to report directly to the chief executive officer or another equally independent state official or office).

Three: A city has applied for a Coverdell award and all funds will go to the city's forensic laboratory. There is a process in place whereby the city's district attorney (DA) may appoint an independent investigator to conduct an investigation into allegations

concerning the city's forensic laboratory. If the DA appoints an independent investigator, the investigator will have authority to investigate allegations of serious negligence or misconduct by both laboratory employees and contractors.

Guidance: Execution of the certification might be appropriate under these facts. In this regard, however, the certifying official must be satisfied that the process at issue (appointment of an independent investigator by the city DA) includes procedures under which allegations involving the laboratory are submitted to or are made known to the DA, and that the DA's authority and responsibility to appoint an independent investigator to conduct investigations of such allegations is sufficiently delineated in city policies and/or regulations so that the "appropriate process" in place is clearly defined.

Four: An applicant agency determines that the forensics laboratory director (or some other individual in the chain of command at the laboratory) has sole responsibility to conduct investigations into allegations of serious negligence or misconduct committed by laboratory employees.

Guidance: Under these circumstances, execution of the certification would not be appropriate because there is no process in place to conduct independent external investigations into allegations of serious negligence or misconduct committed by laboratory employees and contractors.

Five: A state applicant intends to distribute Coverdell award funds to forensic laboratories at both the state and local levels. An independent commission established by the Governor has authority to investigate allegations of serious negligence or misconduct by employees, including employees of units of local government within the state.

Guidance: Under these circumstances, the existence of this commission is not itself a sufficient basis for execution of the certification. In this regard, the commission does not have authority to investigate allegations of serious negligence or misconduct by contractors of state and local government forensic laboratories that receive Coverdell funds. (If, however, some other government entity, distinct from the commission, has a process in place to conduct independent external investigations of allegations of serious negligence or misconduct by such contractors, execution of the certification might be appropriate depending on all the facts.)

Six: A local forensic laboratory, which is intended to receive a portion of the funds from a Coverdell award to a state, notifies the state applicant that a quality assurance official is responsible for investigating allegations of serious negligence or misconduct by employees and contractors of the local forensic laboratory. The quality assurance official reports to the director of the forensic laboratory.

Guidance: Under these circumstances, execution of the certification would not be appropriate because the quality assurance official reports to the director of the forensic laboratory; therefore, there is no process in place to conduct independent external investigations of allegations against the forensics laboratory as required to make the certification.

Seven: An applicant agency (a forensics laboratory) intends to employ a contractor or a nongovernmental organization to conduct investigations into allegations of serious

negligence or misconduct committed by laboratory employees.

Guidance: Under these circumstances, execution of the certification would not be appropriate as there is neither a government entity nor an appropriate process in place to conduct independent external investigations of allegations against the laboratory, whether alleged to be committed by laboratory employees and/or contractors, because the contractor or nongovernmental entity is employed by and responsible to the forensics laboratory.

Eight: An applicant agency is accredited by an independent accrediting or certifying organization such as ANAB, NAME, A2LA, IAC&ME, etc.

Guidance: In this situation, execution of the certification would not be appropriate. The fact of accreditation or certification by an outside entity on its own does not demonstrate that the agency has a process in place to investigate allegations of serious negligence or misconduct committed by employees or contractors. There is insufficient information to properly make the required certification in this situation.

Application and Submission Information

Content of Application Submission

The following application elements **must** be included in the application to meet the basic minimum requirements to advance to peer review and receive consideration for funding:

- Proposal Abstract
- Proposal Narrative
- Budget Web-Based Form (The web-based form includes the budget details and the budget narrative.)
- All five certifications required by the Coverdell law. Medical examiner and coroner offices are exempt from submitting the certification regarding accreditation.

If OJP determines that an application does not include these elements, it will neither proceed to peer review, nor receive further consideration.

Information to Complete the Application for Federal Assistance (SF-424) in Grants.gov

The SF-424 must be submitted in Grants.gov. It is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the OJP Grant Application Resource Guide for additional information on completing the SF-424.

In Section 8F of the SF-424, please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information (*email address*) to assign the application to this user in JustGrants.

Intergovernmental Review: This solicitation (“funding opportunity”) is subject to Executive Order (E.O.) 12372. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website: <https://www.whitehouse.gov/wp-content/uploads/2020/04/SPOC-4-13-20.pdf>. If the applicant’s State appears on the SPOC list, the applicant must contact its SPOC to find out about, and comply with, the State’s process under E.O.

12372. On the SF-424, an applicant whose State appears on the SPOC list is to make the appropriate selection in response to question 19, once the applicant has complied with its State E.O. 12372 process. An applicant whose State does not appear on the SPOC list should answer question 19 by selecting “Program is subject to E.O. 12372 but has not been selected by the State for review.”

Standard Applicant Information (JustGrants 424 and General Agency Information)

The “Standard Applicant Information” section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and make edits as needed. Within this section, the applicant will need to add ZIP codes for areas affected by the project; confirm their Authorized Representative; and verify and confirm the organization’s unique entity identifier, legal name, and address.

Proposal Abstract

A Proposal Abstract (no more than 400 words) summarizing the proposed project — including its purpose, primary activities, expected outcomes, the service area, intended beneficiaries, and subrecipients (if known) — must be completed in the JustGrants web-based form. This abstract should be in paragraph form without bullets or tables, written in the third person, and exclude personally identifiable information. Abstracts will be made publicly available on the OJP and USASpending.gov websites if the project is awarded. See the [OJP Grant Application Resource Guide](#) for an example of a proposal abstract. Proposal abstracts should:

- Identify the partner(s) involved in the project, if any.
- Provide an outline limited to the scope of the FY 2023 Coverdell Competitive Program.

Proposal Narrative

The Proposal Narrative should be submitted as an attachment in JustGrants. The attached document should be double-spaced, using a standard 12-point font; have no less than 1-inch margins; and should not exceed 20 numbered pages. If the Proposal Narrative fails to comply with these length restrictions, BJA may consider such noncompliance in peer review and in final award decision.

The proposal narrative must specifically describe the manner in which Coverdell grant funds will be used to carry out the applicant’s plan to improve forensic science or medical examiner/ coroner services over current operations. (Reduction of forensic analysis backlogs is considered an improvement in timeliness of services.)

If grant funds are requested to cover the costs of a new facility, the proposal narrative must specifically describe the new facility to be constructed and the estimated costs of that facility.

State applicants. A state that seeks competitive funds should describe how competitive funds will be used to support improvements in forensic science or medical examiner/ coroner services above and beyond the improvements it will accomplish with its estimated amount of formula funds. States are expected to consider the needs of laboratories operated by units of local government as well as those operated by the state. Existing resources and current needs will be considered in awarding competitive funds and should be addressed in any request for

competitive funds.

As part of the discussion of existing resources and current needs, applicants should include information in the proposal narrative that describes any known specific impact(s) on resources and needs indicated by the applicant state's Part 1 violent crime data.

Any state application for funding MUST be submitted by the Coverdell SAA (see list of SAAs on the OJP website at <http://www.ojp.usdoj.gov/saa/index.htm>). When applying for competitive funds, an SAA should consult with all interested state agencies to prepare a request for competitive funds. No more than one request for competitive funds per state (SAA) will be funded. If more than one request for competitive funds is made by the state, each should be submitted as a separate application in Grants.gov.

Unit of local government applicants. A unit of local government should consult all interested components before preparing an application for competitive funds. No more than one application for competitive funds per unit of local government will be funded. If more than one request for competitive funds is made by the unit of local government, each should be submitted as a separate application in Grants.gov. As part of the discussion of existing resources and current needs, applicants requesting competitive funds should include information in the proposal narrative that describes any known, specific impact(s) on resources and needs indicated by Part 1 violent crime data (state data and any data reported by the applicant).

Accreditation

If grant funds are requested for accreditation, the proposal narrative must describe the accreditation activities and plans and, as applicable, the projected schedule for preparation and application for accreditation. Under the Coverdell Program, any forensic science laboratory system, including any laboratory operated by a unit of local government within the state, that is not accredited (as set out in the Coverdell law) and that will receive a portion of the grant amount must use a portion of the grant amount to prepare and apply for accreditation not more than 2 years after the date of the Coverdell grant award. For purposes of this solicitation, see definition of "forensic science laboratory" under Definitions in the Program Description section.

The Proposal Narrative must include the following sections:

a. Description of the Issue

Describe the challenges faced in providing forensic and/or medical examiner/coroner services in the jurisdiction.

Outline the average annual number of Part I violent crimes reported to the Federal Bureau of Investigation for calendar years 2019, 2020, and 2021 by the state (and for applicant units of local government, the local data, if available) and include a discussion of the impact on the laboratory's resources and needs based on the reported data.

b. Project Design and Implementation

Describe the strategy to address the needs identified in the Description of the Issue/Statement of the Problem, particularly any areas of specific concern and the relevance to the goals and objectives of the program.

Describe how the project will achieve one (or more) of the Coverdell Program's purposes/objectives:

- To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner/coroner services in the state, including those services provided by laboratories operated by the state and those operated by units of local government within the state. To eliminate a backlog in the analysis of forensic science evidence, including, among other things, a backlog with respect to firearms examination, latent prints, impression evidence, toxicology, digital evidence, fire evidence, controlled substances, forensic pathology, questioned documents, and trace evidence.
- To train, assist, and employ forensic laboratory personnel and medicolegal death investigators, as needed, to eliminate such a backlog.
- To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).
- To educate and train forensic pathologists.
- To fund medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.

Discuss how funding under this initiative will help to improve the quality and/or timeliness of services. Demonstrate the soundness of the approach to improve forensic services. Specifically outline the impact the proposed project will have on laboratory operations and/or forensic science discipline.

Discuss the feasibility of the proposed project, including likelihood of completion within the proposed period of performance.

Demonstrate awareness of potential pitfalls and proposed mitigation strategies should pitfalls be encountered.

If applicable:

- Discuss the soundness of the approach to reduce and/or eliminate a backlog.
- Describe the soundness of the approach to train and employ forensic personnel and medicolegal death investigators to eliminate a backlog and increase capacity.
- Demonstrate innovation and creativity in the approach to reducing and/or eliminating a backlog and increasing capacity.

c. Capabilities and Competencies

Describe the management structure for implementation of the strategy, including staffing and key partners. Describe how the partners, if any, will work together to implement the key project elements. Provide information, if any, on past efforts and/or outcomes as a result of this partnership, and why it will enhance efforts in this area.

Outline the qualifications and experience of proposed project staff.

Describe the demonstrated ability of the proposed staff to manage the effort.

d. Plan for Collecting the Data Required for this Solicitation's Performance Measures

The application should demonstrate the anticipated impact of eligible project activities on improvement of forensic science or medical examiner/coroner services, including as to the quality and/or timeliness of forensic results.

Note: An applicant is **not** required to submit performance data with the application. Rather, performance measure information is included as a notification that award recipients will be required to submit performance data as part of each award's reporting requirements. Some measures are presented as examples, while others are the exact measures that every recipient will be expected to address.

OJP will require each award recipient to submit regular performance data that show the completed work's results. The performance data directly relate to the goals, objectives, and deliverables identified in the "Goals, Objectives, and Deliverables" discussion. Applicants can visit OJP's performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

BJA will require award recipients to submit performance measure data and performance reports in JustGrants. BJA will provide further guidance on the post-award submission process, if the applicant is selected for award. list of performance measure questions for this program can be found [here](#).

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations must follow the guidance in the "Note on Project Evaluations" section in the [OJP Grant Application Resource Guide](#).

Goal, Objective and Deliverables

The applicant will submit the project's goals, objectives, deliverables and timeline in the JustGrants web-based form. The applicant will also enter the projected fiscal year and quarter that each objective and deliverable will be completed. Please refer to the [Application Submission Job Aid](#) for step-by-step directions.

Goals. The applicant should describe the project's intent to change, reduce, or eliminate the problem noted in the previous section and outline the project's goals.

Program Objectives. The applicant should explain how the program will accomplish its goals. Objectives are specific, quantifiable statements of the project's desired results. They should be measureable and clearly linked to the goal.

Deliverables. Project deliverables refer to outputs—tangible or intangible—that are submitted within the scope of a project.

Budget and Associated Documentation

Budget Worksheet and Budget Narrative (Web-based Form)

The applicant will complete the JustGrants web-based budget form. For additional information,

see the OJP Grant Application Resource Guide and the [Complete the Application in JustGrants – Budget training](#).

Pre-agreement Costs (also known as Pre-award Costs)

See the section on Costs Requiring Prior Approval in the [DOJ Grants Financial Guide Post Award Requirements](#) for more information.

Indirect Cost Rate Agreement (if applicable)

If applicable, the applicant will upload their indirect cost rate agreement as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for more information on indirect costs.

Consultant Rate

See the [DOJ Grants Financial Guide](#) for information on the consultant rates which require prior approval from OJP.

Limitation on Employee Compensation; Waiver

See the [OJP Grant Application Resource Guide](#) for information on the Limitation on Use of Award Funds for Employee Compensation for Awards over \$250,000; Waiver.

Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)

The applicant will download the questionnaire, complete it, and upload it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for the link to the questionnaire and additional information.

Disclosure of Process Related to Executive Compensation

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating its “Disclosure of Process Related to Executive Compensation” provisions. Applicants to this solicitation are not required to provide this disclosure.

Additional Application Components

The applicant will attach the additional requested documentation in JustGrants.

Curriculum Vitae or Resumes

Provide resumes of all laboratory scientists who will be significantly involved in substantive aspects of the proposed project (including, for example, scientists who will be operating

proposed new equipment).

Coverdell Statutory Certifications

As described above in the Eligibility section, the Coverdell law provides that, to request a grant, each applicant must submit **five** certifications specific to the Coverdell Program. (Applicants requesting funds for only medical examiner's offices or coroner's offices are not required to submit the certification regarding accreditation. (See 34 U.S.C. § 10562(2).) A certification may only be completed by an official familiar with its requirements and authorized to certify on behalf of the applicant agency (i.e., the agency applying directly to BJA). **All five** certifications **must** be completed using these templates. Certifications made on behalf of subrecipients of award funds—rather than certifications made on behalf of the agency applying directly to BJA—are not acceptable to satisfy the certification requirements. The five required Coverdell statutory certifications are as follows:

1. Certification as to Plan for Forensic Science Laboratories—Application from a State or Application from a Unit of Local Government
2. Certification as to Generally Accepted Laboratory Practices and Procedures
3. Certification as to Forensic Science Laboratory System Accreditation
4. Certification as to Use of Funds for New Facilities (This must be submitted even if no funds are proposed to be used for new facilities.)
5. Certification as to External Investigations and Attachment

Please note: Specific information and guidance with respect to the “Certification as to External Investigations” are provided above, under Eligibility. Certifying officials must read and review this information and guidance prior to executing the certifications.

External Investigations Attachment

All applicants are to provide the name(s) of the existing “government entity” (or entities) that is the subject of the certification that: A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the state that will receive a portion of the grant amount.

Note that funds **will not be made available** to applicant agencies that fail to provide the necessary information. **The five certifications and the external investigations attachment should be attached as a separate file with an appropriately descriptive file name.**

Forensic Laboratory Accreditation Documentation (if applicable)

Applicants should provide documentation of current accreditation with the application for any accredited laboratory (including a subrecipient laboratory) that is to receive funds under the FY 2023 Coverdell award. Acceptable types of documentation of current accreditation include: an

electronic (scanned) copy of the current accreditation certificate(s), a digital photograph of the current accreditation certificate(s), or a letter from the accrediting body that includes the certificate number. Additionally, if a certificate references another document that contains key information on the type or scope of the accreditation, provide a copy of that supplemental documentation. Independent accrediting or certifying organizations may include ANAB, NAME, A2LA, AC&ME, or other appropriate accrediting bodies. Per 34 U.S.C. § 10562 (2), such an accrediting body would be “an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement.”

Accreditation document(s) should be attached as a separate file with an appropriately descriptive file name.

Potential Environmental Impact Coversheet and Checklist—National Environmental Policy Act (NEPA)

Each applicant is to submit a BJA Programmatic Coversheet and Checklist with its application to assist BJA in assessing the potential environmental impacts of the activities proposed for funding by the applicant. Specifically, the applicant is expected to:

- Carefully read the Programmatic Environmental Assessment.
- Complete the Cover Sheet and the attached the Programmatic Checklist.
- Attach the completed documents to the grant application.

The applicant should also submit a coversheet and BJA Programmatic Checklist for any organization identified in the budget worksheet that will receive grant funds through a subaward or procurement contract to perform any of the following activities: new construction or renovations that change the basic prior use of a facility or significantly change the size, research and/or technology development that could be expected to have an effect on the environment, or implementation of programs involving the use of chemicals. For more information about NEPA and BJA’s NEPA Process, please go to <https://bja.ojp.gov/national-environmental-policy-act-nepa-guidance>.

Disclosures and Assurances

The applicant will address the following disclosures and assurances.

Disclosure of Lobbying Activities

Complete and submit the SF-LLL in Grants.gov. Once the applicant submits in Grants.gov, this information will pre-pend into JustGrants. See the OJP Grant Application Resource Guide for additional information.

DOJ Certified Standard Assurances

Review and accept the DOJ Certified Standard Assurances in JustGrants. See the OJP Grant Application Resource Guide for additional information.

Applicant Disclosure of Duplication in Cost Items

Complete the JustGrants web-based Applicant Disclosure of Duplication in Cost Items form. See the [OJP Grant Application Resource Guide](#) for additional information.

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing

Review and accept the DOJ Certified Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing. See the [OJP Grant Application Resource Guide](#) for additional information.

Applicant Disclosure and Justification - DOJ High Risk Grantees

If applicable, submit the DOJ High Risk Disclosure and Justification as an attachment in JustGrants. A DOJ High Risk Grantee is an award recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance; financial instability; management system or other internal control deficiencies; noncompliance with award terms and conditions on prior awards or is otherwise not responsible. See the [OJP Grant Application Resource Guide](#) for additional information.

How to Apply

Registration: Before submitting an application, all applicants must register with the System for Award Management (SAM). You must renew and validate your registration every 12 months. If you do not renew your SAM registration, it will expire. An expired registration can delay or prevent application submission in Grants.gov and JustGrants. Registration and renewal can take up to 10 business days to complete.

Submission: Applications must be submitted to DOJ electronically through a two-step process via Grants.gov and JustGrants.

Step 1: After registering with SAM, the applicant must submit the **SF-424** and **SF-LLL** in Grants.gov at <https://www.grants.gov/web/grants/register.html> by the Grants.gov deadline. **Submit the SF-424 and SF-LLL as early as possible, but no later than 48 hours before the Grants.gov deadline.** If an applicant fails to submit in Grants.gov, they will be unable to apply in JustGrants.

Step 2: The applicant must then submit the **full application**, including attachments, in JustGrants at [JustGrants.usdoj.gov](https://www.justgrants.usdoj.gov) by the JustGrants deadline.

Within 24 hours after receipt of confirmation emails from Grants.gov, the individual in Section 8F of the SF-424 will receive an email from DIAMD-NoReply@usdoj.gov with instructions on how to create a JustGrants account. Register the Entity Administrator and the Application Submitter with JustGrants as early as possible but no later than 48-72 hours before the JustGrants deadline. Once registered in JustGrants, the Application Submitter will receive an emailed link to complete the rest of the application in JustGrants. The Entity Administrator also will need to log

into JustGrants to review and invite the applicant's Authorized Representative(s) before an application can be submitted.

Submit the complete application package in JustGrants at least 24 – 48 hours prior to the JustGrants deadline. Some of the application components will be entered directly into JustGrants, and others will require uploading attached documents. Therefore, applicants will need to allow ample time before the JustGrants deadline to prepare each component. Applicants may save their progress in the system and revise the application as needed prior to hitting the Submit button at the end of the application in JustGrants.

For additional information, see the "How to Apply" section in the [OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

Submission Dates and Time

The **SF-424 and the SF-LLL** must be submitted in Grants.gov by May 24, 2023 8:59 PM ET

The **full application** must be submitted in JustGrants by May 31, 2023 8:59 PM ET

OJP urges applicants to submit their Grants.gov and JustGrants submissions prior to the due dates with sufficient time to correct any errors and resubmit by the submission deadlines if a rejection notification is received. To be considered timely, the **full application** must be submitted in JustGrants by the JustGrants application deadline. Failure to begin the SAM.gov, Grants.gov, or JustGrants registration process in sufficient time (i.e., waiting until the date identified in this solicitation) is not an acceptable reason for late submission.

Experiencing Unforeseen Technical Issues Preventing Submission of an Application

OJP will only consider requests to submit an application after the deadline when the applicant can document that a technical issue with a government system prevented application submission.

If an applicant misses a deadline due to unforeseen technical issues with SAM.gov, Grants.gov, or JustGrants, the applicant may request a waiver to submit an application after the deadline. However, the waiver request will not be considered unless it includes a tracking number generated when the applicant contacts the applicable service desks to report technical difficulties. Tracking numbers are generated automatically when an applicant emails the applicable service desks; and for this reason applicants are encouraged to email the appropriate service desk, even if they also intend to call the service desk for phone support. Experiencing wait times for phone support does not relieve the applicant of the responsibility of getting a tracking number.

An applicant experiencing technical difficulties must contact the associated service desk indicated below to report the technical issue and receive a tracking number:

- SAM.gov - contact the [SAM Help Desk \(Federal Service Desk\)](#), Monday – Friday from 8 a.m. to 8 p.m. ET at 866-606-8220.
- Grants.gov - contact the [Grants.gov Customer Support Hotline](#), 24 hours a day, 7 days a week, except on federal holidays, at 800-518-4726, 606-545-5035, or support@grants.gov.

- JustGrants - contact the JustGrants Service Desk at JustGrants.Support@usdoj.gov or 833-872-5175, Monday – Friday from 7 a.m. to 9 p.m. ET and Saturday, Sunday, and Federal holidays from 9 a.m. to 5 p.m. ET.

If an applicant has technical issues with SAM.gov or Grants.gov, the applicant must contact the OJP Response Center at grants@ncjrs.gov within **24 hours of the Grants.gov deadline** to request approval to submit after the deadline.

If an applicant has technical issues with JustGrants that prevent application submission by the deadline, the applicant must contact the OJP Response Center at grants@ncjrs.gov within 24 hours of the JustGrants deadline to request approval to submit after the deadline.

Waiver requests sent to the OJP Response Center must -

- describe the technical difficulties experienced,
- include a timeline of the applicant's submission efforts (e.g., date and time the error occurred, date and time of actions taken to resolve the issue and resubmit; and date and time support representatives responded),
- include an attachment of the complete grant application and all the required documentation and materials,
- include the applicant's Unique Entity Identifier (UEI), and
- include any SAM.gov, Grants.gov, and JustGrants Service Desk tracking numbers documenting the technical issue.

OJP will review each waiver request and the required supporting documentation and notify the applicant whether the request for late submission has been approved or denied. An applicant that does not provide documentation of a technical issue or that does not submit a waiver request within the required time period will be denied.

For more details on the waiver process, OJP encourages applicants to review the “Experiencing Unforeseen Technical Issues” section in the [OJP Grant Application Resource Guide](#).

Application Review Information

Review Criteria

Merit Review Criteria

Applications that meet the basic minimum requirements will be evaluated by peer reviewers on how the proposed project/program addresses the following criteria:

1. Description of the Issue (25%) - evaluate the applicant's understanding of the program/ issue to be addressed.
2. Project Design and Implementation (45%)- evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
3. Capabilities and Competencies (10%) - evaluate the applicant's administrative and technical capacity to successfully accomplish the goals and objectives.

4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10%) - evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.
5. Budget (10%) - evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).

Other Review Criteria/Factors

Other important considerations for BJA include geographic diversity, strategic priorities (specifically including, but not limited to, those priority areas already mentioned, if applicable), available funding, past performance, and the extent to which the Budget Web-Based form accurately explains project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Review Process

Applications submitted under this solicitation that meet the basic minimum requirements will be evaluated for technical merit by a peer review panel(s) in accordance with OJP peer review policy and procedures using the review criteria listed above.

OJP screens applications to ensure they meet the basic minimum requirements prior to conducting the peer review. Although specific requirements may vary, the following are common requirements applicable to all OJP solicitations:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items necessary to meet the basic minimum requirements.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by the applicant entity. Among other things to help assess whether an applicant with one or more prior federal awards has a satisfactory record of performance, integrity, and business ethics, OJP checks whether the applicant entity is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant entity that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important Note on FAPIIS: An applicant may review and comment on any information about its organization that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant entity.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may consider not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

Federal Award Administration Information

Federal Award Notices

Generally, award notifications are made by the end of the current Federal fiscal year, September 30th. See the [OJP Grant Application Resource Guide](#) for information on award notifications and instructions.

Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

Information Technology Security Clauses

An application in response to this solicitation may require inclusion of information related to information technology security. See the [OJP Grant Application Resource Guide](#) for more information.

General Information about Post-Federal Award Reporting Requirements

In addition to the deliverables described in the “Program Description” section, all award recipients under this solicitation will be required to submit certain reports and data.

Required reports. Award recipients typically must submit quarterly financial reports, semi-annual performance reports, final financial and performance reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Current Coverdell grantees are required to submit a final report that must, among other things: (1) include a summary and assessment of the program carried out with FY 2023 grant funds, (2) identify the number and type of cases accepted during the FY 2023 award period by the forensic laboratory or laboratories that received FY 2023 grant funds, (3) cite the specific improvements in forensic science and medical examiner/coroner services (including any reduction in forensic analysis backlog) that occurred as a direct result of the FY 2023 grant award, and (4) detail the progress of any unaccredited forensic science service provider that received FY 2023 grant funds toward obtaining accreditation. Future awards and fund drawdowns may be withheld if reports are delinquent.

Further, as noted earlier under Eligibility, for each fiscal year of an award, recipients will be required to report to BJA on an annual basis:

1. The number and nature of any allegations of serious negligence or misconduct substantially affecting the integrity of forensic results.

2. Information on the referrals of such allegations (e.g., the government entity or entities to which referred, the date of referral).
3. The outcome of such referrals (if known as of the date of the report).
4. If any such allegations were not referred, the reason(s) for the nonreferral.

Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements, including performance measure data.

Federal Awarding Agency Contact(s)

For OJP contact(s), contact information for Grants.gov, and contact information for JustGrants, see the solicitation cover page.

Other Information

Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)

See the [OJP Grant Application Resource Guide](#) for information on the Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).

Provide Feedback to OJP

See the [OJP Grant Application Resource Guide](#) for information on how to provide feedback to OJP.

Performance Measures

All Coverdell grantees are required to report specific programmatic metrics (see [Performance Measures](#)).

Application Checklist

BJA FY23 Paul Coverdell Forensic Science Improvement Grants Program—Competitive

This application checklist has been created as an aid in developing an application. For more information, reference [the OJP Application Submission Steps in the OJP Grant Application Resource Guide](#) and the [DOJ Application Submission Checklist](#).

Pre-Application

Before Registering in Grants.gov:

- Acquire or renew your Entity's [System Award Management \(SAM\) Registration Information](#) (see [OJP Grant Application Resource Guide](#))

Register in Grants.gov

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see [OJP Grant Application Resource Guide](#))
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see [OJP Grant Application Resource Guide](#))

Find the Funding Opportunity

- Search for the funding opportunity in Grants.gov using the opportunity number, assistance listing number, or keyword(s)
- Access the funding opportunity and application package (see Step 7 in the [OJP Grant Application Resource Guide](#))
- Sign up for Grants.gov email [notifications](#) (optional) (see [OJP Grant Application Resource Guide](#))
- Read [Important Notice: Applying for Grants in Grants.gov](#)
- Read OJP policy and guidance on conference approval, planning, and reporting available at <https://www.ojp.gov/funding/financialguidedoj/iii-postaward-requirements#6g3y8> (see [OJP Grant Application Resource Guide](#))

Review the Overview of Post-Award Legal Requirements

- Review the “[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2023 Awards](#)” in the [OJP Funding Resource Center](#).

Review the Scope Requirement

- The federal amount requested is within the allowable limit(s) of \$500,000

Review Eligibility Requirement:

- Review the Eligibility section on the cover page and Eligibility Information section in the solicitation.

Application Step 1

Submit the **SF-424** and **SF-LLL** in Grants.gov

- In Section 8F of the SF-424, include the name and contact information of the individual **who will complete the application in JustGrants and the SF-LLL in Grants.gov**
- Submit Intergovernmental Review (if applicable)

Within 48 hours after the SF-424 and SF-LLL submission in Grants.gov, receive four (4) Grants.gov email notifications:

- a submission receipt
- a validation receipt
- a grantor agency retrieval receipt
- an agency tracking number assignment

If no Grants.gov receipt and validation email is received, or if error notifications are received:

- Contact Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, [Grants.gov customer support](#), or support@grants.gov regarding technical difficulties (see OJP Grant Application Resource Guide)

Within 24 hours after receipt of confirmation emails from Grants.gov, the individual in Section 8F of the SF-424 will receive an email from JustGrants with login instructions.

- Proceed to Application Step 2 and complete application in JustGrants

Application Step 2

Submit the following information in JustGrants:

Application Components

- Standard Applicant information (SF-424 information from Grants.gov)
- **Proposal Abstract***
- **Proposal Narrative***
- **Five certifications required by the Coverdell law*:**
 - Certification as to Plan for Forensic Science Laboratories—Application from a State or Certification as to Plan for Forensic Science Laboratories—Application from a Unit of Local Government
 - The applicant is to submit only one version of the “Certification as to Plan for Forensic Science Laboratories.” DO NOT submit both versions of this certification. Applicant *states* are to submit the “Application from a State” version only; applicant *units of local government* are to submit the “Application from a Unit of Local Government” version only.
 - Certification as to Generally Accepted Laboratory Practices and Procedures
 - Certification as to Forensic Science Laboratory System Accreditation

- Applicants requesting funds for only medical examiner's offices or coroner's offices in the state are not required to submit this certification.
- Certification as to Use of Funds for New Facilities
 - Applicants must submit this certification even if no new facilities are being built.
- Certification as to External Investigations and Attachment

Budget and Associated Documentation

- **Budget Web-Based form***
- Indirect Cost Rate Agreement (if applicable) (see OJP Grant Application Resource Guide)
- Financial Management and System of Internal Controls Questionnaire (see OJP Grant Application Resource Guide)

Additional Application Components

- Request and Justification for Employee Compensation; Waiver (if applicable) (see OJP Grant Application Resource Guide)
- External Investigations Attachment
- Forensic Laboratory Accreditation Documentation
- Potential Environmental Impact Coversheet and Checklist
- Résumés of key personnel (if applicable)
- List of procurement contracts (if applicable)

Disclosures and Assurances

- Disclosure of Lobbying Activities (SF-LLL) (see OJP Grant Application Resource Guide)
- Applicant Disclosure of Duplication in Cost Items (see OJP Grant Application Resource Guide)
- DOJ Certified Standard Assurances (see OJP Grant Application Resource Guide)
- DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (see OJP Grant Application Resource Guide)
- Applicant Disclosure and Justification – DOJ High Risk Grantees (if applicable) (see OJP Grant Application Resource Guide)

****Note: Items designated with an asterisk must be submitted for an application to meet the basic minimum requirements review. If OJP determines that an application does not include the designated items, it will neither proceed to peer review, nor receive further consideration.***

Review, Certify and Submit Application in JustGrants

- Any validation errors will immediately display on screen after submission.
- Correct validation errors, if necessary, and then return to the “Certify and Submit” screen to submit the application. Access the Application Submission Validation Errors Quick

Reference Guide for step-by-step instructions to resolve errors prior to submission.

- Once the application is submitted and validated, a confirmation message will appear at the top of the page. Users will also receive a notification in the “bell” alerts confirming submission.

If no JustGrants application submission confirmation email or validation is received, or if error notification is received:

- Contact the JustGrants Service Desk at 833-872-5175 or JustGrants.Support@usdoj.gov regarding technical difficulties. See the OJP Grant Application Resource Guide for additional information.

Standard Solicitation Resources

OJP Grant Application Resource Guide provides guidance to assist OJP grant applicants in preparing and submitting applications for OJP funding.

DOJ Grants Financial Guide serves as the primary reference manual to assist award recipients in fulfilling their fiduciary responsibility to safeguard grant funds and to ensure funds are used for the purposes for which they were awarded. It compiles a variety of laws, rules and regulations that affect the financial and administrative management of DOJ awards. This guide serves as a starting point for all award recipients and subrecipients of DOJ grants and cooperative agreements in ensuring the effective day-to-day management of awards.

JustGrants Resources Website is an entryway into information about JustGrants and the grants management system itself. Through this portal both award recipients and applicants can access training resource and user support options, find frequently asked questions and sign-up for the JustGrants Update e-newsletter.

JustGrants Application Submission Training Page offers helpful information and resources on the application process. This training page includes e-learning videos, reference guides, checklists and other resources to help applicants complete an application.

Virtual Q&A Sessions are advertised here and provide opportunities for users to receive topic-specific training, direct technical assistance and support on JustGrants system functionality.



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

MEMORANDUM

DATE: 5/08/2023

TO: Luci Dance
Michael Catalano

VIA: Chain of Command

FROM: Nikki Smith- Accountant/Grants

RE: Agenda Item

SUBJECT: Approval to Continue the Annual Participation in the Edward Byrne Justice Grant Program (JAG)

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Request to Apply

Funding Opportunity: Justice Assistance Grant (JAG) Program

OVERVIEW/SUMMARY: The Flagler County Sheriff's Office is seeking continued approval to apply for a Byrne Justice Grant that helps to fund the overtime hours worked by detectives and deputies who are investigating narcotic related investigations.

This is a pass-through grant that reoccurs annually. The County signs the application and the Sheriff's Office serves as the sub-recipient and will manage the grant. The BOCC, City of Palm Coast, Bunnell, Flagler Beach and Marineland each provide letters of support required by the grant.

FUNDING INFORMATION: N/A No local match requirement is anticipated

DEPARTMENT CONTACT: Financial Services Director, John Brower (386) 313-4008

RECOMMENDATION: Request the Board approve and authorize the Chair or County Administrator as applicable to execute the grant agreements, if awarded, and any other documentation associated with implementation of the grant approved to form by the County Attorney.

Proudly Serving the Community Since 1917
A Four Diamond Accredited Law Enforcement Agency



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7a**

SUBJECT: Ratification of Flagler County Emergency Proclamations Extending the State of Local Emergency Due to Severe Coastal Erosion and Vulnerability.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Flagler County has been under a declared state of local emergency due to Hurricane Matthew since October 4, 2016. During that time, other storms have struck the County exacerbating the damage to the dune system and compounding the exposure of public and private property on the barrier island to future storms and flooding. The County declared local states of emergency for Hurricane Irma (2017), Hurricane Dorian (2019), Hurricane Isaias (2020), and this year for Hurricanes Ian and Nicole.

Due to the cumulative effect of the storms as well as from tidal events, nor'easters, and erosion generally, Flagler County is now in the most precarious position relative to ocean flooding in its history. Public and private property on the barrier island remain vulnerable to catastrophic storm damage without further and sustained protective efforts. FEMA and Florida Department of Environmental Protection (DEP) have provided grant funding to renourish portions of the coastline in the northern portion of the County. The Board has hired a coastal engineer and is working on a long-term beach management plan and is also exploring additional projects and how to fund them.

The County has commenced a repair project for emergency berms in the northern part of Flagler County. The Board has authorized and directed County forces to proceed taking all necessary action to commence these repair activities. The action authorized also includes informing the public of the project and especially coastal property owners. If any owners have issues, staff will address them, including excluding them from the project but only if legally required and only after notifying such owners of the perils of being excluded from the project. Further, as other funds become available from DEP and possibly other sources, they will be added so as to lengthen the segment of beach being repaired. The same contractor, already selected through the County's competitive procurement process, will be used to take advantage of economies of scale and reducing mobilization and restaging costs.

In addition, the County has received the last two easements necessary for the Army Corps of Engineers to conduct a beach renourishment project in south Flagler Beach through the bankruptcy process. Once the bankruptcy court issues its final order, a procedural matter, the County will record the easements and certify to the Army Corps of Engineers the authorization to use the remnant parcels east of State Road A-1-A for the dune renourishment lands.

The County intends to also renourish the rest of Flagler Beach through a combination of funding, utilizing the same contractor as the Army Corps of Engineers project to save significant mobilization costs.

Continuing the state of local emergency will help the County with the foregoing efforts and allow the County to take any other necessary emergency measures, including expedited procurement and the issuance of emergency administrative orders, to restore, protect and maintain the dunes and beaches or any other viable buffer between the community and the Atlantic Ocean.

FUNDING INFORMATION: As provided through grant agreements and local match.

DEPARTMENT CONTACT: Jonathan Lord, Emergency Management Director (386) 313-4240

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

CONSENT / AGENDA ITEM # 7a

RECOMMENDATION: Request the Board ratify the Proclamations Extending the State of Local Emergency for Hurricanes Matthew, Ian, and Nicole.

ATTACHMENTS:

1. Proclamation Extending State of Local Emergency – Hurricanes Matthew, Ian, and Nicole
05/08/2023
2. Proclamation Extending State of Local Emergency – Hurricanes Matthew, Ian, and Nicole,
05/15/2023

**FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING
STATE OF LOCAL EMERGENCY
(Hurricanes Matthew, Ian and Nicole)**

May 8, 2023

WHEREAS, on October 4, 2016, in preparation for the imminent impact of Hurricane Matthew on Flagler County, the Chair of the Board of County Commissioners of Flagler County, Florida, with the concurrence of the County's Emergency Management Director, the Sheriff, and the County Administrator, issued a Proclamation declaring a state of local emergency, dated October 4, 2016, recorded in the Official Records of Flagler County at Book 2161, Page 1453; and

WHEREAS, Hurricane Matthew passed along the County's coastline on October 7, 2016, severely damaging the entire dune system of the County, flooding hundreds of homes through dune breaches and destroying public infrastructure and other public and private property along the coastline; and

WHEREAS, Hurricane Matthew exposed the entire beachfront of Flagler County to a critical risk of further damage and had a particularly devastating impact on the right of way of State Road A1A in Flagler Beach, collapsing part of the right of way, rendering parts of the roadway impassable, and further exacerbating the vulnerability of adjoining homes and businesses; and

WHEREAS, on October 11, 2016, and every seventh day thereafter, based on the further recommendation of the County Administrator and the Emergency Management Director, the Chair of the Board of County Commissioners extended the state of local emergency for additional seven-day periods in accordance with law; and

WHEREAS, the Board of County Commissioners ratified each of the Proclamations declaring and extending the local state of emergency by unanimous votes at public meetings; and

WHEREAS, while recovery efforts in response to Hurricane Matthew were still underway, Hurricane Irma struck Flagler County on September 11, 2017, further scarping the already badly damaged dune system of the county, flooding hundreds of homes, and nearly collapsing beachfront homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, as a result of Hurricane Matthew compounded with subsequent weather events, the County engaged in a coastal dunes rehabilitation effort at multiple locations along the Flagler County coast, including:

- i.) the installation of a seawall in Painters Hill to prevent the collapse of homes onto the beach;

- ii.) the construction and vegetating of an emergency protective berm along 12 miles of the dunes in unincorporated Flagler County and in the incorporated communities of Marineland and Beverly Beach;
- iii.) the repair of dune crossovers and the installation of specialized mats over the emergency protective berm at certain beach access points for pedestrian and authorized vehicular traffic; and
- iv.) the issuance of Emergency Orders 2018-02 and 2018-03; and

WHEREAS, in September 2019, Hurricane Dorian slowly passed Flagler County offshore, churning rough surf and crashing enormous breakers into the beaches and dunes, causing a dune breach, several over washes and scarping, and causing approximately \$3.7 million in damage to the dune system of Flagler County; and

WHEREAS, the County is now also endeavoring to build the largest and most significant public works project in its history, a multi-agency storm damage reduction project to renourish the dunes immediately adjacent to State Road A1A within the City of Flagler Beach; and

WHEREAS, the County has continued to work collaboratively with stakeholder agencies such as the Army Corps of Engineers (“ACOE”), the Florida Department of Transportation (“FDOT”), the Florida Department of Environmental Protection (“FDEP”), and the municipalities, to seek funding and devise projects that will renourish and fortify the dunes and beaches, all with the aim of protecting life and property from further coastal storms and destruction of property and community infrastructure; and

WHEREAS, in order to validate the use of public resources to make emergency dune repairs and to construct beach access points, as well as to guarantee the public’s right to access and utilize the beaches of the County, the Board of County Commissioners enacted into ordinance in July 2018, in accordance with state law, a declaration recognizing the customary use of the beaches of the entire county by the public; and

WHEREAS, the County implemented a “Dodge the Dunes” program to educate visitors and residents not to traverse over the dunes in Flagler County and specifically focusing on the FDOT right of way in Flagler Beach, and in addition, the County issued Emergency Orders 2018-02 and 2018-03, prohibiting driving or parking of vehicles on the beaches and dunes and prohibiting the traversing of the dunes in the entire county by pedestrians and equestrian riders except at designated access points; and

WHEREAS, even as the Flagler County community continued to recover from these storms, Hurricane Ian struck Flagler County with tropical storm force winds and torrential rainfall on September 29, 2022, flooding roadways, neighborhoods, and dozens of homes and eliminating vast swaths of the entire Atlantic coastline dune system of Flagler County; and

WHEREAS, the damage caused by Hurricane Ian to the County's dune system, already battered by Hurricanes Matthew, Irma, and Dorian, as well as powerful Nor'easters and tidal events, exposes the residents, neighborhoods, and infrastructure on the barrier island and along the Intracoastal and canals to a much greater chance of catastrophic damage from future storms and even tidal events; and

WHEREAS, only weeks after the destruction of the dunes caused by Hurricane Ian, Hurricane Nicole struck Flagler County on November 9, 2022, with tropical storm strength winds, higher than normal tides, and enormous, powerful waves that decimated what little remained the County's fragile and battered dune system, flooding dozens of homes and severely damaging public infrastructure including State Road A1A again collapsing parts of the roadway; and

WHEREAS, using independent coastal engineers, the County has estimated the aggregate damage to the Flagler beaches to be \$150 Million; and

WHEREAS, the County has now secured funding from the Federal Emergency Management Agency ("FEMA") to repair and restore the dune system along approximately 2 miles, and the County also has pending requests for additional funding to renourish additional portions of the coastline in the northern portion of the County where entire neighborhoods presently lie completely exposed to the ocean; and

WHEREAS, while general public perception understandably focuses on the impact of hurricanes, Nor'easters have historically caused a great deal of erosion of the county's coastline typically during winter months but now occurring more frequently out of that season; and

WHEREAS, even current weather events with heightened tides but not classified as storm events are nevertheless taking their toll on the vulnerable beaches, causing further scarping and dune berm collapses; and

WHEREAS, the County has obtained the approval of FEMA to proceed with its northern County project, and the County has solicited and is entering into an agreement with a construction company to build the project; and

WHEREAS, the County Commission has authorized and directed its forces to proceed with the project immediately to mitigate against any further losses that may occur during the winter season, including any extension of the FEMA project where funding is obtained to permit such extension; and

WHEREAS, the County Commission has directed its staff to publicly announce the project to inform its citizens and particularly beachside property owners of the coming project being performed on an emergency basis and to explain the necessity and benefits of the project; and

WHEREAS, the County Commission has further directed its staff to address any concerns of beachside property owners regarding beach renourishment, including those that directly adjoin the beach where the FEMA funded project is to occur to address any issues they raise and, if necessary, to skip their individual properties for legal reasons but putting them on notice of the perils of being skipped; and

WHEREAS, for long term planning, Flagler County has engaged a coastal engineer to develop a beach management plan and to identify options for funding beach resiliency projects, and the County is presently requesting partnership with the ACOE to conduct a beach renourishment feasibility study in the portions of the County's coastline not included within the current ACOE project in Flagler Beach; and

WHEREAS, the County is exploring other emergency measures to fill gaps in the dunes that, if not repaired and restored, will allow storm or wave surge events to jeopardize State Road A1A, a critical evacuation route, and damage coastal neighborhoods; and

WHEREAS, the need to facilitate procurement for these and other recovery efforts is urgent due to the risk of future hurricanes, and accordingly, the County has adopted an expedited procurement process under its emergency powers as needed; and

WHEREAS, extending the local emergency declaration facilitates the County's ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities—all with the goal of mitigating future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, Flagler County hereby proclaims that:


1. The states of local emergency initially declared on October 4, 2016 (Hurricane Matthew), and expanded on September 26, 2022 (Hurricane Ian) and again on November 8, 2022 (Hurricane Nicole), all extended by emergency proclamations thereafter in accordance with Section 252.38(3), Florida Statutes, and duly ratified by the Board of County Commissioners, are hereby extended for an additional 7 days from the effective date of this Proclamation, unless terminated or modified earlier or extended in accordance with law.
2. All emergency powers authorized by the foregoing Proclamations declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 8th day of May 2023.

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS


Gregory L. Hansen, Chair

CONCURRENCE:


Heidi Petito
County Administrator


Jonathan Lord
Emergency Management Director

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.04.20 14:54:34 -04'00'
Sean S. Moylan
Deputy County Attorney

**FLAGLER COUNTY, FLORIDA
PROCLAMATION EXTENDING
STATE OF LOCAL EMERGENCY
(Hurricanes Matthew, Ian and Nicole)**

May 15, 2023

WHEREAS, on October 4, 2016, in preparation for the imminent impact of Hurricane Matthew on Flagler County, the Chair of the Board of County Commissioners of Flagler County, Florida, with the concurrence of the County's Emergency Management Director, the Sheriff, and the County Administrator, issued a Proclamation declaring a state of local emergency, dated October 4, 2016, recorded in the Official Records of Flagler County at Book 2161, Page 1453; and

WHEREAS, Hurricane Matthew passed along the County's coastline on October 7, 2016, severely damaging the entire dune system of the County, flooding hundreds of homes through dune breaches and destroying public infrastructure and other public and private property along the coastline; and

WHEREAS, Hurricane Matthew exposed the entire beachfront of Flagler County to a critical risk of further damage and had a particularly devastating impact on the right of way of State Road A1A in Flagler Beach, collapsing part of the right of way, rendering parts of the roadway impassable, and further exacerbating the vulnerability of adjoining homes and businesses; and

WHEREAS, on October 11, 2016, and every seventh day thereafter, based on the further recommendation of the County Administrator and the Emergency Management Director, the Chair of the Board of County Commissioners extended the state of local emergency for additional seven-day periods in accordance with law; and

WHEREAS, the Board of County Commissioners ratified each of the Proclamations declaring and extending the local state of emergency by unanimous votes at public meetings; and

WHEREAS, while recovery efforts in response to Hurricane Matthew were still underway, Hurricane Irma struck Flagler County on September 11, 2017, further scarping the already badly damaged dune system of the county, flooding hundreds of homes, and nearly collapsing beachfront homes in the Painters Hill area of unincorporated Flagler County; and

WHEREAS, as a result of Hurricane Matthew compounded with subsequent weather events, the County engaged in a coastal dunes rehabilitation effort at multiple locations along the Flagler County coast, including:

- i.) the installation of a seawall in Painters Hill to prevent the collapse of homes onto the beach;

- ii.) the construction and vegetating of an emergency protective berm along 12 miles of the dunes in unincorporated Flagler County and in the incorporated communities of Marineland and Beverly Beach;
- iii.) the repair of dune crossovers and the installation of specialized mats over the emergency protective berm at certain beach access points for pedestrian and authorized vehicular traffic; and
- iv.) the issuance of Emergency Orders 2018-02 and 2018-03; and

WHEREAS, in September 2019, Hurricane Dorian slowly passed Flagler County offshore, churning rough surf and crashing enormous breakers into the beaches and dunes, causing a dune breach, several over washes and scarping, and causing approximately \$3.7 million in damage to the dune system of Flagler County; and

WHEREAS, the County is now also endeavoring to build the largest and most significant public works project in its history, a multi-agency storm damage reduction project to renourish the dunes immediately adjacent to State Road A1A within the City of Flagler Beach; and

WHEREAS, the County has continued to work collaboratively with stakeholder agencies such as the Army Corps of Engineers (“ACOE”), the Florida Department of Transportation (“FDOT”), the Florida Department of Environmental Protection (“FDEP”), and the municipalities, to seek funding and devise projects that will renourish and fortify the dunes and beaches, all with the aim of protecting life and property from further coastal storms and destruction of property and community infrastructure; and

WHEREAS, in order to validate the use of public resources to make emergency dune repairs and to construct beach access points, as well as to guarantee the public’s right to access and utilize the beaches of the County, the Board of County Commissioners enacted into ordinance in July 2018, in accordance with state law, a declaration recognizing the customary use of the beaches of the entire county by the public; and

WHEREAS, the County implemented a “Dodge the Dunes” program to educate visitors and residents not to traverse over the dunes in Flagler County and specifically focusing on the FDOT right of way in Flagler Beach, and in addition, the County issued Emergency Orders 2018-02 and 2018-03, prohibiting driving or parking of vehicles on the beaches and dunes and prohibiting the traversing of the dunes in the entire county by pedestrians and equestrian riders except at designated access points; and

WHEREAS, even as the Flagler County community continued to recover from these storms, Hurricane Ian struck Flagler County with tropical storm force winds and torrential rainfall on September 29, 2022, flooding roadways, neighborhoods, and dozens of homes and eliminating vast swaths of the entire Atlantic coastline dune system of Flagler County; and

WHEREAS, the damage caused by Hurricane Ian to the County's dune system, already battered by Hurricanes Matthew, Irma, and Dorian, as well as powerful Nor'easters and tidal events, exposes the residents, neighborhoods, and infrastructure on the barrier island and along the Intracoastal and canals to a much greater chance of catastrophic damage from future storms and even tidal events; and

WHEREAS, only weeks after the destruction of the dunes caused by Hurricane Ian, Hurricane Nicole struck Flagler County on November 9, 2022, with tropical storm strength winds, higher than normal tides, and enormous, powerful waves that decimated what little remained the County's fragile and battered dune system, flooding dozens of homes and severely damaging public infrastructure including State Road A1A again collapsing parts of the roadway; and

WHEREAS, using independent coastal engineers, the County has estimated the aggregate damage to the Flagler beaches to be \$150 Million; and

WHEREAS, the County has now secured funding from the Federal Emergency Management Agency ("FEMA") to repair and restore the dune system along approximately 2 miles, and the County also has pending requests for additional funding to renourish additional portions of the coastline in the northern portion of the County where entire neighborhoods presently lie completely exposed to the ocean; and

WHEREAS, while general public perception understandably focuses on the impact of hurricanes, Nor'easters have historically caused a great deal of erosion of the county's coastline typically during winter months but now occurring more frequently out of that season; and

WHEREAS, even current weather events with heightened tides but not classified as storm events are nevertheless taking their toll on the vulnerable beaches, causing further scarping and dune berm collapses; and

WHEREAS, the County has obtained the approval of FEMA to proceed with its northern County project, and the County has solicited and is entering into an agreement with a construction company to build the project; and

WHEREAS, the County Commission has authorized and directed its forces to proceed with the project immediately to mitigate against any further losses that may occur during the winter season, including any extension of the FEMA project where funding is obtained to permit such extension; and

WHEREAS, the County Commission has directed its staff to publicly announce the project to inform its citizens and particularly beachside property owners of the coming project being performed on an emergency basis and to explain the necessity and benefits of the project; and

WHEREAS, the County Commission has further directed its staff to address any concerns of beachside property owners regarding beach renourishment, including those that directly adjoin the beach where the FEMA funded project is to occur to address any issues they raise and, if necessary, to skip their individual properties for legal reasons but putting them on notice of the perils of being skipped; and

WHEREAS, for long term planning, Flagler County has engaged a coastal engineer to develop a beach management plan and to identify options for funding beach resiliency projects, and the County is presently requesting partnership with the ACOE to conduct a beach renourishment feasibility study in the portions of the County's coastline not included within the current ACOE project in Flagler Beach; and

WHEREAS, the County is exploring other emergency measures to fill gaps in the dunes that, if not repaired and restored, will allow storm or wave surge events to jeopardize State Road A1A, a critical evacuation route, and damage coastal neighborhoods; and

WHEREAS, the need to facilitate procurement for these and other recovery efforts is urgent due to the risk of future hurricanes, and accordingly, the County has adopted an expedited procurement process under its emergency powers as needed; and

WHEREAS, extending the local emergency declaration facilitates the County's ability to continue to respond to emergency conditions along the beaches and within lands containing public and private property and infrastructure, including the securing of funding sources and entering into agreements with adjacent property owners and municipalities—all with the goal of mitigating future losses.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, Flagler County hereby proclaims that:

1. The states of local emergency initially declared on October 4, 2016 (Hurricane Matthew), and expanded on September 26, 2022 (Hurricane Ian) and again on November 8, 2022 (Hurricane Nicole), all extended by emergency proclamations thereafter in accordance with Section 252.38(3), Florida Statutes, and duly ratified by the Board of County Commissioners, are hereby extended for an additional 7 days from the effective date of this Proclamation, unless terminated or modified earlier or extended in accordance with law.
2. All emergency powers authorized by the foregoing Proclamations declaring a state of local emergency, and extended every seventh day thereafter are hereby retained and continued for the duration of this Proclamation.

DONE AND ORDERED in Flagler County, Florida, this 15th day of May 2023.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

Gregory L. Hansen, Chair

CONCURRENCE:



Heidi Petito
County Administrator



Jonathan Lord
Emergency Management Director

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.04.20 14:54:56 -04'00'

Sean S. Moylan
Deputy County Attorney

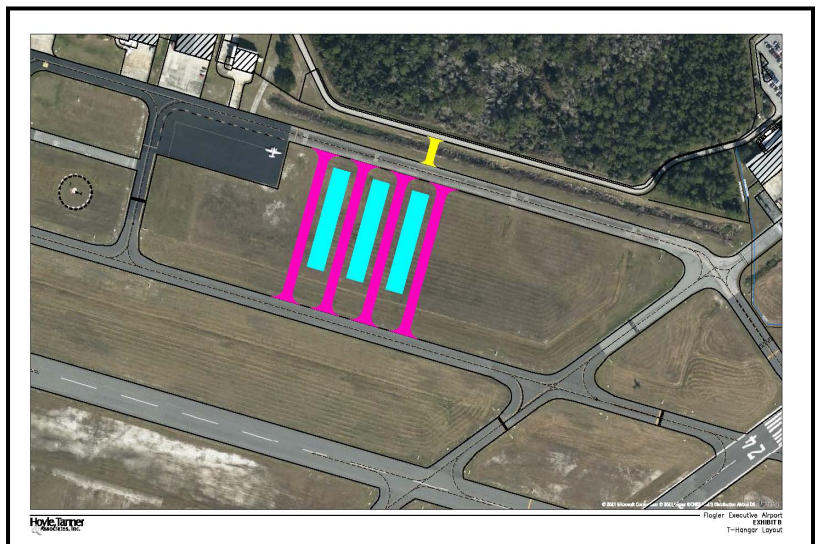
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7b**

SUBJECT: Consideration of a Resolution and First Amendment to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the Amount of \$900,000 to Add Funding to the T-Hangar Construction Project at the Flagler Executive Airport.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: On March 21, 2022, the BoCC accepted an FDOT Public Transportation Grant Agreement in the amount of \$4,626,600, which funded a portion of the construction costs to get the T-Hangar project started. The total cost of the T-Hangar Construction and Construction Administration and Observation is \$6,544,135.98. FDOT has agreed to fund \$5,889,722, which is 90% of the total cost for this project. With this action, staff is bringing forward for consideration a Resolution and a First Amendment to the FDOT Public Transportation Grant Agreement (PTGA) in the amount of \$900,000. The FDOT will amend this PTGA again in their FY24 (July 2023), to fund the remaining balance of \$363,122 when the funds become available.

The construction of the three (3) new T-Hangar buildings, each containing fourteen (14) units, for a total of forty-two (42) units is going well. The majority of the site work is completed. All of the building pads have been constructed and the first T-hangar building is nearly complete.



The Flagler Executive Airport continues to have unmet demand for T-Hangar space. The airport currently has 56 T-Hangars, which are all occupied. The T-Hangar waiting list has over 100 individuals on it, with an average waiting period of approximately two (2) years to get a hangar. The additional hangars will increase revenues at the airport through leasing the units and fuel sales. The construction of the additional 42 T-Hangars will generate an additional \$215,400 in annual revenue along with potential additional fuel sales.

STRATEGIC PLAN:

Focus Area: Economic Vitality,

- Goal 2- Diversify the Tax Base to Improve the Local Economy
 - Objective EV 2.4: Expand facilities and attract aviation related businesses to the Flagler Executive Airport.

FUNDING INFORMATION: The FDOT is offering an Amendment to the PTGA in the amount of \$900,000, bringing their total contribution to date to \$5,526,600. This additional \$900,000 in grant funding will be appropriated upon approval of the Unanticipated Revenue Resolution.

DEPARTMENT CONTACT: Airport Director, Roy Sieger (386) 313-4220

RECOMMENDATIONS: Request the Board approve the First Amendment to the PTGA, approve the Unanticipated Revenue Resolution, and adopt the Resolution authorizing the Chair to execute the agreement and authorize the County Administrator to execute all necessary documents

associated with accepting and implementing said agreement as approved as to form by the County Attorney.

ATTACHMENTS:

1. FDOT First Amendment to the Public Transportation Grant Agreement (PTGA)
2. Resolution in support of the First Amendment to the Public Transportation Grant Agreement
3. Unanticipated Revenue Resolution



Construction completed on first building as of April 30, 2023

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
AMENDMENT TO THE PUBLIC TRANSPORTATION
GRANT AGREEMENT

Form 725-000-03
 STRATEGIC
 DEVELOPMENT
 OGC 04/22

Financial Project Number(s): <small>(item-segment-phase-sequence)</small> 448984-1-94-01	Fund(s): Work Activity Code/Function: Federal Number/Federal Award Identification Number (FAIN) – Transit only:	DDR,DPTO 215	FLAIR Category: Object Code: Org. Code: Vendor Number:	088719 751000 55052000531 VF596000605056
Contract Number: G2762	Federal Award Date:		Amendment No.:	1
CFDA Number: N/A	SAM/UEI Number:			
CFDA Title: N/A				
CSFA Number: 55.004				
CSFA Title: Aviation Grant Program				

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT (“Amendment”) is made and entered into on _____, by and between the State of Florida, Department of Transportation (“Department”), and Flagler County, (“Agency”), collectively referred to as the “Parties.”

RECITALS

WHEREAS, the Department and the Agency on 4/4/2022 (date original Agreement entered) entered into a Public Transportation Grant Agreement (“Agreement”).

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. **Amendment Description.** The project is amended to add funds for the T-Hangar Development at Flagler Executive Airport.

2. **Program Area.** For identification purposes only, this Agreement is implemented as part of the Department program area selected below (select all programs that apply):

- Aviation**
- Seaports**
- Transit**
- Intermodal**
- Rail Crossing Closure**
- Match to Direct Federal Funding** (Aviation or Transit)
- (Note: Section 15 and Exhibit G do not apply to federally matched funding)
- Other**

3. **Exhibits.** The following Exhibits are updated, attached, and incorporated into this Agreement:

- Exhibit A: Project Description and Responsibilities
- Exhibit B: Schedule of Financial Assistance
- *Exhibit B1: Deferred Reimbursement Financial Provisions
- *Exhibit B2: Advance Payment Financial Provisions
- *Exhibit C: Terms and Conditions of Construction
- Exhibit D: Agency Resolution
- Exhibit E: Program Specific Terms and Conditions
- Exhibit F: Contract Payment Requirements
- *Exhibit G: Financial Assistance (Single Audit Act)
- *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
AMENDMENT TO THE PUBLIC TRANSPORTATION
GRANT AGREEMENT

Form 725-000-03
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___ *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is X increased/ ___ decreased by \$1,000,000 bringing the revised total cost of the project to \$6,140,666.

The Department's participation is X increased/ ___ decreased by \$900,000. The Department agrees to participate in the Project cost up to the maximum amount of \$5,526,600, and, additionally the Department's participation in the Project shall not exceed 90.00% of the total eligible cost of the Project.

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year written above.

AGENCY Flagler County

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____
Name: _____
Title: _____

By: _____
Name: C. Jack Adkins
Title: Director of Transportation Development

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Daniel L. McDermott

EXHIBIT A

Project Description and Responsibilities

A. Project Description (description of Agency's project to provide context, description of project components funded via this Agreement (if not the entire project)): Construction of T-Hangars - The proposed project will include construction of three new T-Hangar buildings. A total of 42 new individual units are planned. The proposed layout of the buildings is three 14-unit buildings. One building will be equipped with Men's/Women's restroom facilities. Utilities will be constructed for extension from Aviation Drive to the project site (water, wastewater, and power). Taxi lanes will be constructed for aircrafts access to Taxiways Alpha and Gulf. Vehicle access and parking will be constructed to meet County standards.

B. Project Location (limits, city, county, map): Flagler Executive Airport/Palm Coast, FL/Flagler

C. Project Scope (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size): T-Hangar (Construction): As required by 215.971, F.S., this scope of work includes but is not limited to consultant and design fees, survey and geotechnical costs, permitting, construction inspection and material testing costs, mobilization and demobilization, maintenance of traffic, erosion control, demolition, pavement (access roadways, parking lots, and sidewalks), drainage, utilities, primary and back-up power supplies, buildings (foundation, structure, roof, MEP, drainage, fire prevention, and protection), pavement marking, lighting and signage, fencing and gates, landscaping (including outdoor lighting), and indoor/outdoor security systems, including all materials, equipment, labor, and incidentals required to complete the T-Hangar project.

"The specifics of the Project Scope for construction are described in and limited by the 100% Project Design Plans identified as "T-Hangars (Buildings F, G, & H)" at Flagler Executive Airport prepared by Hoyle, Tanner & Associates, Inc., dated October 2021, together with all plan updates, necessary design variation, exceptions, and change orders approved by the Agency." The Sponsor will comply with Aviation Program Assurances.

D. Deliverable(s): Final closeout documents to be uploaded into JACIP.

The project scope identifies the ultimate project deliverables. Deliverables for requisition, payment and invoice purposes will be the incremental progress made toward completion of project scope elements. Supporting documentation will be quantifiable, measurable, and verifiable, to allow for a determination of the amount of incremental progress that has been made, and provide evidence that the payment requested is commensurate with the accomplished incremental progress and costs incurred by the Agency.

E. Unallowable Costs (including but not limited to): Stored Material

F. Transit Operating Grant Requirements (Transit Only):

Transit Operating Grants billed as an operational subsidy will require an expenditure detail report from the Agency that matches the invoice period. The expenditure detail, along with the progress report, will be the required deliverables for Transit Operating Grants. Operating grants may be issued for a term not to exceed three years from execution. The original grant agreement will include funding for year one. Funding for years two and three will be added by amendment as long as the grantee has submitted all invoices on schedule and the project deliverables for the year have been met.



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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
 GRANT AGREEMENT EXHIBITS**

Form 725-000-02
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EXHIBIT B

Schedule of Financial Assistance

FUNDS AWARDED TO THE AGENCY AND REQUIRED MATCHING FUNDS PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

A. Fund Type and Fiscal Year:

Financial Management Number	Fund Type	FLAIR Category	State Fiscal Year	Object Code	CSFA/CFDA Number	CSFA/CFDA Title or Funding Source Description	Funding Amount
448984-1-94-01	DDR	088719	2022	751000	55.004	Aviation Grant Program	\$4,626,600.00
448984-1-94-01	DDR	088719	2023	751000	55.004	Aviation Grant Program	\$801,496.00
448984-1-94-01	DPTO	088719	2023	751000	55.004	Aviation Grant Program	\$98,504.00
448984-1-94-01	LF	088719	2023	751000	55.004	Aviation Grant Program	\$100,000.00
448984-1-94-01	LF	088719	2022	751000	55.004	Aviation Grant Program	\$514,066.00
Total Financial Assistance							\$6,140,666.00

B. Estimate of Project Costs by Grant Phase:

Phases*	State	Local	Federal	Totals	State %	Local %	Federal %
Land Acquisition	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Planning	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Environmental/Design/Construction	\$5,526,600.00	\$614,066.00	\$0.00	\$6,140,666.00	90.00	10.00	0.00
Capital Equipment/ Preventative Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Match to Direct Federal Funding	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Mobility Management (Transit Only)	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Totals	\$5,526,600.00	\$614,066.00	\$0.00	\$6,140,666.00			

*Shifting items between these grant phases requires execution of an Amendment to the Public Transportation Grant Agreement.

Scope Code and/or Activity Line Item (ALI) (Transit Only)	
------------------------------------------------------------------	--

BUDGET/COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category (grant phase) has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, Florida Statutes. Documentation is on file evidencing the methodology used and the conclusions reached.

Joseph A. Jerkins

Department Grant Manager Name

**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

DocuSigned by:

Joseph Jenkins

04/14/2023 | 11:05 AM EDT

Signature

17F3039EB617433...

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 01/23

EXHIBIT D

AGENCY RESOLUTION

PLEASE SEE ATTACHED

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 01/23

EXHIBIT G

AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE

THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:~

Awarding Agency: Florida Department of Transportation

State Project Title: Aviation Grant Program

CSFA Number: 55.004

***Award Amount:** \$5,526,600

*The award amount may change with amendments

Specific project information for CSFA Number 55.004 is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:

State Project Compliance Requirements for CSFA Number 55.004 are provided at:
<https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

Resolution 2023 - ____

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) BETWEEN FLAGLER COUNTY, FLORIDA AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO ADD FUNDING TO THE T-HANGAR CONSTRUCTION PROJECT AT THE FLAGLER EXECUTIVE AIRPORT.

WHEREAS, the Board of County Commissioners of Flagler County, Florida (Board) wishes to continue with the T-Hangar construction project to help meet the demand for aircraft storage; and

WHEREAS, the Florida Department of Transportation (FDOT) has offered a First Amendment to the Public Transportation Grant Agreement (PTGA), FM No. 448984-1-94-01 that will add funding to this project; and

WHEREAS, the Board finds that it is in the best interest of the citizens of Flagler County and the Flagler Executive Airport Enterprise Fund to approve the First Amendment to the PTGA, including the assurances contained therein, to continue with the T-hangar construction project.

NOW, THEREFORE, BE IT RESOLVED by the Board that: (i) the First Amendment to the PTGA by and between the Board and the FDOT, incorporated by reference herein, is hereby approved; and (ii) the Airport Director will be the Board's representative and act on the Board's behalf in regard to the PTGA.

THIS RESOLUTION shall become effective upon adoption and approval.

ADOPTED and APPROVED this 15th day of May 2023, by the Board of County Commissioners, Flagler County, Florida.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:

Tom Bexley, Clerk of the Circuit
Court & Comptroller

Gregory L. Hansen, Chair

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.03 10:35:16 -04'00'
Sean S. Moylan, Deputy County Attorney

RESOLUTION 2023 - __

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, TO AMEND THE AIRPORT FUND 1401 BUDGET FOR FISCAL YEAR 2022-23 TO RECOGNIZE AND APPROPRIATE UNANTICIPATED REVENUE

WHEREAS, it is necessary to increase the Airport Fund 1401 to receive unanticipated grant revenue from the State of Florida Department of Transportation (FDOT) related to the T-Hangar Construction project; and

WHEREAS, Section 129.06, Florida Statutes, authorizes the Board of County Commissioners to amend, by resolution, its budget to provide for the receipt and expenditure of unanticipated funds.

NOW, THEREFORE, BE IT RESOLVED by the Flagler County Board of County Commissioners that the Airport Fund 1401 is hereby amended and the appropriation and expenditures reflected in Exhibit A, attached hereto and incorporated herein, is approved. This Resolution shall take effect upon its adoption.

DULY ADOPTED in regular session, this 15th day of May 2023.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Gregory L. Hansen, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.03 10:40:26 -04'00'

Sean S. Moylan, Deputy County Attorney

BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	EFF DATE	PREV BUDGET	BUDGET CHANGE	AMENDED BUDGET	ERR
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY	AMEND			
2023	08	80015	05/02/2023	094	BUA THANGAR2	1	2			
1	40113341	334410		Airport	State Grt-Transp-Airport Dev					
	1401-001-0000-334410-330-00-000-000-334410-				PTGA Amendment 1			-5,539,719.00	-900,000.00	-6,439,719.00
								05/02/2023		
2	14188030	563000		Operating - Grants	Infrastructure					
	1401-180-8001-542600-540-54-000-000-563000-				PTGA Amendment 1			13,545,446.00	900,000.00	14,445,446.00
								05/02/2023		
					** JOURNAL TOTAL				0.00	

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: AGilbert

YEAR	PER	JNL	SRC ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2023	8	80015											
BUA	1401-001-0000-334410-330-00-000-000-334410-			05/02/2023	THANGAR2	094			State Grt-Transp-Airport Dev	T			900,000.00
BUA	1401-180-8001-542600-540-54-000-000-563000-			05/02/2023	THANGAR2	094			Infrastructure	T		900,000.00	
									PTGA Amendment 1				
												.00	.00
BUA	1401-000-0000-000000-000-00-000-000-241000-			05/02/2023	THANGAR2	094			Appropriations				900,000.00
BUA	1401-000-0000-000000-000-00-000-000-171000-			05/02/2023	THANGAR2	094			Estimated Revenues			900,000.00	
									SYSTEM GENERATED ENTRIES TOTAL			900,000.00	900,000.00
									JOURNAL 2023/08/80015 TOTAL			900,000.00	900,000.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
1401	2023	8	80015	05/02/2023	1401-000-0000-0000000-000-00-000-000-171000-		
					Estimated Revenues	900,000.00	
					1401-000-0000-0000000-000-00-000-000-241000-		
					Appropriations		900,000.00
FUND TOTAL						900,000.00	900,000.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: AGilbert

PA JOURNAL SOURCE	PROJECT	STRING	EFF DATE	GL YEAR/PER/JNL	REF1	REF2	REF3	REF4	T	AMOUNT	
*****			05/02/2023	2023/08/80015							
PAB	AP00026	-GRANT	-STATE		094			T	THANGAR2	5	-900,000.00
BUA	AP00026	-CONST	-CAPIMP	-8001	094			T	THANGAR2	5	900,000.00
Project Expense String Totals											
AP00026 Total:										900,000.00	
Project FS String Totals											
AP00026 Total:										-900,000.00	
PROJECT JOURNAL GRAND TOTAL:										0.00	

** END OF REPORT - Generated by Amanda Gilbert **

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7c**

SUBJECT: Budget Transfer from the Daytona North Service District Fund 1104 Reserves for increased Road and Bridge Staff Time.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Staff is seeking approval to transfer funds from the Daytona North Reserves for the FY 2022-2023 Budget in the amount of \$454,253 for increased Road and Bridge staff time related to mowing right of ways, dragging, and shaping of dirt roads, and canal/ditch cleaning services within the district. According to the Circuit Court of Flagler County 1972 Case # 76-131-CA-01 Division C, Petitioner, Flagler County vs Defendant, Dimension Investment Corporation, through final judgement determined that Flagler County accepted the plat of the subdivision of Daytona North, Flagler County was not obligated to construct or maintain any streets within the development. Language in the dedication of the streets to the plat, required defendant to pave the streets within the subdivision. Although the language of the subdivision regulations does not mandatorily require Daytona North to pave the streets, it was a prescribed specification for the County to take over the maintenance of the streets. These unpaved roads cause an added financial burden because they require extra maintenance. Most roads are graded weekly, with a few requiring twice weekly service. These unpaved roads also negatively impact drainage in the area and require our ditch/swale maintenance crew to spend much of their time in this district. The Daytona North Reserves are funded through a front foot assessment of the properties located within the district. This assessment has not been increased since its inception, and will likely need to be increased in the upcoming budget to allow for the desired level of service being provided as well as providing any necessary matches for paved road projects.

STRATEGIC PLAN:

Focus Area: Growth & Infrastructure

- Goal 1- Provide Quality Fundamental Infrastructure and Assets

FUNDING INFORMATION: Budget from Fund 1104 Reserves in the amount of \$454,253 will be appropriated with the approval of the Budget Transfer.

DEPARTMENT CONTACT: Mike Dickson, General Services Director (386) 313-4191
E. John Brower, Financial Services Director (386) 313-4036

RECOMMENDATION: Request the Board approve the Budget Transfer.

ATTACHMENTS:

1. Budget Transfer

BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	PREV	BUDGET	AMENDED		
	ACCOUNT				LINE DESCRIPTION	EFF DATE	BUDGET	CHANGE	BUDGET	ERR
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY	AMEND			
2023	07	71022	04/25/2023	088	BUA DNSDRESRV	1	1			
1	10450000	598010		DaytonaNor/Reserves	Reserve - Contingency		454,253.00	-454,253.00		.00
	1104-150-5000-000000-	590-00-000-000-598010-			From Reserve to Staff Time	04/25/2023				
2	10417032	534010		DaytonaNor/Daytona N	Governmental Services		177,000.00	454,253.00	631,253.00	
	1104-117-1703-541300-540-54-000-000-534010-				From Reserve to Staff Time	04/25/2023				
					** JOURNAL TOTAL			0.00		

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: AGilbert

YEAR	PER	JNL				ACCOUNT DESC	T	OB	DEBIT	CREDIT
SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	LINE DESC			
2023	7	71022								
BUA	1104-150-5000-000000-590-00-000-000-598010-	04/25/2023	DNSDRESRV 088				Reserve - Contingency	5		454,253.00
							From Reserve to Staff Time			
BUA	1104-117-1703-541300-540-54-000-000-534010-	04/25/2023	DNSDRESRV 088				Governmental Services	5	454,253.00	
							From Reserve to Staff Time			
							JOURNAL 2023/07/71022	TOTAL	.00	.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND ACCOUNT	YEAR PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
				FUND TOTAL	.00	.00

** END OF REPORT - Generated by Amanda Gilbert **

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM #7d**

SUBJECT: Request for Authorization for the County Administrator to Execute Flagler County School District Proportionate Share Mitigation Agreements on Behalf of Flagler County

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request aids the Flagler County School District (FCSD) and the County in the implementation of school concurrency. As the Board is aware, the County is a party to the Interlocal Agreement for Public School Facility Planning (ILA). The ILA provides a framework for assuring that the pace of development coincides with the availability of student capacity in the public school system. To satisfy school concurrency requirements, the ILA includes the requirement for a residential developer to enter into a Proportionate Share Mitigation Agreement (PSMA) – consistent with statutory requirements – where the subject residential development would cause school capacity thresholds to be exceeded.

A PSMA is a three-party agreement entered into between the developer as the applicant, the Flagler County School Board, and the local government having jurisdiction over the residential development. A PSMA is binding on the parties, with the developer provided with specific mitigation timeframes by School District staff through the PSMA. In the event of a default by the developer, the enforcement of the PSMA falls to the local government through the withholding of the issuance of permits for the duration of the default.

At the direction of the Oversight Committee, attorneys of the parties to the ILA drafted a standardized PSMA template. The PSMA adheres to the requirements of Florida law and with the ILA approved by the School Board and local governments. Developers required to mitigate school capacity will pay 30% of mitigation within sixty days of development approval, 30% within twenty-one months of the initial payment, and 30% within forty-two months of the initial payment, the remaining 10% to be paid as traditional school impact fees at the time of residential building permits. This Resolution, with an attached sample PSMA, authorizes the County Administrator to sign PSMA's on behalf of the County. Any modifications to the terms of the PSMA would require review by the Oversight Committee, in which case staff would bring the revised template back to the County Commission for signature authorization.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.1: Create a culture of collaboration with municipalities and community partners.
 - Objective EG 2.4: establish joint strategies to identify and address needs through leveraging of local resources.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065
County Attorney's Office, Sean Moylan, 386-313-4005

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM #7d**

RECOMMENDATION: Staff recommends that the Board adopt the Resolution authorizing the County Administrator to execute Flagler County School District Proportionate Share Mitigation Agreements on behalf of Flagler County.

ATTACHMENT:

1. Resolution
2. Proportionate Share Mitigation Agreement

RESOLUTION 2023 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE PUBLIC SCHOOL PROPORTIONATE SHARE MITIGATION AGREEMENTS ON BEHALF OF FLAGLER COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Flagler County (“County”) is a party to the Interlocal Agreement for Public School Facility Planning (“ILA”) along with the School District of Flagler County (“School Board”) and the City Councils/Commissions of Palm Coast, Flagler Beach, and Bunnell; and

WHEREAS, the ILA enables the parties to meet statutory requirements related to the availability of school capacity, and ensures that new residential development coincides with the availability of school capacity; and

WHEREAS, as provided in the ILA, when new, proposed residential development will cause school capacity thresholds to be exceeded, the developer is required to enter into a written agreement (called, a “Proportionate Share Mitigation Agreement” or “PSMA”) consistent with Sec. 163.3180(6)(h), F.S., to satisfy school concurrency requirements; and

WHEREAS, each PSMA is a three-party agreement entered into between a developer as the applicant, the School Board, and the local government having jurisdiction over the subject residential development; and

WHEREAS, the ILA establishes a Working Group, comprised of staff members of the parties to the ILA, as well as an Oversight Committee, comprised of elected officials of the parties to the ILA; and

WHEREAS, in preparing the latest iteration of the ILA in 2022, the Oversight Committee, upon the recommendation of the Working Group and community stakeholders, determined that a standardized PSMA in which the applicable local government is a party is in the best interest of all involved because it provides uniformity and predictability for the development and home building industries, and also for the School Board and local governments; and

WHEREAS, as required by the ILA, attorneys for the School Board, the County, and the City of Palm Coast, with the concurrence of attorneys for the Cities of Flagler Beach and Bunnell, prepared a PSMA template consistent with Florida law and which provides for a phased mitigation payment schedule applicable in all situations where mitigation is required: 30% payment within sixty days of development approval, 30% payment within twenty-one months of the initial payment, and 30% payment within forty-

two months of the initial payment, the remaining 10% of mitigation being paid as traditional impact fees at time of building permitting; and

WHEREAS, under the PSMA and in accordance with Florida law, payors of proportionate share mitigation are given dollar for dollar credit toward school impact fees, which credits are freely transferable and which credits increase proportionately if school impact fees are increased; and

WHEREAS, a sample of the standardized PSMA is attached to this Resolution as Attachment 1, and is incorporated herein; and

WHEREAS, each PSMA, including the mitigation payments, is binding upon the particular developer as the applicant, with enforcement of any default to fall to the local government through a prohibition on the issuance of future building permits for the duration of the default.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA, THAT:

1. The above Recitals are incorporated herein as Findings of Fact.
2. This Resolution authorizes the County Administrator to execute the standardized Proportionate Share Mitigation Agreements (PSMA's) on behalf of Flagler County. Provided however, that any modifications or additions to the standardized PSMA template directed by the Oversight Committee shall require subsequent signature authorization of the County Commission.
3. This Resolution shall take effect upon adoption.

APPROVED in open session by the Flagler County Board of County Commissioners in Bunnell, Florida, on this 15th day of May 2023.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Gregory L. Hansen, Chair

APPROVED AS TO FORM:

Sean S. Moylan  Digitally signed by Sean S. Moylan
Date: 2023.05.05 08:59:36 -04'00'

Sean S. Moylan, Deputy County Attorney

ATTACHMENT 1

After recording return to:
Planning & Operations
Flagler County Schools
P.O. Box 755
Bunnell, Florida 32110

**PUBLIC SCHOOL PROPORTIONATE SHARE
MITIGATION AGREEMENT****FCSD #22-020. Project-Wexford Cove**

This Public School Proportionate Share Mitigation Agreement (hereinafter “Agreement”) is made by and among the FLAGLER COUNTY SCHOOL BOARD, a body corporate and politic of the State of Florida (hereinafter “the District”) and Wexford Cove, LLC, a Florida Limited Liability Company, (hereinafter collectively the “Applicant”), whose address is 123 Magnolia Avenue, Daytona Beach, FL. 32114 and FLAGLER COUNTY, whose address is 1769 E. Moody Blvd, Bldg, 2, Bunnell, FL 32110 (hereinafter “Local Government”).

WHEREAS, the Applicant is the fee simple owner of that certain tract of land commonly known as Wexford Cove Parcel Numbers 34-12-31-0650-000DO-0010 and 35-12-31-0000-02010-0021, in Flagler County and more particularly described on Exhibit “A,” attached hereto and incorporated herein (the “Property”). The location of the Property described in Exhibit “A” is illustrated with a map appearing in Exhibit “B;” and

WHEREAS, the Applicant has applied for a development proposal seeking approval of the Local Government to develop eighty-one (81) Single Family residential dwelling units on the Property, hereinafter referred to as the “Development Proposal”, which is anticipated to generate seven (7) elementary school students (“Elementary Students”), five (5) middle school students (“Middle School Students”) and seven (7) high school students (“High School Students”); and

WHEREAS, the Local Government and the District have adopted and implemented a public school concurrency management system to assure the future availability of public school facilities to serve new development consistent with level of service standards (“Standards” or “Level of Service” or “Level of Service

Standards”), the terms of the current Interlocal Agreement for Public School Planning between the District and the local governments of Flagler County, recorded at OR Book 2729, Page 1233 in the Official Records of Flagler County, Florida, as may be amended from time to time (“Interlocal Agreement”), and the Local Government’s public school facilities and capital improvement comprehensive plan elements (individually, “Element”; plural, “Elements”); and

WHEREAS, at the time of this Agreement, adequate elementary school capacity is available to accommodate the seven (7) elementary school students the Development Proposal is anticipated to generate by the eighty-one (81) proposed units.

WHEREAS, at the adopted Level of Service, (1) adequate school capacity is not available for, five (5) middle school, and the seven (7) high school students generated by the Development Proposal at the Level of Service within the Flagler School District in which the Development Proposal is anticipated to generate without exceeding the adopted Level of Service; and (2) available school capacity will not be in place or under actual construction within three (3) years after the approval of the Development Proposal; and

WHEREAS, authorizing the **new** residential dwelling units in the Development Proposal without the mitigation provided for in this Agreement would result in a failure of the Level of Service Standard for public school facilities in the Flagler School District, or would exacerbate existing deficiencies in Level of Service; and

WHEREAS, the Parties agree that public school concurrency shall be satisfied by the Applicant’s execution of this legally binding Agreement to provide mitigation proportionate to the demand for public school facilities to be created by these **new** residential dwelling units (“Proportionate Share Mitigation”); and

WHEREAS, the Parties further agree that the appropriate Proportionate Share Mitigation option necessary to satisfy public school concurrency is payment of Proportionate Share Mitigation in the amount of \$408,769, as more specifically depicted or described herein.

NOW, THEREFORE, in consideration of the foregoing described Proportionate Share Mitigation, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby

acknowledged, the Parties hereto, intending to be legally bound, hereby agree as follow:

1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and are hereby incorporated into this Agreement by this reference as if fully set forth herein.

2. PARTIES. The District, the Local Government, and the Applicant shall be collectively referred to as the "Parties."

3. LEGALLY BINDING COMMITMENT. The Parties agree that this Agreement constitutes a legally binding commitment by Applicant to provide Proportionate Share Mitigation for the new residential dwelling units sought to be approved by the Local Government in the Development Proposal for the Property.

4. PROPORTIONATE SHARE MITIGATION CAPACITY RESERVATION. The Parties agree that the payment of Proportionate Share Mitigation in the total amount of \$408,769 for the Development Proposal, is the appropriate Proportionate Share Mitigation option necessary to maintain the Level of Service Standard for school capacity in the affected Flagler County School District. Upon final execution of this Agreement, the District shall issue a revised School Concurrency Determination showing adequate capacity is available based upon full payment of this acceptable mitigation option. The duration and effect of this School Concurrency Determination shall be in accordance with the Interlocal Agreement. The District agrees to reserve the allocation of nineteen (19) student stations for the Applicant and Property subject to the Applicant complying with the requirements of this Agreement. However, in no event shall this School Concurrency Determination, or any capacity reservation based on this Determination, continue to be effective if the Applicant fails to perform its obligations under this Agreement. Conversely, once the Applicant has completely performed its obligations under this Agreement, the Applicant shall be entitled to rely on the School Concurrency Determination and the capacity reservation for the Development Proposal as set forth herein and such right of reliance shall survive the expiration of this Agreement.

5. SCHOOL IMPACT FEE CREDIT. In accordance with Section 163.3180(6)(h)(2)(b) and 163.31801(5)(a), Florida Statutes, as consideration for the payment of the Proportionate Share Mitigation as described in Section 4 above, the Parties agree that the District shall provide the Applicant a dollar-for-dollar credit in the amount of \$408,769 in school impact fees ("Impact Fee Credits") in the form of the Flagler County Educational Impact Fee Voucher attached hereto as

Exhibit “C” (the “Voucher”). The number of units set forth in the Voucher will be based upon the rate of Impact Fees at the time of the Proportionate Share Mitigation payment. As an example, the current Impact Fee is \$5,450 per single family home. Assuming the first installment payment is in the amount of \$350,000.00, it would result in a voucher for 64.22 single family home units. If the impact fee rate is increased after the issuance of the Voucher, the Voucher would nevertheless be valued at 64.22 single family residential units. In no event will the Proportionate Share Mitigation required exceed the amount of the Impact Fees due for the Development Proposal. Applicant may assign the Voucher, in whole or in part, to third-party(ies). Should, at any time, the total number of units set forth in the Development Proposal exceed the number of units set forth in Voucher(s) issued, the Applicant shall pay the then current impact fee amount for each unit above the total amount of units in the issued vouchers. The Applicant shall provide the Voucher(s) to the local government at the time of impact fee payment.

6. TIMING. The Parties agree that the Applicant shall pay the Proportionate Share Mitigation directly to the District at

- a) Thirty percent (30%) or \$122,630.70 within sixty (60) days of final construction site plan approval or final plat approval.
- b) Additional thirty percent (30%) \$122,630.70 on or before twenty-one months (21) months from that date of the first payment.
- c) Additional Thirty percent (30%) \$122,630.70 on or before forty-two (42) months after the date of the first payment.
- d) The final ten percent (10%) \$40,876.90 shall be paid through impact fees in the regular course of business and no credit shall be due for same.

Other than the final ten percent (10%), which shall be due no sooner than residential building permit issuance, the Applicant may prepay the Proportionate Share Mitigation at any time after the final site plan or final plat approval without penalty.

7. IMPACT FEE. The payment of school impact fees shall be the responsibility of each dwelling unit constructed on the Property, and due at the time of building permit issuance.

8. SCHOOL CAPACITY IMPROVEMENT. The District agrees to apply the Proportionate Share Mitigation contributed by the Applicant toward a school capacity improvement in its 5-year Educational Facilities Work Program and if no project can be identified, the District shall set aside the funds, and not spend same

until an improvement has been identified which satisfies the demands created by the Development Proposal in accordance with this Agreement.

9. NO GUARANTEE OF LAND USE/ZONING. Nothing in this Agreement shall require the Local Government to approve any development proposal, land use amendment, or rezoning application associated with the Property described herein.

10. EFFECTIVE DATE. This Agreement shall become effective on the date it is recorded in the Public Records of Flagler County, Florida (the "Effective Date"). If this Agreement is not executed by the Applicant, recorded, and delivered to the District within thirty (30) days after Local Government and District approval of this Agreement, this Agreement shall become void.

11. TERMINATION. This Agreement shall terminate, and Applicant shall forfeit any administrative fees paid, as well as any capacity encumbered or reserved under the following circumstances, unless the Local Government and the School Board agree to an extension of this Agreement:

- a. The Applicable Local Government does not approve the final plat or final site plan within twelve (12) months from approval of the preliminary plat, or its equivalent, by the Local Government.
- b. The Applicant fails to obtain at least one building permit for a unit other than a model home within three (3) years of recording of the plat or, if a plat is not required, within three (3) years of final approval of the site plan, or its equivalent. In such case, unless for good cause shown by the Applicant, this Agreement shall be terminated, and other than any encumbered or reserved school capacity associated with a payment of Proportionate Share Mitigation, shall be returned to its applicable capacity bank and the Applicant shall not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement prior to termination.

12. STATUTORY COMPLIANCE. The Parties agree that this Agreement satisfies the requirements for a binding Proportionate Share Mitigation Agreement in Section 163.3180(6)(h), Florida Statutes.

13. NOTICES. Any notice, demand, request, consent, approval, or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed. Such notice or communication shall be deemed to have been given or made when

communicated by personal delivery, independent courier service, email, or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered, or certified, addressed as hereinafter provided. Parties shall make reasonable inquiry to determine whether the names of the persons listed in this Agreement should be substituted with the name of the listed person's successor. Notwithstanding the foregoing, it is not the intent of this Section that formal notice be made for regular or routine communications between the District and Applicant concerning permit requests, site plan reviews or other daily matters related to the Development. All notices, demands, requests, consents, approvals, or communications shall be addressed:

To Applicant at:

Wexford Cove, LLC
123 Magnolia Avenue
Daytona Beach, FL. 32114
T: 386-238-8383
Email: corye@storchlawnfirm.com

To the Local Government at:

Flagler County Government
1769 E. Moody Blvd, Bldg, 2
Bunnell, FL 32110
T: 386-313-4067
Email: glemon@flaglercounty.gov

To the District at:

Flagler County School Board
1769 East Moody Blvd. Bldg. #2
Bunnell, FL 32110
T: 386-437-7526
Fax: 386-586-2396
Email: FCSBplanner@flaglerschools.com

14. RELEASE. Upon the performance of all obligations of all Parties hereto, the School District and the Local Government shall release the Applicant from this Agreement, and the Applicant shall release the School District and the Local Government from all future claims, costs or liabilities arising out of the provision

of Proportionate Share Mitigation in accordance with this Agreement. These releases shall be recorded at the Applicant's expense in the Official Records of Flagler County, Florida, evidencing such performance.

15. DEFAULT. If any party to this Agreement materially defaults under the terms hereof, then the non-defaulting party(s) shall give the defaulting party(s) thirty (30) days' notice and a right to cure such breach. Should the Applicant of the Property described herein fail to timely cure a default in meeting their obligations set forth herein, their Concurrency certificate, issued based upon payment and/or performance hereunder, shall be voided and the Property described herein shall lose its right to concurrency under this Agreement, and the Local Government shall cease issuing building permits upon written notice of said default and failure to cure. Notwithstanding the foregoing, any Voucher obtained via payment of Proportionate Share Mitigation shall not be voided but shall entitle the holder the full value of the Voucher. Should the District fail to timely cure a default in meeting their obligations set forth herein, Applicant may seek all remedies available to it in law or equity.

16. VENUE: CHOICE OF LAW. Any controversies or legal issues arising out of this Agreement, and any action involving the enforcement or interpretation of any rights hereunder, shall be submitted to the jurisdiction of the Circuit Court of Flagler County, Florida, the venue situs, and shall be governed by the laws of the State of Florida.

17. CAPTIONS and PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend, or limit the scope or intent of this Agreement.

18. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

19. EXHIBITS. All Exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

20. FURTHER ASSURANCES. The Parties hereby agree to execute, acknowledge, and deliver and cause to be done, executed, acknowledged, and delivered all further assurances and to perform such acts as shall reasonably be requested of them to carry out the intent of this Agreement.

21. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective, unless contained in a written

document prepared with the same or similar formality as this Agreement and executed by all the Parties to this Agreement

22. ASSIGNMENT. This Agreement runs with the Property. The Applicant may assign its rights, obligations, and responsibilities under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property. Any such assignment shall be in writing and shall require the prior acknowledgement of all the Parties, and such acknowledgement shall not be unreasonably withheld or delayed. At the election of the District, such acknowledgement may be conditioned upon the written agreement of the assignee to comply with conditions and procedures to aid in the monitoring and enforcement for the assignee's performance of the Proportionate Share Mitigation under this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of the same.

23. NO THIRD-PARTY BENEFICIARIES. This Agreement is made for the sole benefit and protection of the Parties, their successors and assigns, and no other persons shall have any right of action hereunder.

24. COUNTERPARTS. This Agreement may be executed in three (3) counterparts, each of which may be deemed to be an original.

25. RECORDING OF THIS AGREEMENT. The Applicant shall record this Agreement, at its expense, within fourteen (14) days after full execution, in the Flagler County Public Records. Time is of the essence in the recording, and failure to timely record shall render this Agreement void.

26. MERGER CLAUSE. This Agreement sets forth the entire agreement among the Parties with regard to the subject matter hereof, and it supersedes all prior and contemporaneous negotiations, understandings, and agreements, written or oral, among the Parties.

27. ATTORNEY'S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, crossclaim, or third-party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

28. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of this Agreement will remain in full force and effect if doing so would not affect the overall purpose or intent of the Agreement.

29. NO PARTNERSHIP. The execution of this Agreement or the performance of any act pursuant to the provisions hereof shall not be deemed or construed to have the effect of creating between the District, the Local Government, and Applicant the relationship of principal and agent, or a partnership or joint venture.

[Intentionally Blank – Signature Page to Follow]

IN WITNESS WHEREOF, the District, the Local Government, and the Applicant have caused this Agreement to be executed themselves or by their respective, duly authorized agents, managers, or officers.

SCHOOL DISTRICT

Signed, witnessed, executed, and acknowledged on this 18th day of April, 2023.

WITNESS:

[Signature]
Print Name: Cathy Mittelstadt
[Signature]
Print Name: Dana Holmes

SCHOOL DISTRICT OF FLAGLER COUNTY, FLORIDA, a body corporate and politic existing under the laws of the State of Florida

By: [Signature]
Cheryl Massaro
Print
Chair
Title

**STATE OF FLORIDA
COUNTY OF FLAGLER}**

The foregoing instrument was acknowledged before me by means of physical present or online notarization, this 18th day of April, 2023, by Cheryl Massaro, Chair He/She is personally known to me or has produced _____ (type of identification) as identification.

{AFFIX NOTARY STAMP}



[Signature]
Notary Public
Print
Name: KRISTY J. GAVIN
Notary Public, State of FLORIDA
My Commission Expires:
4-14-2025

APPLICANT

Signed, witnessed, executed, and acknowledged on this 28th day of February, 2023.

WITNESS:

Melissa A Tardella
Print Name: Melissa A Tardella
Dave Janse
Print Name: Dave Janse

APPLICANT:

Wexford Cove, LLC

By: RCM
Richard C Maugeri
Print
manager
Title

STATE OF FLORIDA

COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of physical present or online notarization, this 28th day of February, 2023, by Richard C Maugeri.
He is personally known to me or has produced _____ (type of identification) as identification.

{AFFIX NOTARY STAMP}



Notary Public Melissa A Tardella
Print
Name: Melissa A Tardella
Notary Public, State of
Florida
My Commission Expires:
5/23/24

**LOCAL GOVERNMENT
FLAGLER COUNTY**

ATTEST:

By: _____
Tom Bexley
Clerk of the Circuit Court
and Comptroller

Heidi Petito, County Administrator

Date

Approved as to form and legality.

Sean S. Moylan
Deputy County Attorney

Exhibit "A"

PART OF SECTIONS 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35, THENCE N01°47'58"E ALONG THE WEST LINE OF SAID SECTION 35 AND ALSO BEING THE EAST LINE OF SECTION 34 AFORESAID, A DISTANCE OF 1343.40 FEET; THENCE S89°05'16"W DEPARTING SAID SECTION LINE A DISTANCE OF 1162.69 FEET TO A POINT ON THE EASTERLY LINE OF INTERSTATE 95; THENCE N20°49'48"W ALONG SAID EASTERLY LINE OF INTERSTATE 95, A DISTANCE OF 676.81 FEET; THENCE N06°47'38"W CONTINUING ALONG SAID EASTERLY LINE A DISTANCE OF 206.16 FEET; THENCE N20°49'38"W CONTINUING ALONG SAID EASTERLY LINE A DISTANCE OF 20.65 FEET TO A POINT IN THE CENTER OF KORONA CANAL; THENCE S74°03'42"E ALONG SAID CANAL A DISTANCE OF 2049.82 FEET; THENCE S01°47'58"W DEPARTING SAID CANAL A DISTANCE OF 1537.11 FEET TO A POINT ON THE SOUTHERLY LINE OF SECTION 35 AFORESAID; THENCE S81°15'00"W ALONG SAID SOUTHERLY LINE A DISTANCE OF 536.24 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 38.98 ACRES MORE OR LESS.

Exhibit "B"



Exhibit "C"

[the "Voucher"]



FLAGLER COUNTY EDUCATIONAL IMPACT FEE VOUCHER

Voucher No: ___ / ___

Pursuant to the Proportionate Share Mitigation Agreement between Flagler County School Board (FCSB), _____, a Florida Limited Liability company (hereinafter "Applicant") and the _____ (hereinafter "Local Government") made on _____, 202_ Applicant is providing Proportionate Share Mitigation in the amount of \$ _____ to reserve capacity.

Payment Amount/Current Impact Fee = Number of Credits Issued

Payment Date: _____ Current Impact Fee: _____
Payment \$: _____ Credits Issued: _____

Pursuant to Florida law Applicant is entitled to school impact fee credits on a dollar-for-dollar basis. Each credit shall be for one (1) **single-family** residential unit education impact fee. This voucher shall be applied to the **single-family** residential unit educational impact fee due from a permit application for the below-described lot/unit, pursuant to the Proportionate Share Mitigation Agreement for the _____ Development, File Number _____.

Builder:
Street Address:
Lot/Parcel ID:
Signature of Builder:

(signature of an authorized agent of the School Board) Date: _____

**ONCE A CERTIFICATE IS REDEEMED A COPY MUST BE RETURNED TO FCSB
PLANNERS OFFICE
P.O. Box 755
Bunnell, FL 32110**

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7e**

SUBJECT: Interlocal Agreement with Tax Collector for Solid Waste Special Assessments

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: In December 2022, the Board re-established the Flagler County Mandatory Solid Waste Special Assessment District and recently approved a new contract with WastePro for collection and disposal services. The Board will continue to levy an annual special assessment to pay for the solid waste services to properties within the Special Assessment District. Section 197.3632(2), Florida Statutes, and Department of Revenue Rule 12D-18.003(1)(a), F.A.C., require the County to enter into a written agreement with the Tax Collector to provide for the reimbursement of necessary administrative costs incurred by the Tax Collector in collecting the special assessment. The Interlocal Agreement provides the Tax Collector a reimbursement of 2% of assessments collected.

FUNDING INFORMATION: Expenditures for the collection of Solid Waste Special Assessments are budgeted in Fund 1405.

DEPARTMENT CONTACT: Sean Moylan, Deputy County Attorney (386) 313-4005

STRATEGIC PLAN:

Effective Government

- Objective EG 2.1: Create a culture of collaboration with municipalities and community partners.
- Objective EG 2.2: Pursue policy, fiscal and legislative options to provide county leaders with the flexibility and tools needed to respond to the challenges associated with a growing community.

RECOMMENDATION: Request the Board approve the Interlocal Agreement with the Tax Collector for Collection of the Solid Waste Special Assessment.

ATTACHMENTS:

1. Interlocal Agreement

**INTERLOCAL AGREEMENT BETWEEN
THE FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS AND THE
FLAGLER COUNTY TAX
COLLECTOR FOR COLLECTION OF THE
SOLID WASTE SPECIAL ASSESSMENT**

WHEREAS, the Flagler County Board of County Commissioners (the “Board”) is a political subdivision of the State of Florida authorized by Chapter 125, Florida Statutes, to levy non-ad valorem special assessments; and

WHEREAS, the Board wishes to utilize the uniform method of levy, collection, and enforcement of Section 197.3632, Fla. Stat., and Rule 12D-18, F.A.C., as the most practical, fair, and efficient way to levy and collect special assessments for the residential collection and disposal of solid waste within the Flagler County Mandatory Solid Waste Special Assessment District; and

WHEREAS, Suzanne Johnston is the duly elected Tax Collector of Flagler County, Florida (the “Tax Collector”) and;

WHEREAS, it is the intention of the Board to levy non-ad valorem assessments on the 2023 Flagler County tax roll and annually thereafter; and

WHEREAS, the Board and the Tax Collector are required by Section 197.3632(2), Fla. Stat., to enter into a written agreement providing for the collection of non-ad valorem assessments and to reimburse the Tax Collector for necessary administrative costs incurred in carrying out the solid waste special assessment.

IT IS THEREFORE AGREED, between the Board and the Tax Collector, that:

1. The Board shall provide the Tax Collector with a certified non-ad valorem assessment roll on a compatible electronic medium tied to the parcel identification number for the Solid Waste Special Assessment levied by the Board each year.
2. The Tax Collector shall collect the non-ad valorem assessments levied on the affected parcels of property.
3. For the services of the Tax Collector, the Board shall reimburse the Tax Collector for the administrative costs incurred on the basis of two percent (2%) of the actual assessments collected.
4. The Board and the Tax Collector shall exercise the rights of each party under this Agreement in such a way as to achieve maximum efficiency in complying with the provisions of this Agreement and the statutory standards and time frames applicable to preparation and collection of non-ad valorem assessment rolls.
5. The Board shall comply with all applicable laws, rules, regulations, ordinances, and resolutions in levying, collecting, and expending the solid waste special assessment, and

failure to do so shall be considered a material breach of this Agreement. In the event of such a material breach, the Tax Collector may terminate this Agreement by providing written notice of termination to the Board. The Board agrees to indemnify Suzanne Johnston, Flagler County Tax Collector, against any and all actions, suits, claims, or demands that may be brought against the Tax Collector, and also against all damages, costs and expenses the Tax Collector may incur or become liable to pay because of her actions in collecting the assessment pursuant to this Agreement.

6. Should for any reason a refund of a non-ad valorem tax be ordered, the Board agrees to assume full and complete responsibility for the refund.

7. The Board, or the Property Appraiser, shall be responsible for final acceptance of all corrected tax bills and split-outs as they may occur.

8. This Agreement shall take effect upon filing with the Clerk of Court in accordance with Section 163.01(11), Fla. Stat.

WHEREFORE, the parties have entered into this Agreement on the dates indicated below.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

ATTEST:

Gregory L. Hansen, Chair

Tom Bexley, Clerk of the Circuit Court and
Comptroller

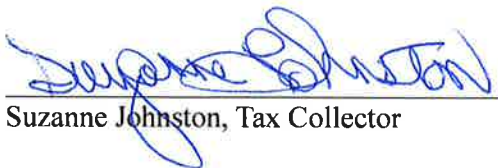
Date

APPROVED AS TO FORM:



Sean S. Moylan, Deputy County Attorney

**FLAGLER COUNTY TAX
COLLECTOR**



Suzanne Johnston, Tax Collector

4-20-23

Date

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7f**

SUBJECT: Consideration to Amend Resolution 2003-190 to Change the Interest Rate Index

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: In 2017, the Alternative Reference Rates Committee selected the Secured Overnight Financing Rate (SOFR) as the rate that represents best practice for use in certain new derivatives and other financial contracts, representing the preferred alternative to the London Interbank Offered Rate (LIBOR). SOFR is at a much more resilient rate than LIBOR because of how it is produced and the depth and liquidity of the markets that underlie it. SOFR better reflects the way financial institutions fund themselves today, which is why the financial industry is phasing out the LIBOR and is transitioning to the SOFR.

Currently Flagler County has only one existing debt instrument utilizing the LIBOR rate, the Airport's Commercial Airline Pilot Training (CAPT) loan with Bank of America from 2003. Loan payments are made quarterly, with the last payment occurring on December 1st, 2023. Part of the amending resolution includes a signed consent form from Bank of America.

FUNDING INFORMATION: Expenditures for the remaining debt service payments are budgeted within the Airport Fund (1401).

DEPARTMENT CONTACT: E. John Brower, Financial Services Director (386) 313-4036

RECOMMENDATION: Request the board approve the resolution.

ATTACHMENTS:

1. Resolution
2. Resolution 2003-190

RESOLUTION 2023 - __

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA; AMENDING RESOLUTION NO. 2003-190 TO REPLACE THE ADJUSTED LIBOR RATE DESCRIBED THEREIN WITH TERM SOFR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 2003-190 (the "Original Resolution"), adopted by the Board of County Commissioners of Flagler County, Florida (the "County") on December 1, 2003, the County issued its Revenue Note, Series 2003B (the "Note") which is owned by Bank of America, N.A. (the "Bank"); and

WHEREAS, the Original Resolution provides that the interest rate borne by the Note is based upon the London Interbank Offered Rate ("LIBOR"), and LIBOR is scheduled to permanently no longer exist after June 30, 2023 making it necessary to modify the Original Resolution to replace LIBOR with a successor interest rate; and

WHEREAS, the Bank, and the County, with advice of the County's financial advisor, have agreed to replace the interest rate based upon LIBOR with an interest rate based upon the Secured Overnight Financing Rate ("SOFR");

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flagler County, Florida hereby resolves as follows:

1. Effective as of and including July 3, 2023 and thereafter, Section 6.B(i) of the Original Resolution is amended and restated to provide:

"Interest shall accrue on the outstanding principal balance of the Note at the Applicable Rate as in effect for each day. For purposes of this paragraph, the following terms have the following meanings:

(1) "Applicable Rate" means for each day a rate that is equal to the sum of (x) 77.419% of Daily SOFR plus (y) 1.4219%.

(2) "Daily SOFR" means the rate per annum equal to the sum of (i) SOFR determined for any day pursuant to the definition thereof plus (ii) 0.11448%. Any change in Daily SOFR shall be effective from and including the date of such change without further notice. If the rate as so determined would be less than zero, such rate shall be deemed to be zero. For purposes of this definition:

(i) "SOFR" means, with respect to any applicable determination date, the Secured Overnight Financing Rate published on the second U.S. Government Securities Business Day preceding such date by the SOFR Administrator on the Federal Reserve Bank of New York's website (or any successor source); provided however that if such determination date is not a U.S. Government Securities Business Day, then SOFR means such rate that applied on the first U.S. Government Securities Business Day immediately prior thereto.

(ii) "SOFR Administrator" means the Federal Reserve Bank of New York, as the administrator of SOFR, or any successor administrator of SOFR designated by the Federal Reserve Bank of New York or other person acting as the SOFR Administrator at such time.

(iii) "U.S. Government Securities Business Day" means any banking day, except any banking day on which any of the Securities Industry and Financial Markets Association, the New York Stock Exchange or the Federal Reserve Bank of New York is not open for business because such day is a legal holiday under the federal laws of the United States or the laws of the State of New York, as applicable.

(iv) If at any time SOFR or a Successor Rate (a "Reference Rate") is not available for any reason, then the Bank may replace such Reference Rate with an alternate interest rate index and adjustment, if applicable, as reasonably selected by the Bank, giving due consideration to any evolving or then existing conventions for such interest rate index and adjustment (any such successor interest rate index, as adjusted, the "Successor Rate"). In connection with the implementation of any Successor Rate, the Bank will have the right, from time to time, in good faith to make any conforming, technical, administrative or operational changes to the Note as may be appropriate to reflect the adoption and administration thereof and, notwithstanding anything to the contrary herein, any amendments to the Note implementing such conforming changes will become effective upon notice to the Issuer without any further action or consent. If at any time any Successor Rate is less than zero, such rate shall be deemed to be zero for the purposes of the Note."

2. Effective as of and including July 3, 2023 and thereafter, Section 7.E(v) of the Original Resolution is amended and restated to provide: "Taxable Rate" means a variable rate equal to the Applicable Rate plus 1.50%."

3. This Resolution shall become effective immediately upon its adoption. The consent of Bank of America, N.A., as the owner of the Note, is attached hereto.

DULY ADOPTED, in regular session, this 15th day of May 2023.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Gregory L. Hansen, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.04 08:49:56 -04'00'

Sean S. Moylan, Deputy County Attorney

CONSENT OF BONDHOLDER TO AMENDMENT

Bank of America, N.A. (the "Bank") is the owner of the Flagler County, Florida Revenue Note, Series 2003B. The Bank consents to the amendments to Resolution No. 2003-190 pursuant to the Resolution in the form attached hereto as Exhibit A.

Dated May 4, 2023.

BANK OF AMERICA, N.A.

By: 
Name: Holly L. Kuhlman
Title: Senior Vice President

Exhibit A to Consent

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA; AMENDING RESOLUTION NO. 2003-190 TO REPLACE THE ADJUSTED LIBOR RATE DESCRIBED THEREIN WITH TERM SOFR; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 2003-190 (the "Original Resolution"), adopted by the Board of County Commissioners of Flagler County, Florida (the "County") on December 1, 2003, the County issued its Revenue Note, Series 2003B (the "Note") which is owned by Bank of America, N.A. (the "Bank"); and

WHEREAS, the Original Resolution provides that the interest rate borne by the Note is based upon the London Interbank Offered Rate ("LIBOR"), and LIBOR is scheduled to permanently no longer exist after June 30, 2023 making it necessary to modify the Original Resolution to replace LIBOR with a successor interest rate; and

WHEREAS, the Bank, and the County, with advice of the County's financial advisor, have agreed to replace the interest rate based upon LIBOR with an interest rate based upon the Secured Overnight Financing Rate ("SOFR");

NOW, THEREFORE, the Board of County Commissioners of Flagler County, Florida hereby resolves as follows:

1. Effective as of and including July 3, 2023 and thereafter, Section 6.B(i) of the Original Resolution is amended and restated to provide:

"Interest shall accrue on the outstanding principal balance of the Note at the Applicable Rate as in effect for each day. For purposes of this paragraph, the following terms have the following meanings:

(1) "Applicable Rate" means for each day a rate that is equal to the sum of (x) 77.419% of Daily SOFR plus (y) 1.42199%.

(2) "Daily SOFR" means the rate per annum equal to the sum of (i) SOFR determined for any day pursuant to the definition thereof plus (ii) 0.11448%. Any change in Daily SOFR shall be effective from and including the date of such change without further notice. If the rate as so determined would be less than zero, such rate shall be deemed to be zero. For purposes of this definition:

(i) "SOFR" means, with respect to any applicable determination date, the Secured Overnight Financing Rate published on the second U.S. Government Securities Business Day preceding such date by the SOFR Administrator on the Federal Reserve Bank of New York's website (or any successor source); provided however that if such determination date is not a U.S. Government Securities Business Day, then SOFR means such rate that applied on the first U.S. Government Securities Business Day immediately prior thereto.

Exhibit A to Consent

(ii) "SOFR Administrator" means the Federal Reserve Bank of New York, as the administrator of SOFR, or any successor administrator of SOFR designated by the Federal Reserve Bank of New York or other person acting as the SOFR Administrator at such time.

(iii) "U.S. Government Securities Business Day" means any banking day, except any banking day on which any of the Securities Industry and Financial Markets Association, the New York Stock Exchange or the Federal Reserve Bank of New York is not open for business because such day is a legal holiday under the federal laws of the United States or the laws of the State of New York, as applicable.

(iv) If at any time SOFR or a Successor Rate (a "Reference Rate") is not available for any reason, then the Bank may replace such Reference Rate with an alternate interest rate index and adjustment, if applicable, as reasonably selected by the Bank, giving due consideration to any evolving or then existing conventions for such interest rate index and adjustment (any such successor interest rate index, as adjusted, the "Successor Rate"). In connection with the implementation of any Successor Rate, the Bank will have the right, from time to time, in good faith to make any conforming, technical, administrative or operational changes to the Note as may be appropriate to reflect the adoption and administration thereof and, notwithstanding anything to the contrary herein, any amendments to the Note implementing such conforming changes will become effective upon notice to the Issuer without any further action or consent. If at any time any Successor Rate is less than zero, such rate shall be deemed to be zero for the purposes of the Note."

2. Effective as of and including July 3, 2023 and thereafter, Section 7.E(v) of the Original Resolution is amended and restated to provide: "'Taxable Rate" means a variable rate equal to the Applicable Rate plus 1.50%."

3. This Resolution shall become effective immediately upon its adoption. The consent of Bank of America, N.A., as the owner of the Note, is attached hereto.

DULY ADOPTED, this ___ day of _____, 2023.

**BOARD OF COUNTY
COMMISSIONERS OF FLAGLER
COUNTY, FLORIDA**

Chairman

(SEAL)

ATTEST:

Clerk

RESOLUTION NO. 2003- 190

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF A FLAGLER COUNTY REVENUE NOTE, SERIES 2003B, IN THE PRINCIPAL AMOUNT OF \$3,500,000 TO FINANCE CERTAIN GENERAL FUND EQUIPMENT PURCHASES; AUTHORIZING THE EXECUTION AND DELIVERY OF A HEDGE AGREEMENT; PROVIDING FOR THE PAYMENT OF THE NOTE; COVENANTING TO BUDGET AND APPROPRIATE FOR THE PAYMENT OF THE NOTE AND EACH HEDGE AGREEMENT; ESTABLISHING AN INTEREST RATE, MATURITY DATE AND CERTAIN OTHER PROVISIONS CONCERNING THE NOTE; AWARDING THE NOTE TO THE PURCHASER AT A NEGOTIATED SALE; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, that:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This resolution is adopted pursuant to the provisions of the Act (defined below).

SECTION 2. DEFINITIONS. The following terms shall have the following meanings herein, unless the text otherwise expressly requires:

- A. "Act" means Chapter 125 of the Florida Statutes, Article VII of the Florida Constitution, and other applicable provisions of law.
- B. "Bank" means Bank of America, N.A.
- C. "Board" means the Board of County Commissioners of the Issuer.
- D. "Clerk" means the County Clerk of the Issuer.
- E. "Code" means the Internal Revenue Code of 1986, as amended, and any rules or regulations promulgated thereunder.
- F. "Event of default" means the occurrence of one or more of the following: (i) failure by the Issuer to pay, when due, any principal, interest or other amount due under the Note, any Hedge Agreement or any other obligation now existing or hereafter arising, between the Issuer and the Bank, after the expiration of any applicable cure period; (ii) the occurrence of

any default under the Note, any Hedge Agreement, this Resolution or any other document executed in connection with the Note and this Resolution; (iii) the failure by the Issuer to comply with any agreement, term, covenant or condition of this Resolution, the Note, any Hedge Agreement or any other document executed in connection herewith; (iv) if any representation or warranty made by the Issuer in this Resolution, the Note or any other document executed in connection herewith is false or misleading in any material respect on the date made or at any time thereafter; (v) the liquidation or dissolution of the Issuer, the voluntary or involuntary filing or commencement of a petition or case seeking reorganization, arrangement, or readjustment of Issuer's debts or any other relief under bankruptcy or similar laws, the voluntary or involuntary application or appointment of a receiver for Issuer or its property; (vi) the Bank reasonably determines that a material adverse change has occurred in the financial condition of the Issuer; or (vii) any security interest or other lien intended to secure the indebtedness created pursuant hereto shall be or become invalid and unenforceable.

G. **"Fiscal Year"** means the fiscal year of the Issuer ending on each September 30.

H. **"Hedge Agreement"** means each agreement between the Issuer and the Bank, or any affiliate of the Bank, whether now existing or hereafter entered into, that provides for an interest rate or commodity swap, cap, floor, collar, forward foreign exchange transaction, currency swap, cross-currency rate swap, currency option, or any combination of, or option with respect to, these or similar transactions, for the purpose of hedging the Issuer's exposure to fluctuations in interest rates, currency valuations or commodity prices.

I. **"Holder"** or **"Noteholder"** means the registered owner of the Note.

J. **"Interest Rate Limit"** means the interest rate limit under Section 215.84, Florida Statutes.

K. **"Issuer"** means Flagler County, Florida.

L. **"Non-Ad Valorem Funds"** means all legally available funds of the Issuer derived from any source whatsoever other than ad valorem taxation or real and personal property, which are legally available to make the payments required herein, but only after provision has been made by the Issuer for the payment of services and programs which are for essential public purposes affecting the health, welfare and safety of the inhabitants of the Issuer or which are legally mandated by applicable law.

M. **"Note"** means the up to \$3,500,000 Revenue Note, Series 2003B, authorized by this Resolution.

N. **"Paying Agent and Registrar"** means such bank or trust company, within or without the State of Florida, which may be approved by the Board prior to the issuance of the Note, to be the agent of the Board for payment of the principal of and interest on the Note and for maintenance of the registration books of the Board with respect to the exchange and transfer of the Note; or, if no such bank or trust company is appointed, means the Clerk.

O. **"Pledged Revenues"** means (i) all of the proceeds of the Note pending the application thereof; (ii) all grant moneys received by the Issuer (or any enterprise fund or development fund established by the Issuer in connection with the operation and development of the Issuer's airport facility) in connection with the construction of the Project; and (iii) moneys budgeted and appropriated (including Non-Ad Valorem Funds) pursuant to Section 14 hereof.

P. **"Project"** means the project to be financed with the proceeds of the Note, as described on Exhibit A hereto, including the budget therefor.

Q. **"Purchase Price"** means the face amount of the Note.

SECTION 3. FINDINGS. It is hereby found, determined and declared as follows that:

A. The construction of the Project and the financing of the Project are in the public interest.

B. It is necessary, desirable and in the best interest of the Issuer and its inhabitants that the Project be undertaken and that the Note be issued to fund the Project, in order to obtain the benefits of the Project. The Project is appropriate to the needs and circumstances of, and shall serve a public purpose by advancing the economic prosperity, the public health, or the general welfare of the State and its people. The Issuer will be able to cope satisfactorily with the impact of such Project and will be able to provide, or cause to be provided when needed, the public facilities, including utilities and public services, that will be necessary for the construction, operation, repair and maintenance of the Project and on account of any increases in population or other circumstances resulting therefrom.

C. The Council deems it necessary, desirable and in the best interest of the Issuer and its inhabitants that the Pledged Revenues be pledged to the payment of the principal and interest on the Note and each Hedge Agreement. Except as previously disclosed to the Purchaser in writing, no part of the Pledged Revenues has been or will be pledged or encumbered in any other manner without the consent of the Noteholder and pursuant to the conditions herein.

D. The estimated Pledged Revenues to be derived in each Fiscal Year will be sufficient to pay the principal of and the interest on the Note as the same become due, together with all amounts hereafter due under any Hedge Agreement.

E. The principal of and interest on the Note and all other payments provided for in this Resolution or the Note will be paid solely from the sources herein provided in accordance with the terms hereof; and no ad valorem taxing power of the Issuer will ever be exercised nor will any Holder of the Note have the right to compel the exercise of such ad valorem taxing power to pay the principal of or interest on the Note or to make any other payments provided for in this Resolution, and the neither the Note nor any Hedge Agreement shall constitute a lien upon any property of the Issuer, except the Pledged Revenues.

F. Prior to adoption of this Resolution, significant changes have occurred in the municipal bond market regarding interest rates on tax exempt obligations, which are favorable to the Issuer.

G. Based upon all available information and advice, the Council has determined that it is in the best interest of the inhabitants of the Issuer to respond to these favorable market conditions without undue delay.

H. A negotiated sale of the Note will result in the most favorable financing plan and is in the best interest of the Issuer.

I. The Bank has, by written proposal, offered to purchase the Note at the Purchase Price, at the interest rate set forth below, resulting in an average net interest cost rate less than the Interest Rate Limit.

J. The Note will not be a "private activity bond" as defined in Section 141 of the Code.

K. The Council does not reasonably expect to issue (including issues "on behalf of" the Issuer, as determined under Section 265(b)(3)(E) of the Code) tax-exempt obligations in excess of \$10,000,000 aggregate face amount in 2003.

L. The Issuer may have expended monies of the Issuer for Project purposes prior to the issuance of the Note, and this Resolution is a declaration of official intent pursuant to United States Treasury Regulation 1.150-2(e). The Council reasonably expects to reimburse eligible pre-issuance expenditures of the Project with proceeds of the Note.

SECTION 4. RESOLUTION TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Note authorized to be issued hereunder by the Holder, this resolution shall be deemed to be and shall constitute a contract between the Issuer and such Holder. The covenants and agreements herein set forth to be performed by the Board and the Issuer shall be for the benefit, protection and security of the legal Holder of the Note.

SECTION 5. AUTHORIZATION OF NOTE AND PROJECT. For the purpose of advancing funds to finance the costs of the Project, there is hereby authorized to be issued a Revenue Note, Series 2003B, of the Issuer (the "Note") in the principal amount of up to \$3,500,000, in substantially the form of Exhibit B hereto, with such changes and additions as the Chairman of the Board shall approve, his signature thereon constituting conclusive evidence of such approval.

SECTION 6. DESCRIPTION OF NOTE.

A. The Note shall be issued in fully registered form, without coupons; shall be dated as of the date of its delivery; shall be in the denomination of \$3,500,000; shall bear interest on the outstanding principal balance thereof at the rate specified below, calculated on a 360-day

basis for the actual number of days elapsed; shall be payable as to principal and interest as set forth therein, and shall mature on December 1, 2023.

B. Interest shall accrue on the outstanding principal balance of the Note as follows:

(i) Interest shall initially accrue on the outstanding principal balance of the Note at the Adjusted Libor Rate (as defined herein) in effect on the date of the Note. The rate of interest shall be adjusted on each Interest Rate Adjustment Date (as defined herein) so that interest shall accrue at the Adjusted Libor Rate for the Interest Period (as defined herein) commencing on such Interest Rate Adjustment Date. For purposes of this paragraph, the following terms shall have the following meanings:

(aa) "Adjusted Libor Rate" for each Interest Period shall mean a rate that is equal to 63.7% of the applicable Libor Rate plus 1.17% per annum. The Libor Rate for each Interest Period shall mean the offered rate for deposits in United States dollars in the London Interbank market for a one month period which appears on the Libor Rate Reference Page (as defined herein) as of 11:00 a.m. (London time) on the day that is two London Banking Days (as defined herein) preceding the first Banking Business Day (as defined herein) of the Interest Period. If at least two such offered rates appear on the Libor Rate Reference Page, the rate will be the arithmetic mean of such offered rates. The Bank may, in its discretion, use rate quotations for daily periods in lieu of quotations for substantially equivalent monthly periods.

(bb) "Banking Business Day" shall mean each day other than a Saturday, a Sunday or any holiday on which commercial banks in Jacksonville, Florida are closed for business.

(cc) "Interest Period" shall mean: (1) an initial period commencing on the date of the Note and continuing through December 31, 2003; and (2) each period thereafter commencing on each Interest Rate Adjustment Date and continuing through the day immediately preceding the next Interest Rate Adjustment Date.

(dd) "Interest Rate Adjustment Date" shall mean the first day of January, 2004, and the first day of each calendar month thereafter. However, if the first day of any calendar month is not a Banking Business Day, then the Interest Rate Adjustment Date in such month shall be the first Banking Business Day following the first day in such calendar month.

(ee) "Libor Rate Reference Page" shall mean any of the following reference pages or sources (as selected from time to time by the Bank in its discretion): (1) the Reuters Screen LIBO Page; (2) the Dow Jones Telerate Page 3750; or (3) such other index or source as the Bank may in its sole discretion select showing rates offered for United States dollar deposits in the London Interbank market.

(ff) "London Banking Day" shall mean each day other than a Saturday, a Sunday or any holiday on which commercial banks in London, England are closed for business.

(ii) Interest shall be calculated on the basis of a 360-day year (based upon the actual number of days elapsed).

(iii) The total liability of the Issuer for payment of interest shall not exceed any limitations imposed on the payment of interest by applicable usury laws. If any interest is received or charged by any Holder of the Note in excess of that amount, the Issuer shall be entitled to an immediate refund of the excess.

(iv) Upon the occurrence of an Event of Default hereunder, interest shall accrue at the Default Rate hereinafter set forth notwithstanding the provisions of this section.

C. The Issuer shall pay installments of principal and interest under the Note as follows:

(i) The Issuer shall pay all accrued interest on the first day of each January, April, July and October during the term hereof, or if such date is not a business day for the Bank, the next succeeding business day, commencing on April 1, 2004, and continuing on the first day of each July, October, January and April thereafter, through October 1, 2023.

(ii) The Issuer shall pay mandatory principal reductions under the Note, in the amount equal to any grant moneys received by the Issuer (or any enterprise fund or development fund established by the Issuer in connection with the operation and development of the Issuer's airport facility) in connection with the construction of the Project, including without limitation, any moneys received by the Issuer (or any enterprise fund or development fund established by the Issuer in connection with the operation and development of the Issuer's airport facility) in connection with those applications for grants filed in connection with the Project with: (i) the Florida Department of Transportation; (ii) the Federal Aviation Administration, and (iii) the United States Department of Transportation. All such principal reductions shall be made within five (5) business days of the date on which the Issuer (or any enterprise fund or development fund established by the Issuer in connection with the operation and development of the Issuer's airport facility) receives such grant monies.

(iii) The Issuer shall pay quarterly installments of principal on the first day of each January, April, July and October, or if such date is not a business day for the Bank, on the next succeeding business day, commencing January 1, 2005, and continuing on the first day of each April, July, October and January thereafter, through October 1, 2023. Each such payment shall equal the greater of: (i) the amount required to fully amortize the outstanding principal balance of the Note as of December 31, 2004, in equal monthly installments of principal over the Amortization Period (as defined herein); or (ii) the

principal reduction payments due for each payment date under any Hedge Agreement. The Amortization Period shall mean a 19-year period commencing on January 1, 2005.

(iv) The Issuer shall pay all remaining outstanding principal under the Note, together with all then accrued and unpaid interest, on December 1, 2023.

D. The Note may be prepaid, in whole or in part, without penalty or fee. The Issuer shall provide the Noteholder with thirty (30) days written notice of its election to prepay the Note.

E. If the Issuer defaults in the payment of principal of or interest on the Note when due, amounts payable under the Note shall bear interest at the default rate (the "Default Rate") of 5% per annum in excess of the rate otherwise applicable to the Note. Furthermore, the Issuer shall pay a late payment charge of 4% of any payment of principal of or interest on the Note not received by the Holder within 15 days after it is due. Upon any such default, the Holder may, at its option, declare the principal sum outstanding under the Note, together with all accrued interest thereon, to be immediately due and payable.

F. The Note shall be payable with respect to both principal and interest in lawful money of the United States of America at such address as the Holder may from time to time designate.

SECTION 7. INTEREST RATE ADJUSTMENTS. Notwithstanding any contrary provision set forth herein or in the Note, the interest rate applicable to the Note shall be adjusted as follows:

A. The interest rate under the Note will be adjusted as follows:

(i) If the portion of the interest expense incurred or deemed to have been incurred because the Noteholder holds the Note (the "Related Interest") and which would on the date of issuance of the Note be allowable as a deduction to the Noteholder during any period is decreased below 80% because of any change in the tax laws or regulations, or because the Note is not or ceases to be qualified as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Code, then the interest rate on the Note otherwise applicable during such period shall be increased each calendar year by a percentage amount equal to $(A - .20) \times B \times C$ where:

(aa) A equals the fraction (expressed as a decimal) of the Related Interest not allowable as a deduction to the Noteholder after the effective date of the change or loss of "qualified" status;

(bb) B equals the maximum corporate tax rate then in effect (expressed as a decimal);

(cc) C equals the Noteholder's Adjusted Cost of Funds.

(ii) If the Noteholder (as defined herein) or its parent holding company pays an alternative minimum tax in any tax year and the interest on the Note is a direct tax preference item under Section 57(a)(5) or any successor provision of the Code, then the interest rate on the Note otherwise applicable for the period during such tax year in which interest on the Note is a direct tax preference item will be increased by an amount equal to $(A - B) \times C$ where:

(aa) A equals the interest rate on the Note otherwise applicable expressed as a percentage;

(bb) B equals the Noteholder's Adjusted Cost of Funds (as defined herein); and

(cc) C equals the maximum marginal rate of the alternative minimum tax expressed as a decimal (currently .20).

(iii) If the Noteholder or its holding company pays an alternative minimum tax in any tax year and the interest on the Note is not a direct tax preference item under Section 57(a)(5), but is an indirect tax preference item because of the application of Section 56(g) or any successor provision of the Code, then the interest rate on the Note otherwise applicable for the period during such tax year in which interest on the Note is an indirect tax preference item will be increased by an amount equal to $(A - B) \times C$ where:

(aa) A equals the interest rate on the Note otherwise applicable expressed as a percentage;

(bb) B equals the Noteholder's Adjusted Cost of Funds; and

(cc) C equals 75% of the maximum marginal rate of the alternative minimum tax expressed as a decimal, or, if the Code is amended to effectively increase or decrease the percentage of interest on the Note which is subject to such indirect alternative minimum tax, then C will equal the percentage of such interest which is effectively subject to such indirect alternative minimum tax; provided, however, that no such increase will be paid by the Issuer if such circumstances relate primarily to changes in holdings of the Noteholder or its parent holding company.

(iv) If the federal income tax deduction for state income taxes paid on the interest payments received under the Note during any period is reduced because of any change in the tax laws or regulations, then the interest rate on the Note otherwise applicable will be increased during such period by an amount equal to $A \times B \times C \times D$ where:

(aa) A equals the fraction (expressed as a decimal) of the total state income tax disallowed as a deduction for federal income tax purposes as a result of such tax law change;

(bb) B equals the rate of the applicable state income tax (expressed as a decimal);

(cc) C equals the maximum federal corporate tax rate then in effect for the Noteholder (expressed as a decimal); and

(dd) D equals the interest rate on the Note otherwise applicable expressed as a percentage.

(v) If the interest payments received under the Note during any period become partially taxable because of any change in the tax laws or regulations, then the interest rate on the Note otherwise applicable will be increased during such period by an amount equal to $(A - B) \times C$ where:

(aa) A equals the Taxable Rate (as defined herein) (expressed as a percentage);

(bb) B equals the interest rate on the Note otherwise applicable, expressed as a percentage; and

(cc) C equals the fraction of the interest rate on the Note which has become taxable as the result of such tax change (expressed as a decimal).

(vi) If the tax laws or regulations are amended to decrease the Federal Rate (as defined herein), to cause the interest on the Note to be taxable, to be subject to a minimum tax or an alternative minimum tax, or to otherwise decrease the effective after-tax yield on the Note to the Noteholder (directly or indirectly, other than upon a Determination of Taxability (as defined herein) or upon a change described in (i) through (v) above) then the interest rate on the Note will be adjusted to cause the effective after-tax yield on the Note to equal what the yield on the Note would have been in the absence of such change or amendment in the tax laws or regulations. If the tax laws or regulations are amended to increase the effective after-tax yield on this Note to the Noteholder (including by way of an increase in the Federal Rate) then the interest rate on the Note will be decreased to cause the effective after-tax yield on the Note to equal what the yield would have been in the absence of such change or amendment in the tax laws or regulations. Upon a Determination of Taxability, the interest rate applicable to the Note shall be the Taxable Rate.

B. The above adjustments will be cumulative, but in no event will the interest rate on the Note exceed the maximum rate permitted by law or the Taxable Rate, whichever is lower. All adjustments to the interest rate on the Note resulting from a change in the tax laws or regulations or otherwise will be effective on the effective date of the applicable change or the effective date of the change in tax treatment. Interest on the Note and all other tax rates and interest rates are expressed as annual rates. However, proper partial adjustment will be made if the tax law change is effective after the first day of the Noteholder's tax year or if interest on the Note does not accrue for the entire tax year of the Noteholder. Adjustments which create a

circular calculation because the interest rate on the Note is affected by the calculation will be carried out sequentially, increasing the interest rate on the Note accordingly in each successive calculation using as the new value the increase in the interest rate on the Note until the change on the interest rate caused by the next successive calculation of the adjustment is de minimis. If more than one of subparagraphs (i) through (vi) of paragraph (a) apply, then the interest rate on the Note will be adjusted in the order in which listed above.

C. To the extent an adjustment to the interest rate on the Note is not effected within 3 months of the event giving rise to the adjustment, and such delay is not due to the action or inaction of the Noteholder, the additional interest due as a result of such adjustment will be paid with interest compounded monthly (on principal only) at the rate which is equal to the interest rate on the Note. All unpaid amounts determined to be owing as a result of such calculation will be due and payable within 30 days after delivery of notice of the amount of such adjustment, and will be paid to the Noteholder of record during the period to which the adjustment relates. This obligation will survive the payment and cancellation of the Note, but shall not include any adjustment with respect to which the Holder cannot suffer an increase in tax liability.

D. Upon the occurrence of a Determination of Taxability, the Issuer agrees to pay to the Noteholder any penalties or interest or past due taxes payable by such Noteholder (but not due to any negligent delay of the Noteholder) to the Internal Revenue Service by reason thereof.

E. For purposes of this Section 7, the following terms shall have the following meanings:

(i) "Noteholder" means the Bank or, as the case may be, any successor holder of the Note.

(ii) "Noteholder's Adjusted Cost of Funds" means the fraction (expressed as a percentage), determined by the Noteholder or its parent bank holding company (in each case from an examination of its financial statements), of the total interest expense of the Noteholder for each calendar year divided by the total average adjusted bases of all assets of the Noteholder during the calendar year as determined under Section 265(b)(2)(B) of the Code or any successor provision.

(iii) "Determination of Taxability" means the circumstances of interest paid or payable on the Note becoming includable for federal income tax purposes in the gross income of the Noteholder as a consequence of any act, omission or event whatsoever and regardless of whether the same was within or beyond the control of the Issuer. A Determination of Taxability will be deemed to have occurred upon: (aa) the receipt by the Noteholder of an original or a copy of an Internal Revenue Service Technical Advice Memorandum or Statutory Notice of Deficiency which holds that any interest payable on the Note is includable in the gross income of the Noteholder; (bb) the issuance of any public or private ruling of the Internal Revenue Service that any interest payable on the Note is includable in the gross income of the Noteholder; or (cc) receipt by the Noteholder of an opinion of bond counsel that any interest on the Note has become includable in the gross income of the Noteholder for federal income tax purposes. For all purposes of this definition, a Determination of Taxability will be deemed to occur on the

date as of which the interest on the Note is deemed includable in the gross income of the Noteholder. However, the Issuer will have a reasonable opportunity to contest the memoranda, notices, rulings or opinions described in clauses (aa), (bb) and (cc) above before a Determination of Taxability will be deemed to have occurred, but, if unsuccessful, such Determination of Taxability shall be retroactive to the applicable date under clause (aa), (bb) or (cc) above.

(iv) "Federal Rate" means, at any time, the then-current maximum marginal rate of federal corporate income taxation imposed pursuant to the Code.

(v) "Taxable Rate" means a variable rate equal to the Applicable Libor Rate plus 1.50%.

SECTION 8. EXECUTION OF NOTE. The Note shall be executed in the name of the Issuer by the Chairman and countersigned and attested by the Clerk, either manually or with their facsimile signatures, and the Issuer's seal or a facsimile thereof shall be affixed thereto or reproduced thereon. The Certificate of Authentication of the Paying Agent and Registrar shall appear on the Note, and the Note shall not be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless such certificate shall have been duly executed on the Note. The authorized signature for the Paying Agent and Registrar shall be either manual or in facsimile; provided, however, that at least one of the above signatures, including the authorized signature for the Paying Agent and Registrar, appearing on the Note shall at all times be a manual signature. In case any one or more of the officers who shall have signed or sealed the Note shall cease to be such officer of the Board or Issuer before the Note so signed and sealed shall have been actually sold and delivered, the Note may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed the Note had not ceased to hold such office.

SECTION 9. NOTE MUTILATED, DESTROYED, STOLEN OR LOST. In case the Note shall become mutilated, or be destroyed, stolen or lost, the Board shall issue and deliver a new Note of like tenor as the Note so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Note, or in lieu of and substitution for the Note, if any, destroyed, stolen or lost, and upon the Holder furnishing the Board proof of its ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the Board may prescribe and paying such reasonable expenses as the Issuer may incur. Any Note so surrendered shall be canceled. If the lost, stolen or destroyed Note shall have matured or be about to mature, instead of issuing a substitute Note, the Board may pay the same, upon being indemnified as aforesaid, without surrender thereof. Any such duplicate Note issued pursuant to this Section shall constitute an original, additional contractual obligation on the part of the Issuer whether or not the lost, stolen or destroyed Note be at any time found by anyone.

SECTION 10. NEGOTIABILITY. The Note shall be and have all the qualities and incidents of a negotiable instrument under the laws of the State of Florida, and the Holder, in accepting the Note, shall be conclusively deemed to have agreed that the Note shall be and have all of the qualities and incidents of a negotiable instrument under the laws of the State of Florida.

SECTION 11. REGISTRATION. The Board shall, prior to the proposed date of delivery of the Note, by resolution designate the Paying Agent and Registrar, if the Paying Agent and Registrar will be a bank or trust company. If no such designation is made, the Clerk shall be the Paying Agent and Registrar. The Paying Agent and Registrar shall be responsible for maintaining the books for the registration and transfer of the Note and, if a bank or trust company is so designated, in compliance with a written agreement to be executed between the Board and such bank or trust company as Paying Agent and Registrar prior to the delivery date of the Note.

Upon surrender to the Paying Agent and Registrar for transfer or exchange of the Note, duly endorsed for transfer or accompanied by an assignment or written authorization for exchange, whichever is applicable, duly executed by the Holder or its attorney duly authorized in writing, the Paying Agent and Registrar shall deliver in the name of the Holder or the transferee or transferees, as the case may be, a new fully registered Note for the principal amount which the Holder is entitled to receive.

When the Note is presented for transfer, exchange or payment (if so required by the Board or the Paying Agent and Registrar), it shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the Board or the Paying Agent and Registrar, duly executed by the Holder or by its duly authorized attorney.

The Paying Agent and Registrar or the Board may require payment from the holder or transferee of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in connection with any exchange or transfer of the Note. Such charges and expenses shall be paid before any new Note shall be delivered.

Any new Note delivered upon any transfer or exchange shall be a valid obligation of the Issuer, evidencing the same debt as the Note surrendered, shall be secured by this Resolution and shall be entitled to all of the security and benefits hereof.

The Board and the Paying Agent and Registrar may treat the Holder of the Note as the absolute owner thereof for all purposes, whether or not such Note shall be overdue, and shall not be bound by any notice to the contrary.

SECTION 12. DISPOSITION OF NOTE PAID OR REPLACED. Whenever the Note shall be delivered to the Paying Agent and Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, it shall, after cancellation, either be retained by the Paying Agent and Registrar for a period of time specified in writing by the Board, or at the option of the Board, shall be destroyed by the Paying Agent and Registrar and counterparts of a certificate of destruction evidencing such destruction shall be furnished to the Board.

SECTION 13. NATURE OF THE OBLIGATIONS UNDER THE NOTE. The Note shall not be or constitute a general obligation or indebtedness of the State of Florida, any of its political subdivisions or the Issuer as a "bond" within the meaning of any constitutional or

statutory provision, but shall be a special obligation of the Issuer, payable from the revenues described herein and in accordance with the terms of this Resolution.

SECTION 14. PLEDGE OF REVENUES; COVENANT TO BUDGET AND APPROPRIATE.

A. The payment of the principal of and interest on the Note shall be secured forthwith by a pledge of and lien upon the Pledged Revenues. The Issuer does hereby irrevocably pledge and grant a lien upon the Pledged Revenues to the Noteholder to secure the payment of the principal of and interest on the Note. The Pledged Revenues shall be subject to the lien of the pledge hereby given and granted immediately upon the issuance and delivery of the Note, without any physical delivery by the Issuer or any further act, and the lien of this pledge shall be valid and binding as against all parties having claims of any kind against the Issuer, in tort, contract or otherwise.

B. Until all amounts outstanding under the Note are paid pursuant to the provisions of this Resolution, the Issuer covenants to appropriate in its annual budget, by amendment if necessary, from Non-Ad Valorem Funds lawfully available in each Fiscal Year of the Issuer in which principal of or interest on the Note becomes due and payable, amounts sufficient, together with other available moneys, to pay the principal of and interest on the Note, as the same become due (whether by redemption, at maturity or otherwise). Such covenant and agreement on the part of the Issuer to budget and appropriate such amounts of Non-Ad Valorem Funds shall be cumulative to the extent not paid, and shall continue until such Non-Ad Valorem Funds or other legally available funds in an amount sufficient to make all required payments hereunder and under the Note shall have been budgeted, appropriated and actually paid. Notwithstanding the foregoing covenant of the Issuer, the Issuer does not covenant to maintain any services or programs, now provided or maintained by the Issuer, which generate Non-Ad Valorem Funds.

C. Except as otherwise provided in this resolution, the covenant to budget and appropriate set forth in subsection (B) above does not create any lien upon or pledge of such Non-Ad Valorem Funds, nor does it preclude the Issuer from pledging in the future its Non-Ad Valorem Funds, nor does it require the Issuer to levy any particular Non-Ad Valorem Funds, nor does the covenant to budget and appropriate give the Noteholder a prior claim on the Non-Ad Valorem Funds as opposed to claims of general creditors of the Issuer. Such covenant to budget and appropriate Non-Ad Valorem Funds is subject in all respects to the payment of obligations secured by a pledge of such Non-Ad Valorem Funds (including the pledge of such funds set forth in subsection (A) hereof), heretofore or hereafter entered into (including the payment of debt service on bonds and other debt instruments). However, the covenant to budget and appropriate in its general annual budget for the purposes and in the manner stated herein shall have the effect of making available for the payment of the principal of and interest on the Note, in the manner described herein, Non-Ad Valorem Funds and placing on the Issuer a positive duty to appropriate and budget, by amendment if necessary, amounts sufficient to meet its obligations hereunder.

SECTION 15. AVAILABILITY OF NOTE PROCEEDS; COSTS. The Note proceeds are available solely for the purposes provided herein and consistent with the

requirements of Florida law, including the Act. The money received from the proceeds of the Note shall be applied to pay the costs of the Project.

SECTION 16. NOTEHOLDER NOT AFFECTED BY USE OF NOTE PROCEEDS. The Holder of the Note shall have no responsibility for the use of the proceeds of the sale of the Note, and the use of the Note proceeds by the Board shall in no way affect the rights of such Noteholder.

SECTION 17. SALE OF NOTE. The Note is hereby awarded and sold at negotiated sale to the Bank at the Purchase Price. The applicable officers of the Board are authorized, in their discretion, to execute and deliver agreements, certificates or documents related to the issuance of the Note, including a waiver of right to jury trial, to the extent deemed necessary by the Holder.

SECTION 18. TAX EXEMPTION; QUALIFIED TAX-EXEMPT OBLIGATION DESIGNATION. The Issuer covenants that it (i) will not use the proceeds of the Note in any manner which would cause the interest on the Note to be or become includable in the gross income of the owner thereof for federal income tax purposes or cause the Note not to be a "qualified tax-exempt obligation", (ii) will not do any act or fail to do any act which would cause the interest on the Note to become includable in the gross income of the owner thereof for federal income tax purposes or cause the Note not to be "qualified tax-exempt obligations", and (iii) will comply with all provisions of the Code necessary to maintain the exclusion of interest on the Note from the gross income of the owner thereof for federal income tax purposes, including, in particular, the payment of any amount required to be rebated to the United States Treasury pursuant to the Code. The Clerk, or his designee, is authorized to make or effect any election, selection, choice, consent, approval or waiver on behalf of the Board with respect to the Note as the Board or the Issuer is required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or characterization of the Note or interest thereon or assuring compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties thereon, or making payments in lieu thereof, or obviating such amounts or payments, as determined by such officer, or his designee. Any action of such officer, or his designee, in that regard shall be in writing and signed by such officer, or his designee.

The Issuer shall be responsible for determining any rebate to the United States Treasury which is required by Section 148 of the Code. However, if the Issuer fails, in the Noteholder's judgment, to properly determine such rebate amount then the Noteholder may, at the Issuer's expense, hire counsel, accountants or experts which the Noteholder, in its sole discretion, determines advisable to determine the amount, due dates and any other rebate requirements and the Issuer shall remit such rebate amount to the federal government not later than the due date thereof. The Noteholder will not be liable for any failure to comply with Section 148 of the Code. The Noteholder shall not be liable for any failure of the Issuer or the Board to comply with Section 148 of the Code with respect to the Note.

The Board hereby designates the Note as a "qualified tax-exempt obligation" as defined in Section 265 of the Code.

SECTION 19. OTHER COVENANTS. The Issuer covenants that, so long as the Note remains outstanding:

A As long as the Note is outstanding, the Issuer shall deliver to the Holder (a) a copy of its audited financial statements for the Fiscal Year then ended no later than 270 days after the end of each Fiscal Year; (b) a copy of the accountant's management letter received by Issuer from its accountant; and (c) a copy of its budget for each fiscal year not later than November 15 of each such year. In addition to all other rights and remedies that the Holder has upon the occurrence of an Event of Default, the Holder may by notice to the Issuer assess the Issuer a late fee upon each failure by the Issuer to deliver financial statements or information within the time periods set forth in this Section. Such fee shall be in an amount not to exceed \$500.00 per occurrence. The Issuer shall pay such fee no later than ten days after the Holder has notified the Issuer of such assessment. The Holder may assess the late fee on successive occasions based upon any successive failures to deliver financial statements or financial information within the periods required herein.

The Issuer will maintain a system of accounting in accordance with generally accepted accounting principles, and will furnish a certificate of the independent certified public accountants preparing the Issuer's audited financial statements addressed to the Noteholder stating either (i) that during the course of their preparation of the financial statements of the Issuer nothing came to their attention which led them to believe that the Issuer was in default under the Note documents, or (ii) the nature and extent of any matter which led them to believe that such default had occurred.

The Issuer shall also provide the Noteholder with such other financial information as it shall reasonably request from time to time. Such information may include, but is not limited to, financial information relating to the Project.

B The Issuer shall not pledge, grant additional liens on or otherwise further encumber the Pledged Revenues other than the Issuer's pledge of such revenues to the Noteholder provided herein, without the prior, written consent of the Noteholder

C. The Issuer will immediately give the Noteholder written notice of any event of default or an event which with the passage of time would become an event of default under the Note documents.

SECTION 20. AUTO-DEBIT. The Issuer hereby authorizes the Bank to automatically deduct the amount of any payment due hereunder from any of the Issuer's accounts now or hereafter maintained with the Bank. If the funds in such account are insufficient to cover any payment, the Bank shall not be obligated to advance funds to cover the payment. The Bank or the Issuer may at any time terminate the automatic payment provisions set forth herein by notice to the other party.

SECTION 21. BANK FEES AND EXPENSES. The Issuer agrees to pay, and save the Noteholder harmless against liability for the payment of, all out-of-pocket expenses arising in connection with this transaction (including any renewals or modifications relating hereto), and

the fees and expenses of the Noteholder's counsel, provided, however, that such fees and expenses of Noteholder's counsel shall not exceed \$2,500.00. If an event of default shall occur, the Issuer shall also pay all of the Noteholder's costs of collection, including court costs and fees of attorneys and legal assistants (whether incurred in connection with trial or appellate proceedings). The Issuer authorizes the Noteholder to make advances under the Note to pay all such expenses.

SECTION 22. MODIFICATION AND AMENDMENT. No modification or amendment of this Resolution or of any resolution amendatory hereof or supplemental hereto may be made without the consent in writing of the Holder of the Note; provided, however, that no consent of the Holder shall be required for amendments made to cure any ambiguity, formal defect or omission in this Resolution.

SECTION 23. SEVERABILITY OF INVALID PROVISIONS. If any one or more of the covenants, agreements or provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions and in no way affect the validity of all the other provisions of this resolution or of the Note issued hereunder.

SECTION 24. REGULARITY OF PROCEEDINGS; COMPLIANCE WITH STATUTES. The issuance of the Note has been duly authorized by the Board, and all conditions, acts and things necessary and required by the Constitution and laws of the State of Florida or otherwise, to exist, to have happened, or to have been performed precedent to and in connection with the execution and delivery of the Note, and precedent to and in connection with the adoption of this Resolution, do exist, have happened and have been performed in regular form, time and manner.

SECTION 25. ARBITRATION. The parties agree to the following arbitration provisions:

(a) To the extent permitted by applicable law, this Section 25 governs the resolution of any controversies or claims between the Issuer and the Bank, whether arising in contract, tort or by statute, including but not limited to controversies or claims (collectively, a "Claim") that arise out of or relate to: (i) this Resolution; (ii) the Notes (including any renewals, extensions or modifications hereof); or (iii) any document related to this Resolution or the Notes.

(b) At the request of the Issuer or the Bank, any Claim shall be resolved by binding arbitration in accordance with the Federal Arbitration Act (Title 9, U. S. Code) (the "Act"). The Act will apply even though this Resolution provides that it is governed by the law of a specified state. Arbitration proceedings will be determined in accordance with the Act, the rules and procedures for the arbitration of financial services disputes of JAMS/Endispute or any successor thereof ("JAMS"), and the terms of this Section. In the event of any inconsistency, the terms of this Section shall control. The arbitration shall be administered by JAMS and conducted in any United States state where real or tangible personal property collateral for this credit is located or if there is no such

collateral, in Florida. All Claims shall be determined by one arbitrator. However, if Claims exceed \$5,000,000, upon the request of any party, the Claims shall be decided by three arbitrators. All arbitration hearings shall commence within 90 days of the demand for arbitration and close within 90 days of commencement and the award of the arbitrator or arbitrators, as the case may be, shall be issued within 30 days of the close of the hearing. However, the arbitrator or arbitrators, as the case may be, upon a showing of good cause, may extend the commencement of the hearing for up to an additional 60 days. The arbitrator or arbitrators, as the case may be, shall provide a concise written statement of reasons for the award. The arbitration award may be submitted to any court having jurisdiction to be confirmed and enforced.

(c) The arbitrator(s) will have the authority to decide whether any Claim is barred by the statute of limitations and, if so, to dismiss the arbitration on that basis. For purposes of the application of the statute of limitations, the service on JAMS under applicable JAMS rules of a notice of Claim is the equivalent of the filing of a lawsuit. Any dispute concerning this arbitration provision or whether a Claim is arbitrable shall be determined by the arbitrator(s). The arbitrator(s) shall have the power to award legal fees pursuant to the terms of this Resolution.

(d) This Section 25 does not limit the right of the Issuer or the Bank to: (i) exercise self-help remedies, such as but not limited to, setoff; (ii) initiate judicial or nonjudicial foreclosure against any real or personal property collateral; (iii) exercise any judicial or power of sale rights, or (iv) act in a court of law to obtain an interim remedy, such as but not limited to, injunctive relief, writ of possession or appointment of a receiver, or additional or supplementary remedies.

(e) By agreeing to binding arbitration, the Issuer and the Bank irrevocably and voluntarily waive any right they may have to a trial by jury in respect of any Claim. Furthermore, without intending in any way to limit this Resolution to arbitrate, to the extent any Claim is not arbitrated, the parties irrevocably and voluntarily waive any right they may have to a trial by jury in respect of such Claim. No provision in this Resolution, the Notes or in any document related hereto regarding submission to jurisdiction or venue in any court is intended or shall be construed to be in derogation of the provisions of this Resolution or in any such other document for arbitration of any controversy or claim.

SECTION 26. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

[SIGNATURES APPEAR ON NEXT PAGE]

ADOPTED: December 1, 2003.

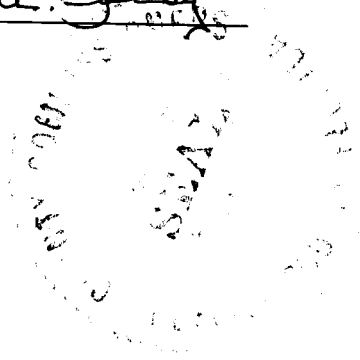
**BOARD OF COUNTY COMMISSIONERS
FLAGLER COUNTY, FLORIDA**

(SEAL)

By: James A. Darby ^{12.1.03}
James A. Darby
Chairman

ATTEST:

Gail Wadsworth
Gail Wadsworth
County Clerk



Approved as to form

By: Carl Kern
Carl Kern
County Attorney

flagler5-res

EXHIBIT LIST

EXHIBIT

DESCRIPTION

A

DESCRIPTION OF PROJECT

B

FORM OF NOTE

EXHIBIT "A" OF RESOLUTION

The Flagler County Airport is a county owned and operated General Aviation (GA) public access airport. The property operates under Federal Aviation Administration (FAA) rules and regulations and is licensed by the Florida Department of Transportation (FDOT). Accordingly, FAA and FDOT policy directives dictate that GA airports strive to operate in as self-sufficient a manner as possible by generating revenue through the construction and leasing of real property and facilities in order to support and maintain airport infrastructure and operations. To this end, the Flagler County Airport operates as an "Enterprise" activity under the direction of the Flagler County Board of County Commissioners.

As a means of developing approximately 15 acres of airport upland property in the northeast quadrant of the airport ("Flagler County Airpark Phase A"), the Flagler County Airport recently competed for and was selected by Embry-Riddle Aeronautical University (ERAU) in Daytona Beach as the site for a new major business operation, the Commercial Airline Pilot Training (CAPT) program. Relocating to Flagler County in October 2004, the CAPT program will train 144 students per year utilizing 35 staff members and 15 aircraft. The program will purchase an estimated 240,000 gallons of fuel per year, nearly doubling the amount of fuel currently sold annually at Flagler County Airport.

Infrastructure enhancements to be constructed in support of the development of the Flagler County Airport Airpark (Phase A) 16 acre parcel and the ERAU CAPT project include construction and addition of a paved access road, paved parking for 125 vehicles, electric/water/sewage, and taxiways and ramps to accommodate over 20 aircraft. ERAU will lease at fair market value a 19,100 square foot hangar and office/classroom/flight simulator complex to be built by Flagler County. The lease will be for 10 years with two 5-year renewal options. To reduce the liability of lost revenue in the event the CAPT program is not self-sustaining, the lease agreement includes a requirement for ERAU to continue leasing the facility until an acceptable replacement tenant is found and provide for the cost of converting the office complex into a corporate hangar if so required to optimize the marketability of the complex.

The economic activity generated for Flagler County by the Embry-Riddle project alone is estimated to be \$5 million dollars per year. The Airport Airpark (Phase A) and Embry-Riddle project constitutes the largest and most significant economic enhancement initiative ever conducted at the Flagler County Airport.

EXHIBIT "B"

R-1

\$3,500,000.00

UNITED STATES OF AMERICA
STATE OF FLORIDA
FLAGLER COUNTY, FLORIDA
REVENUE NOTE, SERIES 2003B

RATE OF INTEREST	MATURITY DATE	DATE OF ORIGINAL ISSUE
Variable	December 1, 2023	December 1, 2003

REGISTERED OWNER: Bank of America, N.A.

KNOW ALL MEN BY THESE PRESENTS, that Flagler County, Florida (the "Issuer"), for value received, hereby promises to pay to the Registered Owner above, or registered assigns, solely from its revenues described below, on the dates (including the Maturity Date) described herein, the principal sum shown above, at the office of Bank of America, N.A., 9000 Southside Boulevard, Jacksonville, Florida 32256, and to pay solely from such funds, interest on the balance of such principal sum, from time to time remaining unpaid, from the date hereof, at the rate per annum specified above (based on a 360-day year and the actual number of days elapsed), subject to adjustment as provided in Section 7 of Resolution No. 2003-__ of the Board of County Commissioners of the Issuer (referred to herein as the "Resolution"). Payments of the principal of and interest on this Note are payable in lawful money of the United States of America at the times and in the manner set forth in the Resolution.

The Issuer shall be entitled, subject to the terms and conditions set forth herein and in the Resolution, to obtain advances under this Note on non-revolving basis from the date hereof through December 1, 2004, provided that the aggregate amount advanced under this Note shall not exceed \$3,500,000. The Issuer shall not be entitled to obtain further advances under the Note from and after December 1, 2004.

The Note is not and does not constitute a general obligation or indebtedness of the State of Florida, its political subdivisions or the Issuer as a "bond" within the meaning of any constitutional or statutory provision, but is a special obligation of the Issuer, payable from the revenues described in, and subject to the terms of, the Resolution, and the full faith and credit of the Issuer are not pledged to the payment hereof.

This Note is issued pursuant to the Constitution and laws of the State of Florida, particularly the Act (as defined in the Resolution), and other applicable provisions of law, and pursuant to the Resolution. This Note is issued for the purposes specified in, and is subject to all the terms and conditions of, the Resolution.

It is certified and recited that all acts, conditions and things required to happen, to exist and to be performed, precedent to and in the issuance of this Note have happened, exist, and have been performed in due time, form and manner as required by the Constitution and laws of the State of Florida applicable thereto; and that the total indebtedness of the Issuer, including this Note, does not exceed any constitutional, statutory or other limitation.

This Note may, at the option of the Issuer, be redeemed in whole or in part, at any time, at the price of the par amount of such redemption, plus accrued interest to the date of redemption. Notice of such redemption shall be given in the manner and to the extent specified by the Resolution.

This Note is and has all the qualities and incidents of a negotiable instrument under the laws of the State of Florida.

This Note may be transferred only upon the books of the Board kept by the Note registrar (the "Registrar") upon surrender thereof at the principal office of the Registrar with an assignment duly executed by the Registered Owner or his duly authorized attorney, but only in the manner, subject to the limitations and upon payment of a sum sufficient to cover any tax, fee or governmental charge, if any, that may be imposed in connection with any such transfer, as provided in the Resolution. Upon any such transfer, there shall be executed in the name of the transferee, and the Registrar shall deliver, a new registered Note in the same outstanding principal amount, maturity and interest rate as this Note.

In like manner, subject to such conditions and upon the payment of a sum sufficient to cover any tax, fee or governmental charge, if any, that may be imposed in connection with any such exchange, the Registered Owner of this Note may surrender the same (together with a written instrument of transfer satisfactory to the Registrar duly executed by the Registered Owner or his duly authorized attorney) in exchange for a fully registered Note in the same outstanding principal amount, maturity and interest rate as this Note.

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the Issuer has issued this Note and has caused the same to be signed by the manual or facsimile signature of the Chairman of its Board, and the seal of the Issuer or a facsimile thereof to be affixed, impressed, imprinted, lithographed or reproduced hereon and attested and countersigned by the manual or facsimile signature of its County Clerk, all as of December __, 2003.

FLAGLER COUNTY, FLORIDA

(SEAL)

By: _____
James A. Darby
Chairman of the Board of
County Commissioners

ATTEST:

Gail Wadsworth
Clerk

Approved as to form

By: _____
Carl Kern
County Attorney

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Note is the Note of the issue described in the Resolution.

Gail Wadsworth
As Registrar/County Clerk

Date of Authentication: December 1, 2003

The following abbreviations, when used in the inscription on the face of the within Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIF GIF/TRANS MIN ACT - _____
(Cust.)

Custodian for _____
(Minor)

under Uniform Gifts/Transfers to Minors Act of _____
(State)

Additional abbreviations may also be used though not in list above.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers to:

_____[Please insert name, address and social security or other identifying number of assignee]the within Note and does hereby irrevocably constitute and appoint the Registrar as his agent to transfer the Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature guaranteed:

(Bank, Trust Company or Firm)

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular, without alteration or enlargement or change whatever.

(Authorized Officer)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM #7g**

SUBJECT: Tourist Development Council Appointment Requests.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: The Commission has received the following requests:

1. The City of Flagler Beach wishes to replace Commissioner Ken Bryan with Commissioner Eric Cooley.
2. Mr. John Lulgjuraj is seeking reappointment.
3. Mr. Daniel Mundrean is seeking an appointment in the category of Owner or Operators Subject to Tourist Development Tax as Ryan Crabb is no longer with the Hilton Garden Inn.

All applicants are Flagler County residents and registered voters.

Function: To recommend to the Board expenditures of tourist development tax monies and to generally review and make recommendations on other aspects of tourism in the County.

Membership: Consists of 9 members - the Board of County Commission Chair, 2 elected municipal officials (1 from the most populous municipality in the County), 3 owners or operators of business subject to tourist development tax, and 3 involved in tourist industry.

Appointment Terms: Four-year terms

Meeting Information: Quarterly – Oct, Jan, Apr and July at 9:00 a.m.
Government Services Complex, Building 2, Board Chambers

Staff Liaison: Amy Lukasik, Tourism Director (386) 313-4230

Appt Term	Member
12/07/2020	Board of County Commission Chair/Designee Commissioner David Sullivan
05/18/2020	(2) Elected Municipal Officials Commissioner - City of Flagler Beach
11/17/2020	Council Member Nick Klufas, City of Palm Coast, District 3
04/17/2023 – 04/17/2027	(3) Owners or Operators Subject to Tourist Development Tax Stephen Baker, Hammock Beach Resort
03/21/2022 – 03/21/2026	Ryan Crabb, Hilton Garden Inn
02/17/2020 – 02/17/2024	Lisa Robinson, Hampton Inn and Suites
03/02/2020 – 03/02/2024	(3) Involved in the Tourist Industry Only Pamela Walker, Walker Adventures
06/03/2019 – 06/03/2023	John Lulgjuraj, Oceanside Beach, Bar and Grill
07/15/2019 – 07/15/2023	Felicia Robinson Cook, Marineland Leisure

Vacancies are advertised on the County's website, www.FlaglerCounty.gov. If any further applications are received, they will be presented to the Board prior to the meeting.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Amy Lukasik, Tourism Director (386) 313-4230

RECOMMENDATION: Request the Board approve the reappointments of Mr. Eric Cooley and Mr. John Lulgjuraj and the appointment of Mr. Daniel Mundrean to the Tourist Development Council each for a four-year term.

ATTACHMENTS:

1. Reappointment Request – Mr. Eric Cooley
2. Appointment Request – Mr. Daniel Mundrean
3. Reappointment Request – Mr. John Lulgjuraj



**Flagler County Board of County Commissioners
Volunteer Advisory Boards and Committees
General Application**

Name: Eric Cooley Date: 4/19/23

Mailing Address: 1617 N. Central Ave

Physical Address (if different): _____

County of Residence: Flagler Are you a registered voter? Y

Home Phone: _____ Cell Phone: 614-554-6919

Email: eric@cooley.cc Years in Flagler: 9

Advisory Board or Committee Applying for:

TDC

What aspect of this Board/Committee interests you?

The impact of tourism on Flagler Beach.

Describe your training and/or experience that would make you a good fit for this position:

City Commissioner, Business owner

What contributions do you feel you could make to this Board/Committee should you be selected?

Deep knowledge base of past and current issues related to FB + surrounding area

Have you ever served on a Flagler County appointed Board or Committee?

No

Yes, if so, please identify below those on which you have served:

Advisory Board / Committee

Dates Served

TDC

2015 - 2019

Education: High School Diploma, Trade School, College

Business (name & type): 7-Eleven Flagler Beach

Business Address: 408. S. Oceanshore Blvd Flagler Beach FL

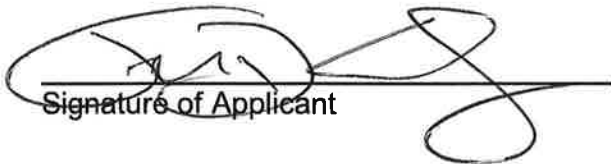
Business Phone: 386-439-9284 Position: Owner

Applicable Professional Organization Memberships:

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.


Signature of Applicant

Please Return To:
Flagler County BOCC
Attn: Administration
1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110
Email: LDance@FlaglerCounty.gov ♦ Phone (386) 313-4001

**Please note a hard copy is not required. Please feel free to email your application.*



Flagler County Board of County Commissioners Volunteer Advisory Boards and Committees General Application

Name: Daniel Mundrean / GM Hilton Garden Inn PC Date: 4-19-2023

Mailing Address: 6 Sedgefield Path South, Palm Coast, FL 32164

Physical Address (if different): _____

County of Residence: Flagler Are you a registered voter? Y

Home Phone: _____ Cell Phone: 386-882-6337

Email: dmundrean@yahoo.com Years in Flagler: 10

Advisory Board or Committee Applying for:
Flagler County Tourist Development Council

What aspect of this Board/Committee interests you?

Marketing of Flagler Beach, general area, hotels, and restaurant for opportunities...

Describe your training and/or experience that would make you a good fit for this position:
Over 25 years of Hospitality - Hotel/Resort Leadership.

What contributions do you feel you could make to this Board/Committee should you be selected?

Sensounable/Reasonable decision making and contributor to the overall success and growth of Flagler.

Have you ever served on a Flagler County appointed Board or Committee?

No Yes, if so, please identify below those on which you have served:

Advisory Board / Committee

Dates Served

Education: Daytona State College - Accounting

Business (name & type): _____

Business Address: _____

Business Phone: _____ Position: _____

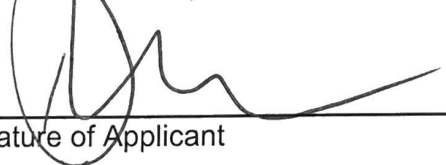
Applicable Professional Organization Memberships:

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:

Our family is part of the Palm Coast sports community. My boys play competitive soccer with Florida Elite Palm Coast and Villari's Martial Arts for the past 6 years.

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.

 4/19/2023
Signature of Applicant

Please Return To:
Flagler County BOCC
Attn: Administration
1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110
Email: LDance@FlaglerCounty.gov ♦ Phone (386) 313-4001

**Please note a hard copy is not required. Please feel free to email your application.*

Board of County Commissioners

1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110



www.flaglercounty.gov
Phone: (386)313-4001

Electronically Sent
April 25, 2023

Mr. John Lulgjuraj
1841 S. Oceanshore Blvd,
Flagler Beach, FL 32136

Dear Mr. Lulgjuraj:

Thank you for serving as a member of the Flagler County Tourist Development Council. The time and effort you have given is greatly appreciated. You may be aware that your appointment as a member of this Board expires June 3, 2023.

Please indicate your desire for the Board of County Commissioners to consider your reappointment on this committee. Your response as well as any other applications received from the public will be presented to the Board of County Commissioners at an upcoming meeting.

- Please consider my reappointment
 I do not wish to be reappointed

Signature: _____

If you will be seeking reappointment, please sign and return this letter as soon as possible for processing. You are welcome to include a letter to the Commission, a resume, or any other relative information.

Thank you for your attention to this matter and for your continued membership on the Flagler County Tourist Development Council.

If you have any questions, please do not hesitate to contact us (386) 313-4001 or LDance@FlaglerCounty.gov

Kind Regards,


Luci Dance
Executive Administrative Assistant

C: Amy Lukasik, Executive Tourism Director

Andy Dance
District 1

Greg Hansen
District 2

David Sullivan
District 3

Leann Pennington
District 4

Donald O'Brien Jr.
District 5



**Flagler County Board of County Commissioners
Volunteer Advisory Boards and Committees
General Application**

Name: JOHN LULGISURAJ Date: 5-4-23

Mailing Address: 634 S 23RD STREET

Physical Address (if different): "

County of Residence: FLAGLER Are you a registered voter? Yes

Home Phone: _____ Cell Phone: 248 872 9814

Email: JOHNNY4FLAGLER@GMAIL.COM Years in Flagler: LIFE

Advisory Board or Committee Applying for:
TOURISM

What aspect of this Board/Committee interests you?
I HAVE A TOURISM BASED BUSINESS.

Describe your training and/or experience that would make you a good fit for this position:
FB3 PRESIDENT

What contributions do you feel you could make to this Board/Committee should you be selected?
INSIGHT ; OPPORTUNITY

Have you ever served on a Flagler County appointed Board or Committee?
 No Yes, if so, please identify below those on which you have served:

Advisory Board / Committee	Dates Served
<u>TOURISM</u>	<u>LAST 3 YEARS</u>
_____	_____
_____	_____

Education: B.S. ENTERTAINMENT BUSINESS

Business (name & type): OCEANSIDE

Business Address: 1848 S OCEAN SHORE BLVD

Business Phone: 386-439-6345 Position: OWNER

Applicable Professional Organization Memberships:

FB3 / TDC

As an applicant, you are encouraged to provide additional information (including a cover letter and/or resume) to better explain your qualifications for the position for which you are making application. This information will aid in the decision of the County Commission when making appointments.

Additional Information you wish to share:

I LOVE OUR COMMUNITY

If appointed, I will attend meetings in accordance with the adopted policies of Flagler County. If at any time my business or professional interests conflict with the interests of the Advisory Board or Committee, I will sign the appropriate (Form 8B) and excuse myself from participating in such deliberations. I understand that if appointed, I will serve at the pleasure of the Board of County Commissioners.



Signature of Applicant

Please Return To:
Flagler County BOCC
Attn: Administration

1769 E. Moody Blvd., Building 2, Suite 302, Bunnell, FL 32110

Email: LDance@FlaglerCounty.gov ♦ Phone (386) 313-4001

**Please note a hard copy is not required. Please feel free to email your application.*

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 7h**

SUBJECT: Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: On April 19, 2023, the Flagler County Tourist Development Council (TDC) met for the purpose of considering allocations from the Discretionary Event appropriation. The TDC deliberated on the requests and recommends that the Board of County Commissioners appropriate funds as follows:

\$ 4,000 Continuing Education Company, Summer Conference, July 10-14, 2023
\$4,000 Total Discretionary Event Allocations Requested

STRATEGIC PLAN:

Focus Area: Economic Vitality

Goal 1- Increase Visitor Spending in all Tourism Related Sectors

Objective EV 1.2: Increase visitor spending in all tourism related sectors

Goal 3 – Promote and Market Flagler County as a Desirable Place to Live, Work, and Visit

Objective EV 3.1: Execute objectives in the Tourist Development Strategic Plan

FUNDING INFORMATION: Funding in the amount of \$80,000 (of which \$43,500 has already been previously approved) is included in the Adopted FY 22-23 Budget for Discretionary Events in account number 1110-147-4700-559300-550-55-000-000-548004. Upon approval of the \$4,000 request for this Discretionary Event, a balance of \$32,500 will remain.

DEPARTMENT CONTACT: Tourist Development, Amy Lukasik (386) 313-4226

RECOMMENDATIONS: Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$4,000.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney.

ATTACHMENTS:

1. Funding Request - Continuing Education Company, Summer Conference, July 10-14, 2023
2. Discretionary Event Available Balance Report
3. TDC April 19, 2023, Minutes-Draft-Motions Only



**Tourist Development Council
April 19, 2023
Government Services Building
Bunnell, FL – 9:00 am**

**EVENT FUNDING
PROJECT DETAILS**



**14th Annual Essentials in Primary Care Summer Conference
Continuing Education Company
July 10-14, 2023**

About: Continuing Education Company, Inc. (CEC) is an accredited continuing medical education organization. They have been developing and presenting continuing medical education programs for over 30 years. Their mission is to develop and provide educational opportunities to improve the skills and knowledge of medical and healthcare professionals. To accomplish this mission, they offer American Academy of Family Physicians (AAFP), AMA PRA Category 1 Credits tm and ABIM MOC accredited live CME conferences and online courses.

Event History: During the past 11 years, we had held a summer program in Palm Coast. However, until 2017, attendance had never been equal to the attendance we have seen in Kiawah Island and our other summer locations. We believe this is due to the competition we face during this season, particularly with conferences held in Amelia Island, Hilton Head, Myrtle Beach and Orlando. Summer 2017, 2018 and 2019 saw an increase in attendance which we attribute to additional marketing that resulted from receiving Flagler County's overnight stay grant. In fact, 2019 attendance equaled our Kiawah attendance for the first time. The pandemic did influence attendance in 2020 and 2021 but bounced back in 2022.

Event Highlights: This conference series typically attracts Primary Care Physicians as well as Physician Assistants and Nurse Practitioners. The conference is targeted to a national audience with the majority coming to Flagler County from outside of Florida. Past conferences have attracted attendees from as far as the West Coast and Alaska. Conference sessions are held daily (M-F) from 8:00am to 12:15pm. Attendees are free in the afternoon and are encouraged to enjoy Flagler County many attractions and activities.

Event Location: Hammock Beach Resort

Estimated Attendance: 230 conference registrants & an estimated 800+ family members

Estimated room nights: 873 – ADR=\$373.00

Total Event Budget: \$173,698.00

Funding Request: \$4,000

TDC Prior Funding History:

2017-\$8,000 (ONS)

2018-\$8,000 (ONS)

2019-\$8,000 (ONS)

2020-\$8,000 (ONS)

2021-\$4,000 (DISC)

2022-\$4,000 (DISC)

BUDGET

Expense Allocation	Cost Per Unit(s)	Total # of Units	Total	Description of Expense Allocation
Content Development				
Content/ Writing	\$ 175.00	40	\$ 7,000.00	
Subtotal			\$ 7,000.00	

Logistics				
Food				
a. Breakfast	\$ 190.00	220	\$ 41,800.00	Breakfast Buffet \$38/pp x 5 days)
b. Break	\$ 21.00	220	\$ 4,620.00	Break session beverages (\$3.5/pp x 5 days)
Registration	\$ 25.00	30	\$ 750.00	
Audio Visuals & Equipment	\$ 2,356.00	5	\$ 11,783.00	
On-Site Management	\$ 35.00	80	\$ 2,800.00	
Subtotal			\$ 59,550.00	

Graphic Development and Layout				
Brochure	\$ 110.00	5	\$ 550.00	
Meeting Handouts	\$ 40.00	10	\$ 400.00	
Other - describe	\$ 90.00	2	\$ 180.00	Signage
Subtotal			\$ 1,130.00	

Production/Printing			\$ -	
Brochure	\$ 0.13	90000	\$ 11,700.00	Partial
Meeting Handouts	\$ 25.00	200	\$ 5,000.00	
Other - describe	\$ 110.00	2	\$ 220.00	Signage
Subtotal			\$ 16,920.00	

Implementation			\$ -	
Brochure Mailing	\$ 0.06	180000	\$ 10,800.00	Partial
Postage	\$ 0.18	180,000	\$ 32,400.00	
Subtotal			\$ 43,200.00	

Advertising				
Google Adwords (\$	\$ 2,000.00	5	\$ 10,000.00	

per month)				
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Expense Allocation	Cost Per Unit(s)	Total # of Units	Total	Description of Expense Allocation
Accreditation and Outcomes Evaluation			\$ -	
Accrediting Fees	\$ 200.00	15	\$ 3,000.00	
Outcomes Evaluation Fees	\$ 190.00	10	\$ 1,900.00	
Subtotal	\$ 390.00	25	\$ 4,900.00	

Transportation and Lodging			\$ -	
Air Travel	\$ 600.00	8	\$ 4,800.00	Speaker travel
Ground Transportation	\$ 350.00	8	\$ 2,800.00	R/T Home/Airport & R/T Airport/Venue for speakers and staff
Travel Related expenses, F&B	\$ 120.00	10	\$ 1,200.00	Speakers and Staff
Lodging	\$ 299.00	5	\$ 1,495.00	Speakers and Staff
Subtotal			\$ 10,295.00	

Honorarium			\$ -	
Faculty/Speaker	\$ 2,000.00	4	\$ 8,000.00	
Faculty/Speaker	\$ 1,750.00	6	\$ 10,500.00	
Subtotal			\$ 18,500.00	
PROGRAM TOTAL			\$ 171,495.00	

Revenue	Attendees	Tuition/Revenue	Total
Registration Fees	220	\$ 765.00	\$ 168,300.00
Exhibits	5	\$ 1250.00	\$ 6,250.00
TDC Grant		\$ 8,000.00	\$ 8,000.00
REVENUE TOTAL			\$ 182,550.00
EXPENSE TOTAL			\$ 173,698.00

DISCRETIONARY
AVAILABLE BALANCE REPORT

Fiscal Year FY2023	Award Amount	\$80,000	Approved FY2023 Budget
110-147-4700-559300-550-55-000-000-548004			
Discretionary Awards Approved by BOCC			
2022 October 23-26			
NCCAA Golf Championship	\$7,500.00		
2023 January 27-29			
Fl. Elite Winter Invitational 2023	\$10,000.00		
2023 March 27-31			
Continuing Education Company - Session 1	\$8,000.00		
2023 April 3-7			
Continuing Education Company - Session 2	\$8,000.00		
2023 June 24-25			
Florida Flag Football , State Championship	\$5,000.00		
2023 September 2-3			
Florida Flag Football , National Championship	\$5,000.00		
2023 July 10-14			
Continuing Education Company - Summer Session	\$4,000.00		
Subtotal Awards		\$47,500.00	Awards Approved by BOCC
		\$32,500.00	Available FY2023 Budget

**FLAGLER COUNTY
TOURIST DEVELOPMENT COUNCIL
Flagler County Government Services Building
Board Chambers – First Floor
April 19, 2023
9:00 A.M.
Minutes**

MEETING CALLED TO ORDER BY CHAIR DAVID SULLIVAN AT 9:01 A.M.

Chair Sullivan led the pledge to the flag and requested a moment of silence.

Attendance

Present: Chair David Sullivan, Felicia Cook, Eric Cooley, Pam Walker, Lisa Robinson, Stephen Baker, Nick Klufas.

Excused Absent: John Lulgjuraj

Staff: Amy Lukasik, Candi Breckenridge, Debra Naughton, Courtnee Brokaw, Christina Hutsell

- 1) **Chair Sullivan** led the pledge to flag and requested a moment of silence.

Sullivan read into the record four Form 8B's filed with the Board Secretary from the January 18, 2023, meeting per FS112.3143(4)(a).

- 2) **Meeting Minutes:**

- a) Request the Board approve the meeting minutes from January 18, 2022, meeting.

Cook/Walker. Motion to adopt the January 18, 2023 meeting minutes. Motion Carries.

- 3) **Financial Reports: Request the Board approve the financial report(s) listed below:**

- a) Revenue Report
b) Budget to Actual

Cook/Cooley. Motion to accept the Revenue Report. Motion Carries.

Cook/Walker. Motion to accept the Budget to Actual Report. Motion Carries.

- 4) **Marketing Reports:** Request the Board approve the marketing report(s) listed below:

- a) January 2023 Marketing Report
b) February 2023 Marketing Report
c) March 2023 Marketing Report

Klufas/Cook. Motion to accept January 2023 Marketing Report. Motion Carries.

Walker/Cooley. Motion to accept February 2023 Marketing Report. Motion Carries.

Klufas/Cooley. Motion to accept March 2023 Marketing Report. Motion Carries.

- 5) **Tourist Development Tax Update:**

Shelly Edmonson, Flagler County Tax Collector's Office.

- 6) **Fund 110 FY23 Discretionary Event Funding:** Review and recommend to the Board of County Commissioners for the following events:

- a) \$4,000 – Continuing Education Company – Summer Conference – July 10-14, 2023

Baker – Declared conflict of Interest for 6a). Form 8b completed and signed (Please see attached).

Klufas/Cook. Motion to recommend to the Board of County Commissioners to fund \$4,000.00 for Continuing Education Company Summer Conference, July 10-14, 2023.

With **Baker** abstaining.

- 7) **Fund 110 FY24 Discretionary Event Funding:** Review and recommendation to the Board of County Commissioners for the following events:
a) \$6,500.00 – NCCAA, Golf Championship – October 21 – 25, 2023

Baker – Declared conflict of Interest for 7a). Form 8b completed and signed (Please see attached).

Walker/Cook. To recommend to the Board of County Commissioners to fund the \$6,500.00 for NCCAA, Golf Championship – October 21-25, 2023. With **Baker** abstaining.

- 8) **Marketing Recap and Presentation:**
Candi Breckenridge, Tourism Marketing Media Manager
Courtnee Brokaw, Marketing Manager
- 9) **2022 Year in Review Presentation:**
Amy Lukasik, Executive Director
- 10) **Flagler County Visitor Eco Discovery Center Update:**
Amy Lukasik, Executive Director
- 11) **Tourism Development Office Update:**
Amy Lukasik, Executive Director
- 12) **Community Outreach:**
A thirty-minute time has been allocated at the end of the meeting for public comment. Each speaker will be allowed up to three minutes to address the Board on items not on the agenda.
- 13) **Board Member Commentaries**

Adjournment

Cook/Klufas Motion to adjourn meeting at 11:16

RECORDING OF MEETING CAN BE ACCESSED BY THE FOLLOWING LINK:

[TDC MEETING 10/20/2021](#)

If a person decides to appeal any decision made by the Tourist Development Council with respect to any matter considered at the meeting, a record of the proceedings may be needed and, for such purposes, the person may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Baker Stephen		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Tourism Development Council
MAILING ADDRESS 200 Ocean Crest Drive		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Palm Coast , FL	COUNTY Flagler	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED April 19,2023		NAME OF POLITICAL SUBDIVISION:
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Stephen Baker, hereby disclose that on April 19, 2023 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of Hammock Beach Golf Resort, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the Director of Group Sales at the Hammock Beach Golf Resort & Spa in Palm Coast, Fl, Flagler County. Item 6a) on the TDC agenda for April 19,2023 allocates funds to the following:
6a) Continuing Education Company - Summer Conference - July 10-14,2023

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/19/23
Date Filed

Stephen Z Baker
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT/ AGENDA ITEM # 7i**

SUBJECT: Consideration of Flagler County Tourist Development Council Fund 1110 Discretionary Event Funding.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: On April 19, 2023, the Flagler County Tourist Development Council (TDC) met for the purpose of considering allocations from the Discretionary Event appropriation. The TDC deliberated on the requests and recommends that the Board of County Commissioners appropriate funds as follows:

\$ 6,500 NCCAA (National Christian College Athletic Association), Championship
October 21-25, 2023

\$6,500 Total Discretionary Event Allocations Requested

STRATEGIC PLAN:

Focus Area: Economic Vitality

Goal 1- Increase Visitor Spending in all Tourism Related Sectors

Objective EV 1.2: Increase visitor spending in all tourism related sectors

Goal 3 – Promote and Market Flagler County as a Desirable Place to Live, Work, and Visit

Objective EV 3.1: Execute objectives in the Tourist Development Strategic Plan

FUNDING INFORMATION: Proposed Funding in the amount of \$80,000 will be included in the FY 23-24 Tentative Budget for Discretionary Events in account number 1110-147-4700-559300-550-55-000-000-548004. Upon approval of the \$6,500 request for this Discretionary Event, a balance of \$73,500 would remain.

DEPARTMENT CONTACT: Tourist Development, Amy Lukasik (386) 313-4226

RECOMMENDATIONS: Request the Board approve the recommendation of the Flagler County Tourist Development Council 1110 Discretionary Event funding in the amount of \$6,500.00 and authorize the County Administrator to execute the contract as approved to form by the County Attorney.

ATTACHMENTS:

- 1) Funding Request - NCCAA, Championship, October 21-25
- 2) Discretionary Event Available Balance Report
- 3) TDC April 19, 2023, Minutes-Draft – Motions Only



**Tourist Development Council
April 19, 2023
Government Services Building
Bunnell, FL – 9:00 am**

**EVENT FUNDING
PROJECT DETAILS**



**NCCAA Championship
National Christian College Athletic Association
October 21-25, 2023**

About: The NCCAA Golf Championship will bring 15 teams from around the country to Hammock Beach Resort, October 21-25, 2023. The NCCAA has served Christian colleges & universities since 1968. Headquartered in Greenville, SC. As a non-profit 501c3, the NCCAA seeks to break-even on all championships.

Event History: This will be the 28th Championship and the 7th hosted by Hammock Beach Resort. Bethel University Women and Malone University Men won the 2022 titles.

Event Highlights: Unique to the NCCAA Championships will be a Christian Service Project (CSP) allowing all 130 players and coaches to serve those in need. Past projects have featured meal packing assembly line, Samaritan's Feet (local youth get feet washed and then new socks and tennis shoes, and food pantry support, In 2022, Grace Food Bank in Palm Coast received over 2 tons of food and \$1,500 in cash gifts for this event.

Event Location: Hammock Beach Resort Ocean Course (Men) and Conservatory Course (Women)

Estimated Attendance 130 participants with 250-300 spectators and 15 event staff.

Estimated Room Nights in 2022, we used 219 total room nights (Stephen Baker, HBR contact)

Total Event Budget:

NCCAA 2023 Golf Championship Budget

INCOME		
	Actual	
Grants	6,500.00	FTDC
Entry Fees	26,040.00	Teams (added 5 medalist participants)
Lodging Fees	37,695.00	Collected by NCCAA
Apparel	625.00	(NCCAA receives 15% of sales)
TOTAL	70,860.00	
EXPENSE		
Officials	500.00	
Staff Travel	740.00	Additional rental car
Staff housing	910.00	Two chaplains
Banquet/F&B	6,400.00	Service charge increase
HBR rooms	35,765.00	Housing paid to HBR
Golf fees	26,125.00	Medalist cost
CFA lunch (Wed)	1,600.00	
Volunteer meals	500.00	
TOTAL	72,540.00	
Net	-1,680.00	

Funding Request: \$6,500 Sponsorship or support for Tee-Off Breakfast on Sunday, 10/23 approx.

TDC Prior Funding History:

FY17 - \$5,000

FY18 - \$5,000

FY21 - \$7,500

FY22 - \$7,500

FY23 - \$7,500

DISCRETIONARY
AVAILABLE BALANCE REPORT

Fiscal Year FY2024	Award Amount	\$80,000	PROPOSED
110-147-4700-559300-550-55-000-000-548004			
Discretionary Awards Approved by BOCC			
2023 November 8-10			
FL Association of Free and Charitable Clinics	\$5,000.00		
2023 October 21-25			
NCCAA Championship	\$6,500.00		
Subtotal Awards		\$11,500.00	Awards Approved by BOCC
		\$68,500.00	Available FY2024 Budget

**FLAGLER COUNTY
TOURIST DEVELOPMENT COUNCIL
Flagler County Government Services Building
Board Chambers – First Floor
April 19, 2023
9:00 A.M.
Minutes**

MEETING CALLED TO ORDER BY CHAIR DAVID SULLIVAN AT 9:01 A.M.

Chair Sullivan led the pledge to the flag and requested a moment of silence.

Attendance

Present: Chair David Sullivan, Felicia Cook, Eric Cooley, Pam Walker, Lisa Robinson, Stephen Baker, Nick Klufas.

Excused Absent: John Lulgjuraj

Staff: Amy Lukasik, Candi Breckenridge, Debra Naughton, Courtnee Brokaw, Christina Hutsell

1) **Chair Sullivan** led the pledge to flag and requested a moment of silence.

Sullivan read into the record four Form 8B's filed with the Board Secretary from the January 18, 2023, meeting per FS112.3143(4)(a).

2) **Meeting Minutes:**

a) Request the Board approve the meeting minutes from January 18, 2022, meeting.

Cook/Walker. Motion to adopt the January 18, 2023 meeting minutes. Motion Carries.

3) **Financial Reports: Request the Board approve the financial report(s) listed below:**

- a) Revenue Report
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Cook/Walker. Motion to accept the Budget to Actual Report. Motion Carries.

4) **Marketing Reports:** Request the Board approve the marketing report(s) listed below:

- a) January 2023 Marketing Report
- b) February 2023 Marketing Report
- c) March 2023 Marketing Report

Klufas/Cook. Motion to accept January 2023 Marketing Report. Motion Carries.

Walker/Cooley. Motion to accept February 2023 Marketing Report. Motion Carries.

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5) **Tourist Development Tax Update:**

Shelly Edmonson, Flagler County Tax Collector's Office.

6) **Fund 110 FY23 Discretionary Event Funding:** Review and recommend to the Board of County Commissioners for the following events:

- a) \$4,000 – Continuing Education Company – Summer Conference – July 10-14, 2023

Baker – Declared conflict of Interest for 6a). Form 8b completed and signed (Please see attached).

Klufas/Cook. Motion to recommend to the Board of County Commissioners to fund \$4,000.00 for Continuing Education Company Summer Conference, July 10-14, 2023.

With **Baker** abstaining.

- 7) **Fund 110 FY24 Discretionary Event Funding:** Review and recommendation to the Board of County Commissioners for the following events:
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- 8) **Marketing Recap and Presentation:**
Candi Breckenridge, Tourism Marketing Media Manager
Courtnee Brokaw, Marketing Manager

- 9) **2022 Year in Review Presentation:**
Amy Lukasik, Executive Director

- 10) **Flagler County Visitor Eco Discovery Center Update:**
Amy Lukasik, Executive Director

- 11) **Tourism Development Office Update:**
Amy Lukasik, Executive Director

- 12) **Community Outreach:**
A thirty-minute time has been allocated at the end of the meeting for public comment. Each speaker will be allowed up to three minutes to address the Board on items not on the agenda.

- 13) **Board Member Commentaries**

Adjournment

Cook/Klufas Motion to adjourn meeting at 11:16

RECORDING OF MEETING CAN BE ACCESSED BY THE FOLLOWING LINK:

[TDC MEETING 10/20/2021](#)

If a person decides to appeal any decision made by the Tourist Development Council with respect to any matter considered at the meeting, a record of the proceedings may be needed and, for such purposes, the person may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Baker Stephen	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Tourism Development Council
MAILING ADDRESS 200 Ocean Crest Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Palm Coast , FL Flagler	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED April 19,2023	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Stephen Baker, hereby disclose that on April 19, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of Hammock Beach Golf Resort, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the Director of Group Sales at the Hammock Beach Golf Resort & Spa in Palm Coast, Fl, Flagler County. Item 7a) on the TDC agenda for April 19, 2023 allocates funds to the following:

7a) NCCAA, Golf Championship - October 21-25, 2023

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4/19/23
Date Filed

Stephen Baker
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7j**

SUBJECT: Consideration of Contract with Arrivalist to Provide Visitor Research and Behavioral Data Services to the Tourism Development Office in the Amount of \$63,750.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Staff is seeking approval of a contract with Arrivalist to provide visitor research and behavioral data services in the amount of \$63,750 for a term of three years. Arrivalist utilizes proprietary, patent pending technology, from a mobile device, to measure travel patterns of customers, including visitation to a specific destination, activity within the destination including surrounding areas, and length of stay.

Arrivalist is a very common resource for tourism offices to be able to identify and measure the effectiveness of specific digital marketing campaigns to include origin markets, competitive analysis, and cross visitation data. Reporting will also include the top Points of Interest (POI's), that were visited, and average time spent at each POI. We will also be able to compare the same data points year over year to measure any specific initiatives or future decisions within our community.

Staff makes every effort to ensure that decisions are based on as many data points and research that is made available when planning for the future. Having a accurate and reliable picture of where are visitors are coming from, how long they stay, what they do and where they go when they are here, will allow us to capture amore accurate visitor profile and identify areas of opportunity.

STRATEGIC PLAN:

Focus Area: Economic Vitality

Goal 1- Increase Visitor Spending in all Tourism Related Sectors

Objective EV 1.2: Increase visitor spending in all tourism related sectors

Goal 3- Promote and Market Flagler County as a Desirable Place to Live, Work, and Visit

Objective EV 3.1: Execute objectives in the Tourist Development Strategic Plan

FUNDING INFORMATION: Funds are available in the FY2022-2023 budget for the annual amount of \$21,250. These funds will be included in the budget for two additional consecutive years at \$21,250.

DEPARTMENT CONTACT: Tourist Development, Amy Lukasik (386) 313-4226

RECOMMENDATION: Request the Board approve entering into a contract with Arrivalist and authorize the County administrator to execute all necessary documents associated with accepting and implementing the contract, including any amendments approved as to form by the County Attorney

ATTACHMENTS:

1. Arrivalist Proposal
2. Arrivalist Agreement
3. Sole Source



Arrivalist Technology Proposal

Palm Coast and The Flagler Beaches

Charles E. Lewis
Sr. Business Development Director
charles@arrivalist.com



SOLUTION OVERVIEW

Arrivalist is a visitation intelligence platform that empowers clients with new insights and measurement tools to help make more informed business decisions.

Arrivalist Technology helps you answer key questions such as:

- Origin Markets – Which markets do visitors travel from – both within and external – to your location?
- Competitive Intelligence – How am I performing compared to my competitors?
- Cross Visitation- Where else are my guests going while in market?

DELIVERING GRANULARITY & PRECISION TO ARRIVAL MEASUREMENT

Arrivalist technology provides a level of data granularity and accuracy not available to our clients until now. This data architecture affords enhanced levels of measurement and incremental insights in line with the increased sophistication of the business questions our customers are increasingly asking.

Granularity & Precision – The depth and breadth of Arrivalist’s data assets permit location accuracy within 30 feet of the user’s physical location.

Visitor Profile – Arrivalist technology is able to discern between local visitors and non-local visitors. This is possible because Arrivalist’s patent pending technology is able to identify the home location of a visitor.

Measuring Activity – The size of Arrivalist datasets also enables clients to measure the activity of visits to and within a target destination. In addition to understanding differences between interstate and intrastate arrivals, our platform provides greater insight into the length of stay and overnight versus day trips.

ACCOUNT MANAGEMENT

Arrivalist commits to providing world-class support. Each new client is assigned an account manager who leads onboarding and ongoing sessions with the client to review the full capabilities of the solution. Additionally, Arrivalist has product-specific technical teams to address complex questions should they arise.

ARRIVALIST PRODUCTS

Arrivalist Trip via Horizon Platform (Visitation Data & Insights)

Arrivalist's new interface Horizon – referred to as a zero-click decision engine – gives clients three-dimensional insights into how groups of people experience places: data tables, charts, and a written description. Clients need not make a selection, parse data, or analyze and re-construct insights. Arrivalist's Trip intelligence platform employs smartphone location data to report on domestic trips to defined destinations. It is designed to answer questions around seasonality, origin markets, length of stay, and in-market behavior with many charts to dig deep into the data and insights.

- The Horizon Platform will display a 24-month historical look-back. Client will receive portal access and up to 25 Points of Interest (geo-fenced within-county locations). Client will also receive a kick-off call with an assigned account manager and a bi-annual conference call.

Arrivalist Lodging

Arrivalist Lodging - A cutting edge tool that totals up all the revenue generated by overnight stays - whether in hotels or vacation rentals. Lodging gives hotels and destinations actionable data so they can see the origin markets (down to the zip code) for where hotel guests come from and where vacation rentals come from. Lodging is the first tool to measure ALL overnight visitation to your destination... hotel stays, vacation rentals, even visiting friends and relatives, no matter which chain or property they stay in.

- Client will receive a kick-off call with an assigned account manager and a bi-annual conference call.

Pricing of above products and multi-year discount rates:

Arrivalist Product	Rate Card	Flagler County Rate (Visit Florida Co-op)	Year 2 Discount (Per Year)	Year 3 Discount (Per Year)
Arrivalist Trip	\$35,000	\$25,000	\$22,500/year	\$21,250/year
Arrivalist Lodging	\$35,000 + \$5,000 1x set-up fee	\$25,000 + \$5,000 1x set-up fee	\$22,500/year + \$5,000 1x set-up fee	\$21,250/year + \$5,000 1x set-up fee

***Purchase both Trip and Lodging...bonus the measurement of website content and waiving of the \$5,000 set up fee for Lodging.**

This proposal has a deadline of June 30, 2023.

Thank you for your consideration of this proposal. Please do not hesitate to contact me should you have any questions or require any additional information regarding our approach, our datasets or the final deliverables.

Best,
Charles E. Lewis | Sr. Business Development Director | charles@arrivalist.com



Arrivalist Co
P.O. BOX 230199
New York, NY 10023
info@arrivalist.com
+1 646 964 5221

April 14, 2023

Letter of Agreement between Arrivalist and Flagler County Board of County Commissioners

This letter of agreement (“**Agreement**”) is entered into between Flagler County Board of County Commissioners, a political subdivision of the state of Florida, with a principal place of business located at 1769 E. Moody Boulevard, Bunnell, FL 32110 (“**Client**”), and Arrivalist Co., a Delaware corporation, with a principal place of business located at P.O. BOX 230199, New York, NY 10023 (“**Arrivalist**”). Arrivalist and Client may be referred to in this Agreement individually as a “**Party**” or collectively as “**Parties**.”

1. Term

The term of this Agreement shall begin May 1, 2023 and end on April 30, 2026 (“**Term**”). Any provision of this Agreement, which contemplates performance or observance subsequent to termination or expiration of the Agreement will survive termination or expiration of this Agreement and continue in full force and effect.

2. Services and Arrivalist Obligations

During the Term, Arrivalist will use its proprietary technology (“**Arrivalist Technology**”) to provide to Client the following service: a) anonymously monitor the visit to the Flagler County area (“**Location**”) of Internet users (“**Arrivalist Services**”).

Arrivalist services will provide clients with access to an online reporting interface (“**Platform**”)

Arrivalist Technology. The Arrivalist Technology, and any and all intellectual property related thereto, shall remain the exclusive property of Arrivalist, and Arrivalist reserves all right, title and interest in the Arrivalist Technology and related intellectual property. To the extent Client needs to use the Arrivalist Technology to give effect to this Agreement, it shall do so only with the approval of Arrivalist and solely in connection with the Services provided by Arrivalist and as described in this Agreement. If any license of the Arrivalist Technology becomes necessary to give effect to this Agreement such license shall be limited to the purpose of this Agreement, and shall be non-exclusive, non-transferable, non-sublicensable, non-assignable, and revocable. Client expressly agrees not to disclose, disassemble, decompile, decrypt, extract, reverse engineer or modify the Arrivalist Technology or otherwise attempt to derive its source code or any algorithm, process, methods, techniques, or procedure contained within the Arrivalist Technology.

- **Technology Used for the Services.** Arrivalist may use different advertising technology providers in addition to its own technology and media outlets including, without limitation Client’s website, Client’s advertising vendors and other outlets to monitor arrivals in Destination. The Services may not be used in connection with Clients’ purchases of advertising inventory (display, video or mobile) on open exchanges (also referred to as public exchanges) for ads targeting consumers located in or traveling from the member states of the European Union.
- **Timing of Reporting.** Reporting of visits monitored by the Arrivalist Technology for attribution and visitation services begin approximately 45-60 days following the commencement of agreement (the “**Launch Date**”). Timing may vary depending on complexity of location set up.
- **Review and Changes to Client’s Privacy Policy Addressing Advertising Practices in the U.S.** Arrivalist shall have the right, but not the obligation, to review and make recommendations to the privacy policy governing Client’s site(s) to accommodate the data collection and use practices involved in using Arrivalist Technology for advertising practices in the United States.
- **Arrivalist Services and Rates.** The specifics of the services and rates are set forth in **Appendix A**, attached hereto and made an integral and binding part hereof.

3. Obligations of Client

Client shall:

- **Provide Arrivalist with Necessary Information.** Client will make Arrivalist aware of desired Arrival Zones, Points of Interest, measurement definitions and other relevant information.
- **Make Arrivalist-Recommended Edits to Privacy Policy.** Client will make any reasonable Arrivalist-recommended changes to the Client's privacy policy (as set forth in Section 2 above), including placement of Arrivalist "opt-out" language in its privacy policy and newsletter emails. Client represents and warrants that (i) its privacy policy discloses all collection and use of Internet users' information so that such disclosed practices include Client's use of Arrivalist Technology, and (ii) it will abide by its privacy policy, and honor Internet users' marketing preferences.
- **Payment.** Unless otherwise provided in **Appendices**, pay all setup fees upon execution of this Agreement within thirty (30) days of the invoice date. In the event **Appendices** provide for third party media purchases by Arrivalist on behalf of Client, such third-party media shall be pre-paid by Client. Billing information to be filled out on page five of this agreement.
- **Ownership and Use of Cookies.** Client acknowledges that Arrivalist uses cookies in order to provide the Services. Any and all cookies (or other information or technology achieving a similar or competitive function, whether currently in existence or not) used by Arrivalist in performing the Services shall remain the property of Arrivalist.

4. General Provisions

- A. **Publicity.** Each Party grants to the other Party a limited license to include the name and trademarks of the other Party on its website and in its marketing materials for the sole and limited purpose of publicizing the Services and Arrivalist Technology. Neither Party shall make any defamatory or derogatory statements concerning the other Party or the Services provided herein.
- B. **Confidentiality.** In connection with the implementation of this Agreement, each party may have access to or receive disclosure of Confidential Information of the other party. "Confidential Information" means information relating specifically to the other party's business, technology, marketing objectives and plans, or pricing and any other information, in any form, furnished or made available directly or indirectly by one party to the other that is marked confidential, restricted, or with a similar designation. Each party shall keep any such Confidential Information of the other party in confidence and not disclose it to any third party without the prior written consent of the other party. Each party shall use the Confidential Information of the other party solely for purposes provided in this Agreement. All information furnished by one party to the other party shall be and remain the property of the furnishing party. Each party shall cause its employees and subcontractors to comply with the terms in this provision. The confidentiality obligations herein shall not apply to information that: (i) is already known to a party prior to disclosure by the other party; (ii) is or becomes available to the public through no breach of this subsection by the other party; (iii) is rightfully received by the other party from a third party without a duty of confidentiality; (iv) is independently developed by a party; or (v) is required to be disclosed by law, regulation, or court order, provided that the disclosing party shall use reasonable efforts to notify the other party prior to disclosure. Either party may disclose this Agreement or Confidential Information of the other party without obtaining the other party's written consent if, in the opinion of such party's attorneys, such disclosure is required by subpoena, court order, or otherwise required by law. If a party receives or is subject to a subpoena, court order, or other legal process requiring disclosure of this Agreement or Confidential Information of the other party, such party shall notify the other party promptly thereof, in order to give the other party, the opportunity to seek a protective order or other legally acceptable protection to, as applicable, limit the disclosure of this Agreement and or the other party's Confidential Information.
- C. **Aggregate Data.** Arrivalist collects aggregate data that is not personally-identifiable including, without limitation, end user usage and behavioral data related to the Services ("Aggregate Data"). Client shall own all right, title and interest in and to any data deliverables, *provided* that Arrivalist shall retain ownership of all right, title and interest in and to: (i) any materials created prior to, or independent of, this Agreement; (ii) any underlying data that are not specifically collected for Client; or (iii) any analytical approaches used by Arrivalist to prepare the data deliverables (each, "Arrivalist Portion"). The Arrivalist Portion shall remain the exclusive property of Arrivalist, and Client shall have the non-exclusive, non-assignable and non-transferable license to use the Arrivalist Portion for Client's internal business purposes. Arrivalist warrants that it shall not sell Client's info or data under any circumstances. Any use of the data by Arrivalist shall be limited to internal use and for the sole purpose of improving Arrivalist's methodology.
- D. **Relationship Between Parties.** Each party shall be and act as an independent contractor and not as partner, joint venturer, or agent of the other and shall not bind nor attempt to bind the other to any contract unless expressly agreed otherwise in writing.

- E. **Allocation of Resources.** Client understands that 25% of Arrivalist's investment goes into setting up the Arrivalist platform or reporting interface, training, providing logins, importing data, setting up and maintaining historical data. The remaining 75% of Arrivalist's investment is derived from forward looking data and account management.
- F. **Assignment.** Neither Party shall have any right or ability to assign, transfer, or sublicense any obligations or benefit under this Agreement without the written consent of the other party (and any such attempt shall be void), except that either party may (without consent) assign and transfer this Agreement and its rights and obligations hereunder to any successor to substantially all of its business to which this Agreement relates.
- G. **Choice of Law.** This Agreement shall be governed by the laws of the State of Florida without regard to the conflict of the laws provisions thereof.
- H. **Validity.** If any portion of this Agreement is illegal or unenforceable, such portion(s) shall be limited or eliminated to the minimum extent necessary such that the balance of this Agreement shall remain in full force and effect and enforceable.
- I. **Entire Agreement.** This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and can only be modified or waived by a subsequent written agreement signed by both parties.
- J. **Force Majeure.** Neither party shall be liable to the other party for any failure or delay in performance caused by acts of God, fires, floods, strikes, whether legal or illegal, water damage, riots, epidemics or any other causes beyond such party's reasonable control, and such failure or delay will not constitute a breach of this Agreement.
- K. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Execution of a facsimile or email copy shall have the same force and effect as execution of an original, and a facsimile or email signature shall be deemed an original and valid signature.
- L. **Indemnification.** Subject to the scope and mandatory limitations of Section 768.28, Florida Statute, Client will defend, indemnify and hold harmless Arrivalist from and against any claims, actions, demands, losses, judgments, fines or expenses (including, without limitation, reasonable attorneys' fees) arising out of any actual or alleged claim due to a breach or alleged breach by Client of any of its obligations under this Agreement.
- M. **Notices.** All notices under this Agreement shall be in writing, and shall be deemed given when mailed, faxed or sent via electronic mail to the address, fax number or email address appearing in this Agreement.
- N. **No Warranty.** EACH PARTY DISCLAIMS ALL REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON-INFRINGEMENT AND/OR IMPLIED WARRANTIES ARISING FROM ANY COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE IN TRADE.
- O. **Limitation of Liability.** NEITHER PARTY WILL BE LIABLE WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT, UNDER ANY CONTRACT, NEGLIGENCE, STRICT LIABILITY OR OTHER LEGAL OR EQUITABLE THEORY FOR (A) ANY INDIRECT, INCIDENTAL, EXEMPLARY, SPECIAL, RELIANCE OR CONSEQUENTIAL DAMAGES INCLUDING BUT NOT LIMITED TO LOSS OF PROFITS OR (B) ANY AMOUNTS, IN THE AGGREGATE, IN EXCESS OF ONE MONTH OF SERVICE PROVIDED PURSUANT TO THIS AGREEMENT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING THE FAILURE OF THE ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. CLIENT ACKNOWLEDGES THAT THE FEES PAID REFLECT THE ALLOCATION OF RISK SET FORTH IN THIS AGREEMENT AND THAT ARRIVALIST WOULD NOT ENTER INTO THIS AGREEMENT WITHOUT THESE LIMITATIONS. NEITHER ARRIVALIST NOR ANY OF ITS THIRD-PARTY PROVIDERS GUARANTEE THE ADEQUACY, ACCURACY, TIMELINESS OR COMPLETENESS OF THE ARRIVALIST SERVICES OR ANY COMPONENT THEREOF OR ANY COMMUNICATIONS, INCLUDING ORAL OR WRITTEN COMMUNICATIONS (INCLUDING ELECTRONIC COMMUNICATIONS) OR OUTPUT WITH RESPECT THERETO. NEITHER ARRIVALIST NOR ANY OF ITS THIRD-PARTY PROVIDERS SHALL BE SUBJECT TO ANY DAMAGES OR LIABILITY FOR ANY ERRORS, OMISSIONS, INTERRUPTIONS OR DELAYS IN THE ARRIVALIST SERVICES. THE ARRIVALIST SERVICES AND ALL COMPONENTS THEREOF ARE PROVIDED ON AN "AS IS" BASIS.
- P. **Notices.** All notices and other communications which are required to be given by the Agreement or which are otherwise made pursuant to the Agreement will be in writing and delivered either by hand, certified or registered U.S. mail,



Arrivalist Co
P.O. BOX 230199
New York, NY 10023
info@arrivalist.com
+1 646 964 5221

overnight courier, confirmed email or confirmed facsimile, addressed in the case of Agency to the address provided above, and in the case of Arrivalist to Cree Lawson, Arrivalist, P.O. BOX 230199, New York, NY, 10023 or via facsimile to 917 677 8222 or email at cree@arrivalist.com.

IN WITNESS WHEREOF, Arrivalist and Client have caused this Agreement to be executed as of the date first written above by their respective officers thereunto duly authorized.

ARRIVALIST CO.

By: _____

Name: _____

Title: _____

Date: _____

Flagler County Board of County Commissioners

By: _____

Name: Heidi Petito

Title: County Administrator

Date: _____

SSM



Arrivalist Co
P.O. BOX 230199
New York, NY 10023
info@arrivalist.com
+1 646 964 5221

Billing Information

First Name: Amy

Last Name: Lukasik

Phone Number: 386-313-4000

Fax Number: _____

Email Address: alukasik@visitflagler.com

Billing Address Line 1: 1769 E. Moody Boulevard

Billing Address line 2: _____

City: Bunnell State: FL Zip Code: 32110



Arrivalist Co
P.O. BOX 230199
New York, NY 10023
info@arrivalist.com
+1 646 964 5221

APPENDIX A – ARRIVALIST SERVICES

Term: May 1, 2023 – April 30, 2026

Arrivalist Trip via Horizon Platform - Visit Florida Co-op – 3-year Term Rate

Price: \$21,250 per year for 3-years at a total cost of \$63,750

Deliverables

- Up to 25 POIs (there can be no overlap of POIs)
- 24-month historical look back
- Assigned Account Manager/Analyst – Launch Call and 2 annual scheduled call, plus availability in-between calls if needed.

Arrivalist will invoice \$21,250 on or around May 1, 2023 and Client will remit payment within thirty (30) days of receipt of invoice.

Arrivalist will invoice \$21,250 on or around May 1, 2024 and Client will remit payment within thirty (30) days of receipt of invoice.

Arrivalist will invoice \$21,250 on or around May 1, 2025 and Client will remit payment within thirty (30) days of receipt of invoice.

Arrivalist Sole Source Justification

Arrivalist is the leader in Visitation insights via from mobile devices in the United States.

Arrivalist utilizes proprietary, patent pending technology to measure the travel patterns of customers, including visitation to a specific Destination, activity within that Destination and surrounding area(s), and length of stay.

Arrivalist can be used to supplement existing research to understand the movement and travel patterns of customers based on location data from mobile devices.

Arrivalist provides the following proprietary metrics when measuring customer movement

- Arrivalist is the only provider of Calibrated Data. Calibrated Data is a panel-based approach to measuring device movements. Arrivalist does not provide raw or even filtered location data. Instead, it works from a panel of devices that is representative of the US population. See patent applications on balancing a panel based on origin market zip codes.
- Arrivalist validates its accuracy by comparing data to a Source of Truth (hotel occupancy data). By aligning trends in hotel occupancy to trends in device movement Arrivalist can remove longitudinal bias that mobile location data is prone to. See patent applications related to aligning location data with hotel occupancy.
- Trip Methodology – Arrivalist only reports on trips – visitation patterns where a mobile device has left its area of residence, traveled a certain number of miles, and arrived back at its area of residence. While methodologies based on visits can measure cross visitation between one place and another, Arrivalist is able to show cross visitation between one place and another on the same TRIP. Trip Methodology also gives Arrivalist the unique ability to differentiate between visitors to a place and devices that make a stop while going through a place. Finally – trip methodology allows Arrivalist to count unique repeat visits rather than just tally up a number of visits (which may or may not be from the same device.)

Without using the technology made available by Arrivalist, our staff and vendors would not have a holistic understanding of visitation to our Destination. Our customer visitation insights would be limited to twice yearly survey research, and other 3rd party research that lacks the specificity of Arrivalist data.

- Arrivalist's patents may be referenced at this URL:
<https://patents.google.com/patent/US20140019230A1/en?assignee=arrivalist>

Arrivalist Trip & POI Insights

1. Estimated Trip Sample
2. Percentage Share of Overnights
3. Average Nights in Destination by State and DMA (Stay Duration)
4. Origin Markets by State and DMA
5. Trip Volume by State and DMA
6. Trip Share Previous Year by State and DMA
7. Trip Share Current Year by State and DMA
8. Year-Over-Year Share Difference by State and DMA
9. Trip Volume Arrivals by Day, Week, Month and Quarter
10. Trip Volume by Month – Previous Year vs Current Year
11. Stay Duration Percentages by Day Trips, 1-Night, 2-Nights, 3-Nights, 4+-Nights
12. Trip Volume by Nights in the Market
13. Share of Trip Volume by Nights in the Market
14. In-Market Behavior by Points-of-Interest (POIs) within the Destination
15. Top Visited POIs within the Destination
16. Average Time Spent at each POI
17. Trips to POI Over Time
18. POI Trip Share Previous Year
19. POI Trip Share Current Year
20. Year-Over-Year POI Trip Share Difference
21. POI Cross Visitation
22. Estimated Trip Sample to POIs
23. Average Nights in the Destination by POI
24. Average Time Spent at POI(s)
25. POI Trips by Month
26. POI Trips by State and DMA
27. POI Trips by Day of the Week
28. POI Trips by Nights in the Market

Arrivalist Trip & POI Insights

1. Estimated Trip Sample
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23. Average Nights in the Destination by POI
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25. POI Trips by Month
26. POI Trips by State and DMA
27. POI Trips by Day of the Week
28. POI Trips by Nights in the Market

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7k**

SUBJECT: Consideration of Distribution of Local Option Gas Tax FY 2023-2024

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Florida Statutes, Chapter 336.025(5)(a) requires the County notify the Florida Department of Revenue of any revision to the rate of tax and distribution proportions for Local Gas Tax each year. The statute further provides for the methodology to be used for the distribution of local option fuel taxes to be established through an Interlocal Agreement between the County and the municipality representing a majority of the incorporated areas within the County, in this case, the City of Palm Coast.

An Interlocal Agreement reached between the City of Palm Coast and Flagler County on July 15, 2002 stipulates that the City provide the County with any revisions to its Road Inventory annually in order that such revisions can be incorporated into the distribution formula to be reported to the Florida Department of Revenue. Each municipality within Flagler County was contacted by letter and given the opportunity to update their road inventory data as appropriate. Lane miles were adjusted according to updated road inventory reports received from the Municipalities. Current population data (2022 Population estimates) was obtained from the Bureau of Economic and Business Research (BEBR) at the University of Florida

The table below reflects the previous year's information and most current available data:

JURISDICTION	POPULATION 2020-2021	POPULATION 2021-2022	LANE-MILES 2020-2021	LANE-MILES 2021-2022	PERCENTAGE OF TOTAL FY 2021-2022	
					Population	Lane-Miles
City of Marineland	12	12	0	0	0	0
City of Beverly Beach	479	490	4.115	4.115	0.40%	0.24%
City of Bunnell	3,495	3,752	54	54	3.02%	3.20%
City of Flagler Beach	5,133	5,182	61.435	61.435	4.18%	3.63%
City of Palm Coast	92,866	96,504	1,120	1,125	77.70%	66.54%
Unincorporated County	17,677	18,262	446.1	446.1	14.70%	26.39%
TOTALS	119,662	124,202	1,685.65	1,690.65	100%	100%

The following table reflects a distribution formula based on a 50%-50% ratio of population and lane miles in accordance with the Interlocal Agreement.

JURISDICTION	<i>Distribution proportion based on population (Percentage X 0.5)</i>	<i>Distribution proportion based on lane-miles (Percentage X 0.5)</i>	TOTAL DISTRIBUTION (PERCENTAGE)
City of Marineland	0	0	0
City of Beverly Beach	0.20	0.12	0.32%
City of Bunnell	1.51	1.6	3.11%
City of Flagler Beach	2.09	1.82	3.91%
City of Palm Coast	38.85	33.27	72.12%
Unincorporated County	7.35	13.19	20.54%
TOTALS	50	50	100%

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7k**

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide quality fundamental infrastructure and assets.
 - Objective GI1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.
 - Objective GI 1.2: Expand and improve infrastructure to support commercial/ industrial and residential growth.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Faith Alkhatib, P.E. County Engineer 386-313-4006

RECOMMENDATION: Request the Board approve the Distribution Table as presented and authorize the County Engineer to forward this information to the Florida Department of Revenue.

ATTACHMENTS: N/A

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 71**

SUBJECT: Consideration of Project Recommendations and Ranking of the FDOT Transportation Alternative Priorities for Fiscal Years 2024/2025 through 2028/2029.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: Each year the Florida Department of Transportation (FDOT) solicits local candidate projects for funding under its Transportation Alternatives program (TAP). TAP projects focus on improvements that create alternatives to transportation for the non-motorized user and enhancements to the transportation system for all users.

The projects have been ranked based on need as determined by County staff. We are requesting that the Board approve the rankings below.

Recommended FDOT Transportation Alternatives Priorities for Fiscal Years 2024/2025 through 2028/2029:

1. Bulow Creek Headwaters Regional Park
2. Old Kings Road North Multi-Use Trail, Matanzas Woods Pkwy to US-1
3. US-1 Trail - Royal Palms to Palm Coast Parkway
4. Revitalization of Historic Old Brick Road for Multi-Use Trail
5. Lehigh Trail US-1 Multi-Use Trail and Pedestrian Bridge
6. Pedestrian / Multi-use Bridge over US-1

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide quality fundamental infrastructure and assets.
 - Objective GI1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.
Measure GI 1.1.3: Coordinate with municipalities and FDOT to obtain grants to study traffic safety issues.
 - Objective GI 1.2: Expand and improve infrastructure to support commercial/ industrial and residential growth.
Measure GI 1.2.2: Make surface transportation improvements.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Faith Alkhatib, P.E., County Engineer (386) 313-4045

RECOMMENDATIONS: Request the Board approve staff's recommended FDOT Transportation Alternatives Program submittal for Fiscal Years 2024/2025 through 2028/2029.

ATTACHMENTS:

1. Resolution to approve Transportation Alternatives Program List with Exhibit
2. Transportation Alternative Program Project Descriptions

RESOLUTION NO. 2023-_____

A RESOLUTION BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE PRIORITIZED LIST OF PROJECTS FOR INCLUSION IN THE FDOT TRANSPORTATION ALTERNATIVES PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) annually requests project priorities for inclusion in the FDOT Transportation Alternatives Program; and

WHEREAS, Flagler County desires to submit a prioritized list of projects for inclusion in the FDOT Transportation Alternatives Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flagler County, Florida as follows:

Section 1. The prioritized list of projects attached hereto as Exhibit A and incorporated herein is approved for inclusion in the five-year FDOT Transportation Alternatives Program.

Section 2. This Resolution shall take effect upon execution.

APPROVED this 15th day of May 2023, by the Board of County Commissioners, Flagler County, Florida.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Gregory L. Hansen, Chair

APPROVED AS TO FORM:

Sean S. Moylan  Digitally signed by Sean S. Moylan
Date: 2023.05.08 10:58:24 -04'00'

Sean S. Moylan, Deputy County Attorney

EXHIBIT A

FDOT Transportation Alternatives Program Project Priority List
FY 2024/2025 – 2028/2029

1. Bulow Creek Headwaters Regional Park
2. Old Kings Road North Multi-Use Trail, Matanzas Woods Pkwy to US-1
3. US-1 Trail, Royal Palms Parkway to Palm Coast Parkway
4. Revitalization of Historic Old Brick Road for Multi-Use Trail
5. Lehigh Trail US-1 Multi-Use Trail and Pedestrian Bridge
6. Pedestrian / Multi-use Bridge over US-1

**Transportation Alternatives Program Project Descriptions
FY 2024/2025 – 2028/2029**

1. Bulow Creek Headwaters Regional Park

This project is to design and construct a proposed park at the Bulow creek headwaters. The proposed park will include bicycle trails, pedestrian trails, equestrian trails, and a canoe launch and trail.

Design: \$1,510,473 Programmed for FY2024

Construction/CEI: \$12,310,000

Total Estimated Project Cost: \$13,820,473

2. Old Kings Road North Multi-Use Trail, Matanzas Woods Pkwy to US-1

This project consists of 4.2 miles of multi-purpose paths on either side of Old Kings Road north from Matanzas Woods Parkway to US-1. The project will connect residential neighborhoods and publicly owned recreational lands along the corridor into the existing pedestrian trail on Matanzas Woods Parkway. The project will provide a paved multi-use path and a shell path on opposite sides of Old Kings Road for the project length.

Design: \$500,000

Construction/CEI: \$5,985,000

Total Estimated Project Cost: \$6,485,000

3. US-1 Trail, Royal Palms Parkway to Palm Coast Parkway

This project consists of 4.8 miles of paved multi-purpose path along SR 5 (US-1) from Royal Palms Parkway north to Palm Coast Parkway. The project will connect existing trail/path end points and is planned to be completed in two (2) functional segments; Royal Palms Parkway to White View Parkway, and White View Parkway to Palm Coast Parkway.

Design: \$500,000

Construction/CEI: \$4,921,000

Total Estimated Project Cost: \$5,421,000

4. Revitalization of Historic Old Brick Road for Multi-Use Trail

This project study would investigate and evaluate alternatives for revitalization of historic Old Brick Road for recreational multi-use trail.

Planning: \$300,000

Design: \$400,000

Estimated Project Planning/Design Cost: \$700,000

5. Lehigh Trail US-1 Multi-Use Trail and Pedestrian Bridge

This project would extend the Lehigh Trail to cross SR 5 US-1. Once at SR 5 US-1, pedestrians would be afforded safe access to the West side of SR 5 US-1 via a pedestrian bridge.

Design: \$2,000,000

Construction/CEI: \$20,349,000

Total Estimated Project Cost: \$22,349,000

6. Pedestrian / Multi-use Bridge over US-1

This project consists of a multi-use (pedestrian, equestrian, bicycle) bridge and a 1.4 mile multi-use trail that will connect the Florida Agricultural Museum to both Ranch House Grade and the historic Old Kings Road and an existing 10-foot-wide multi-use trail along the west side of US-1.

Design: \$1,700,000

Construction/CEI: \$20,349,000

Total Estimated Project Cost: \$22,049,000

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
CONSENT / AGENDA ITEM # 7m**

SUBJECT: Consideration to Negotiate Interlocal Agreement between Flagler County and the City of Bunnell for Permitting, Building Code Services, Plan Review and Inspection Services and Authorize County Staff to Provide Temporary Services

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: The City of Bunnell has made a request to Flagler County for an Interlocal Agreement to provide permitting services related to Florida Building Code compliance permit review and inspections by the Flagler County Building Division. The service provider for the City of Bunnell is terminating services as of June 1st.

Staff is seeking consideration to negotiate an interlocal agreement between Flagler County and the City of Bunnell for permitting, building code services, plan review and inspection services and is seeking authorization for County staff to provide temporary services to cover the time period between June 1st and subsequent approval of an interlocal agreement.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

FUNDING: No impact at this time.

DEPARTMENT CONTACT: Adam Mengel, Growth Management Director 386-313-4065

RECOMMENDATION: Request the Board authorized staff to negotiate an Interlocal Agreement with the City of Bunnell for permitting services related to Florida Building Code compliance permit review and inspections and authorize staff to provide temporary services by the Flagler County Building Division.

ATTACHMENTS: None

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS/ AGENDA ITEM # 8a**

SUBJECT: Interlocal Agreement with the City of Bunnell to Provide Solid Waste Collection and Disposal Services to Certain City Residents

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: The County recently entered into a new contract with Waste Pro and reestablished its special assessment district for solid waste services. A special assessment is a funding mechanism that allows a local government to assess property owners for services that specially benefit their properties. Florida law allows for property owners within municipalities to be included in special assessment districts of the county if the county and municipality provide for such arrangement in an interlocal agreement.

The City of Bunnell is a vast municipality geographically, and its city limits are not regular and compact. In addition, properties within the unincorporated county annex into the City from time to time. Bunnell primarily provides residential solid waste collection and disposal services within the core of its municipality. In some instances, in the more remote parts of the City, the County's contractor, Waste Pro, collects solid waste from residences on the same road or neighborhood as City residents. As new residences are constructed and as some residences annex into the City, it is not always easy for Waste Pro to know which residences should have their waste collected or not. As a matter of efficiency in the provision of this government service, staff of the County and City are proposing the attached Interlocal Agreement to allow certain rural residential property owners of the City to be included in the County's solid waste service area and also to be included in the special assessment to pay for that service.

In addition, the Interlocal Agreement delineates a protocol for the exchange of information between the City and County so that as new homes are constructed in the rural parts of the City and as properties annex into the City, the County and its contractor will know which properties should receive and pay for the County's solid waste services.

STRATEGIC PLAN:

Effective Government

- Objective EG 2.1 - Create a culture of collaboration with municipalities and community partners.
- Objective EG 2.3 -Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

FUNDING INFORMATION: City and County property owners within the Solid Waste Special Assessment District will pay the same flat fee at time of residential building permit and the same special assessment once on the special assessment roll. Funding received from this interlocal agreement as well as the payments to Waste Pro are accounted for in the Residential Solid Waste Fund 1405.

DEPARTMENT CONTACT: Mike Dickson, General Services Director
Sean Moylan, Deputy County Attorney

RECOMMENDATION: Approve the Interlocal Agreement Providing for Solid Waste Collection and Disposal Services to Certain Residential Properties within the City of Bunnell.

ATTACHMENTS:

1. Interlocal Agreement

**INTERLOCAL AGREEMENT BETWEEN FLAGLER
COUNTY AND THE CITY OF BUNNELL FOR THE
PROVISION OF SOLID WASTE SERVICES TO CERTAIN
CITY RESIDENTS**

THIS INTERLOCAL AGREEMENT (“Agreement”) is entered into by and between Flagler County, a political subdivision of the State of Florida, 1769 East Moody Boulevard, Building 2, Bunnell, FL 32110, (“County”) and the City of Bunnell, a municipal corporation of the State of Florida, 604 East Moody Boulevard, Unit 6, Bunnell, FL 32110 (“City”).

WHEREAS, in December 2022, the County adopted Resolution 2022-87, establishing the Flagler County Mandatory Solid Waste Special Assessment District (“Special Assessment District”) to provide for the utilization of the uniform method of collecting non-ad valorem assessments under Section 197.3632, Florida Statutes, as the most practical, fair, and efficient way to collect fees from owners of improved residential properties for the collection and disposal of solid waste; and

WHEREAS, the Special Assessment District is comprised of all lands within unincorporated Flagler County as well as such portions of municipalities the governing body of which agrees to be included within the Special Assessment District pursuant to interlocal agreement; and

WHEREAS, the special assessment to be levied is a fee that covers the provision of solid waste collection and disposal services by a contracted collector of the County and is not a profit making enterprise of the County; and

WHEREAS, the parties find that the improved residential properties within the Special Assessment District shall specially benefit from the service and that the assessment to be levied is fairly and reasonably apportioned among the fee payers; and

WHEREAS, the geographic area of the City is large, and the City provides solid waste collection and disposal services to properties primarily within its core area, the provision of such services to more remote properties being cost prohibitive; and

WHEREAS, the County already provides solid waste collection and disposal services to properties in close proximity to certain remote areas of the City; and

WHEREAS, Section 50-8(c) authorizes the City to select a hauler to provide residential solid waste collection and disposal services in lieu of the City’s Solid Waste Department; and

WHEREAS, the City and County have a common goal in the public interest to ensure all residents are provided with high quality collection, transport, and disposal of residential solid waste and recyclable materials in the most cost-efficient manner; and

WHEREAS, the Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, permits local governments to make the most efficient use of their powers by authorizing

them to cooperate on the basis of mutual advantage and thereby provide services that will accord best with geographic, economic, population, and needs of their local communities; and

WHEREAS, this Agreement provides for the cooperation of the parties in the provision of solid waste collection and disposal services but does not transfer any of their respective home rule powers to each other.

NOW THEREFORE, in consideration of the mutual obligations contained herein, the parties agree as follows.

SECTION I. RECITALS. The above recitals are incorporated herein as material facts and form a basis of the bargain upon which the parties rely.

SECTION II. CERTAIN RESIDENTIAL PROPERTIES WITHIN BUNNELL TO BE INCLUDED IN COUNTY'S SOLID WASTE SPECIAL ASSESSMENT DISTRICT.

A.) Existing Residences Within Bunnell. The residential properties within the City identified in Exhibit A, attached hereto and incorporated herein, shall be included within the Flagler County Mandatory Solid Waste Special Assessment District (the "Properties"). The County shall provide the same solid waste collection and disposal services to the Properties as it does for other properties within the unincorporated areas of the Special Assessment District (the "Solid Waste Services"). The owners of the Properties shall be assessed on their annual tax bill, pursuant to Section 197.3632, Florida Statutes, at the same rate as other property owners within the Special Assessment District.

B.) New Residential Construction within Bunnell. When a property owner within the City wishes to construct a residence that will be served by County Solid Waste Services, the City will not issue a building permit until the owner pays the County a fee to cover the cost of Solid Waste Services before the property is placed on the special assessment tax roll. The County will charge the same fee as it does for building permits in the unincorporated County. The City will promptly notify the County when it issues a certificate of occupancy for the property, at which point the County will add the property to the Solid Waste Special Assessment District and the list of Properties in Exhibit A and will notify its contract collector to provide Solid Waste Services to the property.

C.) Properties Annexing into Bunnell. When any improved residential property annexes into the limits of the City, the City shall include in its statutory notice of annexation to the County whether the parcel shall receive Solid Waste Services from the County. For such properties, the County shall charge the property owner a fee to cover the cost of providing the Solid Waste Services until the property is added to the special assessment tax roll. Upon payment of the fee, the County will add the property to the Solid Waste Special Assessment District and the list of Properties in Exhibit A and will notify its contract collector to provide Solid Waste Services to the property.

SECTION III. MISCELLANEOUS PROVISIONS

A.) Further Assurances. Each party shall execute and cause to be delivered to the other party such instruments and other documents and shall take such other actions as may be reasonably requested by the other party in order to carry out the intent and to accomplish the purposes of this Agreement.

B.) Indemnification. The parties shall each be responsible for and shall indemnify the other for the negligent or wrongful acts or omissions of its officers, employees, and agents arising out the performance of their respective duties under this Agreement. Notwithstanding the foregoing, the responsibility and obligation to indemnify shall not exceed the scope and monetary limitations of Section 768.28, Florida Statutes. Further, nothing herein is intended as a waiver of the parties' sovereign immunity or as a consent to be sued by third parties.

C.) Notice. Any notice required by this Agreement shall be made in writing and shall be deemed delivered when personally hand delivered, when delivered by reputable overnight courier, or when received via the U.S. Post certified, postage prepaid, to the parties at the respective address listed below. Either party may change the address for purposes of notice by notifying the other party of such change in the manner prescribed herein.

1. For the County: Flagler County
 c/o General Services Director
 1769 East Moody Blvd., Bldg. 2
 Bunnell, FL 32110

2. For the City: Bunnell City Manager
 604 East Moody Blvd., Unit 6
 Bunnell, FL 32110

D.) Integration and Modification. This Agreement embodies the entire agreement of the parties with regard to the subject matter hereof. There are no provisions, terms, conditions, or obligations, with respect to the subject matter hereof, other than those contained in this Agreement. This Agreement supersedes all previous communication, representation, or agreement, either verbal or written, between the parties. This Agreement may only be amended or supplemented by a written instrument of equal dignity herewith executed by the parties.

E.) Severability. If any term or provision of this Agreement is found to be illegal or unenforceable by a court of competent jurisdiction, the remainder of the Agreement will remain in full force and effect and such term or provision will be deemed stricken.

F.) Force Majeure. Neither party shall be considered in default in performance of its obligations hereunder to the extent that performance of such obligations, or any of them singularly, is delayed or prevented by a bona fide force majeure. For the purpose of this Agreement, a bona fide force majeure is defined in accordance with the common law of the State of Florida as being an event or circumstance beyond the control and authority and without the fault or negligence of the party seeking relief under this Section. The maximum relief granted to either party under this

Section shall be the tolling of time for the duration of the force majeure. A force majeure may be deemed to excuse performance pursuant to this Agreement only to the extent such performance is actually prevented or precluded by such force majeure.

G.) Binding Agreement and Assignability. This Agreement is binding upon and inures to the benefit of the parties and their respective successors and assigns, provided however, that neither party may assign, sublicense, or otherwise transfer its rights, duties, or obligations under this Agreement without the prior written consent of the other party which each party may withhold in their sole discretion. Any assignment, sublicense, or transfer occurring without the required prior written approval of the other party will be null and void.

H.) Recording and Effective Date. The County shall be responsible for recording this Agreement in the Public Records of Flagler County, Florida, as required by Section 163.01(11), Florida Statutes. This Agreement shall take effect June 1, 2023.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives on the dates indicated below.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

Gregory L. Hansen, Chair

Date

Approved as to Form and Legality:

Sean S. Moylan

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Date: 2023.05.03 14:53:16 -04'00'

Sean S. Moylan, Deputy County Attorney

ATTEST:

Tom Bexley, Clerk of the Circuit Court
and Comptroller

[Signature page to follow.]

CITY OF BUNNELL

Catherine Robinson, Mayor

ATTEST:

Date

By: _____
Kristen Bates
City Clerk

Approved as to Form and Legality.

Paul Waters
City Attorney

[Exhibit A to follow.]

Exhibit A

Parcel ID	Type of Use	Number	Street	Directional	City	Zip	Assessment Needed
21-13-31-0650-000A0-0920	MANUFACTURED HOME	653	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
02-13-30-0650-000C0-0019	SINGLE FAMILY	2570	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
02-13-30-0650-000C0-0018	SINGLE FAMILY	2574	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
33-11-28-0000-01010-0020	IMPROVED AG	13726	STATE HWY 100	W	BUNNELL	32110	Exempt? Flagler to Notice
21-13-31-0650-000B0-0031	MANUFACTURED HOME	375	COUNTY RD 200		BUNNELL	32110	Need to Bill - Flagler
02-13-30-0650-000A0-0001	SINGLE FAMILY	1693	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
05-12-29-0000-02010-0000	IMPROVED AG	474	COUNTY RD 45		BUNNELL	32110	Exempt? Flagler to Notice
21-13-31-0650-000A0-0003	MANUFACTURED HOME	648	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000D0-0040	SINGLE FAMILY	100	TWIN LAKES RD	E	BUNNELL	32110	Need to Bill - Flagler
26-12-29-0000-01010-0020	SINGLE FAMILY	1310	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler
14-12-29-5550-00020-0010	SINGLE FAMILY	1825	COUNTY RD 302		BUNNELL	32110	Need to Bill - Flagler
02-12-29-0000-01010-0020	IMPROVED AG	544	COUNTY RD 205		BUNNELL	32110	Exempt? Flagler to Notice
21-13-31-0650-000A0-0071	NO AG ACREAGE	649	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
19-12-30-5550-00080-0030	SINGLE FAMILY	1400	BLACK POINT RD	W	BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000A0-0100	SINGLE FAMILY	665	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
26-12-29-5550-00040-0014	SINGLE FAMILY	1230	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler
19-13-30-1650-01060-0010	TIMBERLAND 80-89	8151	STATE HWY 11		BUNNELL	32110	Need to Bill - Flagler
02-13-30-0650-000A0-0027	SINGLE FAMILY	1771	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
36-12-30-0650-000A0-0110	IMPROVED AG	443	COUNTY RD 304		BUNNELL	32110	Exempt? Flagler to Notice
02-12-29-0000-01010-0060	SINGLE FAMILY	661	COUNTY RD 205		BUNNELL	32110	Need to Bill - Flagler
06-13-30-0000-03020-0000	IMPROVED AG	5760	STATE HWY 11		BUNNELL	32110	Need to Bill - Flagler
14-12-29-5550-00010-0020	IMPROVED AG	1711	COUNTY RD 302		BUNNELL	32110	Need to Bill - Flagler
02-13-30-0650-000B0-0011	SINGLE FAMILY	2271	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
27-12-30-0650-000D0-0050	IMPROVED AG	1965	OLD HAW CREEK RD		BUNNELL	32110	Need to Bill - Flagler
13-12-28-1800-01280-0190	MANUFACTURED HOME	1440	COUNTY RD 305		BUNNELL	32110	Need to Bill - Flagler
20-13-30-1650-01010-0040	IMPROVED AG	5840	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
19-12-30-5550-00080-0031	SINGLE FAMILY	1500	BLACK POINT RD	W	BUNNELL	32110	Need to Bill - Flagler
36-12-30-0650-000C0-0114	IMPROVED AG	1443	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
23-12-29-5550-00080-0020	IMPROVED AG	1330	COUNTY RD 75		BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000A0-0081	SINGLE FAMILY	85	TWIN LAKES RD	E	BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000B0-0032	MANUFACTURED HOME	760	SECRET TRL		BUNNELL	32110	Need to Bill - Flagler
19-13-30-1650-01060-0020	IMPROVED AG	8775	STATE HWY 11		BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000A0-0910	MANUFACTURED HOME	651	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
20-13-30-1650-01010-0050	SINGLE FAMILY	6000	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
22-12-29-5550-00010-0000	PASTURELAND 2	986	COUNTY RD 75		BUNNELL	32110	Need to Bill - Flagler
26-12-29-5550-00040-0013	SINGLE FAMILY	1166	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler
36-12-30-0650-000C0-0010	SINGLE FAMILY	1215	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
33-11-28-0000-01010-0031	TIMBERLAND 80-89	13748	STATE HWY 100	W	BUNNELL	32110	Need to Bill - Flagler

Parcel ID	Type of Use	Number	Street	Directional	City	Zip	Assessment Needed
21-13-31-0650-000A0-0097	SINGLE FAMILY	663	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
10-12-29-0000-02020-0021	MANUFACTURED HOME	801	COUNTY RD 25		BUNNELL	32110	Need to Bill - Flagler
27-12-30-5760-00080-0000	MOBILE HOME	1776	OLD HAW CREEK RD		BUNNELL	32110	Need to Bill - Flagler
26-12-29-5550-00040-0010	SINGLE FAMILY	1234	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler
16-13-30-0000-01020-0000	IMPROVED AG	5404	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
27-12-30-5760-00070-0000	MANUFACTURED HOME	1800	OLD HAW CREEK RD		BUNNELL	32110	Need to Bill - Flagler
31-11-29-0000-01020-0000	IMPROVED AG				BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000A0-0095	MANUFACTURED HOME	661	FAVORETTA RD	E	BUNNELL	32110	Need to Bill - Flagler
09-12-29-0000-02020-0000	IMPROVED AG	7447	STATE HWY 100	W	BUNNELL	32110	Need to Bill - Flagler
27-12-29-5550-00010-0010	SINGLE FAMILY	926	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler
09-12-29-0450-00000-0220	MANUFACTURED HOME	22	BIMINI LN		BUNNELL	32110	Need to Bill - Flagler
21-13-31-0650-000A0-0093	MANUFACTURED HOME	111	TWIN LAKES RD	E	BUNNELL	32110	Need to Bill - Flagler
03-13-30-0650-000D0-0011	SINGLE FAMILY	2800	COUNTY RD 304		BUNNELL	32110	Need to Bill - Flagler
26-12-29-5550-00040-0020	SINGLE FAMILY	1140	COUNTY RD 90	E	BUNNELL	32110	Need to Bill - Flagler

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM # 8b**

SUBJECT: Perpetual Easement Agreement Between Flagler County and the Hammock Dunes Owners' Association, Inc., for Beach Restoration and Maintenance

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This is a follow up from the last County Commission meeting at which the Commission considered the proposed Perpetual Easement Agreement from the Hammock Dunes Owners' Association (HDOA).

The County's efforts in addressing the HDOA's proposal spanned many months labor, chiefly led by the County Attorney for the editing of the document. The County Attorney could not participate in the Workshop on the document on April 3, 2023, due to circumstances beyond his control. The Deputy County Attorney handled the financial funding issues at the Workshop.

At the May 1, 2023, Commission meeting, the County Attorney highlighted issues related to design specifications contained within the Agreement that could prove problematic. The County Attorney also pointed out that some of the language potentially restricted the legislative authority of the County in administering the agreement. These included such issues as the specification of beach profiles to be constructed and the potential prioritizing of HDOA projects relative to other dune projects to be performed by the County.

Since the last meeting, the issues with the HDOA have been satisfactorily resolved. The County Attorney can recommend its adoption.

Attached in track changes format is the agreement reflecting the recent changes. They are within its first 10 pages. For ease of reference, they also have been highlighted. (When the agreement is approved by the Commission, the document will be finalized and the pagination will align properly as a signature ready copy, subject to the action of the Commission.)

The changes recognize that the agreement is a road map to solving complex issues with the beach. The changes confirm that the historical and more current data included or referenced in the agreement does not define or restrict the County in establishing the design of a beach project. Language is also added to preserve the County's legislative authority, giving it the sole power, for example, to approve its beach management plan. The Agreement also confirms the broad authority of the County to set project priorities. All of these activities are obviously with the input of the HDOA, assuring a mutually beneficial and collaborative process.

STRATEGIC PLAN:

Focus: Effective Government

- **Goal 2:** Build and maintain relationships to support effective and efficient government.
 - Objective EG 2.1: Create a culture of collaboration with municipalities and community partners.

Focus: Growth & Infrastructure

- **Goal 1:** Provide Quality Fundamental Infrastructure
 - Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.
- **Goal 2:** Protect and Manage Natural Resources
 - Objective GI 2.1: Develop stewardship plans for county managed natural resources.
 - Objective GI 2.3: Develop a beach management plan.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS / AGENDA ITEM # 8b**

- **Goal 3:** Preserve and Enhance Cultural, Recreational and Leisure Activities
 - Objective GI 3.3: Expand and enhance options for cultural, leisure and recreational activities.

Focus: Public Health & Safety

- **Goal 2:** Operate a Risk Reduction Program
 - Objective PHS 2.1: Assess needs and utilize data to design and implement a community risk reduction program.

DEPARTMENT CONTACT: County Attorney's Office (386) 313-4005

FUNDING INFORMATION: To be determined.

RECOMMENDATION: Consider the input from staff and others on finalizing the HDOA Easement Agreement.

ATTACHMENTS:

1. Perpetual Easement Agreement, with segments highlighted and including all exhibits.

PERPETUAL EASEMENT AGREEMENT

This Perpetual Easement Agreement (hereinafter, the “Agreement”) is entered into by and between the Flagler County Board of County Commissioners, a political subdivision of the State of Florida, whose address is 1769 East Moody Blvd., Bldg. 2, Bunnell, FL 32110 (hereafter, the “Grantee/Administrator” or the “County”) and the Hammock Dunes Owners’ Association, Inc., (hereafter, “HDOA”), whose mailing address is 2 Camino Del Mar, Palm Coast, FL 32137 and who is the owner (hereafter, the “Grantor”), of certain shoreline real property located on the Atlantic Ocean between Jungle Hut Road and Varn Park, whose parcel identification numbers are:

04-11-31-3200-00000-00F0; 04-11-31-5820-00000-00C0; 04-11-31-1030-00000-00C0;
 04-11-3012-00000-0001; 04-11-31-3201-00000-00B0; 04-11-31-3210-00000-00C1;
 04-11-31-3210-00000-00C0; 04-11-31-2984-00000-0012; 04-11-31-3014-0000-0002; and

04-11-31-2984-00000-0011; which is approximately 12,341 linear feet or 2.34 miles and which are visually depicted in Exhibit A, attached hereto and incorporated herein (hereafter, the “Property”). The Grantee/Administrator and the Grantor are hereafter referred to, collectively, as the “Parties.”

WITNESSETH:

Whereas, the Grantor’s Property is located within an area of the County’s beaches which is at severe risk of catastrophic loss from hurricanes, nor’easters, and other adverse weather events; and

Whereas, the HDOA Board has the authority to grant this Easement Agreement pursuant to Article 12, Section 12.08 of the HDOA Declaration; and

Whereas, the Grantor’s parcels listed above are contiguous land segment-successors of a 5.4 mile Preservation Area, created in the 1983 Application for Development Approval (ADA), and the 1984 Development of Regional Impact (DRI) by the Declarant - ITT/Admiral, and accepted by Flagler County and the State of Florida and implemented over time by the Flagler County Board of County Commissioner’s ordinances and DRI amendments, subdivision platting, parcel creation, deed documentation, and “successor-in-interest” entities, with legacy maintenance responsibilities for the Natural Barrier, and Wildlife Habitat of the Preservation Area, as shown in Exhibit B, which the Grantor consents to be included as part of the administrative responsibilities of the Grantee/Administrator in perpetuity; and

Whereas, many times in the past the Property has suffered extensive damage from hurricanes and other storms, and foreseeably will suffer such damage from hurricanes and storms in the future; and

Whereas, as a direct result of Hurricane Ian on September 29, 2022, and Hurricane Nicole on November 10, 2022, the Grantor suffered extensive damage and erosion to the Property, particularly the area of the Property where flood-protective dunes are located; and

Whereas, Hurricanes Ian and Nicole caused a breach of the HDOA dune, sending ocean water into HDOA’s storm-water lake system, some of which drained into the Intracoastal Waterway; and

Whereas, the breaches and damage to the HDOA dune exposed many HDOA homes, condominiums, other structures (including restaurants, meeting rooms, fitness facilities comfort stations

and storage areas) and recreational facilities to the risk of catastrophic flooding unless preventive actions are taken in anticipation of future storm and tidal events; and

Whereas, the Florida Department of Environmental Protection (FDEP) issued two studies post-Ian and Nicole evaluating the condition of the Property as critically eroded, classifications III and IV, detailed in Exhibit C; and

Whereas, due to the variable and unpredictable nature of the ocean and the storms it brings, coupled with the ensuing hurricane and sea turtle nesting seasons, the need to restore the dune on the Property is extremely urgent for the Grantor; and

Whereas, dune restoration of critically eroded areas in Flagler County is a priority for all stakeholders and, with 2.3 miles of shoreline common property, HDOA has limited emergency repair options and limited financial capabilities to protect from additional storms in advance of either County renourishment or emergency response projects; and

Whereas, the County has not yet designated the shoreline as a “public purpose facility” and instead relies on its emergency powers to establish “temporary and conditional public purpose” and the legal requirements and protocols for the County to commence a project in this way may delay established permanent mechanisms or facilities to commence a project other than by invoking emergency repair options, hence delaying a robust County response; and

Whereas, shoreline private owners may or may not have the ability to accelerate repair projects ahead of any government-sponsored repair project and Grantor should coordinate with the Grantee/Administrator to pursue the most advantageous options available when appropriate; and

Whereas, the County is uniquely positioned to implement emergency and long-term shoreline restoration projects because it alone may implement large scale dredge projects, secure sea bed sand leases, obtain government-to-government funding, obtain coordinated permits with state/federal authorities, develop an integrated shoreline Beach Management Plan (BMP), ordain the shoreline as a Public Purpose Facility, issue low-cost bonds, and raise local matching funds; and

Whereas, Grantor has no authority to ordain public purpose priorities protecting inland areas and the mainland westward of the HDOA Dune Barrier, while the Grantee/Administrator has such requisite authority to do so; and

Whereas, the County has not yet identified permanent sources of recurring funding and has not achieved a BMP in the shoreline areas where the County has jurisdiction, and currently relies on state and federal funding during declared emergencies as the only method to administer emergency repair of the shoreline; and

Whereas, other than dedication of 20% of its tourism development tax revenue, the County has not yet established permanent sources of recurring local matching funds, often required by state and federal grants; and

Whereas, the 18 miles of shoreline and beaches within the County attract homeowners, visitors, businesses, and wildlife, and generate extensive commercial activity and tax revenue within the County and thus constitute the essential basis of the County’s continued economic development and prosperity; and

Whereas, the stabilization and resiliency of the dunes and the beaches on the Property will have a direct, beneficial impact on the local economy; and

Whereas, the stabilization and resiliency of the dunes and the beaches on the Property will have a direct, beneficial impact on the customary recreational use of the beach by the public; and

Whereas, there is a paramount public purpose in protecting, rehabilitating, and continually maintaining the County's shoreline, including that of the Property, to help minimize flooding, protect wildlife, protect habitat in the Preservation Area, and generally to help preserve the shoreline for the health, welfare, safety, and benefit of persons, businesses, and wildlife in the County; and

Whereas, there is also a paramount public purpose in expeditiously repairing the dune and beach on the Property after each major erosion event to help minimize neighborhood flooding and damage resulting from currently and frequently fragile and vulnerable states of the dune and beach; and

Whereas, such non-emergency activities and projects to protect, rehabilitate, maintain and repair the dunes and beaches, including their scope and timing, are dependent on potential studies of the Parties and their ability to secure adequate funding to conduct such activities or projects; and

Whereas, the Parties agree that the 11.4-mile shoreline is best protected, preserved, and maintained by a comprehensive, county-wide, strategic management plan administered by the Grantee/Administrator and coastal municipalities and property owners and covering all properties on the shoreline and barrier islands within the unincorporated county; that such a plan is the best and most cost-effective vehicle to control flooding, protect the dunes, promote environmentally responsible economic development, protect public revenue, and provide sustainable prosperity throughout the county; that prompt development of such a plan is imperative and will require the support of HDOA, its neighboring properties, and the public at large; and that HDOA will assist and collaborate with the County to develop the plan and advance its acceptance by all affected constituencies in the county, reserving solely unto the County its legislative authority to adopt such a plan; and

Whereas, Grantor retains all authority as the landowner to engage in activities and projects to protect, rehabilitate, maintain and repair its privately owned dunes and beaches, including their scope and timing; and

Whereas, the Grantor is the holder of a 10+ year Joint Coastal Permit (JCP) containing design specifications issued by FDEP and the United States Army Corp of Engineers (USACE), for use of upland sand from certain approved sand pits to maintain the dune and beach to pre-Hurricane Matthew conditions while protecting the existing Preservation Area; and

Whereas, this Agreement is not intended to impose present obligations on the County to conduct beach restoration and related activities with its General Fund revenue, but to grant authorization and lay the foundation of cooperation for such Projects (as that term is defined below) which shall be detailed by further written agreements of the Parties as funding is identified and becomes available; and

Whereas, the Parties recognize that the Property is regulated by state and federal authorities including, but not limited to FDEP, USACE, Florida's Division of State Lands and various state and federal fish and wildlife departments; and

Whereas, the Grantor will, subject to the provisions of this Easement Agreement, retain the authority to initiate projects to repair and maintain its Property while relying on the

Grantee/Administrator to administer maintenance of the Property for public purposes, without obligating County General Funds; and

Whereas, the Grantor wishes to support and act as a willing partner with the Grantee/Administrator and coastal municipalities within the county in all efforts to fortify, rehabilitate, repair, and maintain the County's 18-mile shoreline, including that of the Property.

NOW THEREFORE, for the mutual covenants herein granted, the Parties agree as follows:

1. FINDINGS. The above recitals are true and correct and are incorporated as if set out fully herein.
2. GRANT OF PERPETUAL EASEMENT. The Grantor does hereby grant, and the Grantee/Administrator accepts a perpetual, non-exclusive easement (hereafter, the "Easement") for the benefit of the County, its employees, agents, successors, and assigns (including those parties that have entered into a contract with the County to perform any of the functions set forth herein) over, upon, across, through, and under the Property, subject to the terms and conditions of this Agreement. The Grantee/Administrator hereby accepts the role of and agrees to act as the principal Administrator of the Property, with no use of County General Funds, except those established as Projects in separate agreements between the Parties.
3. PRIMACY OF THE EASEMENT. The Easement supersedes any temporary easement which was granted by Grantor to the Grantee/Administrator in the past and which remains open as of the effective date of this Agreement.
4. SUPERSESION OF THE EASEMENT. The Parties intend that this Easement will, if necessary, be superseded by an amendment, when and if the Grantee/Administrator has enacted ordinances integrating the Property into management of the unincorporated county's 11.4-mile shoreline, and when and if the County has adopted a formal Shoreline Management Plan for the shoreline under its jurisdiction; or when the USACE offers to manage any segment of the Property and the Grantee/Administrator agrees to accept USACE management of that segment using the required USACE Perpetual Easement contained in Exhibit D. Grantee/Administrator will only use the USACE Perpetual Easement in conjunction with USACE activities. Grantor agrees to execute the USCAE Perpetual Easement when requested by the County.
5. DESCRIPTION OF PROJECTS. The Grantee/Administrator shall track routine erosion of the Property if the County has the resources and the need to track, and shall, after a sufficient source of state, federal, or dedicated funding is established, respond to major damage events by: assessing damage; following Emergency Declaration Guidelines; preparing recovery options; developing an action plan; filing for any necessary permits; evaluating and prioritizing funding options; filing for grants to address damages and erosion adversely affecting the Property; issuing procurements; selecting contractors; and implementing any necessary maintenance, restorative, and rehabilitative activities, aided by and meeting the requirements of any funding entities as well as the Parties.

Grantor acknowledges that as coastal erosion occurs, the County must review beach conditions along its 18-mile shoreline to determine appropriate courses of action within its means and which satisfy the public interest under the circumstances as determined by the County in its sole legislative discretion.

Unless expressly authorized to the contrary in this Agreement, any maintenance, restorative, or rehabilitative activity performed by the Grantee/Administrator on the Property (hereafter

referred to as a Project) shall be done pursuant to a separate written agreement signed by the Parties.

Nothing herein prevents the Grantor from performing studies, activities or Projects on the Property, as it deems necessary or appropriate.

6. FUNCTIONS TO BE PERFORMED UNDER THE EASEMENT. Pursuant to permitting requirements and this Easement, the Grantee/Administrator may perform on the Property any reasonable rehabilitative, restorative, mitigative, and maintenance action, including the following items (list not comprehensive):

- a. Placing additional sand on the Property;
- b. Reconstructing and re-grading the Property's dune and beach;
- c. Installing temporary sand fencing;
- d. Planting native vegetation;
- e. Leveling escarpments;
- f. Conducting studies and surveys;
- g. Proposing armoring projects;
- h. Staging equipment and materials on the Property;
- i. Administration of funding;
- j. Participating in Emergency Declarations at all government levels;
- k. Strategic shoreline/barrier island planning and resilience

7. EASEMENT SUBJECT TO THE JOINT COASTAL PERMIT. The Parties acknowledge that the Grantor is the Holder of a Joint Coastal Permit (hereafter, "JCP") issued by the FDEP, number 0405821-001-JC, dated December 6, 2021, and by the USACE, number SAJ-2017-01052, dated June 30, 2022, copies of which are attached hereto as Exhibit E, and incorporated herein by reference. The JCP sets forth certain terms, conditions, and limitations on restorative actions that may be performed on the Property. The Parties agree that any activities and restorative actions taken by the Grantee/Administrator pursuant to this Agreement and the Easement shall comply with the terms and conditions of the JCP (unless the County chooses to take restorative actions pursuant to an emergency permit) including: any revisions or amendments for additional sand sources, formal dedication of the Preservation Area within the JCP, or any parallel FDEP Coastal Construction Control Line permits for armoring, and with the terms and conditions of any additional permits obtained by the Grantee/Administrator, in order to perform work on the Property. Should an Erosion Control Line (ECL) be required to replace the Mean High Water Line (MHWL) for the eastern boundary of the Property as part of an amendment to the JCPs for sand placement on State Lands, Grantor reserves the right to raise survey issues with the State agencies. The Grantor acknowledges that the County will not hire surveyors nor advocate on Grantor's behalf with regard to any concerns of Grantor over an ECL. Grantor retains all rights to address the proposed ECL with FDEP as part of the public hearing process or informally, or as part of any formal process of the FDEP or of the State.

The Parties agree that a sufficient source of state, federal, or dedicated funding must be established for the Property, and the County, assisted by the and HDOA will prepare and adopt a beach management plan that will seek to restore and maintain the nearshore, beach and dune of the Property to a properly functioning system, as existed prior to 1990 with as robust of a beach profile as permitting and funding allow. The goal shall be to restore the nearshore, beach and dune to conditions (elevation, width, and total beach profile volume) to the greatest extent that is economically feasible (per standard ratio analysis as used by USACE), scientifically modelled to

achieve acceptable erosion rates, and predicted restoration intervals. It is understood that current State and Federal regulatory guidelines and policies may influence, and possibly limit, the overall scope of a restoration plan. (See Exhibit F as a guide)

The Parties agree that once a sufficient source of state, federal, or dedicated funding is established, the County will maintain the restored beach and dune through periodic sand renourishment, as well as post-storm sand placement, as may be required.

The Parties agree that the County will implement a comprehensive beach and dune monitoring program along the Property, as determined by the County after a sufficient source of state, federal, or dedicated funding is established, to evaluate the performance of the restored beach and dune, document any storm impacts that may occur, and provide information for ongoing decision making and future maintenance event planning and scheduling.

The Parties agree that for any Projects that come to fruition under this Agreement, the County will seek to use the most cost-effective sand sources available, as allowed by permit and any third-party grant and/or funding agreements, to restore and maintain the beach and dune. It is expected that, typically for large scale projects where a half million cubic yards or more of sand is required for the Property and adjoining areas of the shoreline, the most cost-effective sand source will be known offshore sand sources.

The Parties agree that for any Projects that come to fruition under this Agreement, the County will seek both State and Federal permits that allow the restoration and maintenance of the nearshore, beach and dune as described herein.

A beach management plan shall not constitute a Project under this Easement. A beach management plan only provides the County's best estimate of erosion rates, estimated periodic re-nourishment, and sand volumes to return the dune and beach to design, and estimates of the sea bed sand volumes needed for leases and permits.

8. **ROLES OF THE PARTIES.** Any maintenance, restorative, or rehabilitative activity that is performed on the Property by the Grantee/Administrator pursuant to a declared emergency and that does not require any funding from the HDOA shall not constitute a Project and may be performed by the Grantee/Administrator without a written agreement signed by the Parties. All other maintenance, restorative, or rehabilitative activities performed on the Property by the Grantee/Administrator shall be deemed Projects and shall require a written agreement signed by the Parties.

Except as expressly provided in this Agreement, nothing restricts or limits the powers, rights, jurisdiction, authority or duties of the Parties, and neither Party may impose any financial obligation on the other without a separate written agreement signed by the Parties.

Subject to this Agreement and to the extent necessary, Grantor hereby provides Grantee/Administrator authority to apply for state, federal or other assistance to advance public purpose on the Property and relies on the Grantee/Administrator to make such applications without requiring use of General Funds, and when Grantor and Grantee have the resources necessary to complete applications.

Grantor, by written notice to Grantee/Administrator, shall appoint a person or persons to coordinate and/or liaise with Grantee/Administrator for this Agreement or other purposes. Grantor may change these appointments by written notice to Grantee/Administrator.

9. 2023 PROJECT PLANNING, IMPLEMENTATION. Grantee/Administrator has informed Grantor that state funds are available and federal funds are potentially available to implement emergency restoration of the Property during 2023. Under the grants the County has obtained for emergency sand for 2023, the amount of 6 cubic yards on average per lineal foot will be available for a portion of the Property. No reimbursement from Grantor shall be required for this placement of emergency sand.
10. 2024 AND THEREAFTER PLANNING, IMPLEMENTATION. The Parties agree that current known and proven technologies available to achieve shoreline functionality include:
- i. Sand Volumes in an engineered profile on the: inland dune, dune crest, seaward dune slope, dry beach, wet beach, and sea bed out to a distance of “closure” seaward of the MHWL
 - ii. Vegetation of the dune to the vegetation line to achieve root mass to aid in the stability of the dune.

The Parties agree that, for any large-scale Project that is implemented pursuant to this Agreement after a sufficient source of state, federal, or dedicated funding is established, to the use and permitting of dredged sand on the Property, items “i and ii” in the list above are the primary chosen methods of the Parties for any long-term shoreline maintenance by the Grantee/Administrator. Grantee/Administrator will use its best efforts to identify a state, federal, or dedicated source of funding for permitting and obtaining dredged sand, including potentially the establishment of a Coastal Basin municipal services benefit unit to assess properties that will benefit from the future Projects.

If items i and ii above prove to be inadequate or inappropriate for their intended purpose, the Parties will confer and will choose from among affordable alternative methods to rehabilitate and restore the affected shoreline.

11. TIME OF THE ESSENCE/REASONABLE DISPATCH. The Parties agree that planning for the preserving, rehabilitating, restoring, and maintaining the Property in accordance with this Agreement is necessary to protect (a) the Property as a habitat for sea life, plants, and wildlife (b) the nearby areas, particularly Highway A1A and the Intracoastal Waterway from potential flooding and (c) upland development, lake systems, utilities and structures. The Parties further agree that the County is the lead agency locally and is responsible for implementing projects as it deems in the public interest. The Parties further acknowledge that the County has emergency authority by law, and it will act with deliberate speed in enacting any emergency proclamation or order that is necessary to protect the 18-mile shoreline. The County, as the Grantee/Administrator acknowledges that, in implementing any restorative action on the Property pursuant to a future written agreement as provided for in this Easement, it will act with “reasonable dispatch” for planned maintenance subject to available funding, and act with “time of the essence” from August 1st through December 31st of each year when a Project is active and fully funded, the period when additional storms may cause immediate damage to critically eroded dunes and structures. Grantor will aid Grantee/Administrator to achieve each immediately required maintenance goal.

12. HARMONIOUS USE BY GRANTOR. The Grantor reserves the right and privilege to use the Property for any lawful purpose not inconsistent with actions taken by the Grantee/Administrator to rehabilitate and maintain the Property in accordance with this Agreement. By way of example and not by limitation, the Grantor shall continue to have the right to construct and maintain dune

walkovers in accordance with all applicable laws, rules, regulations, permits, and postings of any County contractor.

13. **PRESERVATION OF OCEAN VIEW.** The Grantee/Administrator shall not rehabilitate, restore, or renourish the Property in a manner that unreasonably interferes with Grantor's view of the ocean from any land owned by Grantor that abuts or is adjacent to or within sight of the Property. Grantor acknowledges that the elevation of the dune system on the Property may increase or decrease over time due to natural processes, including but not limited to tidal, wind, and storm events. Grantee/Administrator will endeavor to plant native vegetation that will not be expected to exceed pre-Matthew vegetation elevations, as long as disaster or mitigation funding is available.
14. **PUBLIC ACCESS TO THE PROPERTY.** The Parties agree that the Easement does not grant any right to the general public to access or use the dune areas of the Property, which are protected by state law. The Easement grants access to the Property only to the Grantee/Administrator for the purpose of carrying out the maintenance, restorative, and rehabilitative activities set forth in this Agreement. The Easement does not expand, restrict, or in any way affect the existing right of the general public to customary recreational use of the dry sandy beach on the Property, as set forth in Flagler County Code Section 7-1.
15. **POWER OF ATTORNEY.** By signature herein, the Grantor hereby grants the Grantee/Administrator, power of attorney to enter into permits, contracts, and other legal documents that are necessary to carry out its allowed activities and future obligations under this Agreement.
16. **PAYMENT.** The Grantor acknowledges the benefits from any restoration activities taken by the Grantee/Administrator on the Property and therefore waives any right to receive any payment from the Grantee/Administrator for signing this Agreement.
17. **PUBLIC RECORDS.** The Grantor acknowledges and agrees that this Agreement and any other documentation herewith, including correspondence with the Grantee/Administrator, are public records subject to public inspection pursuant to Chapter 119, Florida Statutes.
18. **GOVERNING LAW AND VENUE.** The exclusive jurisdiction and venue for any action to interpret and/or enforce the terms of this Agreement shall be in the Seventh Judicial Circuit in and for Flagler County, Florida. In the event of a dispute, this Agreement shall be interpreted under Florida Law, except its conflict-of-laws provisions.
19. **JOINT AUTHORSHIP.** This Agreement shall be construed as resulting from joint negotiation and authorship. No part of this Agreement shall be construed as the product of any one of the Parties hereto.
20. **LEGISLATIVE ACTION PRESERVED.** The County possesses legislative authority under the Florida Constitution and Florida Statutes to act in the public health, safety and welfare, and nothing herein is intended to restrict the County in fulfilling or implementing its authority. This includes the power to implement emergency measures, engage in long term planning and secure financing of beach initiatives. Accordingly, future Projects contemplated by this Agreement will be subject to appropriations made through the County's normal budgeting process and the availability of sufficient dedicated revenue sources for such Projects. Further, nothing herein is intended to bind future County Commissions to fund particular Projects with general revenue. In addition, nothing herein diminishes the County's authority to regulate the beach under current law, nor to prevent

the taxation of property or securing debt financing to address beach initiatives, subject to the County's obeying all procedural requirements related to such undertakings. This Agreement establishes a roadmap for addressing critical issues concerning the County's shoreline in general and the Property in specific. As such, this Agreement incorporates and references data, historical and current, for planning and illustrative purposes. Such incorporation and references do not create an obligation on the County to adopt a particular project design or benchmark. Additionally, this Grant of Perpetual Easement by Grantor is meant to expand the authorities of the Grantee/Administrator beyond its standing statutory authority to further public purposes on the Property. Activities on the Property and planning for the Property outside of emergency periods allow great enhancement to lower cost projects for the 11.4 mile northern area of the county shoreline. The existing Preservation Area established by the DRI activities of the County and State of Florida with the Property's Development, define public purpose for wildlife habitat and as a flood barrier, in addition to the Customary Use by the Public provisions of County ordinance. Grantor urges Grantee/Administrator to use all its powers to manage the greater shoreline in conjunction with state and federal entities.

21. WAIVER. Failure of the Parties to insist upon strict performance of any of the covenants, terms, provisions, or conditions of this Agreement, or to exercise any right or option herein contained, shall not be construed as a waiver or a relinquishment for the future of any such covenant, term, provision, condition, or right of election, but same shall remain in full force and effect.
22. NOTICE. The Parties hereto agree and understand that written electronic notice shall constitute sufficient notice to the Grantee/Administrator and the Grantor. All notices required and/or made pursuant to this Agreement to be provided to the County and the Grantor shall be emailed to:

GRANTOR	GRANTEE/ADMINISTRATOR
Hammock Dunes Owners Association 2 Camino Del Mar, Palm Coast, FL 32137 Phone: 386-446-6333 Email: Agent and President	Flagler County Board of County Commissioners 1769 East Moody Blvd., Bldg. 2 Bunnell, FL 32110 Phone: 386-313-4001 Email: Chair BOCC, Co. Attorney, Co. Administrator

23. ENTIRE AGREEMENT. This Agreement, including referenced exhibits and attachments hereto, constitutes the entire agreement between the Parties and shall supersede, replace, and nullify any and all prior agreements or understandings, written or oral, relating to the matters set forth herein, and any such prior agreements or understandings shall have no force or effect whatsoever on this Agreement.
24. BINDING ON SUCCESSORS. This Agreement shall be binding not only upon the Parties but also upon their respective heirs, legal representatives, assigns, and other successors in interest, provided however, that the funding of Projects is subject the legislative discretion of the County Commission through its annual budgetary process as described in Paragraph 20 above. Notwithstanding the general benefits to the public at large, as described in the preamble of this

Agreement, by having a robust and healthy dune and beach on the Property, nothing herein shall be considered as a consent by the Parties hereto to be sued by third parties. Further, nothing herein shall be construed as a waiver of the County's sovereign immunity protections.

25. COVENANTS RUNNING WITH THE LAND. All of the covenants, terms, agreements, and restrictions set forth in this Agreement are intended to be, and are construed as, covenants running with the land, and shall be binding upon, and inure to the benefit of the Grantor and Grantee/Administrator, and their respective successors in interest, devisees, grantees, heirs, personal representatives, and assigns.
26. REPRESENTATIONS AND WARRANTIES. Grantor is authorized to enter into this Agreement and has secured any approvals necessary to enter into this Agreement. By executing this Agreement, Grantor certifies that nothing prevents Grantor from entering into this Agreement and that no encumbrance would impede or prohibit the Grantee/Administrator from taking restorative and maintenance actions on the Property pursuant to the Easement, as described herein.
27. COUNTERPARTS. This Agreement may be signed in counterparts each of which, taken together, shall be deemed an original hereof. Counterpart signatures may be scanned in PDF format and sent to the other party by email, and this shall be as effective as original signatures.
28. MODIFICATION. The covenants, terms, and provisions of this Agreement may be modified by way of a written instrument, mutually accepted by the Parties hereto. In the event of a conflict between the covenants, terms, and/or provisions of this Agreement and any written amendment(s) hereto, the provisions of the latest executed instrument shall take precedence. The Parties agree to collaborate and cooperate to amend this Agreement if any of its terms conflicts with applicable legislative or regulatory requirements.
29. RECORDATION. This Agreement shall be recorded in the Public Records of Flagler County, Florida, at the expense of the County, with a copy provided to Grantor for HDOA's permanent records.
30. TERM. This Agreement and the Easement granted herein shall become effective on the date last signed by the Parties and shall continue until superseded by a revised/amended Perpetual Easement Agreement signed by the Parties or until the Parties mutually agree in writing to terminate the Easement.

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Exhibits to Agreement:

Exhibit A (HDOA Parcel List) is on page 13

Exhibit B (Hammock Dunes DRI Preservation Areas) starts on page 14

Exhibit C (FDEP Preliminary Ian & Nicole Damage Assessment) starts on page 72

Exhibit D (existing USACE Perpetual Easement used in Flagler Beach) is on page 78

Exhibit E (HDOA JCP from FDEP and USACE) starts on page 80

Exhibit F (Beach Management Study HDOA Transects) are at the end, pg. 161

Signature Pages to Follow.

In Witness Whereof, the Parties hereto have executed this Agreement by their duly authorized representatives on the dates set forth below.

**Grantee/Administrator
Flagler County Board of
County Commissioners**

Attest:

Tom Bexley, Clerk of the Circuit
Court & Comptroller

Gregory L. Hansen, Chair

Date

Date

Approved As To Form:

Al Hadeed, County Attorney

[Signatures continue on following page.]

Witness

Signature

Printed Name

Date

Witness

(Signature)

(Print or Type Name)

Date

Grantor- HDOA

Signature

Printed Name, Title

Date

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before, me by means of physical presence, this ____
Day of _____, 2023, by _____, as
_____ of the Hammock Dunes Owners' Association, Inc., [] who is
personally known to me or [] who has produced a driver's license as identification.

SEAL:

Notary Public

Exhibit A Hammock Dunes (HDOA) Preservation Area Parcels

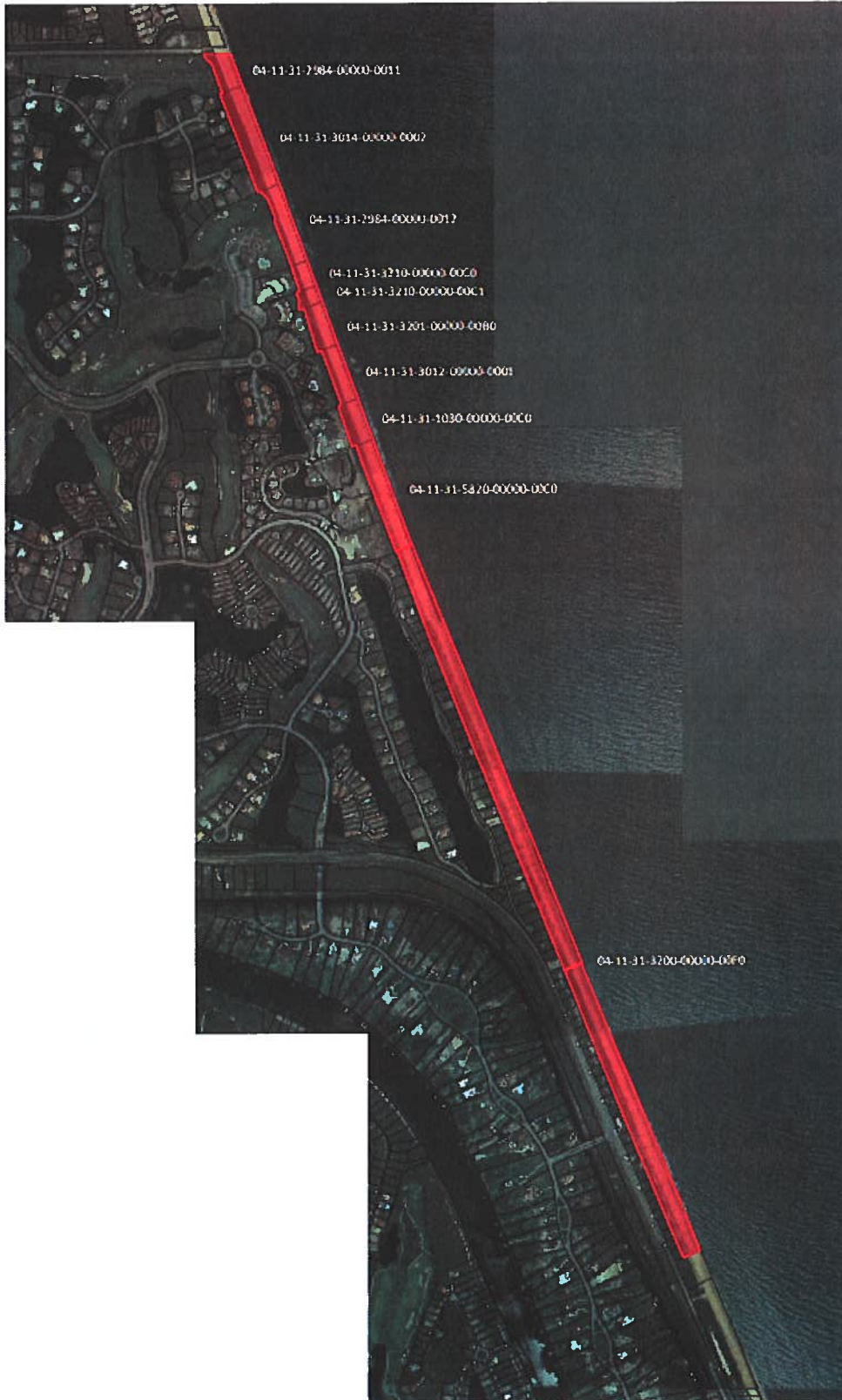


EXHIBIT B: Preservation Area Documentation (ADA and DRI excerpts)

**The Hammock Dunes DRI Dune and Beach Preservation
Area**

and

Flagler County DRI Parks Public Access

Providing a formally agreed to system and extent of public access
allowing and encouraging

**Customary Use of the Beaches of Flagler County, Florida
In the Hammock Dunes DRI**

Coastal Preservation Area

or

Coastal Setback Area

Overview

Final Plats

Development of Regional Impact
Application for Development Approval
1983 ADA

Flagler County Resolution No. 84-7
1984 DRI

Flagler County Resolution No. 95-50
1995 DRI

Flagler County Resolution No. 98-10
1998 DRI

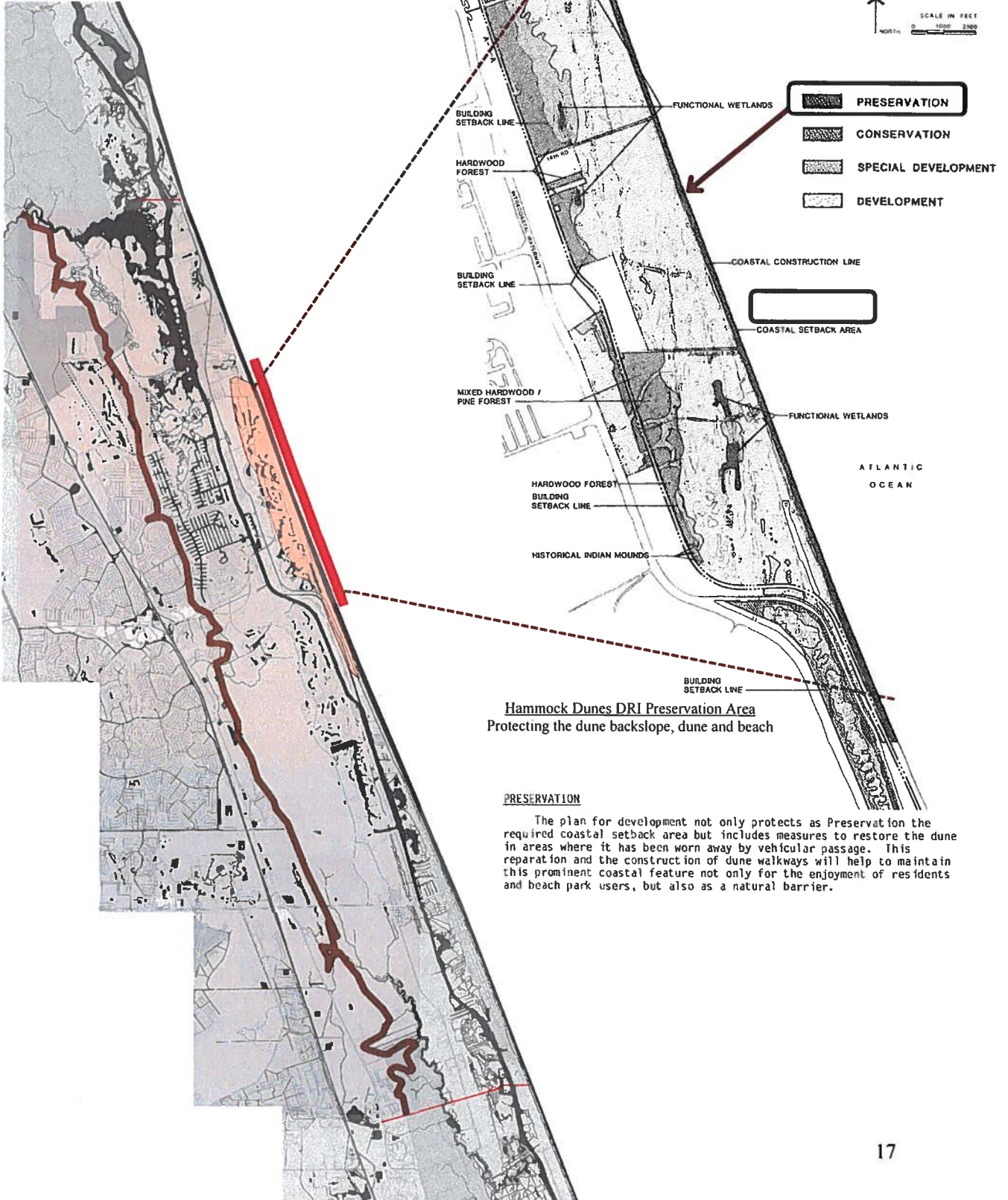
Showing Beach and Preservation east of Developed Clusters or Conservation Areas

Deeds

January 9, 2023

Overview
Hammock Dunes DRI
Coastal Preservation Area
or
Coastal Setback Area

**Hammock Dunes DRI Preservation
Coastal Preservation Area
as shown on 1983 ADA map**

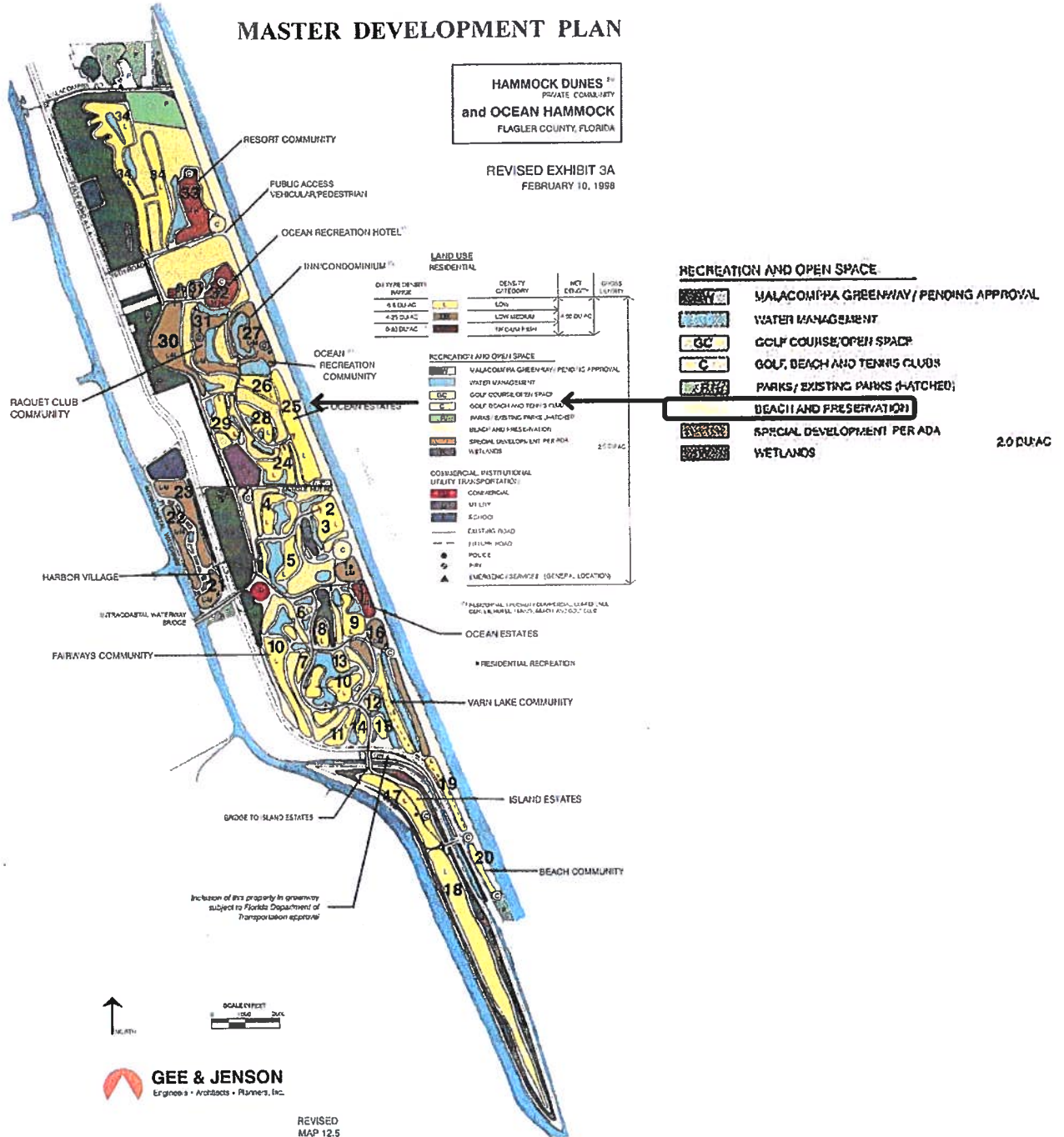


Hammock Dunes DRI Preservation Area
Protecting the dune backslope, dune and beach

PRESERVATION

The plan for development not only protects as Preservation the required coastal setback area but includes measures to restore the dune in areas where it has been worn away by vehicular passage. This reparation and the construction of dune walkways will help to maintain this prominent coastal feature not only for the enjoyment of residents and beach park users, but also as a natural barrier.

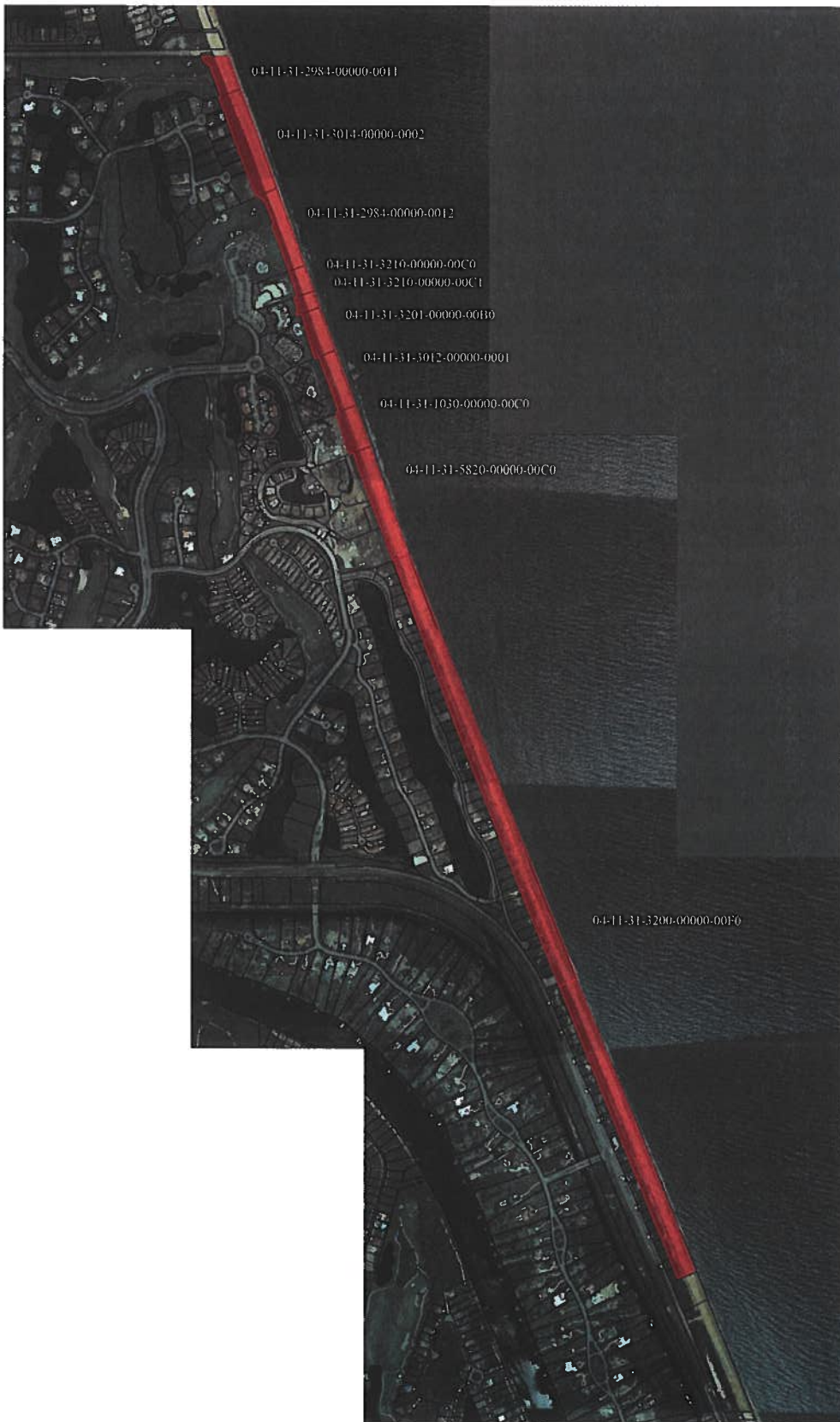
Hammock Dunes DRI Preservation Area Coastal Preservation Area as shown on the DRI Master Development Plan (1998 revision)



Plat Details
Hammock Dunes DRI
Coastal Preservation Area
or
Coastal Setback Area

Hammock Dunes DRI Coastal Parcels			
Owner	Description	Parcel Number	Length
Flalger County			
HBAG	Hammock Beach Acquisition Group LLC		
OHPOA	Ocean Hammock Property Owners Assoc Inc		
HDOA	Hammock Dunes Owners Association Inc		
Flalger County	Malacompra Park	07-11-31-7085-01010-0010	2,420
Flalger County	Malacompra Road	no informarion	130
Flalger County	Malacompra Park	07-11-31-7085-01010-0040	450
Flalger County	Malacompra Park	04-11-31-2984-00000-00A1	1,260
Flalger County	Old Salt Park	04-11-31-2984-00000-0100	80
Flalger County	Jungle Hut Park	04-11-31-2984-00000-00B2	25
Flalger County	Jungle Hut Park	07-11-31-7085-01010-0030	172
Flalger County	Jungle Hut Road	no informarion	71
Flalger County	Varn Park	04-11-31-2984-00E11-0000	280
Flalger County	Varn Park	15-11-31-0000-01110-0010	1,140
			6,028
			1.14 miles
HBAG	Ocean Course	04-11-31-2984-00GCO-BPP1	2,510
HBAG	Ocean Course	04-11-31-2984-00GCO-BPP2	2,060
			4,570
			0.87 miles
OHPOA	Cinnamon Beach	04-11-31-3513-00000-00B0	960
OHPOA	Cinnamon Beach	04-11-31-3512-00010-00G0	1,123
OHPOA	Ocean Hammock	04-11-31-4900-00000-00C0	3,600
			5,683
			1.08 miles
HDOA	Golf Course	04-11-31-2984-00000-0011	325
HDOA	Grande Mer	04-11-31-3014-00000-0002	984
HDOA	Golf Course & Clubhouse	04-11-31-2984-00000-0012	769
HDOA	Le Jardin	04-11-31-3210-00000-00C0	252
HDOA	Savona	04-11-31-3210-00000-00C1	160
HDOA	Portofino	04-11-31-3201-00000-00B0	425
HDOA	La Grande Provice	04-11-31-3012-00000-0001	548
HDOA	Cambria	04-11-31-1030-00000-00C0	410
HDOA	South Towers	04-11-31-5820-00000-00C0	1,070
HDOA	Playa del Sur & Carino le Mer	04-11-31-3200-00000-00F0	7,313
			12,256
			2.32 miles
			28,537
			5.40 miles

Hammock Dunes (HDOA) Preservation Area Parcels

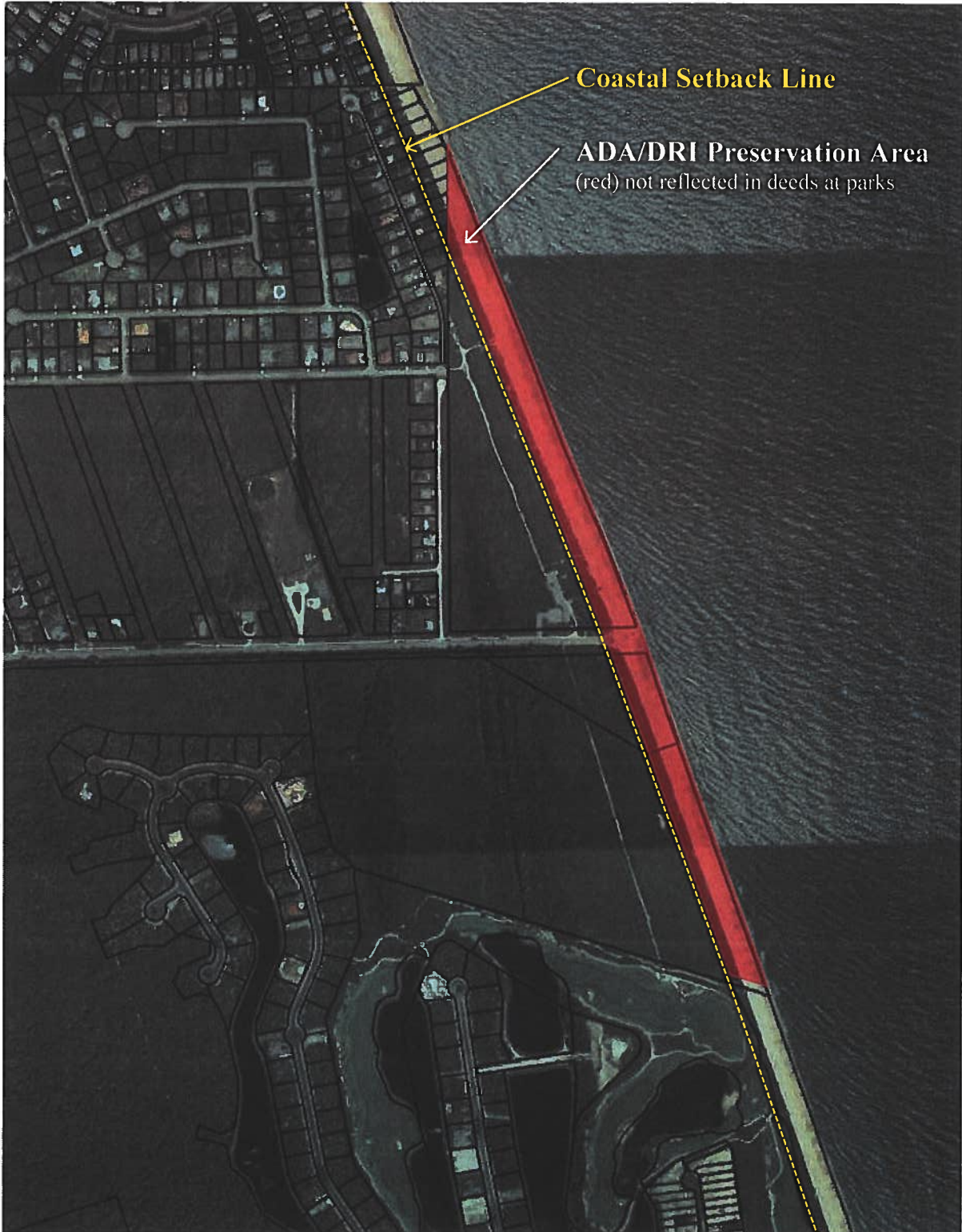


Plat Details

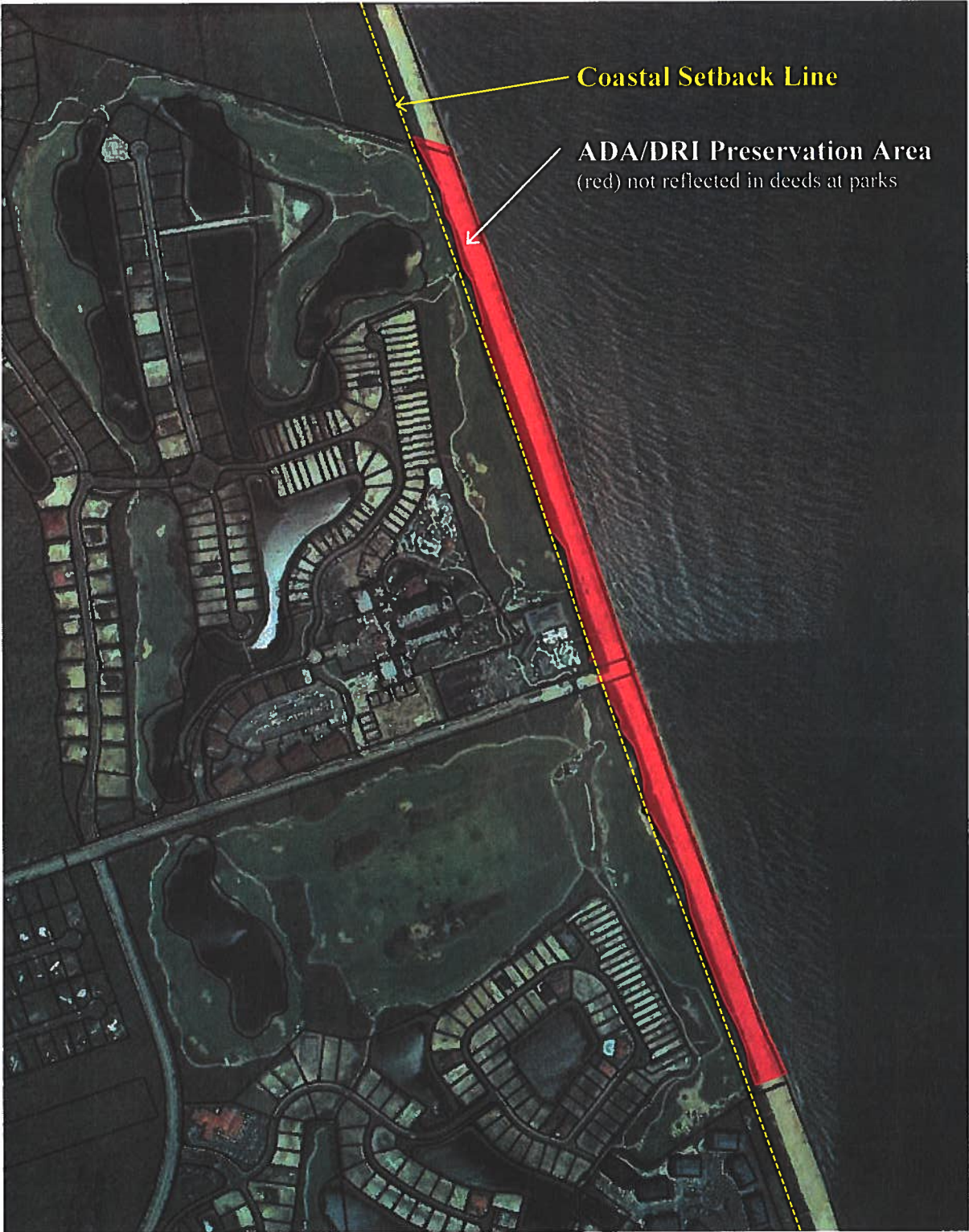
Full 5.4 Miles of Hammock Dunes DRI
Coastal Preservation Area
or
Coastal Setback Area

MalacompraPark

Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)

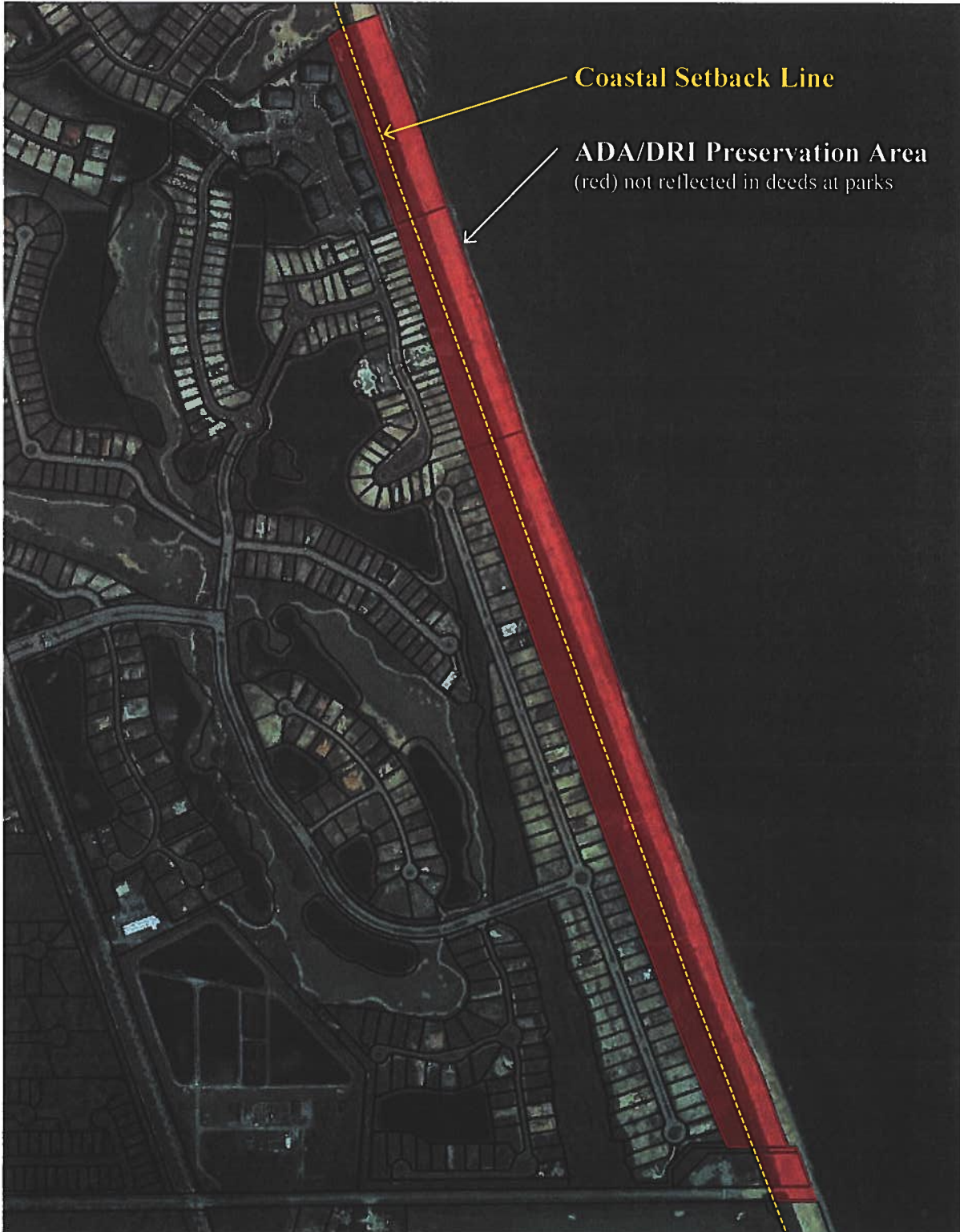


Hammock Beach Resort Ocean Course and Old Salt Park
Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)

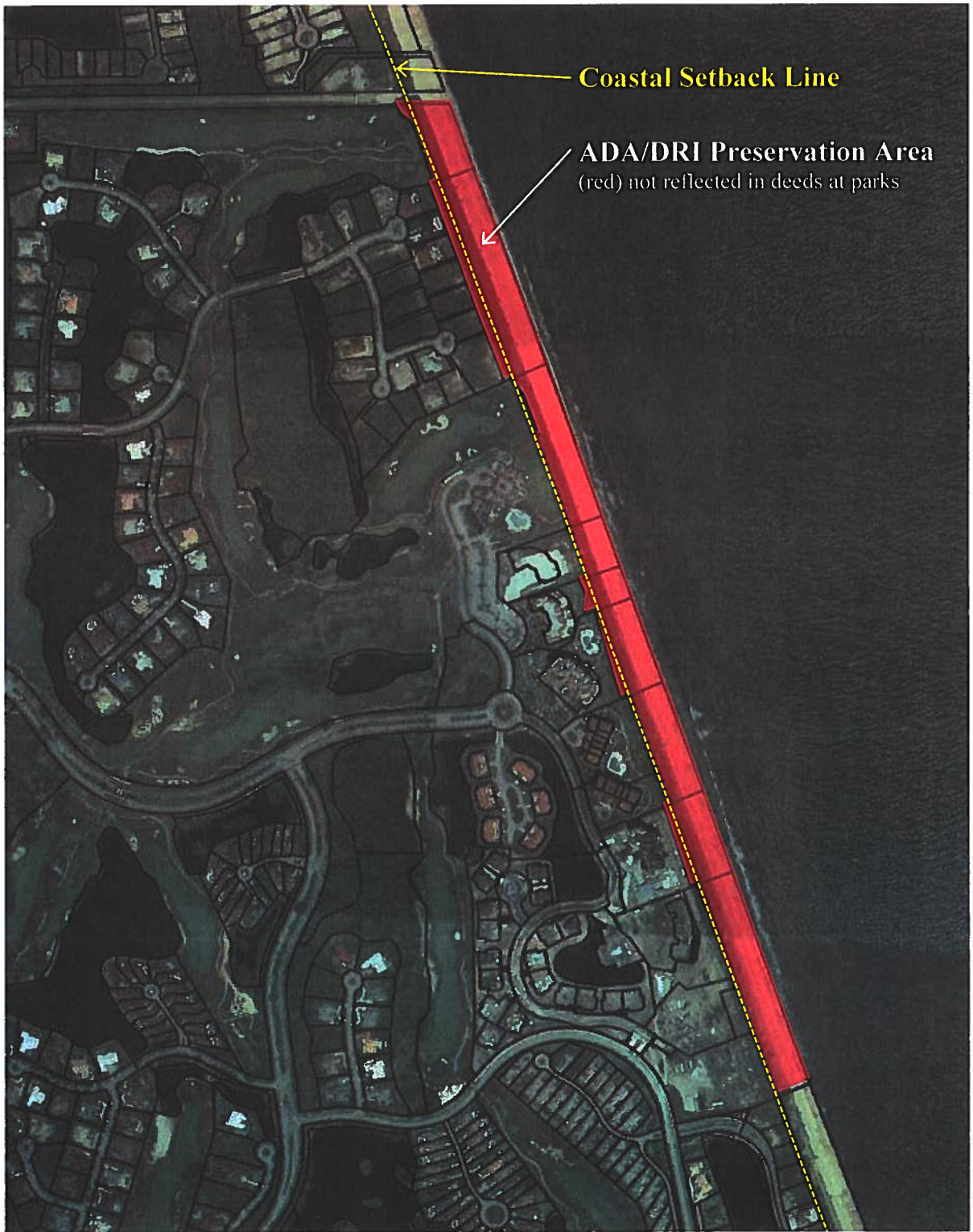


Cinnamon Beach, Ocean Hammock and Jungle Hut Park

Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)

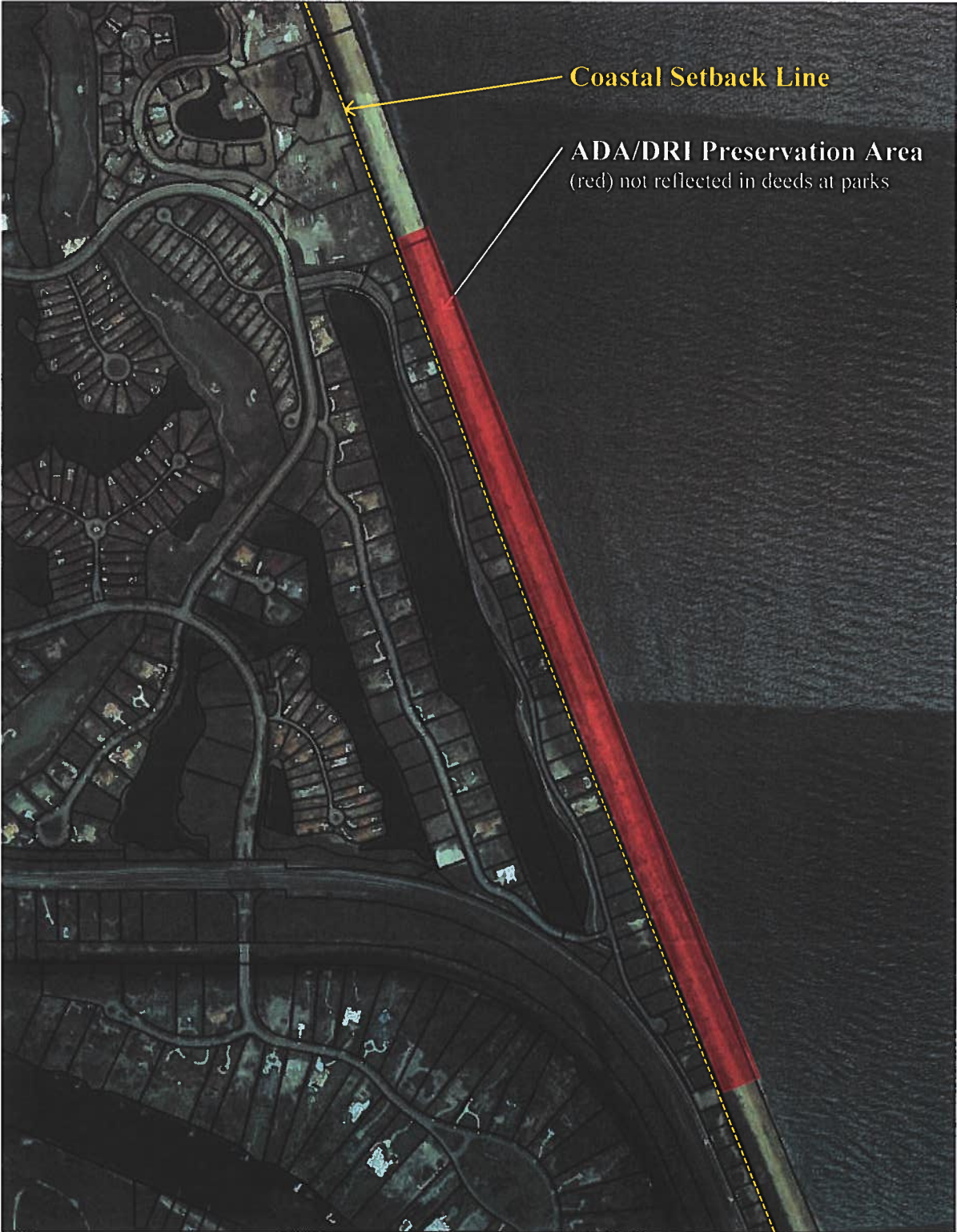


Hammock Dunes Golf Course and Hammock Dunes Condos
Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)



Hammock Dunes Playa del Sur

Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)

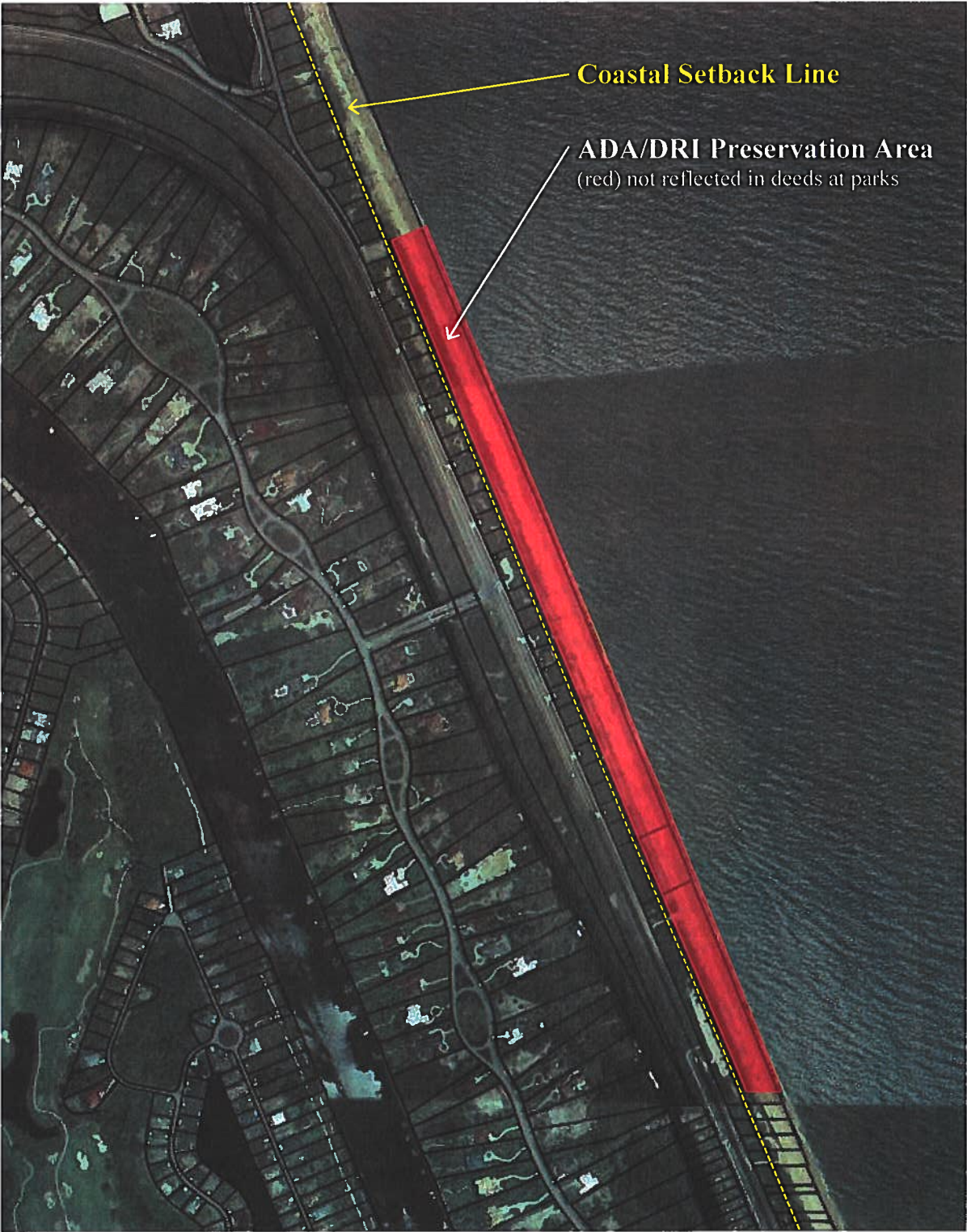


Coastal Setback Line

ADA/DRI Preservation Area
(red) not reflected in deeds at parks

Hammock Dunes Camino le Mer and Varn Park

Final Plat related to Coastal Setback Line (Preservation Area red highlighted Area)



1983 ADA
Hammock Dunes DRI
Coastal Preservation Area

DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT APPROVAL
FOR
HAMMOCK DUNES
A RECREATIONAL RESORT COMMUNITY IN FLAGLER COUNTY

APRIL, 1983

12: GENERAL PROJECT DESCRIPTION

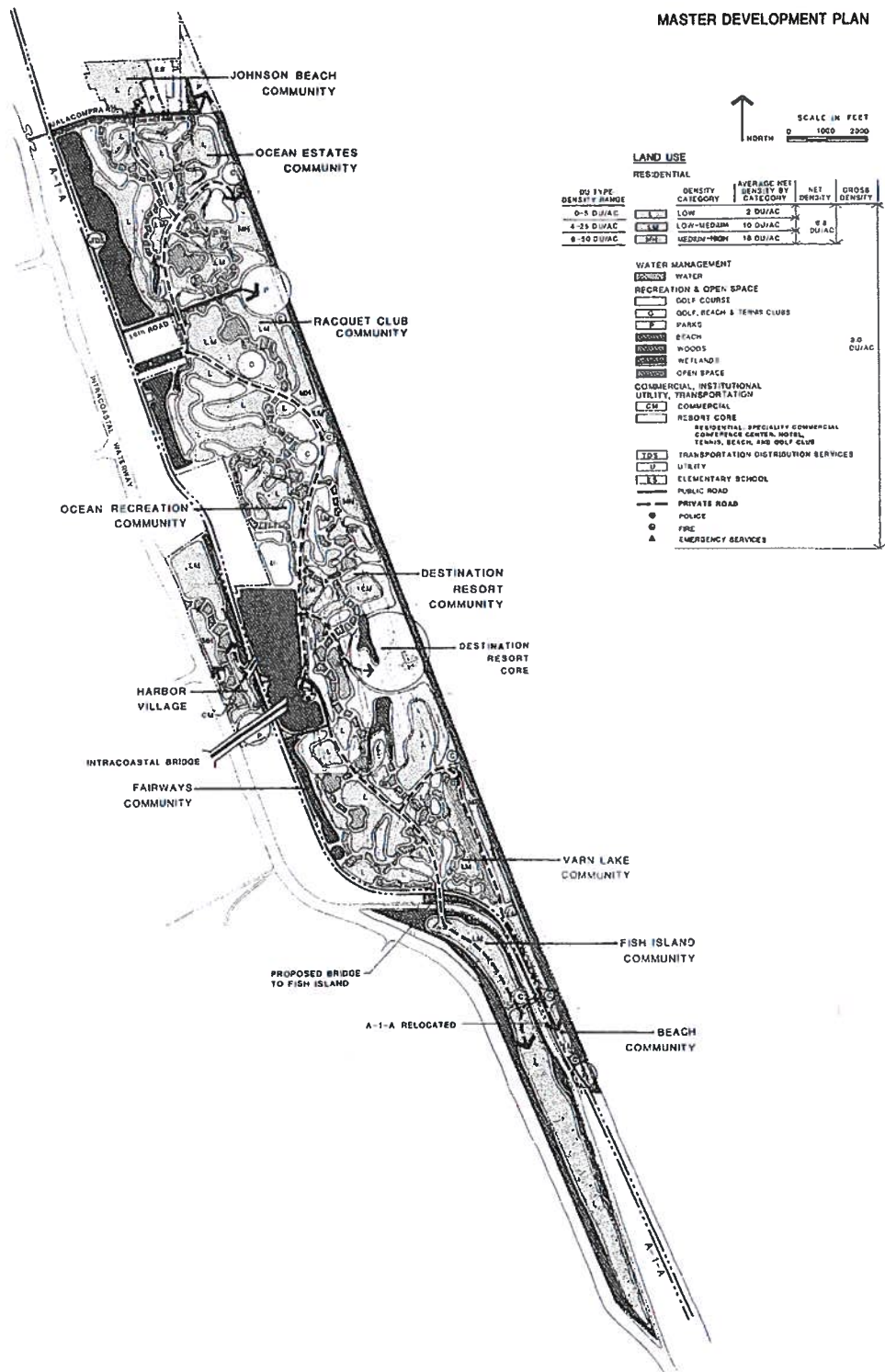
Hammock Dunes will be a planned residential project for people who wish to live or vacation in a high quality, recreational, ocean-oriented community. At completion, approximately eighty percent of the population is projected to be permanent residents and more than half of all residents will most likely be retirees. Residents will typically have substantial savings and/or independent income. The development plan for Hammock Dunes was created to serve this market and includes many potential housing types, a variety of recreational opportunities, and substantial areas of undeveloped conservation lands. The planning approach of the Applicant stresses the necessity of environmental concern and this approach is expressed in a minimization of environmental impacts and a respect for conservation of natural resources.

- A. REFERRING TO THE MASTER DEVELOPMENT PLAN, DESCRIBE AND DISCUSS IN GENERAL TERMS ALL MAJOR ELEMENTS OF THE PROPOSED DEVELOPMENT IN ITS COMPLETED FORM. INCLUDE IN THIS DISCUSSION THE PROPOSED PHASES (OR STAGES) OF DEVELOPMENT, MAGNITUDE IN THE APPROPRIATE UNITS FROM CHAPTER 27F-2, F.A.C., AND EXPECTED BEGINNING AND COMPLETION DATES FOR CONSTRUCTION. FOR NON-RESIDENTIAL DRI'S ALSO INCLUDE TARGET DATES FOR FACILITY OPERATION OR UTILIZATION. IF THE DEVELOPMENT WILL HAVE A PROPOSED BUILDOUT OF 10 YEARS OR LESS, PHASING SHOULD BE SHOWN ON AN ANNUAL OR BI-ANNUAL BASIS. IF THE PROPOSED BUILDOUT IS GREATER THAN 10 YEARS, PHASING SHOULD BE SHOWN AS APPROPRIATE.

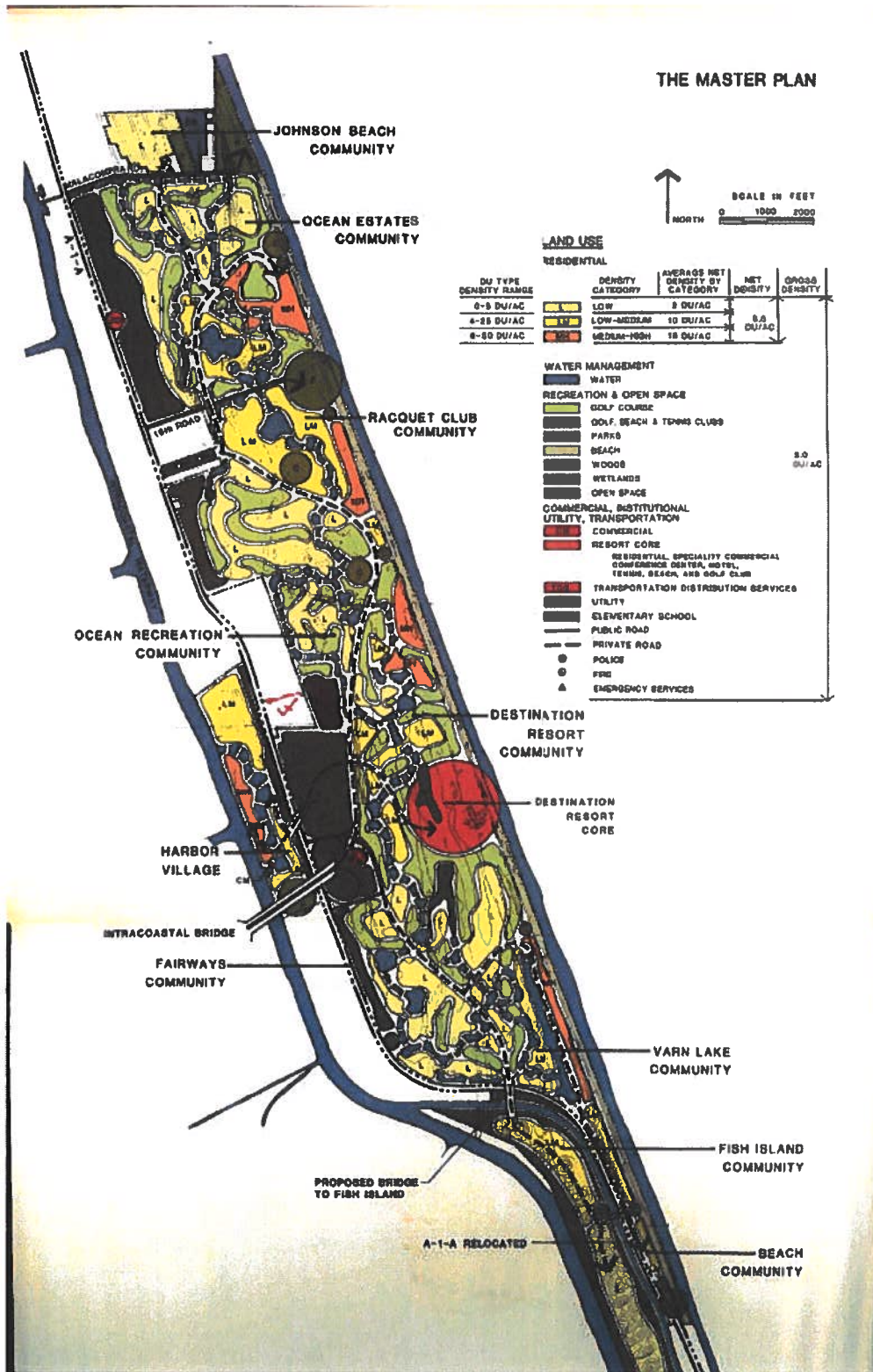
B. PROVIDE A BREAKDOWN OF THE EXISTING AND PROPOSED LAND USES ON THE SITE FOR EACH PHASE OF DEVELOPMENT THROUGH COMPLETION OF THE PROJECT. USE LEVEL II OF THE FLORIDA LAND USE AND COVER CLASSIFICATION SYSTEM: A TECHNICAL REPORT, AVAILABLE FROM EACH REGIONAL PLANNING COUNCIL. REFER TO THE SITE ANALYSIS MAP, AND THE MASTER DEVELOPMENT PLAN. USE THE FORMAT BELOW AND TREAT EACH LAND USE CATEGORY AS MUTUALLY EXCLUSIVE.

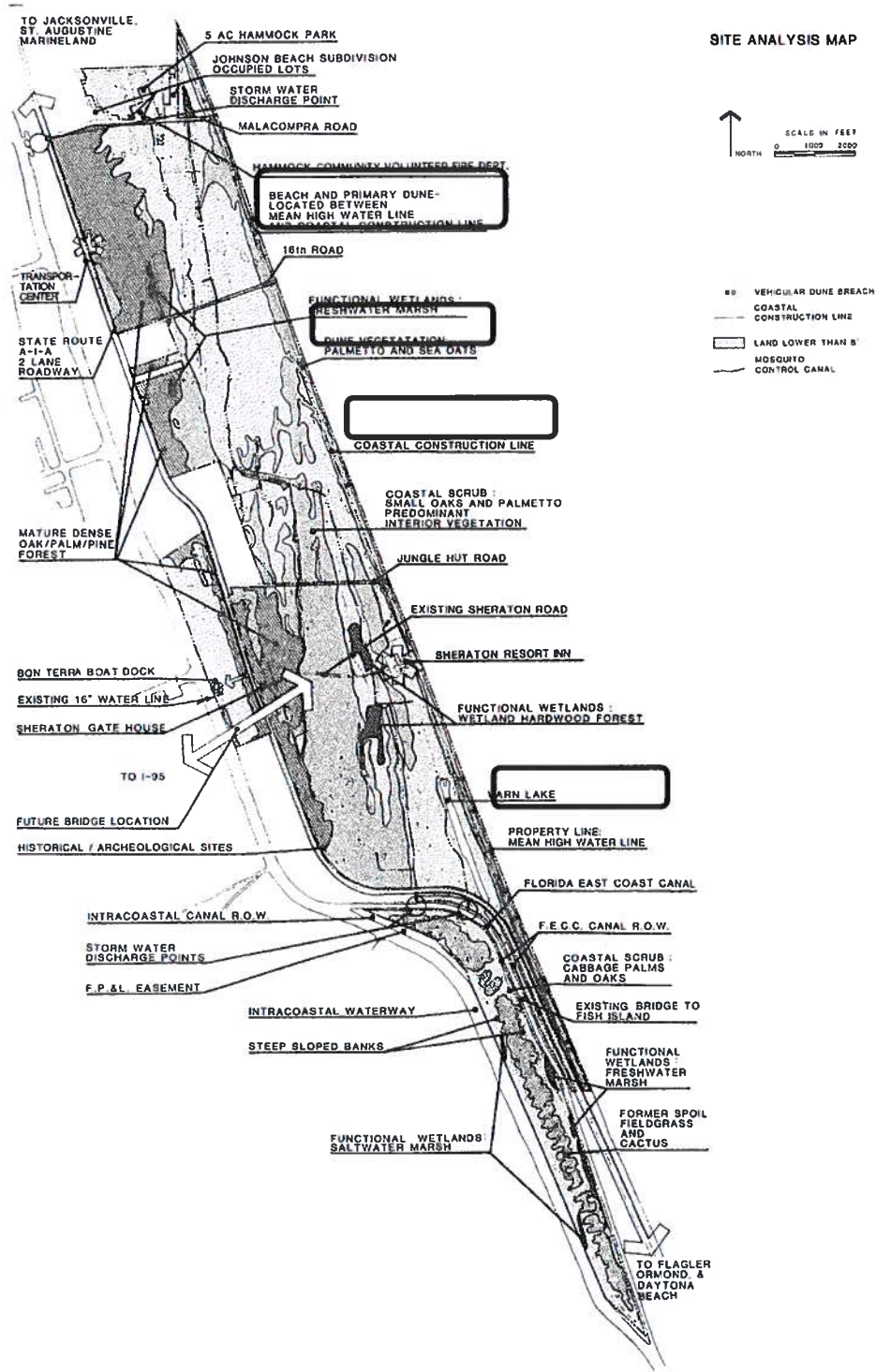
Time	Residential		Water Mgt.		1. Recreational/Open Space		Commercial/Institutional Utility/Transportation		Total	
	AC	%	AC	%	AC	%	AC	%	AC	%
Existing ²	-	-	49	2	2170	96	36	2	2255	100
Phase I	288	13	83	4	357	16	81	3	809	36
Phase II	384	17	66	3	282	12	14	1	746	33
Phase III	305	13	58	3	274	12	6	-	643	28
Beyond ²	-	-	-	-	45	2	15	1	60	3
Total Proposed ²	997	43	207	10	<u>958</u>	<u>42</u>	116	5	2258	100
	Residential	Water	Golf Course, Beach Club, Tennis Club, Woods, Wetlands, Coastal Setback Areas, Parks, Open Space, Community Open Space, Palm Coast Recreation			Road ROW, New S.R.A-1-A ROW, Utility, School Conf. Center, Sheraton, Commercial, Transportation Center				

MASTER DEVELOPMENT PLAN

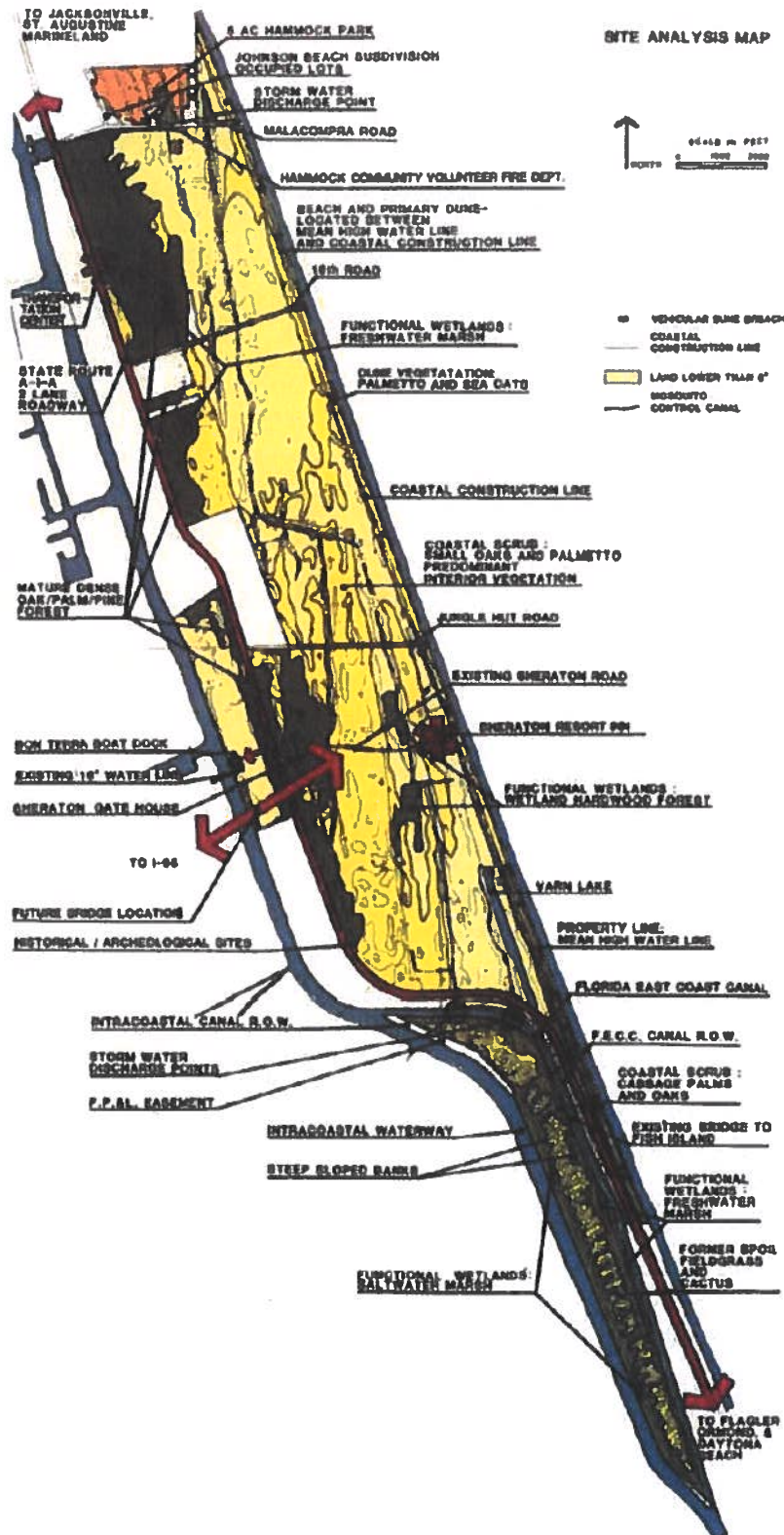


Gee & Jensen Color Version of ADA Master Plan

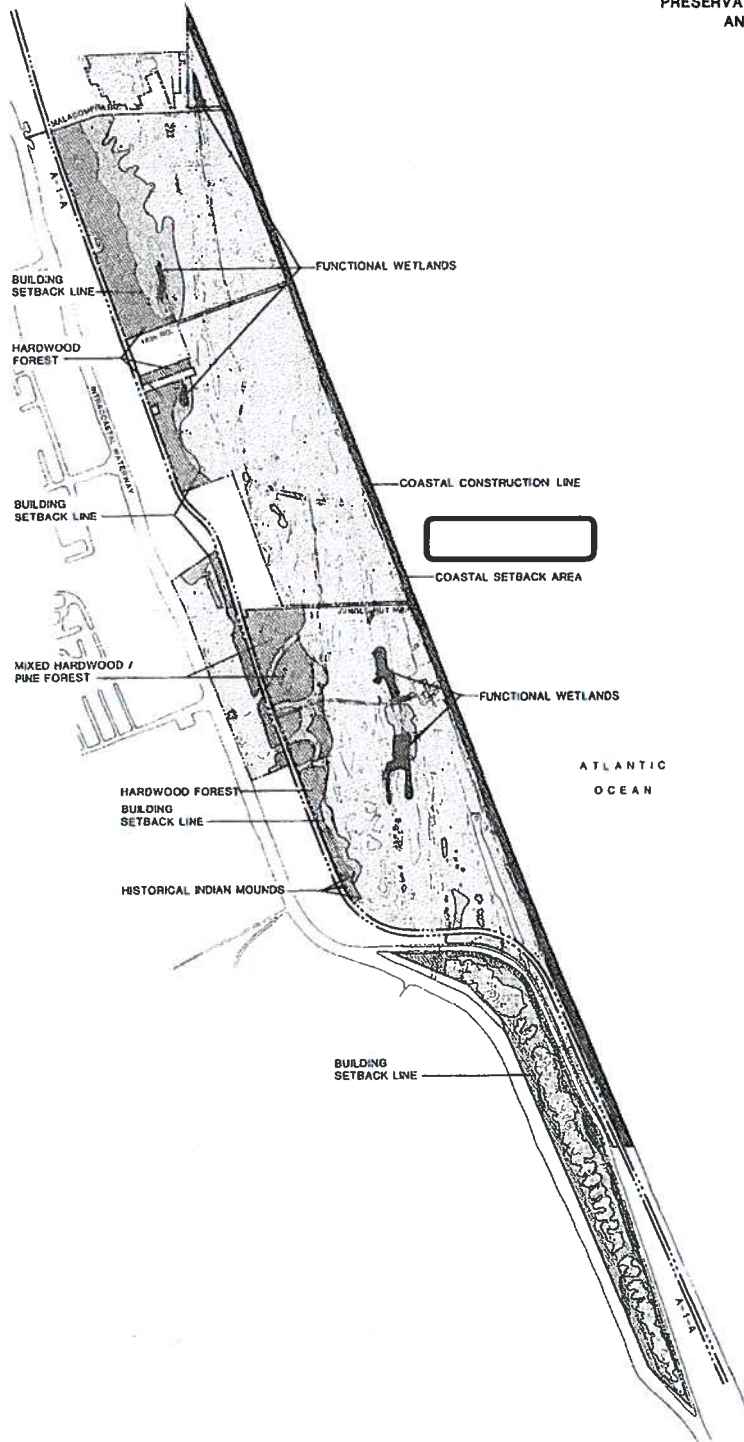




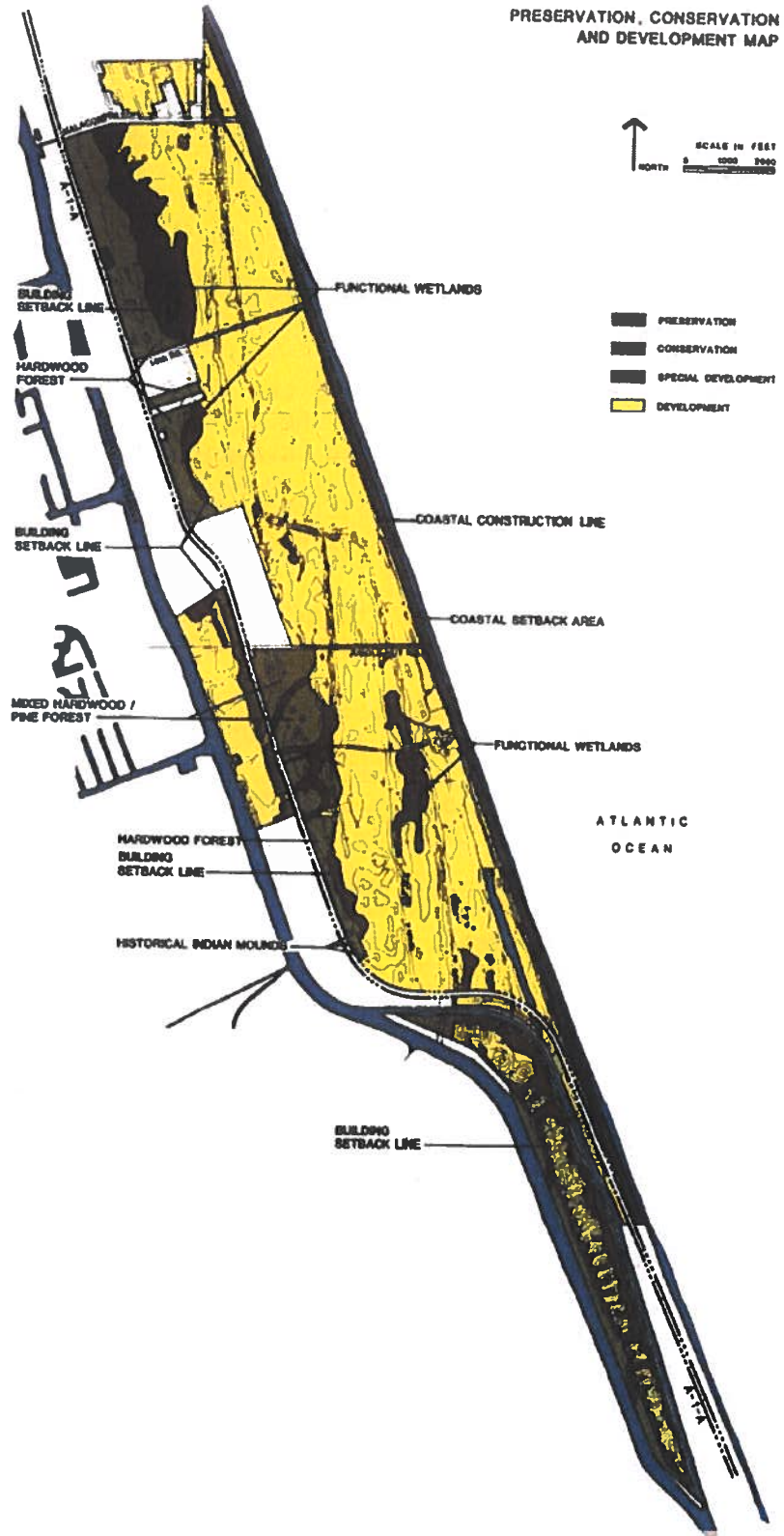
Gee & Jensen Color Version of ADA Site Analysis Map



PRESERVATION, CONSERVATION
AND DEVELOPMENT MAP



Gee & Jensen Color Version of ADA Preservation Map



C. PROVIDE A GENERAL DISCUSSION OF THE SITE PLANNING APPROACH TO BE UTILIZED FOR THIS PROJECT. INCLUDE AS PART OF THE DISCUSSION CONSIDERATIONS OF UNIQUE TOPOGRAPHICAL AND OTHER FEATURES INVOLVED IN THE SITE PLANNING PROCESS.

The site planning approach used to establish the project plan for development involves three major components: 1) an inventory to determine specific existing site conditions; 2) an analysis of environmentally sensitive areas with respect to potential development; and 3) a study of the site in terms of determining possibilities for the application of energy conservation measures.

The Site Analysis Map, page 12.11, and the Air Photo, page 12.12 illustrate the major existing features of the DRI property. Included are roadways, the location of the proposed Intracoastal Waterway bridge, present development, current water supply line and major topographical features. This inventory provides a basic framework within which specific development considerations can be addressed.

A detailed study has been made of the natural resources of the site and how they should be protected, conserved or sensitively developed.

The Preservation, Conservation, Development (PCD) Map, page 12.13, has been prepared to illustrate current knowledge of the site and its sensitivities. This map classifies the DRI project area into four categories: Preservation, Conservation, Special Development and Development. These are defined in Table 12c.

Table 12c PRESERVATION, CONSERVATION AND DEVELOPMENT CATEGORIES

PCD Category	Allowable Uses.
→ Preservation	Limited Recreational Opportunities Requiring No Significant Site Development (Nature And Hiking Trails, Elevated Walks, Etc.)
Conservation	Open Space Recreation, Marina, Low Intensity Parks And Other Extensive Land Uses Which Would Not Change Materially The Basic Character Of The Existing Features.
Special Development	Uses Limited Only By The Specific Constraints Identified At The Time Of Development Which Would Not Change Materially The Basic Character Of The Existing Features.
Development	Full Range Of Uses Permitted.

The following discussion highlights major project locations which have been defined as Preservation, Conservation or Special Development areas.

→ PRESERVATION

The wetland areas which have been identified and are now functioning throughout the interior of the site will be left intact as Preservation and be part of and fed by the proposed water management system. In addition, the water management system of interlacing lakes and lagoons will help to encourage the habitation of waterfowl on site.

The plan for development not only protects as Preservation the required coastal setback area but includes measures to restore the dune in areas where it has been worn away by vehicular passage. This reparation and the construction of dune walkways will help to maintain this prominent coastal feature not only for the enjoyment of residents and beach park users, but also as a natural barrier.

CONSERVATION

Bordering the western edge of the site, adjacent to State Route A-1-A, are a series of unique stands of climax coastal forest and pine-lands. Major portions of the forest have been classified Conservation both for the visual enjoyment of the project by Hammock residents and travellers along State Route A-1-A. In addition, the wildlife which now inhabit the woods are protected by the conservation of this area from development.

Several archeological sites, including two burial mounds and a small village or camp site, are located along State Route A-1-A on land classified as Conservation. Two of the sites date from about 600 A.D. and some time after 800 A.D. All three sites have been proposed as open space and will provide the opportunity for public access and interpretation in the future.

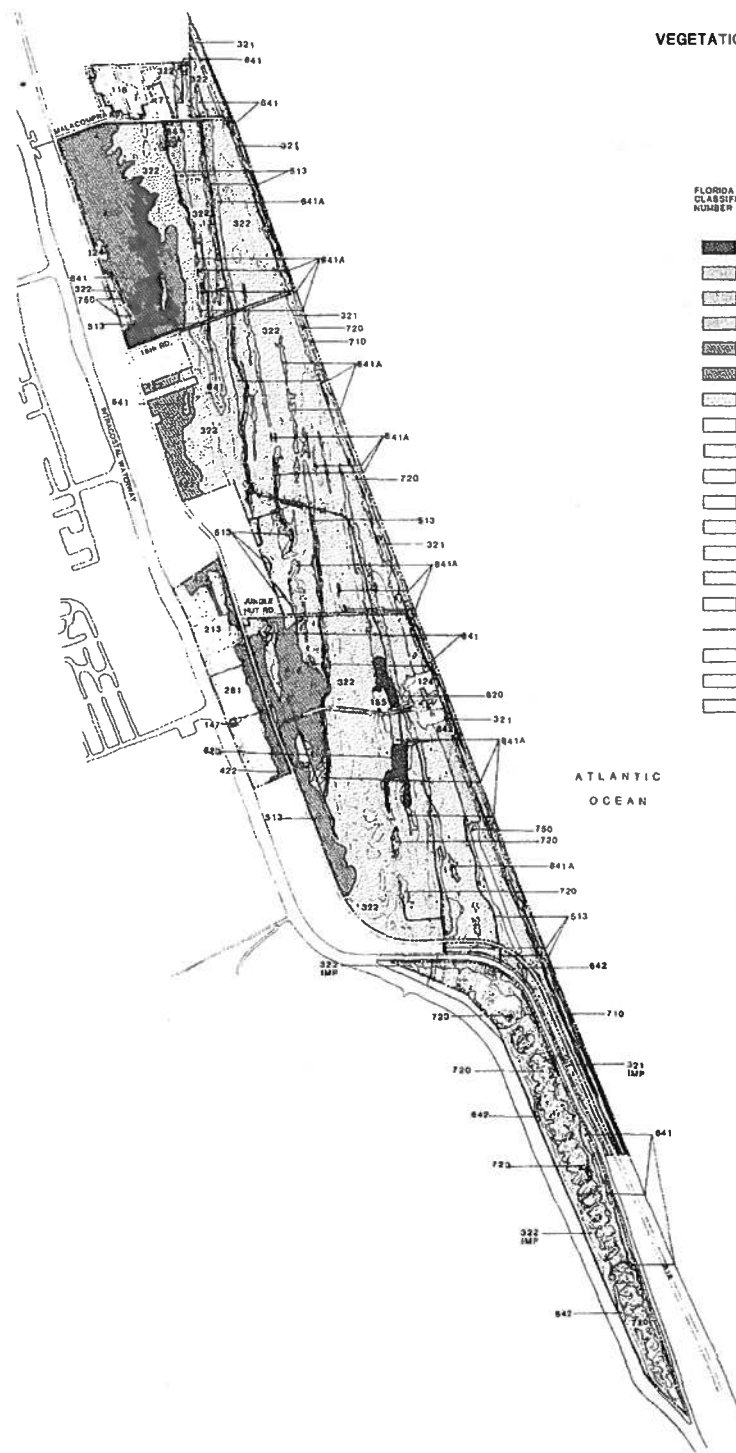
CONSERVATION/SPECIAL DEVELOPMENT

Fish Island, on the southern portion of the project site, has the most unique configuration and topography of the entire property. This island which was originally part of the mainland was completely man-made, first by the digging of the Florida East Coast Canal, and later by the dredging of the Intracoastal Waterway. Precaution will be taken during development to avoid modifying the topography which has resulted from the deposits of dredging in order to protect adjacent vegetation. A building setback line has been established as a guideline for the limit of construction. This line delineates the area of Conservation between the building setback line and the water's edge. The trees and slopes have been classified as Special Development and will only be disturbed where there is need to further stabilize the edge for recreational uses. The island edge along the Intracoastal Waterway will be studied in detail to determine need for and type of slope stabilization.

Four major energy conservation measures have been addressed by the Applicant during the site planning process. These include:

- 1) the interrelationship of land use patterns which minimize travel and discourage stop-and-go traffic;
- 2) provision of land for a bicycle/pedestrian path for non-motor travel;
- 3) utilization of energy conserving landscape practices and site design; and
- 4) in addition to strict adherence to required codes and standards, encouragement of the use of energy saving building design and equipment selection.

VEGETATION ASSOCIATIONS MAP



FLORIDA CLASSIFICATION NUMBER	FLORIDA LAND USE AND COVER CLASSIFICATION DESCRIPTION
820	WETLAND HARDWOOD FOREST
842	BALTWATER MARSH
841	FRESHWATER MARSH
841A	DRAINED INTER-DUNE SWAILS
422	OTHER HARDWOOD
414	OTHER PINE FLATWOODS
322	COASTAL SCRUB
321	SAW PALMETTO PRAIRIE
750	EXTRACTIVE
177	COMMUNITY RECREATION
118	MIXED RESIDENTIAL
124	HOTELS AND MOTELS / TRANS CENTER
158	SEWAGE TREATMENT FACILITIES
710	BEACH
780	SAND OTHER THAN BEACHES (SEA OATS ZONE)
613	CANALS
147	AUTO PARKING FACILITIES
213	IMPROVED PASTURE
281	INACTIVE AGRICULTURAL LANDS

Gee & Jensen Color Version of ADA Vegetation Map

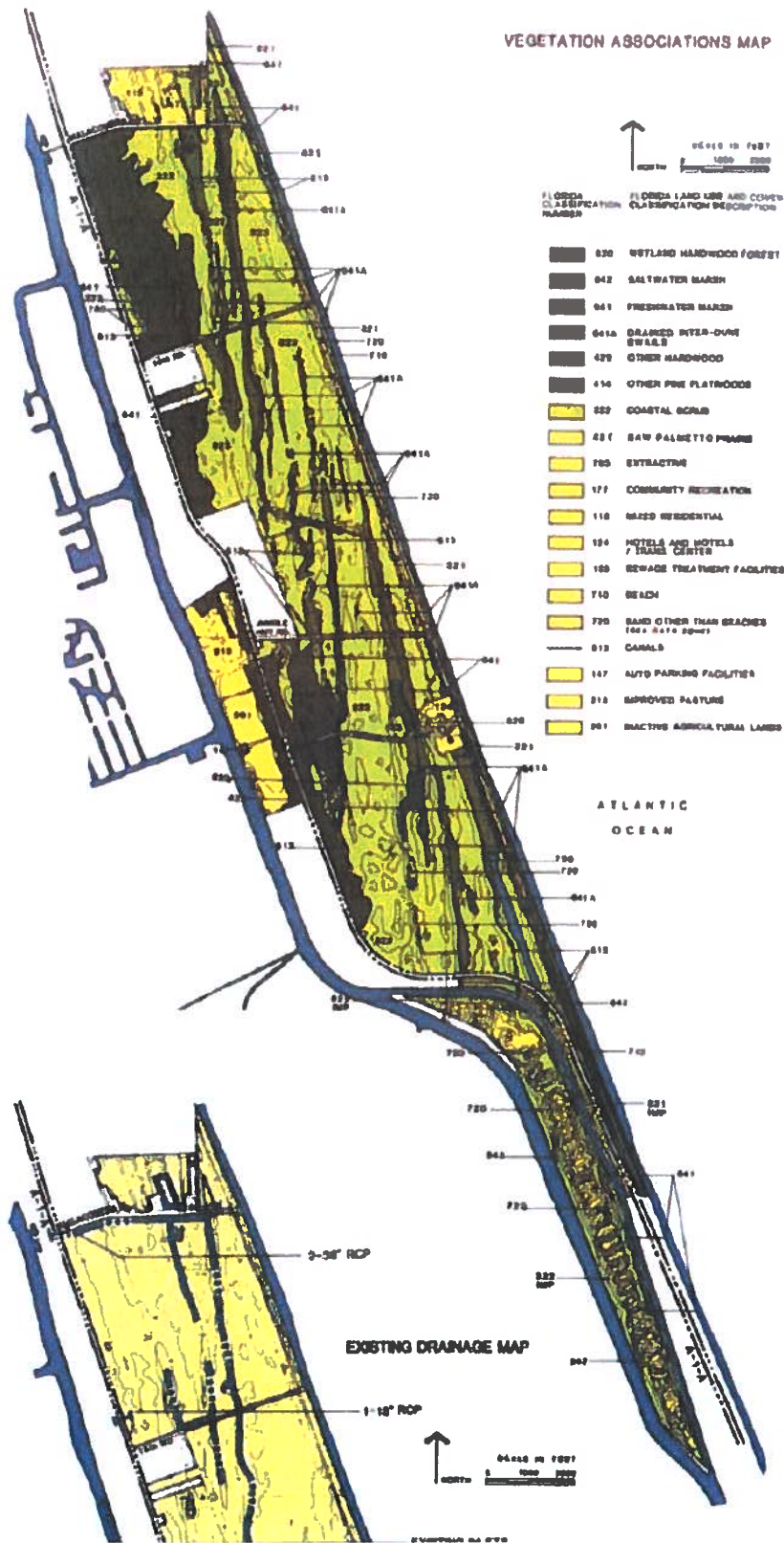


Table 18a. PLANT COMMUNITY CLASSIFICATION AND EXISTING LAND USE ON THE PROJECT WITH ACREAGES OF EACH CLASS AFTER THE FLORIDA LAND USE AND COVER CLASSIFICATION SYSTEM: A TECHNICAL REPORT (1976).

<u>FISH ISLAND</u>			
<u>Fla. Class No.</u>	<u>Florida Land Use and Cover Classification Description</u>	<u>DRI Team Description</u>	<u>Acres</u>
322	Coastal scrub	Xeric oak edges of spoil areas	130
720	Sand other than beaches	Corps of Engineers spoil	104
641	Freshwater marsh	Swale remnants	9
642	Saltwater marsh	Swale remnants	3
		Total	246

<u>MAIN PROJECT SITE</u>			
<u>Fla. Class No.</u>	<u>Florida Land Use and Cover Classification Description</u>	<u>DRI Team Description</u>	<u>Acres</u>
750	Extractive	Varn Lake & coquina quarries	13
177	Community recreation	County Park at Johnson Beach	5
118	Mixed residential	Johnson Beach subdivision	35
124	Hotels and motels/trans. center	Sheraton fill & Parkway	32
155	Sewage treatment facilities	Sheraton treatment plant	4
710	Beach	Unvegetated seaward face	23
620	Wetland hardwoods	Maples N & S of Sheraton Parkway	20
414	Other pine flatwoods	Pine flatwoods	49
720	Sand other than beaches	Sea oat zone	34
322	Coastal scrub	Xeric oak	1,106
513	Canals	Mosquito control canals	24
321	Palmetto prairies	Dune crest and backslope	87
641	Freshwater marsh	Interdune swales (functional)	5
641A	Interdune swales	Drained wet prairie	175
642	Marsh (fresh/saline)	Artificial catchment area & 2 ac. bay	25
422	Other hardwood	S.R. A-1-A main strand forest	253
		Total	1,890

Table 18a. Cont'd.

<u>INTRACOASTAL SITE</u>			
<u>Fla. Class No.</u>	<u>Florida Land Use and Cover Classification Description</u>	<u>DRI Team Description</u>	<u>Acres</u>
147	Auto parking facilities	ICWW dock landing area	1
213	Improved pasture	Bon Terra Farm (active)	44
261	Inactive agricultural lands	Bon Terra Farm (abandoned)	47
422	Other hardwood	S.R. A-1-A main strand forest	30
		Total	122
		Grand Total	2,258

1984 DRI
Hammock Dunes DRI
Coastal Preservation Area

FLAGLER COUNTY RESOLUTION NO. 84-7

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF FLAGLER COUNTY, FLORIDA,
APPROVING THE APPLICATION FOR DEVELOPMENT
APPROVAL OF ADMIRAL CORPORATION FOR
HAMMOCK DUNES, SUBJECT TO CERTAIN CONDITIONS

BE IT FURTHER RESOLVED THAT THE BOARD ENTERS THE FOLLOWING
CONCLUSIONS OF LAW:

6. The ADA for the Hammock Dunes DRI is hereby approved, subject to the general and special conditions of development contained in Attachment A which is made a part hereof by reference.

7. This resolution constitutes the development order pursuant to Section 380.06, Florida Statutes, for the Hammock Dunes DRI. The ADA and supplemental information filed by the Applicant are incorporated herein by reference and the proposed development shall be carried out substantially in conformance with the ADA, as amended by the revised maps dated January 14, 1984, and filed as Exhibits 9-12 at the January 16, 1984, hearing, except to the extent that the ADA as revised is inconsistent with the other terms and conditions of this development order. The ADA is amended by any inconsistent terms of this resolution and the attachments incorporated by reference.

GENERAL AND SPECIAL CONDITIONS OF DEVELOPMENT

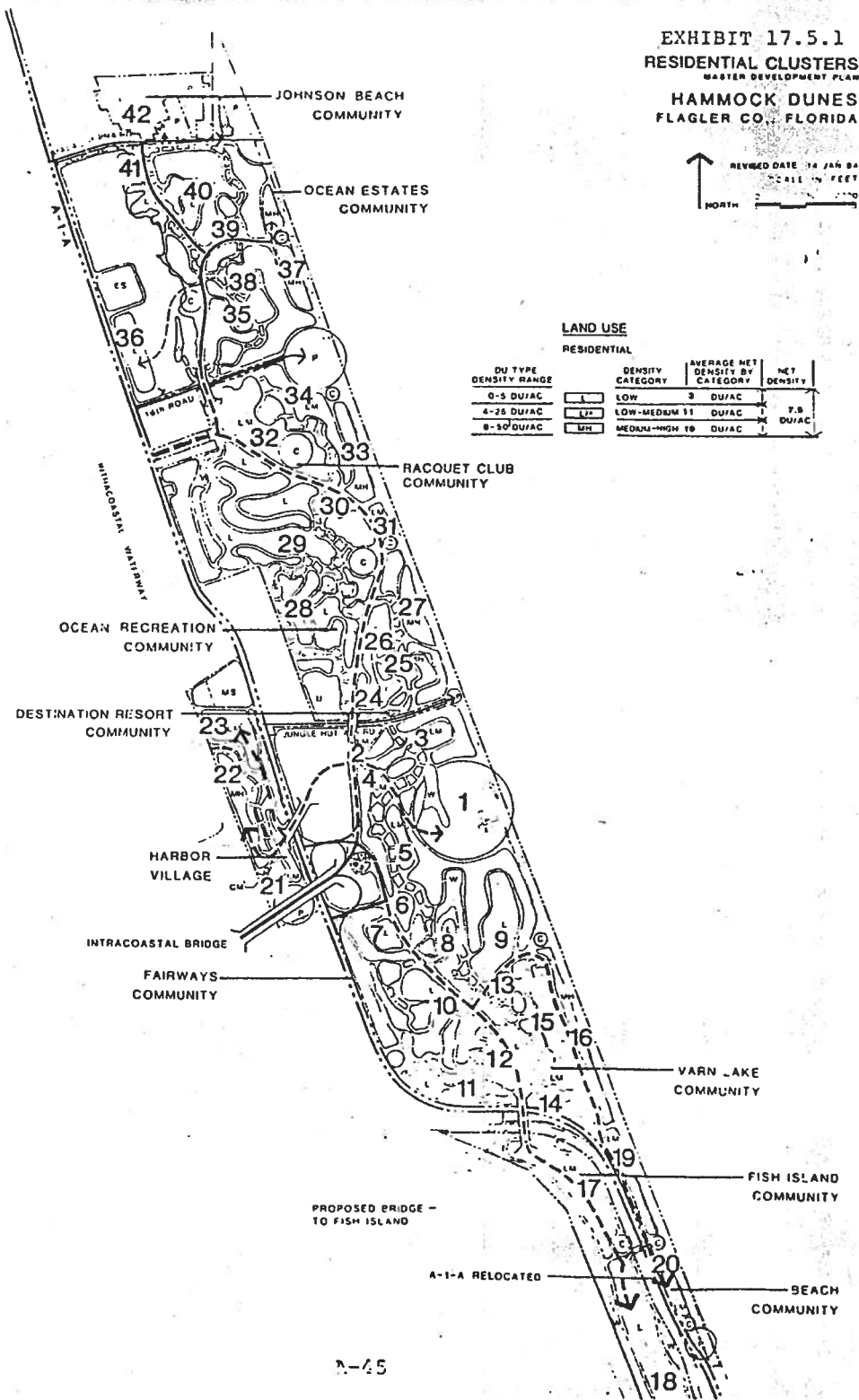
The following are the General Conditions for development of the Hammock Dunes Development of Regional Impact:

1.0 GENERAL CONDITIONS

- 1.1 The Hammock Dunes ADA as accepted June 7, 1983, and Sufficiency Response submitted August 3, 1983, and the commitments therein plus letters and information submitted by the Applicant on May 26 and 27; September 13; October 5; November 7 and 9 are made a part of the development order.

EXHIBIT 17.5.1
RESIDENTIAL CLUSTERS
 MASTER DEVELOPMENT PLAN
HAMMOCK DUNES
 FLAGLER CO., FLORIDA

REVISED DATE 14 JAN 84
 SCALE 1/4" = 1" FEET
 NORTH

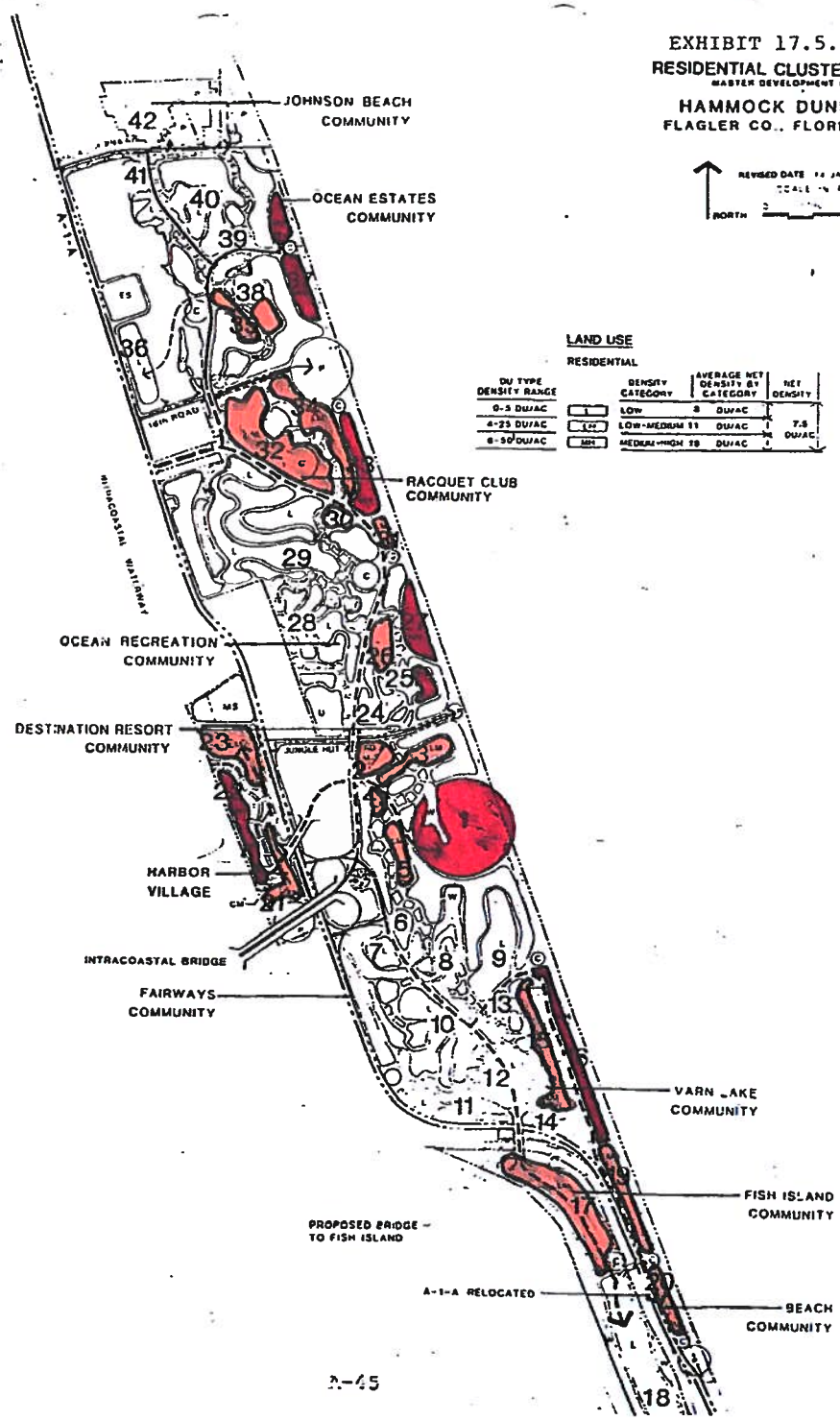


A-45

EXHIBIT 17.5.1
 RESIDENTIAL CLUSTERS
 MASTER DEVELOPMENT PLAN
 HAMMOCK DUNES
 FLAGLER CO., FLORIDA

OFF. REC. 238 PAGE 254

REVISED DATE 14 JAN 84
 SCALE 1/4" = 100 FEET
 NORTH



LAND USE

RESIDENTIAL		AVERAGE NET DENSITY BY CATEGORY		NET DENSITY	
DU TYPE	DENSITY RANGE	DENSITY CATEGORY	DU/AC	DU/AC	F.S. DU/AC
0-5	DU/AC	LOW	3	DU/AC	
6-25	DU/AC	LOW-MEDIUM	11	DU/AC	7.5
26-50	DU/AC	MEDIUM-HIGH	28	DU/AC	14

2-45

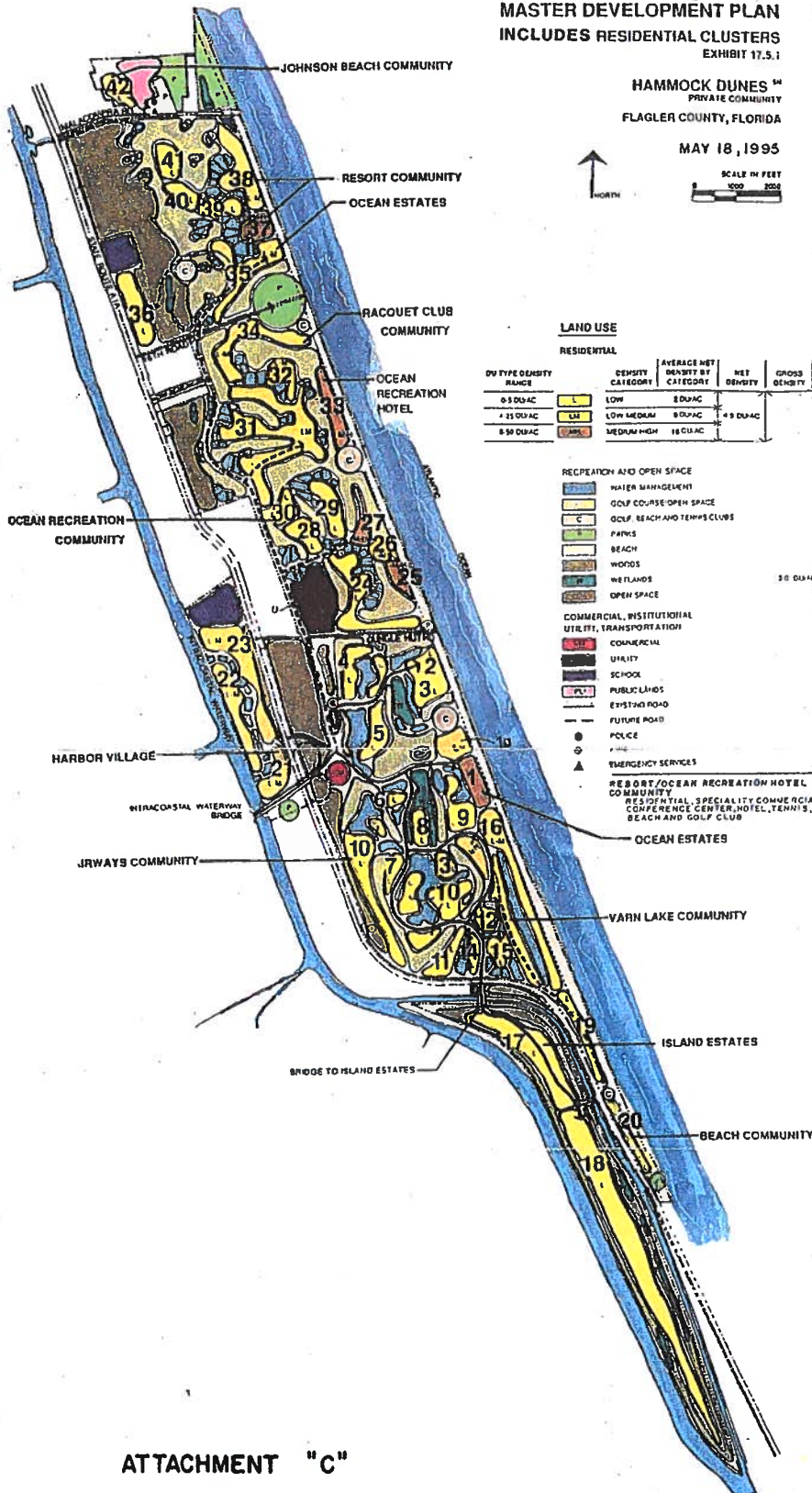
1995 DRI
Hammock Dunes DRI
Coastal Preservation Area

Resolution 95-50

**MASTER DEVELOPMENT PLAN
INCLUDES RESIDENTIAL CLUSTERS**
EXHIBIT 17.5.1

**HAMMOCK DUNES™
PRIVATE COMMUNITY**
FLAGLER COUNTY, FLORIDA

MAY 18, 1995



LAND USE

DV TYPE DENSITY RANGE	SENSITIVITY CATEGORY	AVERAGE NET DENSITY BY CATEGORY	NET DENSITY	GROSS DENSITY
0-3 DU/AC	LOW	0.2 DU/AC	1.5 DU/AC	1.5 DU/AC
4-11 DU/AC	LOW-MEDIUM	5.0 DU/AC		
12-30 DU/AC	MEDIUM-HIGH	18 DU/AC		

RECREATION AND OPEN SPACE	
[Symbol]	WATER MANAGEMENT
[Symbol]	GOLF COURSE OPEN SPACE
[Symbol]	GOLF, BEACH AND TENNIS CLUBS
[Symbol]	PARKS
[Symbol]	BEACH
[Symbol]	WOODS
[Symbol]	WETLANDS
[Symbol]	OPEN SPACE

COMMERCIAL, INSTITUTIONAL, UTILITY, TRANSPORTATION	
[Symbol]	COMMERCIAL
[Symbol]	UTILITY
[Symbol]	SCHOOL
[Symbol]	PUBLIC LOTS
[Symbol]	EXISTING ROAD
[Symbol]	FUTURE ROAD
[Symbol]	POLICE
[Symbol]	EMERGENCY SERVICES

RESORT/OCEAN RECREATION HOTEL COMMUNITY
RESIDENTIAL, SPECIALTY COMMERCIAL, CONFERENCE CENTER, HOTEL, TENNIS, BEACH AND GOLF CLUB

ATTACHMENT "C"

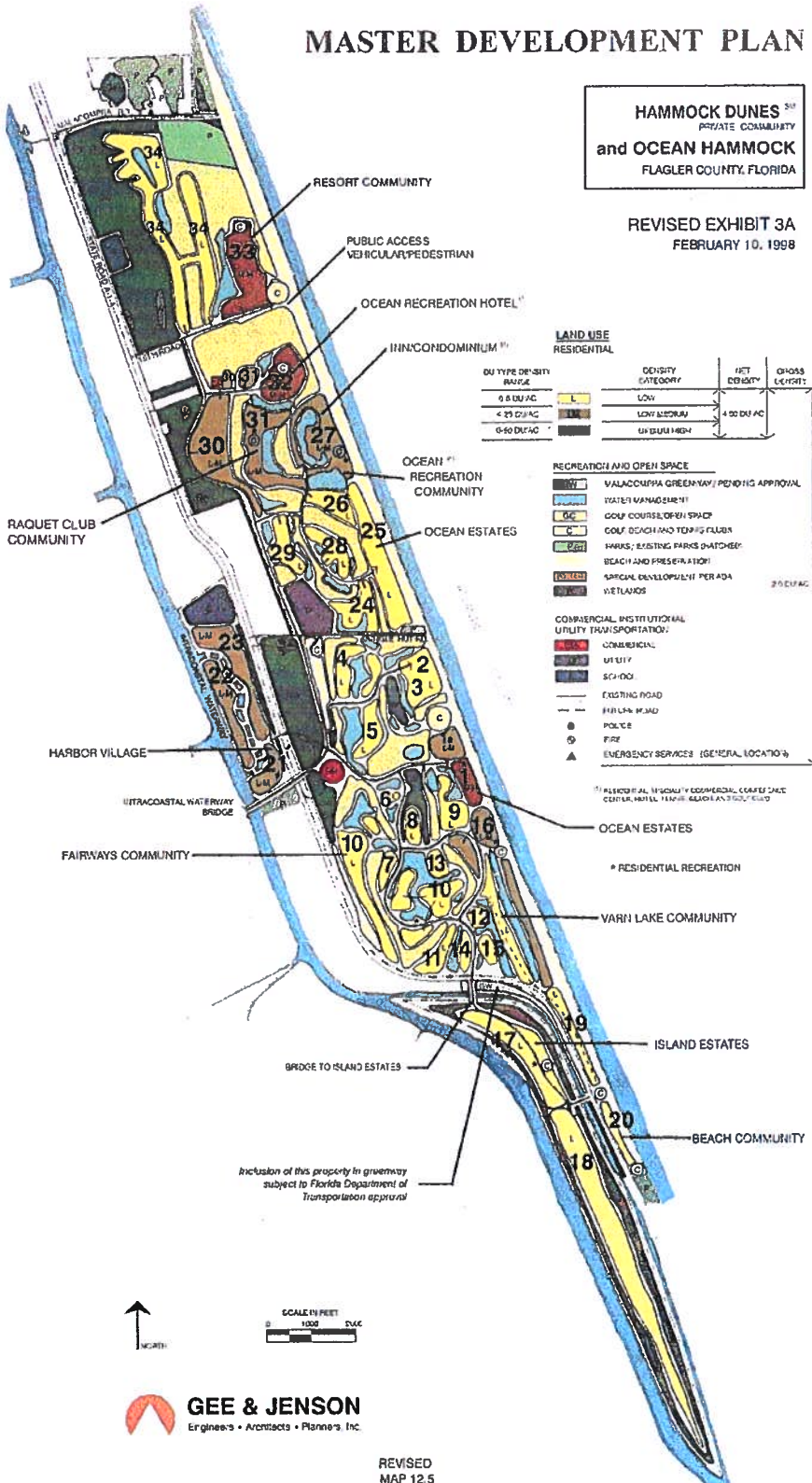
1998 DRI
Hammock Dunes DRI
Coastal Preservation Area

Resolution 98-10

MASTER DEVELOPMENT PLAN

HAMMOCK DUNES²⁰¹
PRIVATE COMMUNITY
and **OCEAN HAMMOCK**
FLAGLER COUNTY, FLORIDA

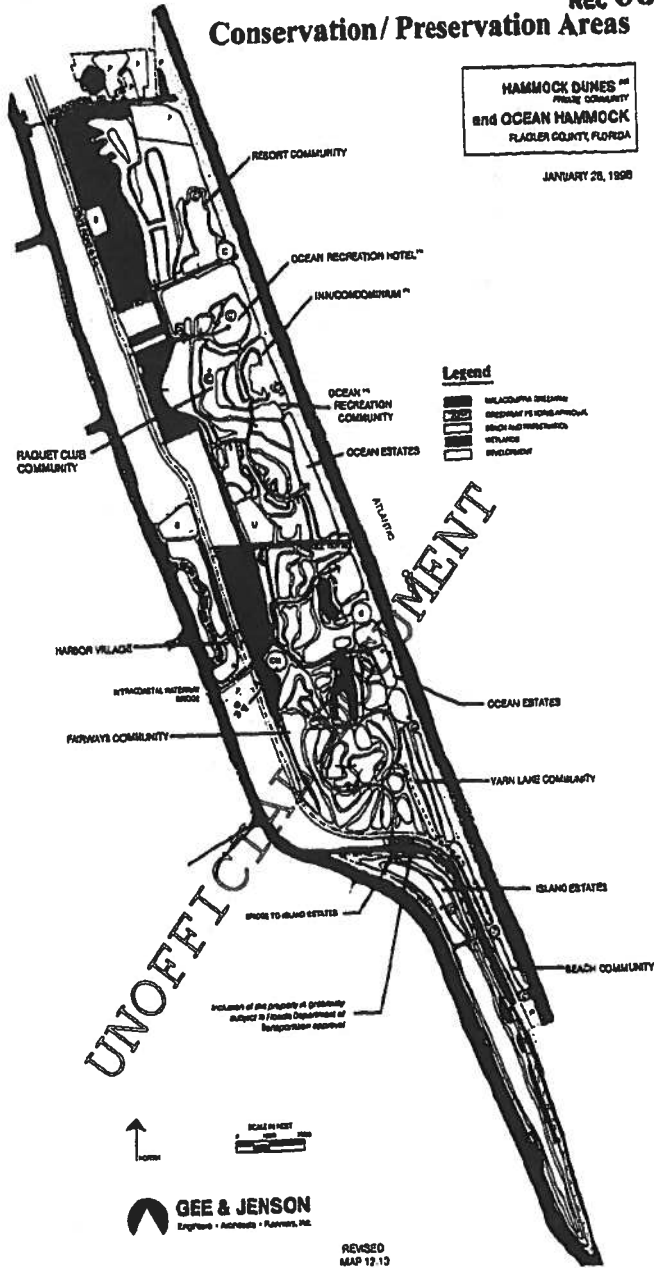
REVISED EXHIBIT 3A
FEBRUARY 10, 1998



Conservation/Preservation Areas

HAMMOCK DUNES
PRESERVE COMMUNITY
AND OCEAN HAMMOCK
FLAGLER COUNTY, FLORIDA

JANUARY 23, 1998



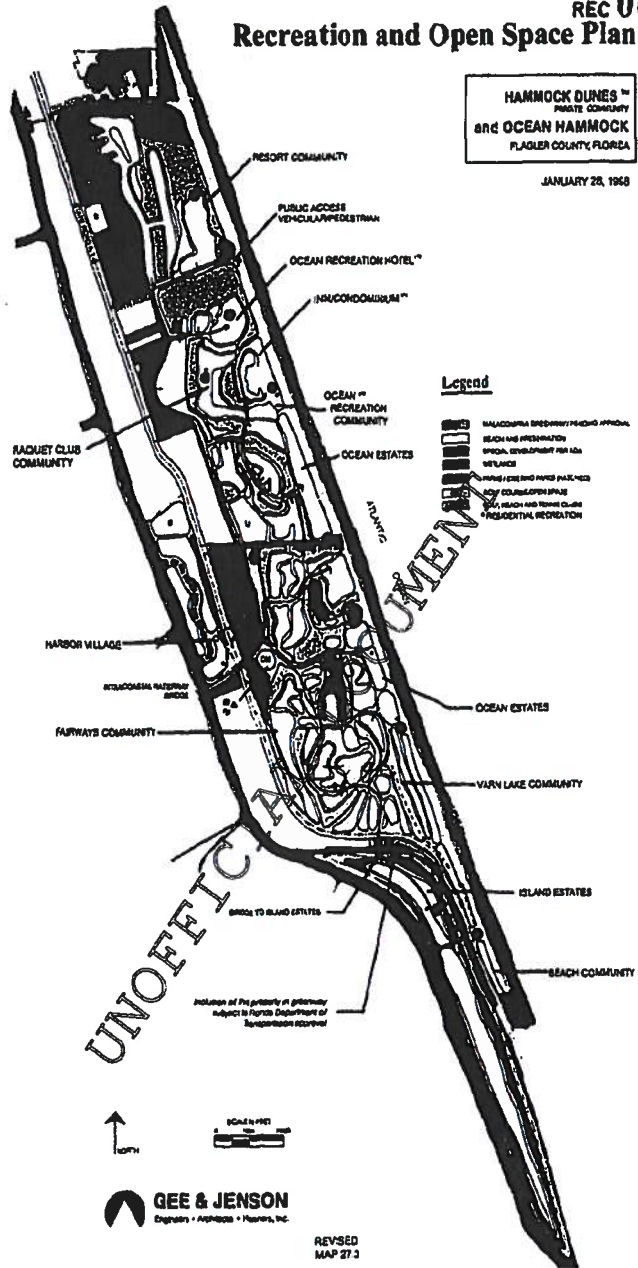
GEE & JENSON
Engineers • Architects • Planners, PC

REVISED
MAP 12.13

Recreation and Open Space Plan

HAMMOCK DUNES™
PRIVATE COMMUNITY
and OCEAN HAMMOCK
FLAGLER COUNTY, FLORIDA

JANUARY 28, 1968



Legend

- MALIBU-STYLE BEACHFRONT RECREATION AREA
- BEACH AND RECREATION SPECIAL DEVELOPMENT FOR USE
- WETLANDS
- PARKS AND OPEN SPACE
- CLUB, BEACH AND TENNIS CLUB RESIDENTIAL RECREATION

Inclusion of the property is primarily subject to Florida Department of Transportation approval



GEE & JENSON
Engineers • Architects • Planners, Inc.

REVISED
MAP 27.3

Final Plats
Compared to Master Development Plan
Coastal Preservation Area

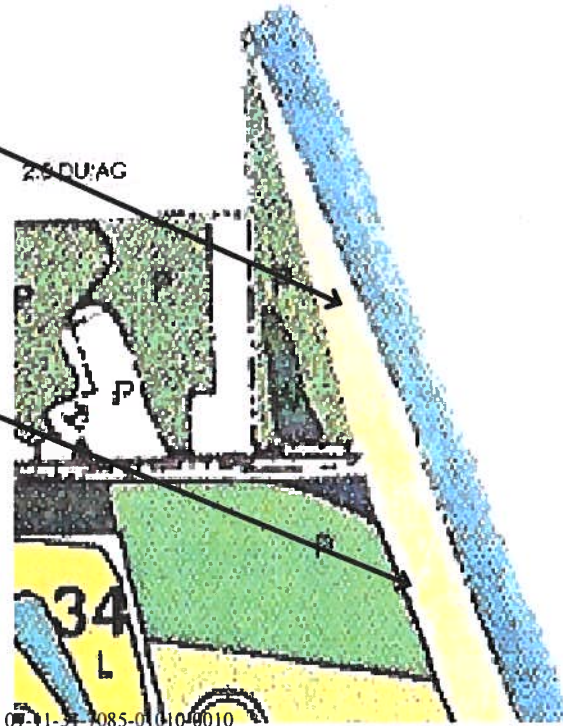
Malacompra Park

Final Plat compared to 1998 Master Development Plan (CSL based Beach and Preservation Area)

RECREATION AND OPEN SPACE

- MALACOMPRA GREENWAY / PENDING APPROVAL
- WATER MANAGEMENT
- GOLF COURSE / OPEN SPACE
- GOLF, BEACH AND TENNIS CLUBS
- PARKS / EXISTING PARKS (HATCHED)
- BEACH AND PRESERVATION
- SPECIAL DEVELOPMENT PER ADA
- WETLANDS

Coastal Setback Line



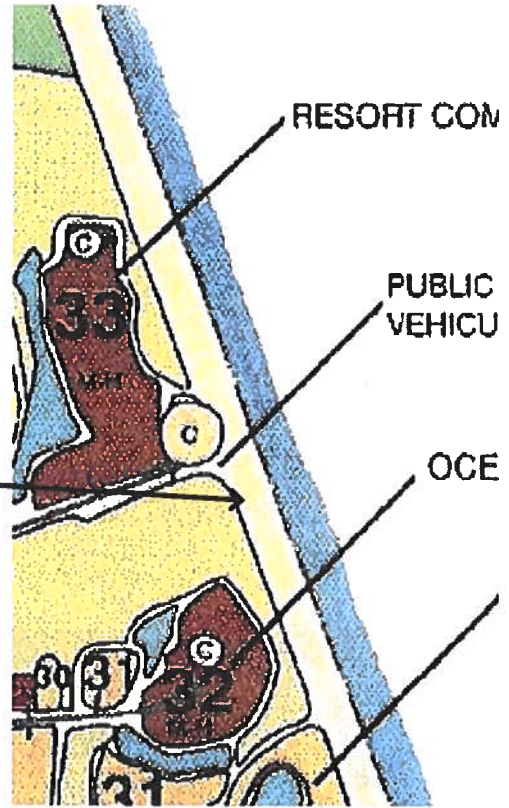
07-11-31-7085-01010-0040

04-11-31-2984-00000-00A1

Hammock Beach Resort Ocean Course and Old Salt Park

Final Plat compared to 1998 Master Development Plan (Beach Preservation Area)

Coastal Setback Line



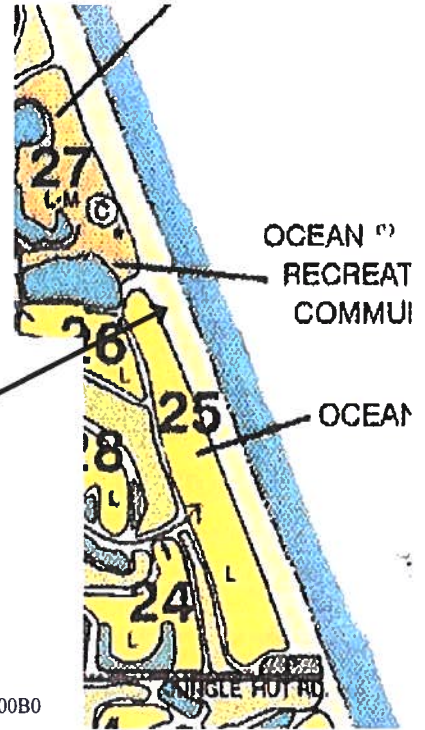
04-11-31-2984-00GC0-BPP1

04-11-31-2984-00GC0-BPP2

Cinnamon Beach, Ocean Hammock and Jungle Hut Park

Final Plat compared to 1998 Master Development Plan (Beach Preservation Area)

Note:
Final Plat Coastal Preservation Area
Is wider than Coastal Setback Area
Including all area east of Final Plat



Coastal Setback Line



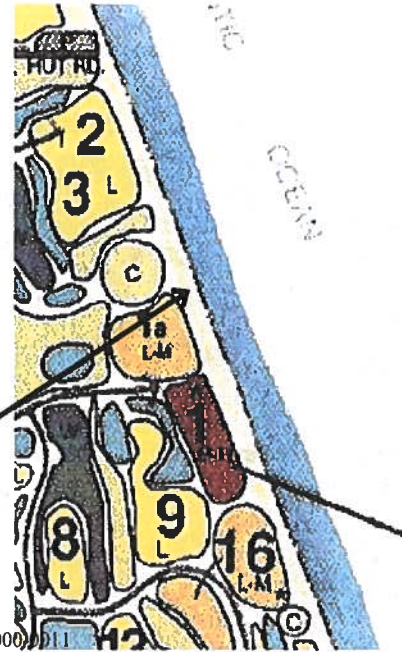
04-11-31-3513-00000-00B0

04-11-31-3512-00010-00G0

04-11-31-4900-00000-00C0

Hammock Dunes Golf Course and Hammock Dunes Condos
 Final Plat compared to 1998 Master Development Plan (Beach Preservation Area)

Coastal Setback Line



04-11-31-2984-00000-011

04-11-31-3014-00000-0002

04-11-31-2984-00000-0012

04-11-31-3210-00000-00C0

04-11-31-3210-00000-00C1

04-11-31-3201-00000-00B0

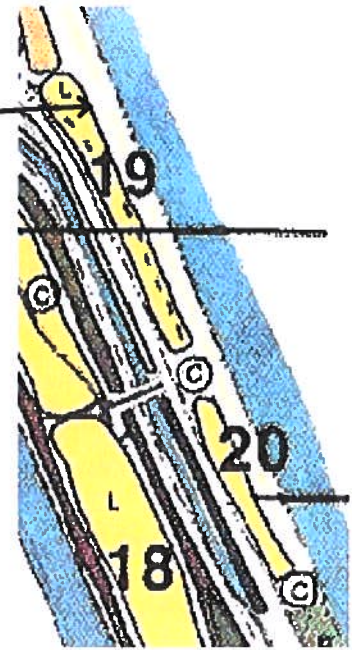
04-11-31-3012-00000-0001

04-11-31-1030-00000-00C0

04-11-31-5820-00000-00C0

Hammock Dunes Owners Association and Varn Park
Final Plat compared to 1998 Master Development Plan (Beach Preservation Area)

Coastal Setback Line



04-11-31-3200-00000-00F0

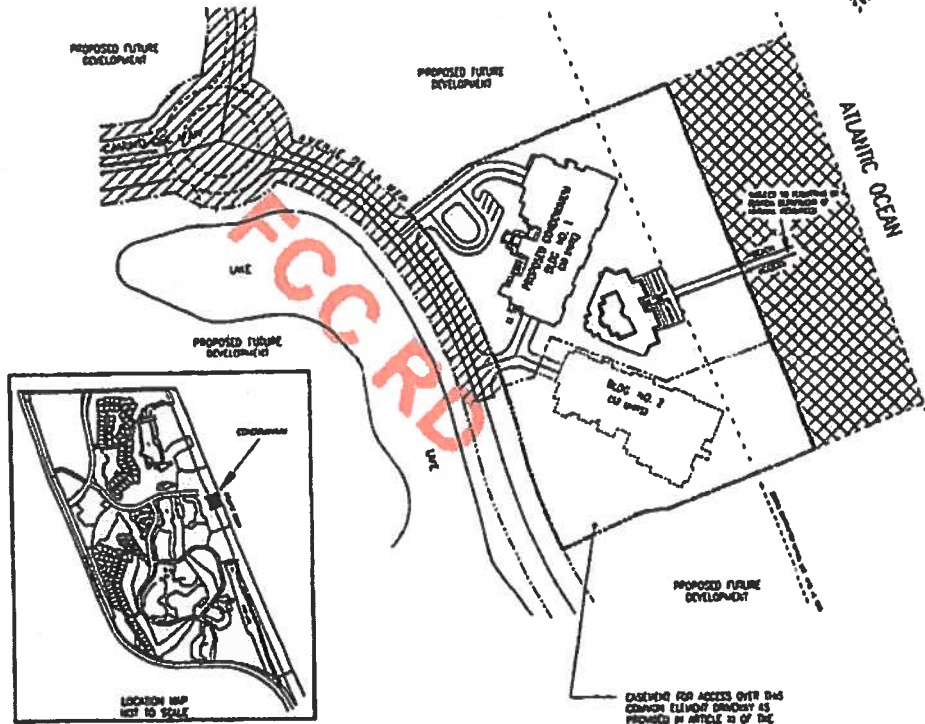
Deeds

Hammock Dunes DRI
Coastal Preservation Area
or
Coastal Setback Area

ADA DRI Coastal Parcels Analysis					
Owner	Description	Parcel Number	Length		
Flalger County	Malacompra Park	07-11-31-7085-01010-0010	2420		
Flalger County	Malacompra Road	no informarion	130		
Flalger County	Malacompra Park	07-11-31-7085-01010-0040	450		
Flalger County	Malacompra Park	04-11-31-2984-00000-00A1	1260		
				4260	0.81 miles
Flalger County	Old Salt Park	04-11-31-2984-00000-0100	80	80	0.02 miles
Flalger County	Jungle Hut Park	04-11-31-2984-00000-0082	25		
Flalger County	Jungle Hut Park	07-11-31-7085-01010-0030	172		
Flalger County	Jungle Hut Road	no informarion	71		
				268	0.05 miles
Flalger County	Varn Park	04-11-31-2984-00E11-0000	280		
Flalger County	Varn Park	15-11-31-0000-01110-0010	1140		
				1420	0.27 miles
<hr/>					
Flalger County TOTAL				6028	1.14 miles
<hr/>					
Hammock Beach Acquisition Group LLC	Ocean Course Preservation Parcel	04-11-31-2984-00GC0-8PP1	2510		
Hammock Beach Acquisition Group LLC	Ocean Course Preservation Parcel	04-11-31-2984-00GC0-8PP2	2060		
				4570	0.87 miles
Ocean Hammock Property Owners Assoc Inc	Cinnamon Beach Preservation Parcel	04-11-31-3513-00000-00B0	960		
Ocean Hammock Property Owners Assoc Inc	Cinnamon Beach Preservation Parcel	04-11-31-3512-00010-00G0	1123		
Ocean Hammock Property Owners Assoc Inc	Ocean Hammock Preservation Parcel	04-11-31-4900-00000-00C0	3600		
				5683	1.08 miles
Hammock Dunes Owners Association Inc	Hammock Dunes Club Golf Course	04-11-31-2984-00000-0011	325		
Hammock Dunes Owners Association Inc	Grande Mer	04-11-31-3014-00000-0002	984		
Hammock Dunes Owners Association Inc	Hammock Dunes Club Golf Course & Clubhouse	04-11-31-2984-00000-0012	769		
Hammock Dunes Owners Association Inc	Le Jardin Preservation Parcel	04-11-31-3210-00000-00C0	252		
Hammock Dunes Owners Association Inc	Savona Preservation Parcel	04-11-31-3210-00000-00C1	160		
Hammock Dunes Owners Association Inc	Portofino Preservation Parcel	04-11-31-3201-00000-00B0	425		
Hammock Dunes Owners Association Inc	La Grande Provinve Preservation Parcel	04-11-31-3012-00000-0001	548		
Hammock Dunes Owners Association Inc	Cambria Preservation Parcel	04-11-31-1030-00000-00C0	410		
Hammock Dunes Owners Association Inc	South Towers Preservation Parcel	04-11-31-5820-00000-00C0	1070		
Hammock Dunes Owners Association Inc	Playa del Sure & Carino le Mer Preservation Parcel	04-11-31-3200-00000-00F0	7313		
				12256	2.32 miles
				28537	5.40 miles

OFF 0473 PAGE 0232

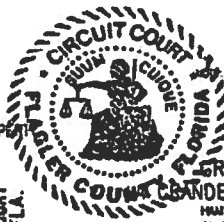
MAP C-8



- COMMON AREA, SANCTUARY
- COMMON AREA, ROADWAY
- RESIDENTIAL

MARMOCK OAKES OWNERS ASSOCIATION (MASTER OWNERS ASSOCIATION)
 MARMOCK OAKES OWNERS ASSOCIATION (MASTER OWNERS ASSOCIATION)
 MARMOCK OAKES OWNERS ASSOCIATION (MASTER OWNERS ASSOCIATION)

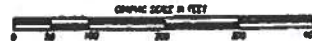
----- LIMITS OF CONDOMINIUM PROPERTY
 ----- SEPARATION LINE PHASE 1 & PROPOSED PHASE 2



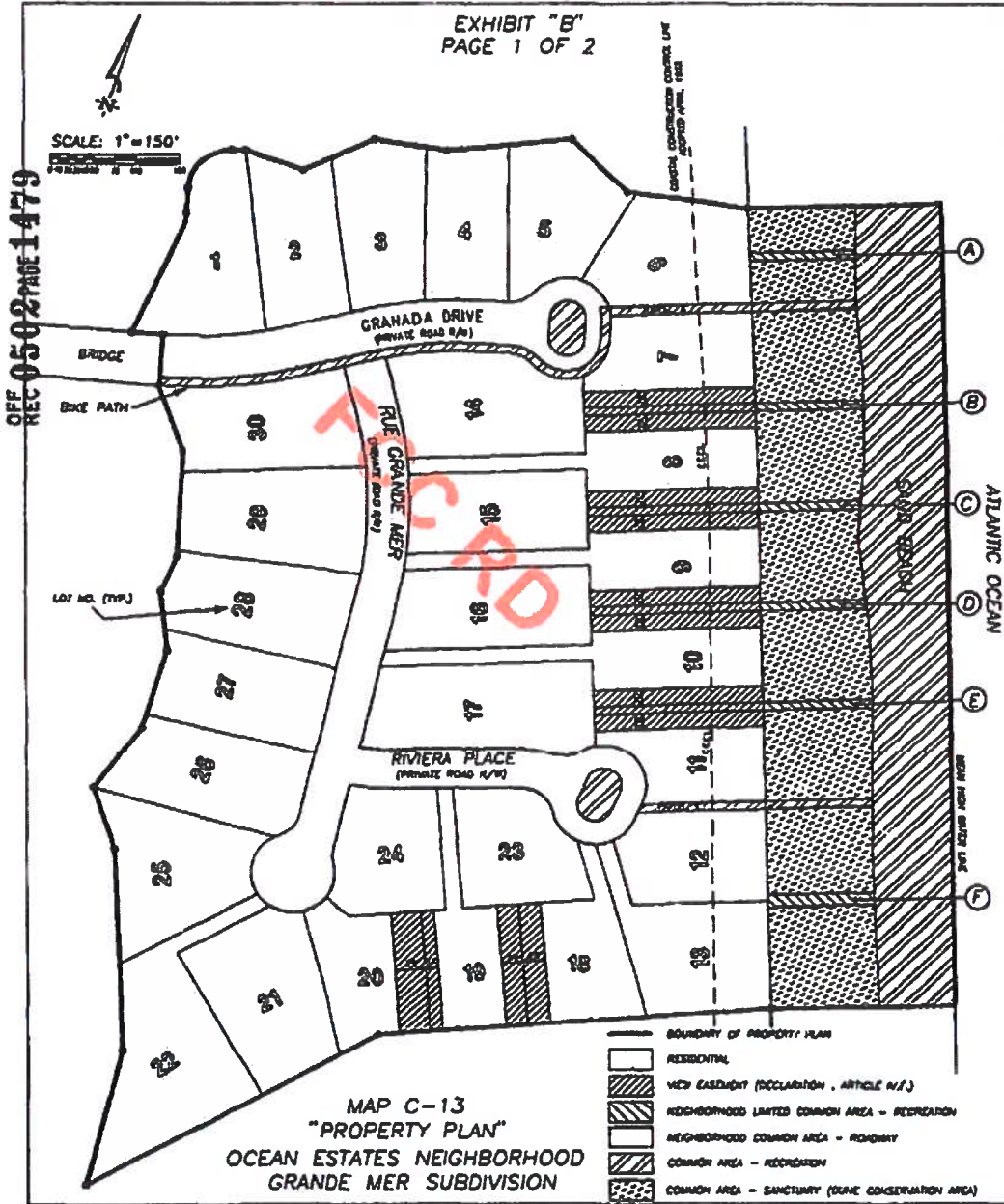
DESIGNED FOR ACCESS OVER THIS COMMON ELEMENT DRIVEWAY AS PROVIDED BY ARTICLE 10 OF THE DECLARATION OF CONDOMINIUM OF LA GRANDE PROVENCE, A CONDOMINIUM SUBJECT TO MODIFICATION

ALL IMPROVEMENTS SHOWN ARE PROPOSED UNLESS OTHERWISE INDICATED.

GRAPHIC RENDERING OF
 LA GRANDE PROVENCE, A CONDOMINIUM
 MARMOCK OAKES PRIVATE COMMUNITY
 SCALE: SEE GRAPHIC TITLE DATE: AUGUST 1, 1992



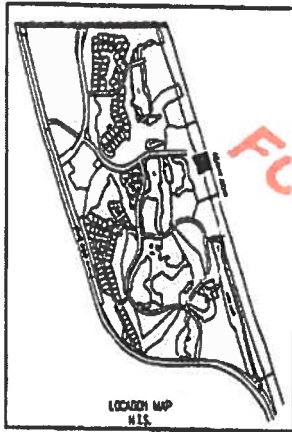
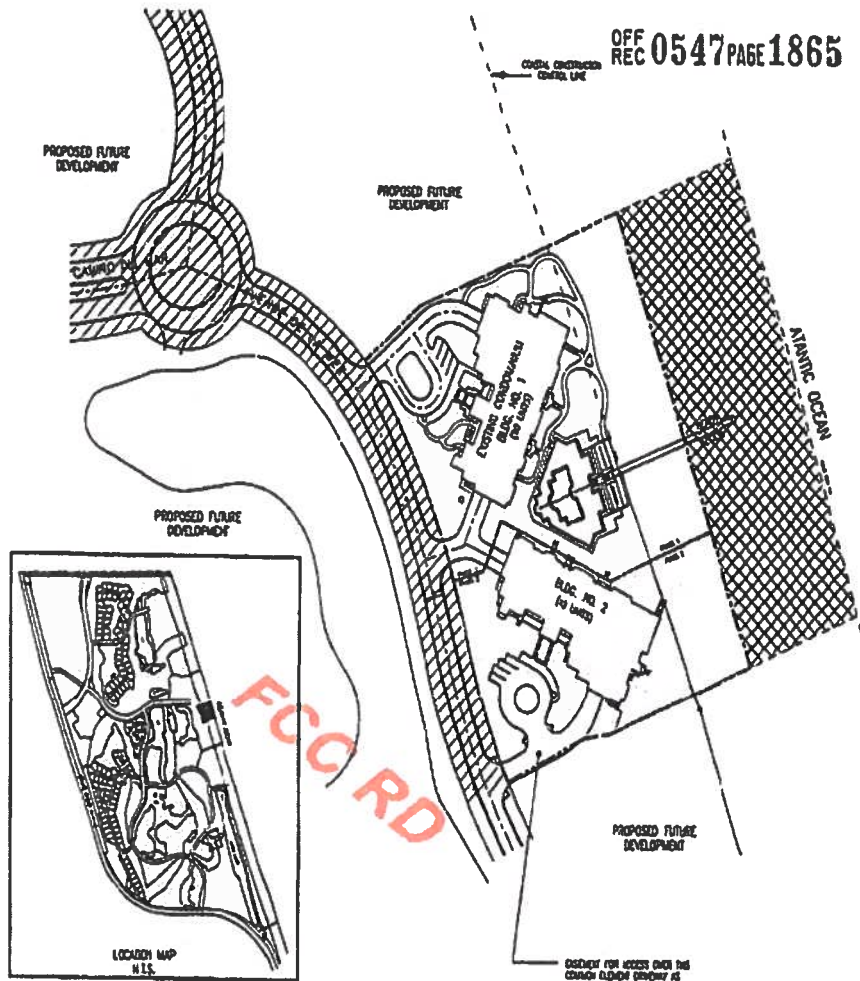
NO. 012125
 FILED & RECORDED
 O.R. BOOK 423 PAGE 333
 92 SEP 11 P. 1:27
 SHERIFF P. BAUER
 CLERK OF CIRCUIT COURT
 FLAGLER COUNTY, FLA.






Attachment B Page 1 of 2

MAP C-17



OFF REC 0547 PAGE 1865



-  COMMON AREA, SANCTUARY
HAMMOCK DUNES OWNERS ASSOCIATION (MASTER OWNERS ASSOCIATION)
-  COMMON AREA, ROADWAY
HAMMOCK DUNES OWNERS ASSOCIATION (MASTER OWNERS ASSOCIATION)
-  LA GRANDE PROVENCE, A CONDOMINIUM

ORDERED FOR ACCESS OVER THE COMMON AREA PROPERTY AS PROVIDED IN ARTICLE 11 OF THE DECLARATION OF CONDOMINIUM OF LA GRANDE PROVENCE, A CONDOMINIUM (SUBJECT TO REVISION)

NOTE: ALL IMPROVEMENTS SHOWN ARE PROPOSED UNLESS OTHERWISE INDICATED.

-  LIMITS OF CONDOMINIUM PROPERTY
-  SEPARATION LINE PHASE 1 & PROPOSED PHASE 2

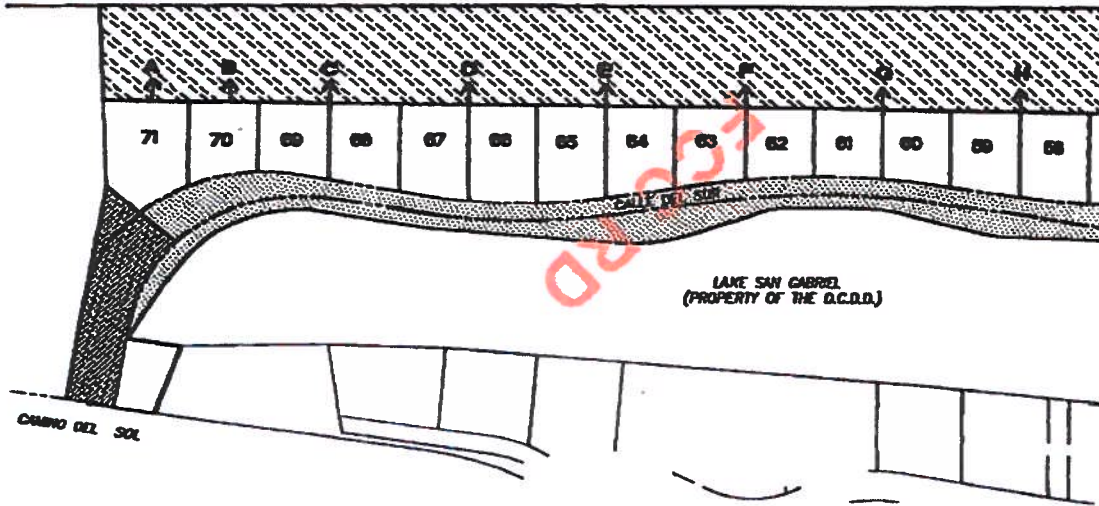
GRAPHIC RENDERING OF
LA GRANDE PROVENCE, A CONDOMINIUM
HAMMOCK DUNES PRIVATE COMMUNITY
SCALE: 1"=150' DATE: AUG. 13, 1998








Attachment "B"

OWNER BASED & TYPICAL MAP OF CITY OF MIAMI SPECIFICATIONS

KK

ATLANTIC OCEAN



- | | | | |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  | RESIDENTIAL (71 LOTS) |  | NEIGHBORHOOD COMMON AREA (ROADWAY AND LANDSCAPE AREA)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH PRESERVATION AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. |  | NEIGHBORHOOD LIMITED COMMON AREA
(DUNE WALKOVERS: 37)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (ROADWAY AND LANDSCAPE AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. |  | NEIGHBORHOOD LIMITED COMMON AREA
(COMMON ACCESS DRIVES: 10)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH ACCESS)
H.D. ASSOCIATES, L.P. | | |

OCEAN ESTATES NEIGHBORHOOD ASSOCIATION
REC 0740 PAGE 0927

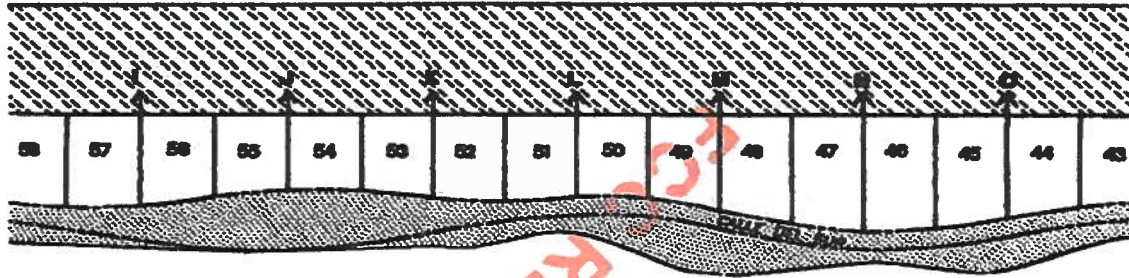
SHEET 1 OF 5

TWENTIETH SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAMMOCK DUNES PRIVATE COMMUNITY (CLUSTERS 16C, 19, AND 20)

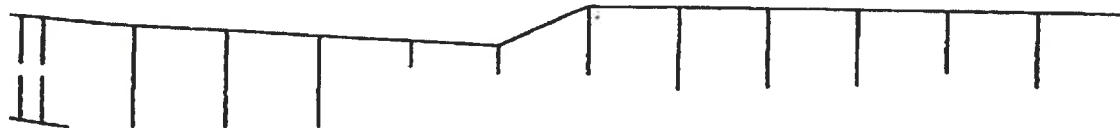
ATTACHMENT B
OVERALL PROPERTY PLAN










ATLANTIC OCEAN



LAKE SAN GABRIEL
(PROPERTY OF THE R.C.D.D.)



- | | | | |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  | RESIDENTIAL (71 LOTS) |  | NEIGHBORHOOD COMMON AREA (ROADWAY AND LANDSCAPE AREA)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH PRESERVATION AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. |  | NEIGHBORHOOD LIMITED COMMON AREA
(DUNE WALKERS: 37)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (ROADWAY AND LANDSCAPE AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. |  | NEIGHBORHOOD LIMITED COMMON AREA
(COMMON ACCESS DRIVES: 10)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH ACCESS)
H.D. ASSOCIATES, L.P. | | |

REF 0740 PAGE 0928

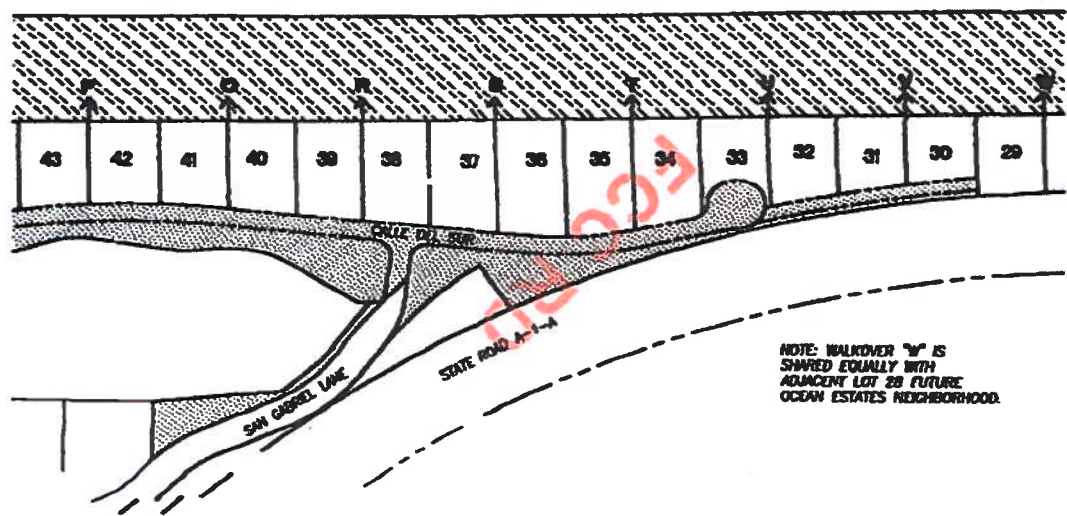
SHEET 2 OF 3

INTENT SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HAMMOCK DUNES PRIVATE COMMUNITY (CLUSTERS 16C, 19, AND 20)

ATTACHMENT B
OVERALL PROPERTY PLAN



ATLANTIC OCEAN



NOTE: WALKOVER "W" IS SHARED EQUALLY WITH ADJACENT LOT 28 FUTURE OCEAN ESTATES NEIGHBORHOOD.

- RESIDENTIAL (71 LOTS)
- COMMON AREA (BEACH PRESERVATION AREA) HAMMOCK DUNES OWNERS ASSOCIATION, INC.
- COMMON AREA (ROADWAY AND LANDSCAPE AREA) HAMMOCK DUNES OWNERS ASSOCIATION, INC.
- COMMON AREA (BEACH ACCESS) H.D. ASSOCIATES, L.P.
- NEIGHBORHOOD COMMON AREA (ROADWAY AND LANDSCAPE AREA) OCEAN ESTATES NEIGHBORHOOD ASSOCIATION
- ↑ NEIGHBORHOOD LIMITED COMMON AREA (DUNE WALKOVERS: 37) OCEAN ESTATES NEIGHBORHOOD ASSOCIATION
- ~ NEIGHBORHOOD LIMITED COMMON AREA (COMMON ACCESS DRIVES: 10) OCEAN ESTATES NEIGHBORHOOD ASSOCIATION

REC 0740 PAGE 0929

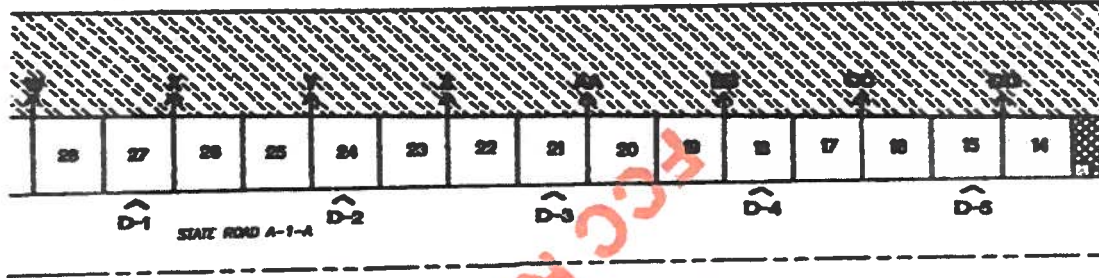
SHEET 3 OF 3

TWENTYFIVE SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAMMOCK DUNES PRIVATE COMMUNITY (CLUSTERS 16C, 19, AND 20)






ATTACHMENT B
OVERALL PROPERTY PLAN



ATLANTIC OCEAN



NOTE: WALKOVER "B" IS SHARED EQUALLY WITH ADJACENT LOT 29 OCEAN ESTATES NEIGHBORHOOD.

- | | | | |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  | RESIDENTIAL (71 LOTS) |  | NEIGHBORHOOD COMMON AREA (ROADWAY AND LANDSCAPE AREA)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH PRESERVATION AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. | ↑ | NEIGHBORHOOD LIMITED COMMON AREA
(DUNE WALKOVERS: 37)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (ROADWAY AND LANDSCAPE AREA)
HAMMOCK DUNES OWNERS ASSOCIATION, INC. | ∧ | NEIGHBORHOOD LIMITED COMMON AREA
(COMMON ACCESS DRIVES: 10)
OCEAN ESTATES NEIGHBORHOOD ASSOCIATION |
|  | COMMON AREA (BEACH ACCESS)
H.O. ASSOCIATES, L.P. | | |

REF 0740 PAGE 0930

TWENTIETH SUPPLEMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAMMOCK DUNES PRIVATE COMMUNITY (CLUSTERS 16C, 19, AND 20)

ATTACHMENT B
OVERALL PROPERTY PLAN

SHEET 4 OF 5

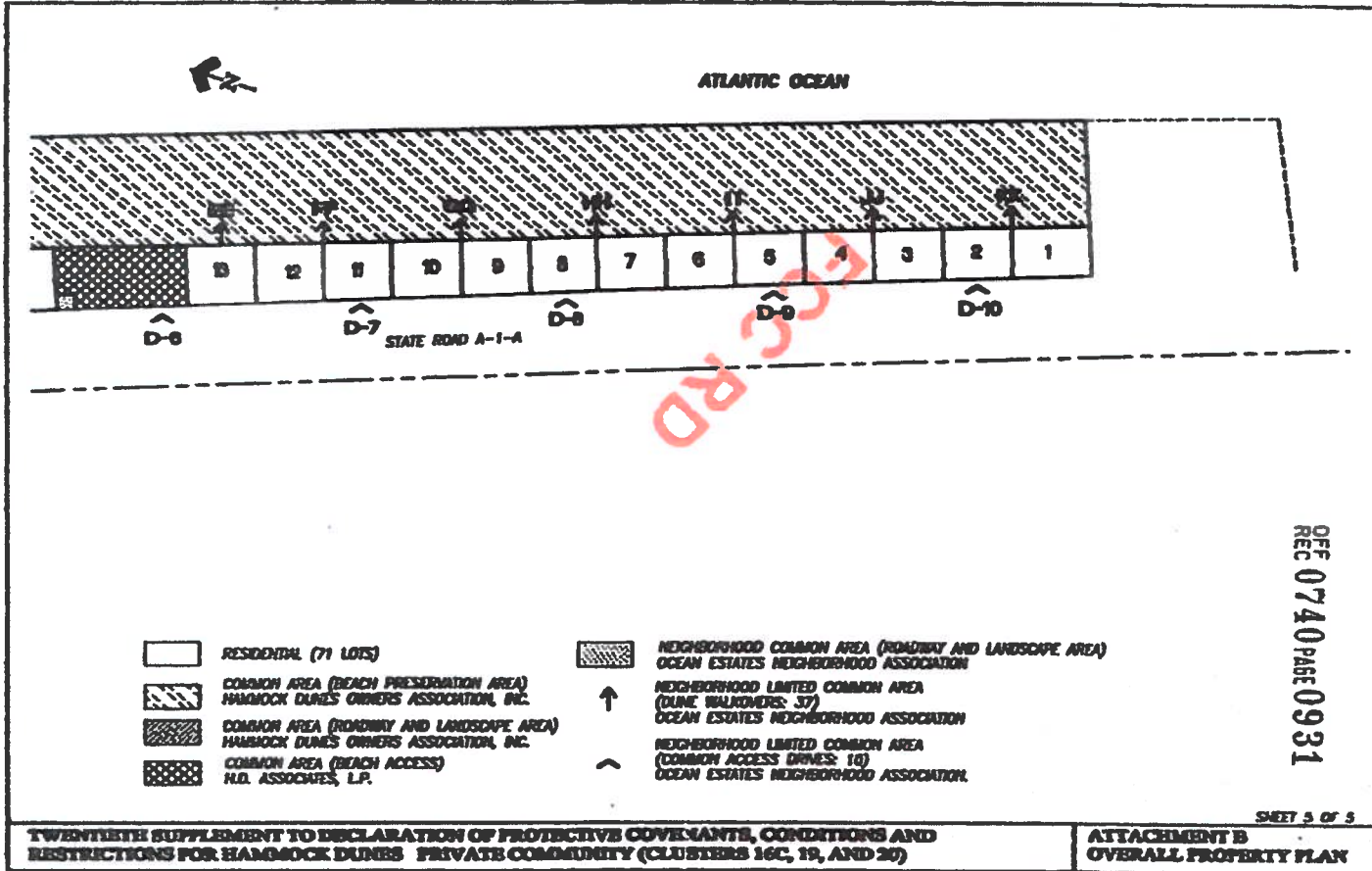


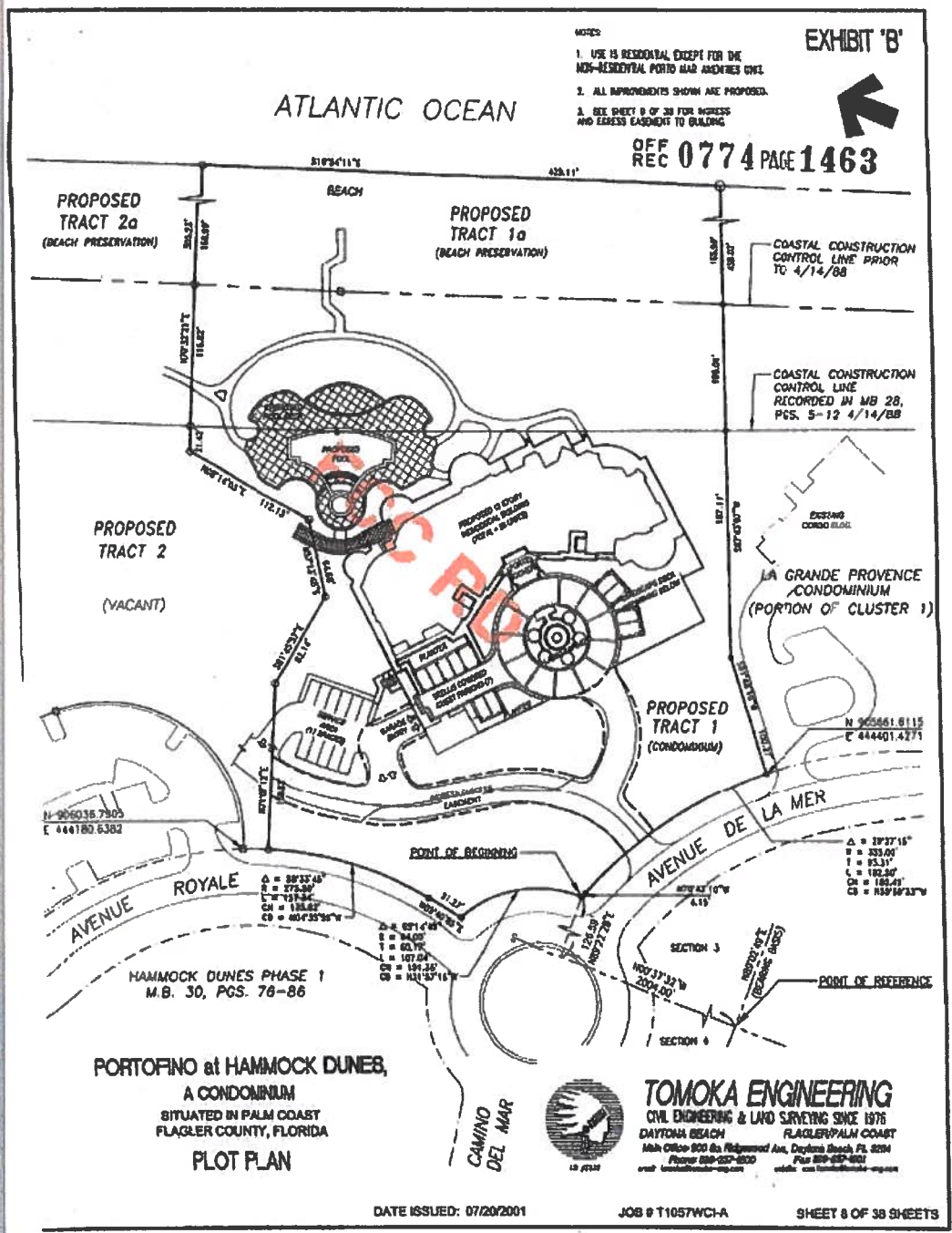
EXHIBIT 'B'



- NOTES
1. USE IS RESIDENTIAL, EXCEPT FOR THE NON-RESIDENTIAL PORTO MAR APARTMENT BLDG.
 2. ALL IMPROVEMENTS SHOWN ARE PROPOSED.
 3. SEE SHEET 8 OF 38 FOR ACCESS AND EGRESS EASEMENT TO BUILDING.

OFF REC 0774 PAGE 1463

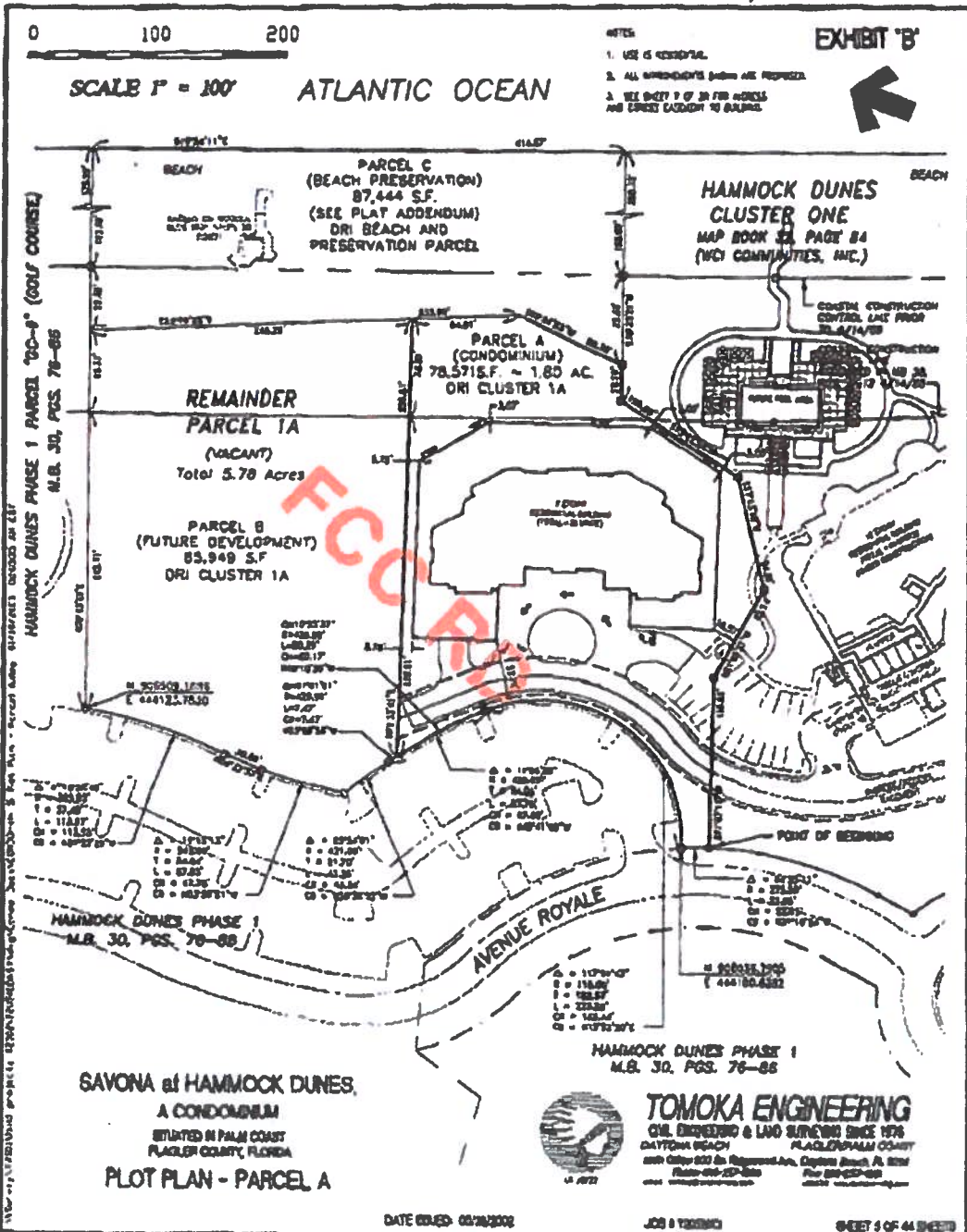
ATLANTIC OCEAN



PORTOFINO at HAMMOCK DUNES,
 A CONDOMINIUM
 SITUATED IN PALM COAST
 FLAGLER COUNTY, FLORIDA
PLOT PLAN



TOMOKA ENGINEERING
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 800 So. Ridgeland Ave., Daytona Beach, FL 32114
 Phone: 386-257-8200 Fax: 386-257-8001
 e-mail: tom@tomoka-engineering.com website: www.tomoka-engineering.com

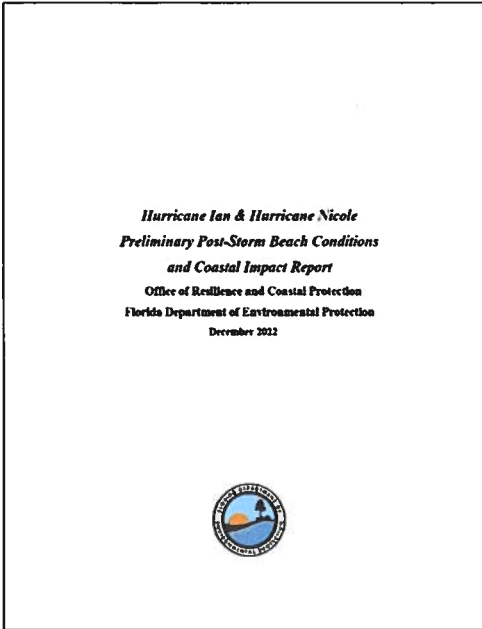


SAVONA at HAMMOCK DUNES,
 A CONDOMINIUM
 SITUATED IN PALM COAST
 FLAGLER COUNTY, FLORIDA
PLOT PLAN - PARCEL A

TOMOKA ENGINEERING
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1978
 DAYTONA BEACH, FLORIDA
 407-255-1111
 407-255-1112

EXHIBIT C

**Office of Resilience, Florida Department of Environmental Protection
Hurricane Ian & Hurricane Nicole
Preliminary Post-Storm Beach Conditions and Coastal Impact Report**



*Florida Department of Environmental Protection
Hurricane Ian & Hurricane Nicole - Preliminary Post-Storm Beach Conditions and Coastal Impact Report*

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Flagler County 69

V. Hurricane Ian and Hurricane Nicole Impact Summary and Overview

This section provides a summary of the beach and dune erosion, and structural damage, that occurred in the more substantially affected coastal counties. Table 1 lists beach and dune erosion conditions around the state of Florida, starting with southwest Florida from Sarasota County and continuing southward through Collier County, and then crossing to the east coast of Florida starting from St. Johns County and continuing southward through Martin County. Areas with no erosion are listed as 0 in Table 1. Reference or Range (“R”) monuments are survey markers established and maintained since 1972 by the Department that are spaced approximately every 1000 feet to measure beach and dune conditions. A graphic depiction of the classification of beach erosion conditions is provided in Figure 11.

Table 1. Beach and Dune Erosion Summary (Preliminary).

Flagler County

Locations	Range Monuments	Erosion Condition
Marineland	R1 – R3	IV
Marineland	R3 – R5	III
Matanzas Shores	R5 – R13	II
Washington Oaks State Park	R13 – R15	III
North Flagler County	R15 – R19	II
North Flagler County	R19 – R20	III
North Flagler County	R20 – R21	IV
Malacompa Park	R21 – R22	II
Malacompa Park	R22 – R23	IV
Ocean Hammock Beach	R23 – R27	II
Hammock Dunes Beach	R27 – R30	III
Hammock Dunes Beach	R30 – R34	II
Hammock Dunes Beach	R34 – R35	III
Hammock Dunes Beach	R35 – R45	IV
Hammock Dunes Beach	R45 – R46	III
Varn Park	R46 – R49	IV
Painters Hill	R49 – R50	III
Painters Hill	R50 – R53	IV
Painters Hill	R53 – R59	III
Beverly Beach	R59 – R62	II
Beverly Beach/ Flagler Beach	R62 – R70	IV
Flagler Beach	R70 – R71	II
Flagler Beach	R71 – R75	I
Flagler Beach	R75 – R78	II
Flagler Beach	R78 – R79	III
Flagler Beach	R79 – R100/CL	IV

Hammock Dune Owners Association (HDOA) includes R-35 to R-48 Erosion Condition III and IV
 Highlighting above added by HDOA
 See map below in Figure 61

*Florida Department of Environmental Protection
 Hurricane Ian & Hurricane Nicole - Preliminary Post-Storm Beach Conditions and Coastal Impact Report*

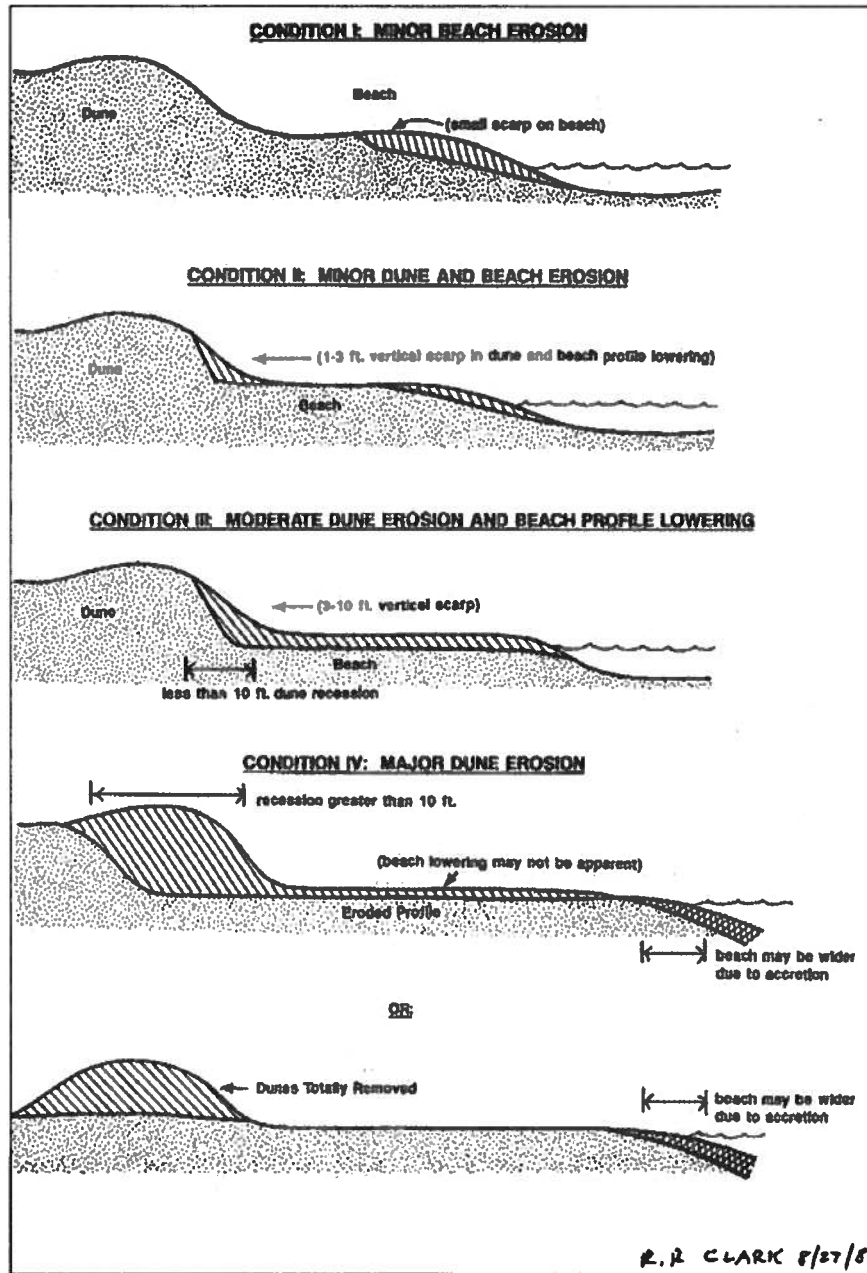


Figure 11. Beach Erosion Conditions I to IV.

Flagler County

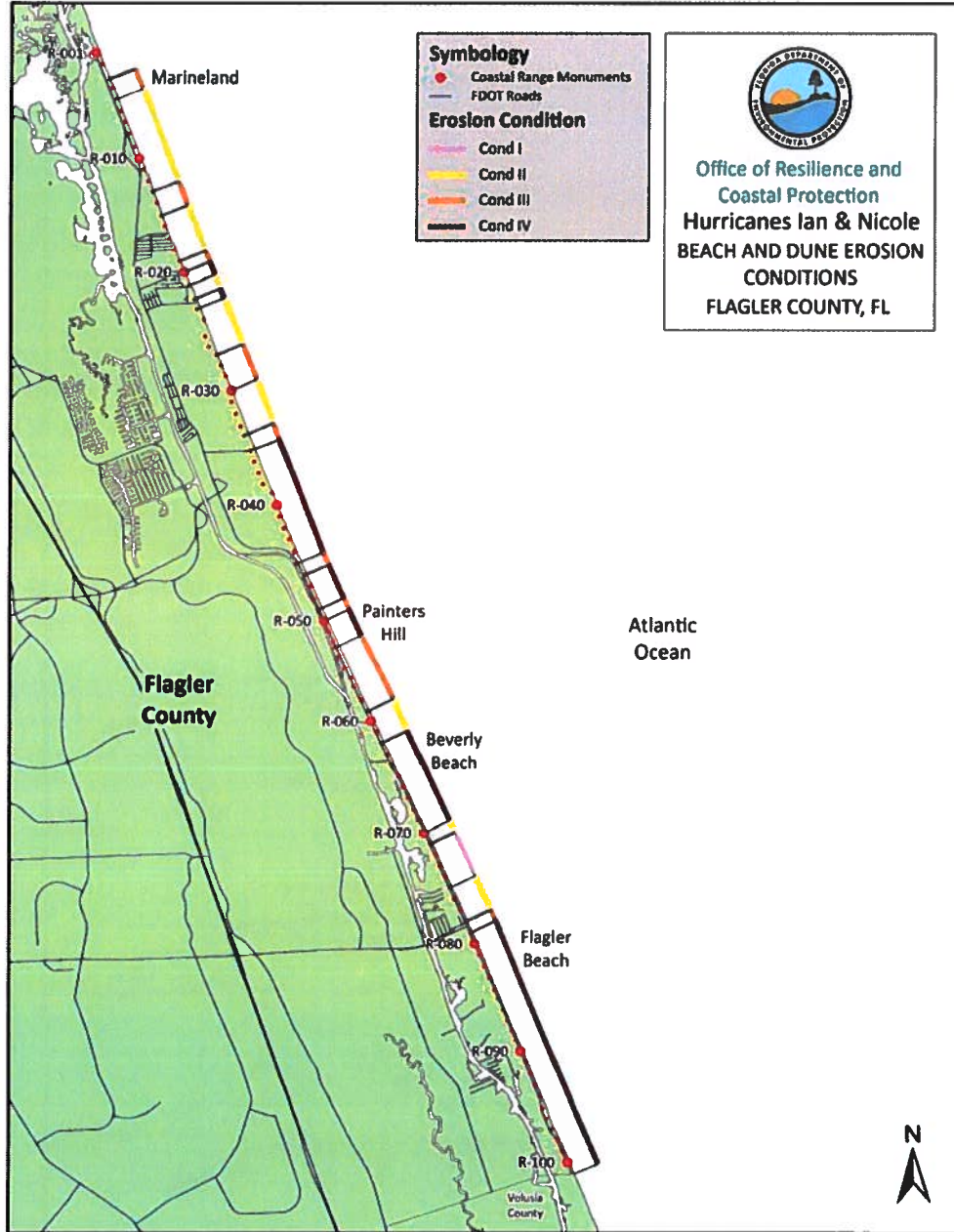
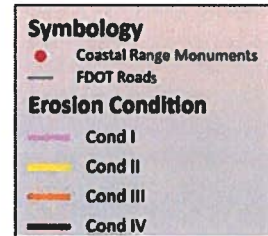
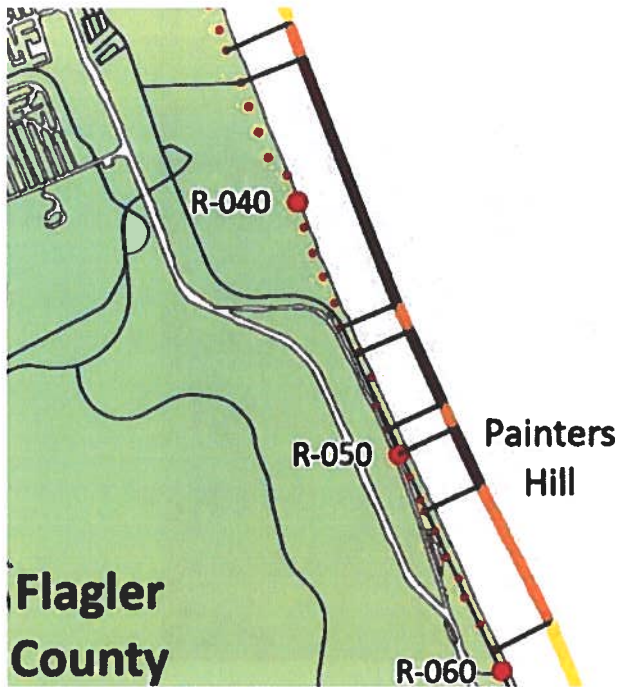


Figure 61. Flagler County Beach and Dune Erosion Conditions from Hurricanes Ian and Nicole.

Details from Figure 61 map and Figure 11 with annotations by HDOA:

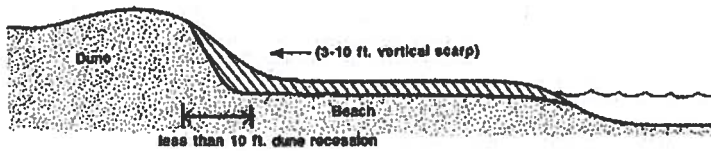


Florida Department of Environmental Protection
 Watershed Use & Watershed Study - Preliminary Preliminary Beach Condition and Coastal Impact Report

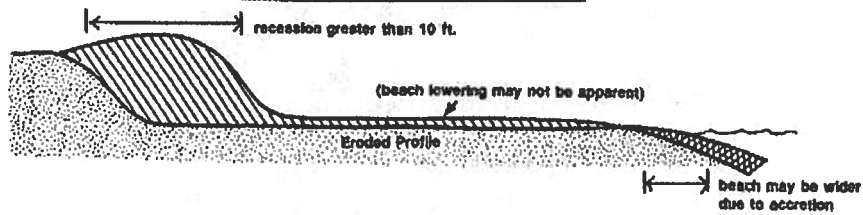


Figure 61. Flagler County Beach and Dune Erosion Conditions from Watershed Use and Study

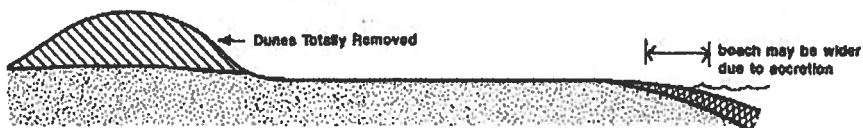
CONDITION III: MODERATE DUNE EROSION AND BEACH PROFILE LOWERING



CONDITION IV: MAJOR DUNE EROSION



OR:



Most of the HDOA shoreline in Condition IV: Major Dune Erosion



Figure 64. Ocean Hammock after Hurricane Nicole (R-37).

Correction by HDOA: The condos here are Hammock Dunes (HDOA) R-37 is correct



Figure 65. Major beach and dune erosion at Ocean Hammock after Hurricane Ian (R-38).

Correction by HDOA: The condos here are Hammock Dunes (HDOA) R-38 is correct

EXHIBIT D: existing USACE Perpetual Easement (red text may be required edits)

In consideration of the mutual benefits to be derived from the permitted uses described below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR does hereby bargain, convey, and grant a perpetual and assignable easement and right-of-way in, on, over, and across the land described in EXHIBIT A, attached hereto and made an part hereof (the "Easement Area"), for use by the GRANTEE/Administrator, its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system, a Preservation Area; and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic, re-nourishment and maintenance of the Flagler County, Florida, Specific New USACE Beach/Dune Restoration Project (the "Project"), together with right of public use and access; to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas; to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the Easement Area.

Reserving, however to the GRANTOR, (his) (her) (its) (their) heirs, successors and assigns, the right to construct dune overwalk structure in accordance with any applicable Federal, State or Local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension, or function, and that prior approval of the plans and specifications for such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the Project; and further reserving to GRANTOR, and (his) (her) (its) (their) heirs, successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, railroads and pipelines.

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

GRANTOR

By: _____

Print Name: _____

By: _____

Print Name: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___ physical presence or ___ online notarization this ___ day of _____, 2022, by _____, who is personally known to me or has produced _____ as identification.

(SEAL)

Signature of Notary Public

(Typed or printed name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___ physical presence or ___ Online notarization this ___ day of _____, 2022, by _____, who is personally known to me or has produced _____ as identification.

(SEAL)

Signature of Notary Public

(Typed or printed name)

PERMIT NUMBER: SAJ-2017-01052

PERMITTEE: Hammock Dunes Homeowners' Association

EXHIBIT E: Grantor's Joint Coastal Permit, with imbedded Preservation Area and future revisions for sea bed sand and ECL requirements

DEPARTMENT OF THE ARMY PERMIT

Permittee: Hammock Dunes Owners' Association, Inc.

Attention: Ralph Dumke

21 Montilla Place

Palm Coast, Florida 32137

Permit No: SAJ-2017-01052 (SP-TMM)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The Permittee is authorized to discharge approximately 8,000 cubic-yards of upland sourced sand waterward of the high tide line, but landward of the mean high-water line, along a 2.3-mile shoreline between FDEP monuments R-35.1 and R-47.9 for a 10-year authorization. The dune design is intended to replicate dune conditions that existed prior to erosion caused by Hurricane Matthew (2016), Irma (2017), and Dorian (2019).

Maintenance Events: The applicant seeks authorization for up to 4 maintenance events to occur over the 10-year life of the permit. The estimated volume per maintenance event is approximately 25,000-cubic-yards in waters of the United States (404 areas landward of the mean high-water line and waterward of the mean high tide line).

Dune Template: All sand placements would occur above the mean high-water line (+1.52 ft, NAVD88), but below the high tide line. Upon completion of sand placement, the upper area of the dune would be planted with appropriate salt-tolerant vegetation, concurrent with that of the native dune. It is acknowledged that future fill sand and vegetation needs/quantities may vary at the time of construction and would be updated with a pre-construction survey. The proposed sand dune template for this project is consistent with the pre-Matthew dune configuration and the recommended template of the United States Fish and Wildlife Service (USFWS) Statewide Programmatic Biological Opinion 2015 (SPBO). The project features a varying dune crest width

elevations approximately equal to the pre-Matthew dune profile (typically +17 to +22 ft NAVD88), a seaward slope of 1(v):1.5(h) to elevation +14.0 ft, and thence sloping at 1(v):5(h) to intersect the existing (April 2021) beach profile grade above the MHW line. The project would seek to minimize impacts to mature dune vegetation where feasible.

Sand Sources: Material for the dune project would be obtained from upland sand mines that are identical to and previously identified in Coastal Construction Control Line (CCCL) Permit FL-410. Sand from upland mines would be obtained from one or more commercial mines in north and central Florida. The five proposed mines include: (1) Vulcan – Goldhead; (2) Vulcan – Keuka; (3) Vulcan – Grandin; (4) Cemex – Davenport; and (5) E.R. Jahna – Independent North. Sand from the upland mines would be transported to beach access points along the Hammock Dunes shoreline by highway trucks. The material would be temporarily stored at the access points and re-handled to off-road trucks for transport to the required fill locations. Once material is placed on the beach it would be graded and shaped to the required configuration, according to the prescribed construction template. It is anticipated that additional consolidation and compaction of the beach fill would occur following initial placement. To accommodate this, the requisite (“in-place”) fill volume may be sized appropriately based on the anticipated compaction of the bulked upland material. The degree of mechanical and natural consolidation of material following placement is not expected to have an adverse effect on sea turtle nesting conditions. Nonetheless, standard post-construction compaction monitoring and tilling conditions of the SPBO would be followed. The work described above is to be completed in accordance with the 25 pages of drawings (Attachment 1) and 8 attachments affixed at the end of this permit instrument.

Project Location: The project would affect waters of the United States associated with the Atlantic Ocean. The project site is located along 2.3 miles of shoreline of the Atlantic Ocean between Jungle Hut Road and Varn Park, which is between Florida Department of Environmental Protection (FDEP) Coastal Range (R) Monuments R-35.1 and R-47.9, in Sections 3, 4, 10, 15, Township 11 South, Range 31 East, Palm Coast, Flagler County, Florida.

Directions to site: From Flagler Beach Florida (south of site): Drive north on Florida A1A for 5.3 miles toward Varn Park. Varn Park is the southern limit of the project site. To reach the northern limit of the project site, continue north on A1A for 3.1 miles and turn right onto Jungle Hut Road. Continue east on Jungle Hut Road for 0.7 miles to reach Jungle Hut Park (northern limit of project). The project site is the 2.3-mile shoreline reach bounded to the north by Jungle Hut Park and the south by Varn Park. These limits are approximately Florida Department of Environmental Protection Coastal Range Monuments R-35.1 to R-47.9.

Approximate Central Coordinates:

Site Locations	Latitude	Longitude	Range Monument
North End	29.584209°	-81.176472°	R-35.1
South End	29.552629°	-81.162594°	R-47.9

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **time to be determined by the Corps**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2017-01052 (SP-TMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed "Commencement Notification" form (Attachment 4).

3. **Cultural Resources/Historic Properties:**

a. No structure or work shall adversely affect, impact, or disturb properties listed in the National Register of Historic Places (NRHP), or those eligible for inclusion in the NRHP.

b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps at the addresses listed in the **Reporting Address Special Condition** within the same business day (8 hours). The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with

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36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

4. Archaeology Reconnaissance Survey and Buffer: A professional archeologist who meets the "Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines" shall conduct a visual reconnaissance of the project footprint (within a 300 meter buffer of the recorded location of site 8FL0929, the Bond Wheeler Wreck Attachment 5) immediately prior to the start of the heavy equipment operation/sand nourishment activities to insure that no significant archaeological deposits are exposed. Should potentially significant archaeological deposits (which shall include, but not be limited to: timbers and metal components associated with shipwrecks, pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), be encountered, any proposed work in the area will not proceed within a 50-meter diameter of the discovery to allow for proper assessment, recording, and recovery of the cultural deposits in a professional manner. The archeologist on site shall notify the Permittee, SHPO, and the Corps Regulatory Project Manager the same business day (8-hours) to assess the significance of the discovery and devise appropriate actions, including salvage operations. Upon completion of the monitoring activities, an archaeological letter must be submitted to Florida's Division of Historical Resources, along with an updated Florida Master Site File form. The archeologist shall submit notification of such action, in the form of the Cultural Resource Certification to the Corps and RDArcheologist for inclusion in the administrative record.

5. **Mean Grain Size and Silt Content:** The Permittee shall utilize the following upland sand mines: (1) Vulcan – Goldhead; (2) Vulcan – Keuka; (3) Vulcan – Grandin; (4) Cemex – Davenport; and (5) E.R. Jahna – Independent North. The sand will have a mean grain size between 0.20 mm and 0.40 mm and a silt content of no more than 2%, per the June 18, 2021 *Sediment Quality Assurance/Quality Control Plan* (Attachment 3).
6. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.
7. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.
8. **Statewide Programmatic Biological Opinion (SPBO):** This permit does not authorize the Permittee to take an endangered species, in particular sea turtles. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with “incidental take” provisions with which you must comply). The U.S. Fish and Wildlife Service (USFWS) **SPBO** contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the incidental take statement set forth in the BO. Authorization under this permit is conditioned upon compliance with all of the mandatory terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the enclosed BO, which are incorporated by reference in this permit. Failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the BO, would constitute noncompliance with this permit. In addition, failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the BO, where a take of a listed species occurs, would constitute an unauthorized take. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.
9. **Piping Plover Programmatic Biological Opinion (P³BO):** This permit does not authorize the Permittee to take an endangered species, in particular piping plover. In order to legally take a listed species, the Permittee must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a BO under ESA Section 7, with “incidental take” provisions with which you must comply).

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The U.S. Fish and Wildlife Service (USFWS) P³BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the incidental take statement set forth in the BO. Authorization under this permit is conditioned upon compliance with all of the mandatory terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the enclosed BO, which are incorporated by reference in this permit. Failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the BO, would constitute noncompliance with this permit. In addition, failure to comply with the terms and conditions and reasonable and prudent measures associated with the incidental take statement set forth in the BO, where a take of a listed species occurs, would constitute an unauthorized take. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

10. **Eastern Indigo Snake Protection Measures and Inspection:** Permittee shall comply with U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated August 12, 2013, as provided in Attachment 6 of this permit. All gopher tortoise burrows, active or inactive, shall be evacuated prior to site manipulation in the vicinity of the burrow. If excavating potentially occupied burrows, active or inactive, individuals must first obtain state authorization via a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent permit. The excavation method selected shall minimize the potential for injury of an indigo snake. The Permittee shall follow the excavation guidance provided in the most current FWC Gopher Tortoise Permitting Guidelines found at <http://myfwc.com/gophertortoise>. If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Holes, cavities, and snake refugia other than gopher tortoise burrows shall be inspected each morning before planned site manipulation of a particular area, and if occupied by an indigo snake, no work shall commence until the snake has vacated the vicinity of the proposed work.

11. **Migratory Birds:** Florida Fish and Wildlife Conservation Commission (FWC) standard guidelines to protect against impacts to nesting shorebirds (Attachment 7) during implementation of this project during the periods from February 15 to August 31.

12. **As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification by Professional Engineer or Surveyor" form (Attachment 8) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer or surveyor and include the following:

- a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with an overlay of the work as constructed. The plan view drawing should show all existing water management structures and the

completed structures, dredge/fill activities, and wetland impacts.

- b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification by Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification by Professional Engineer" form does not constitute approval of any deviations by the Corps.
- c. The Department of the Army permit number on all sheets submitted.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344)
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)
 - () Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

PERMIT NUMBER: SAJ-2017-01052

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a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in

PERMIT NUMBER: SAJ-2017-01052

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certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: SAJ-2017-01052

PERMITTEE: Hammock Dunes Homeowners' Association

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for: JAMES L. BOOTH Colonel,
U.S. Army
District Commander

Date: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be

PERMIT NUMBER: SAJ-2017-01052

PERMITTEE: Hammock Dunes Homeowners' Association

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binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

***Attachments to Department of the Army
Permit Number SAJ-2017-01052***

PERMIT NUMBER: SAJ-2017-01052

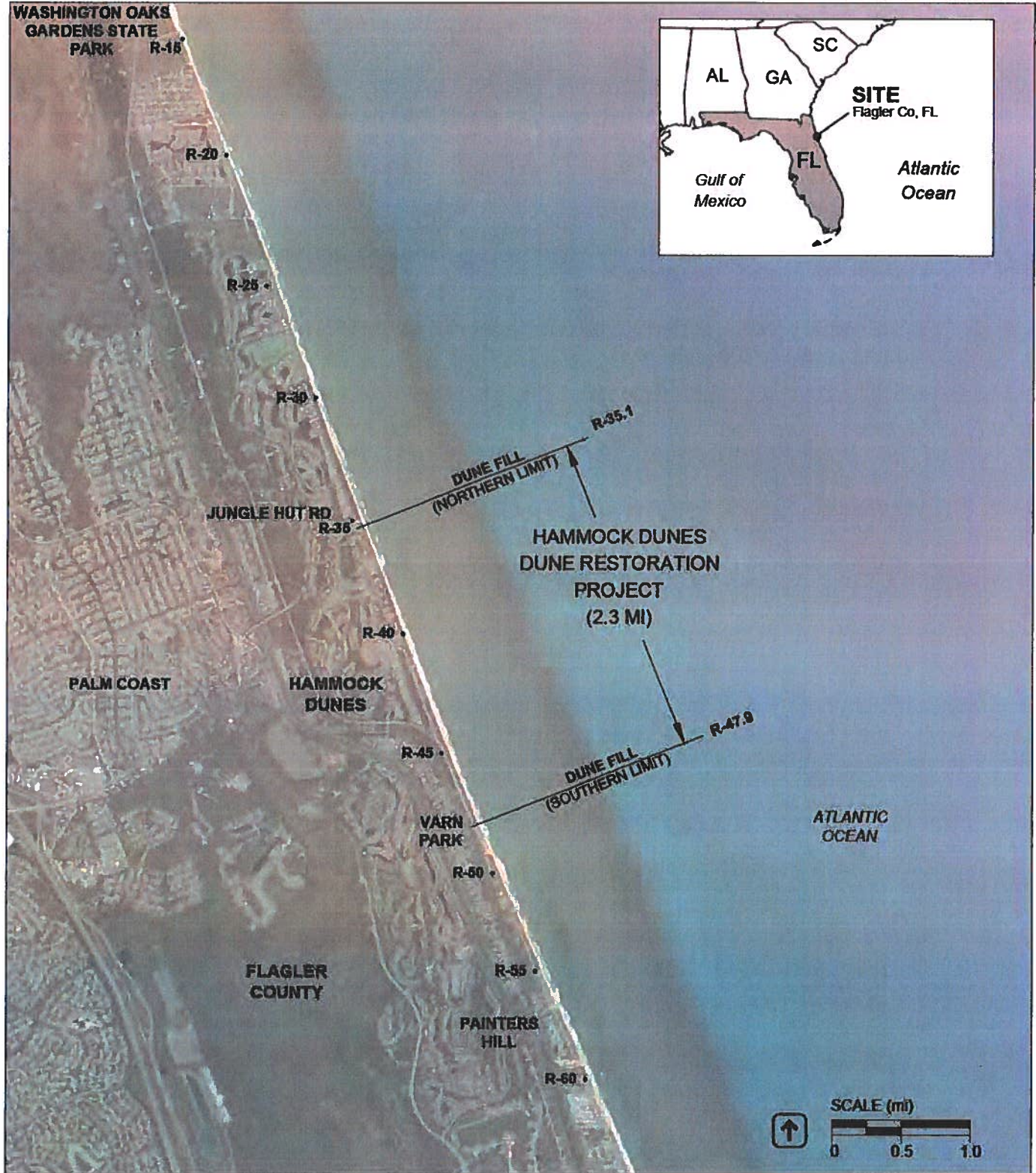
PERMITTEE: Hammock Dunes Homeowners' Association

PAGE 93 of 11

1. PERMIT DRAWINGS: 25 pages, dated July 15, 2021
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 24 pages.
3. SEDIMENT QUALITY ASSURANCE/QUALITY CONTROL PLAN: 7 pages dated June 18, 2021
4. COMMENCEMENT NOTIFICATION: 1 page
5. ARCHAEOLOGY RECONNAISSANCE BUFFER MAP: 1 page
6. EASTERN INDIGO SNAKE CONDITIONS: 3 pages
7. FWC STANDARD GUIDELINES TO PROTECT AGAINST IMPACTS TO NESTING SHOREBIRDS: 5 pages
8. AS-BUILT CERTIFICATION FORM: 2 pages

FLAGLER COUNTY, FL

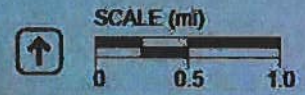
FOR PURPOSES OF PERMIT ONLY
NOT FOR CONSTRUCTION



NOTES:

- 1. AERIAL PHOTO: NOV 2019 (GOOGLE)

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 Range: 31 E
 Section: 3, 4, 10, 15

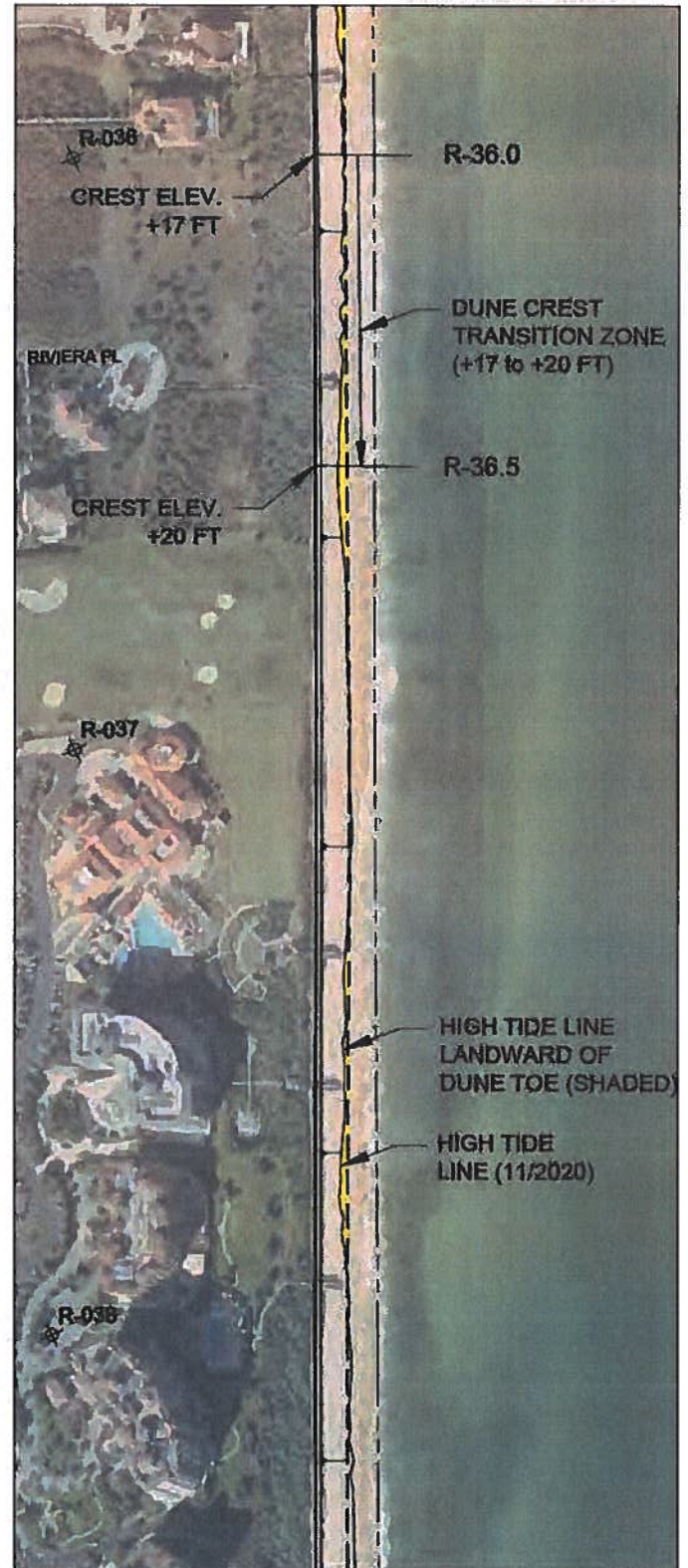
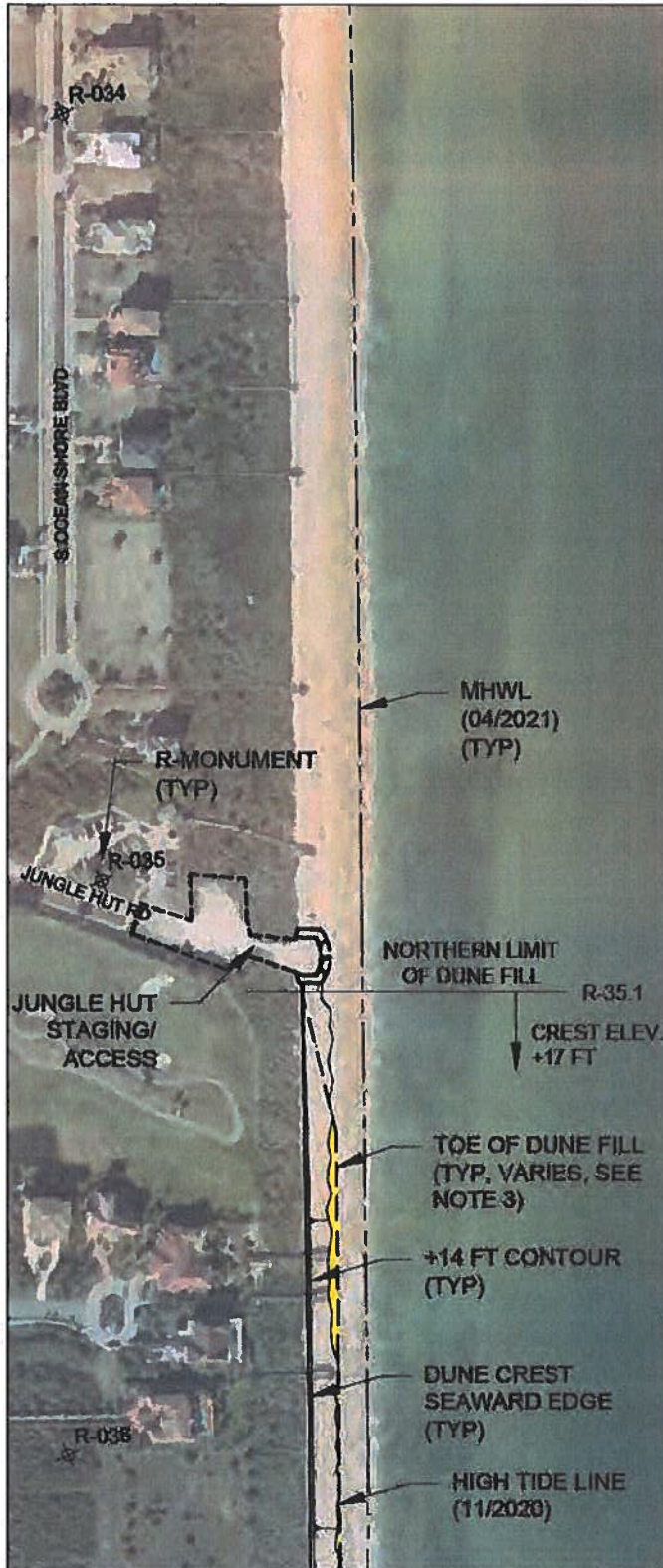


olsen
 associates inc.
 2618 Herschel Street
 Jacksonville FL 32204
 (904) 387-6114
 COA No. 3491

FLAGLER COUNTY, FL
 HAMMOCK DUNES
 DUNE RESTORATION PROJECT

LOCATION MAP

REV	DATE:	07/15/21
		DRAWN BY: ML
		SHEET 1 of 14

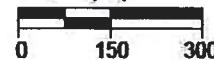


NOTES:

1. AERIAL IMAGE: JAN 2020
2. ELEVATIONS RELATIVE TO VERTICAL DATUM NAVD88
3. DUNE TOE LOC. VARIES WITH CONDITIONS AT TIME OF CONSTRUCTION
SAND WILL NOT BE PLACED SEAWARD OF MHWL



SCALE (FT)



Latitude: 29° 34.0' N
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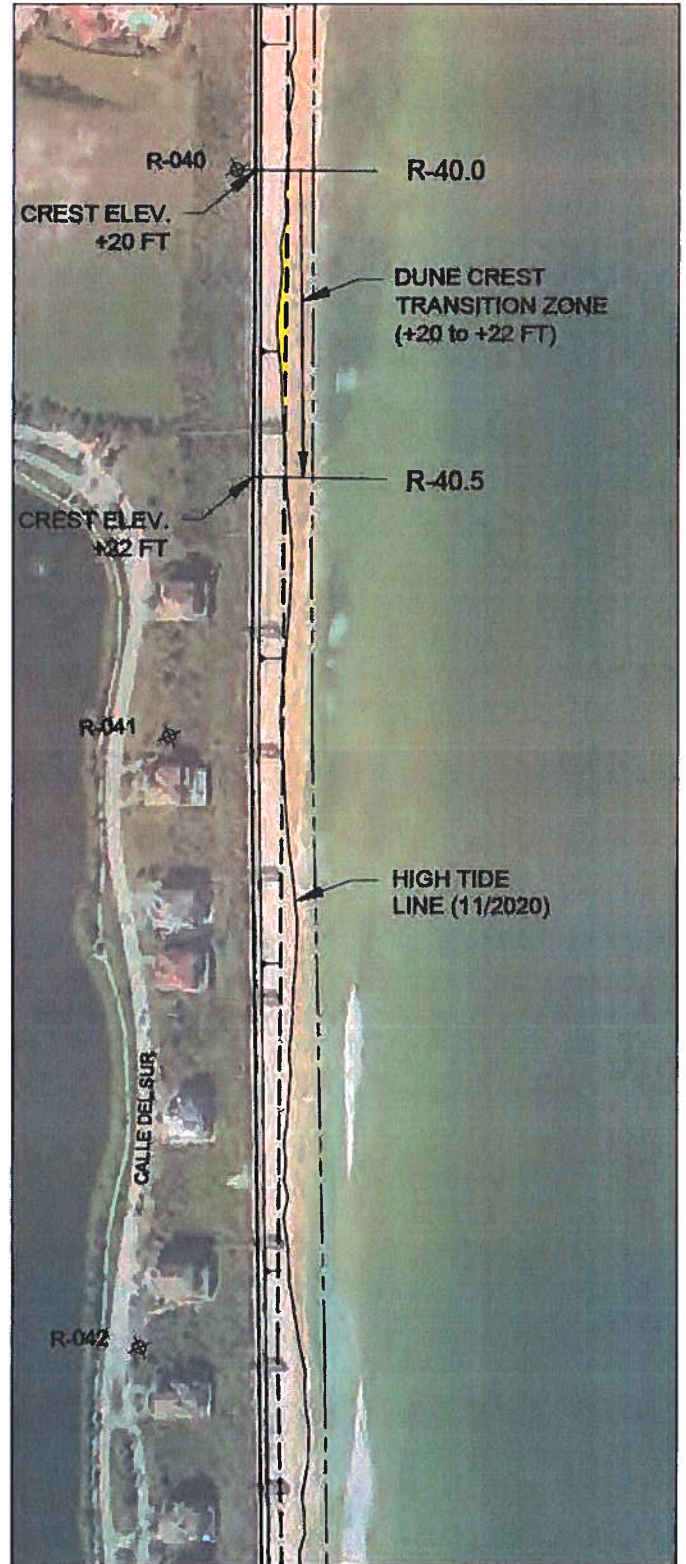
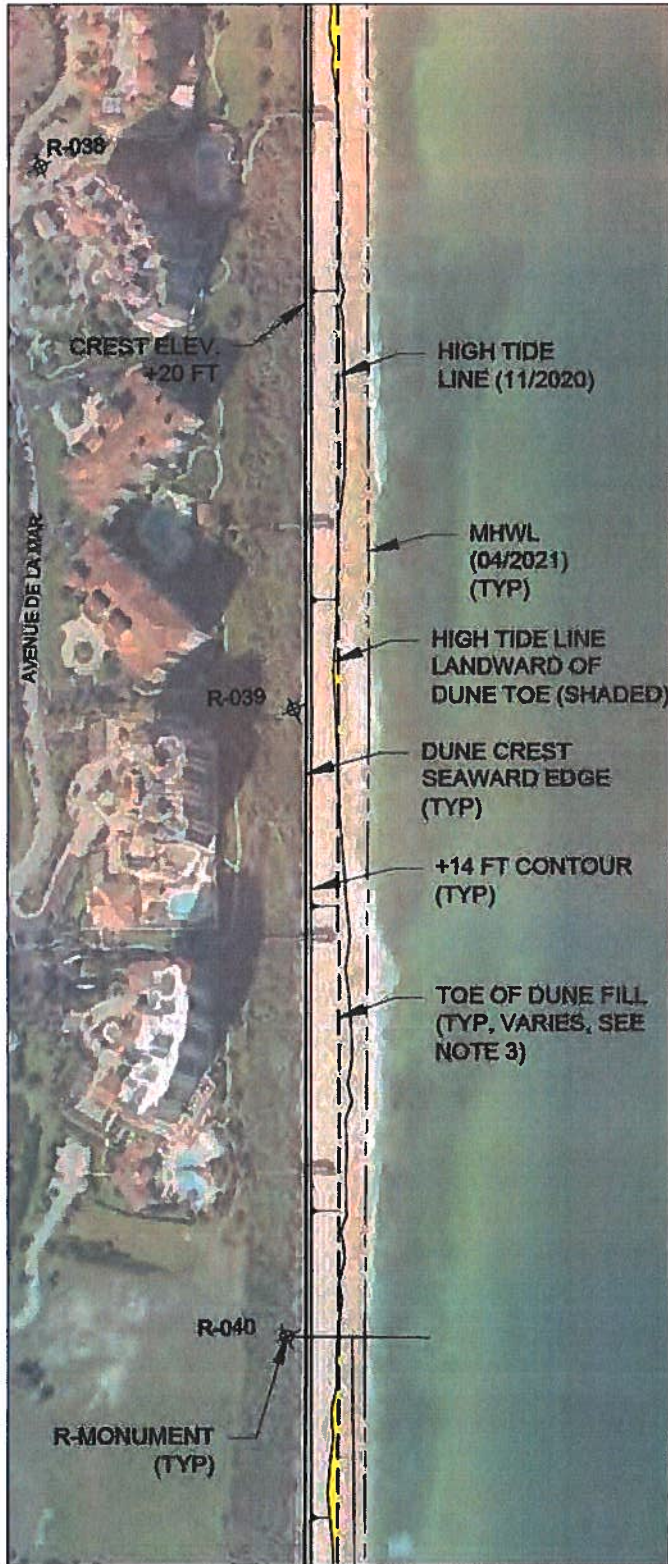


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PLAN

REV	DATE:	07/23/21
		DRAWN BY: ZB



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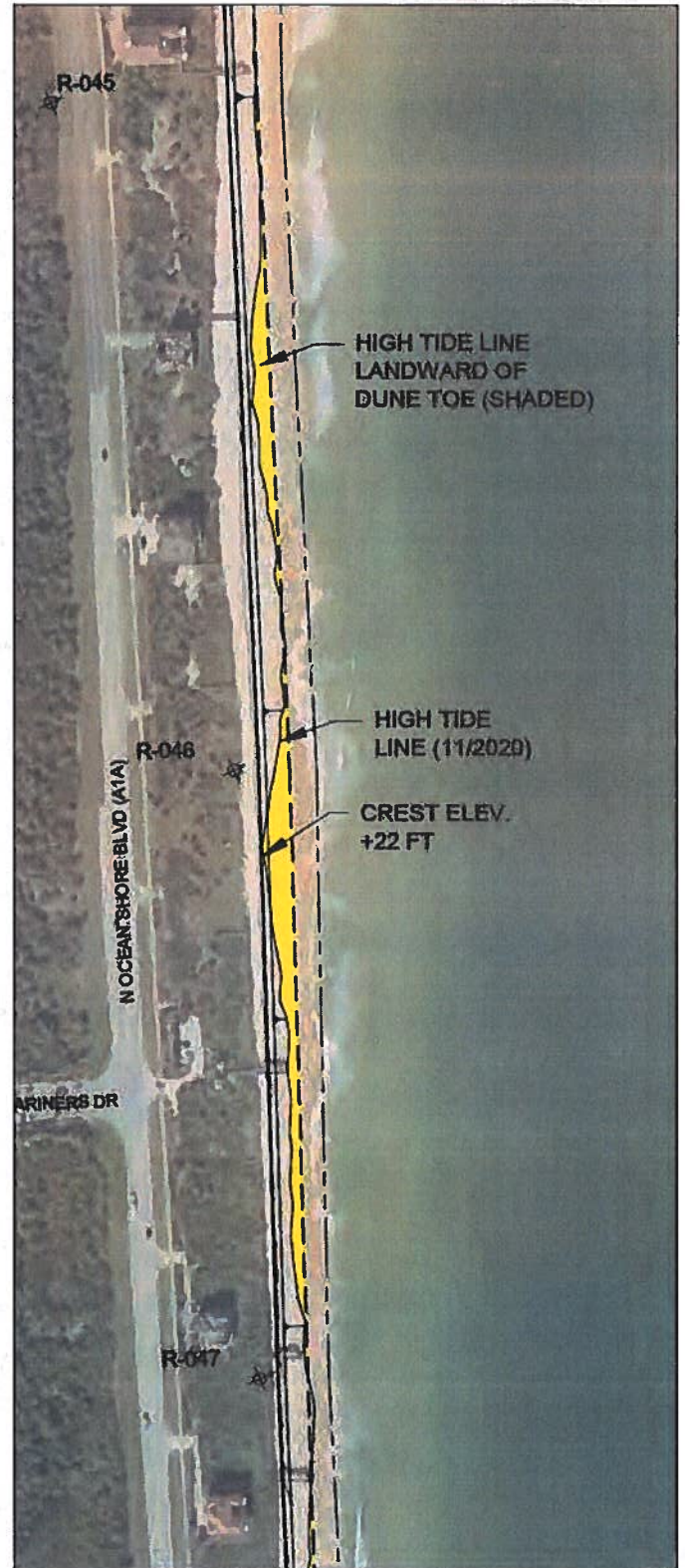
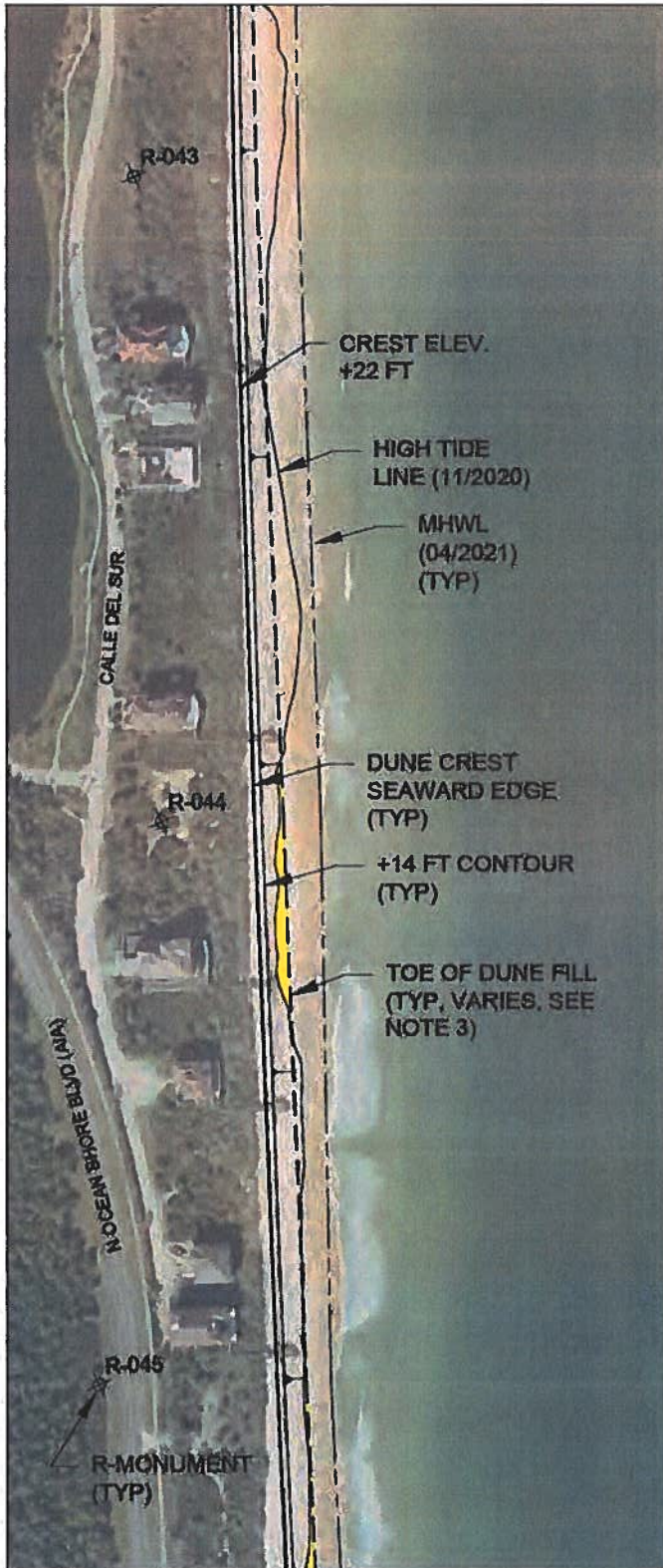


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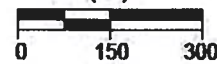


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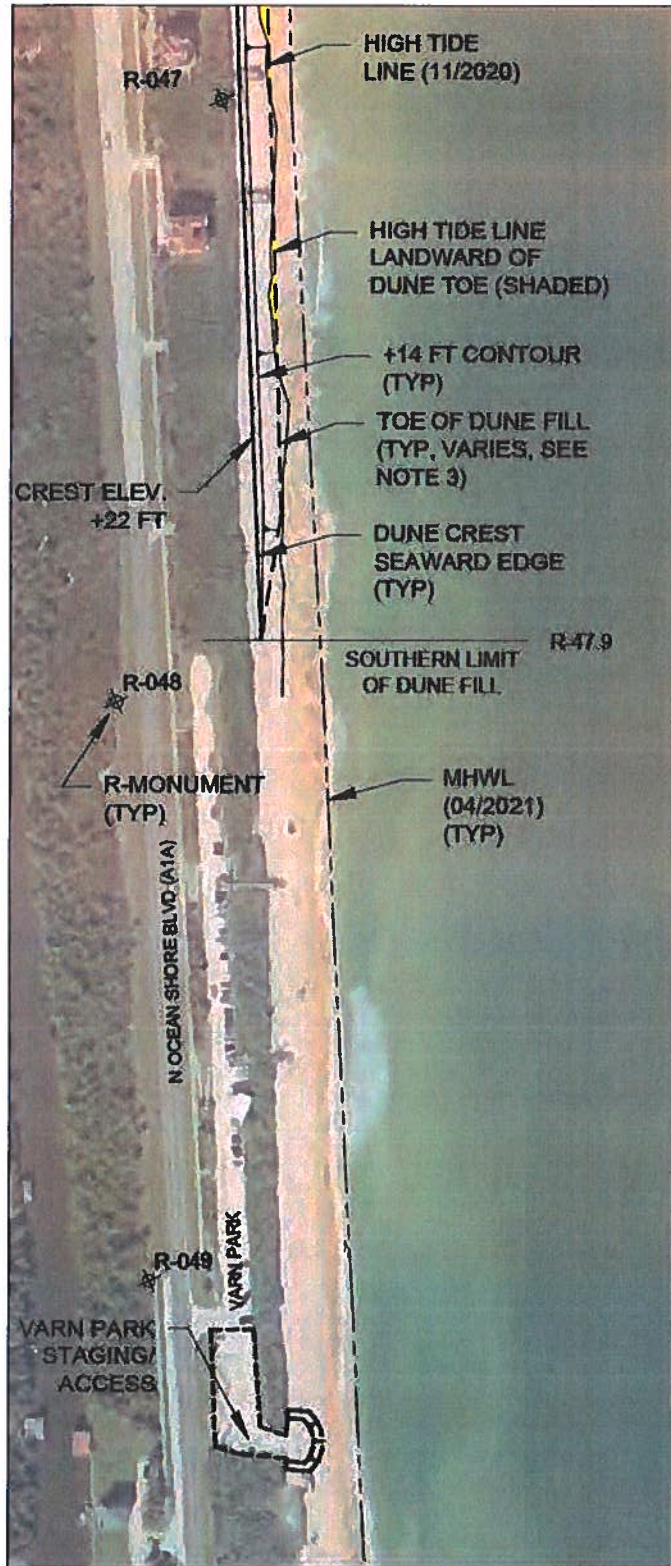


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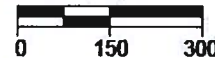


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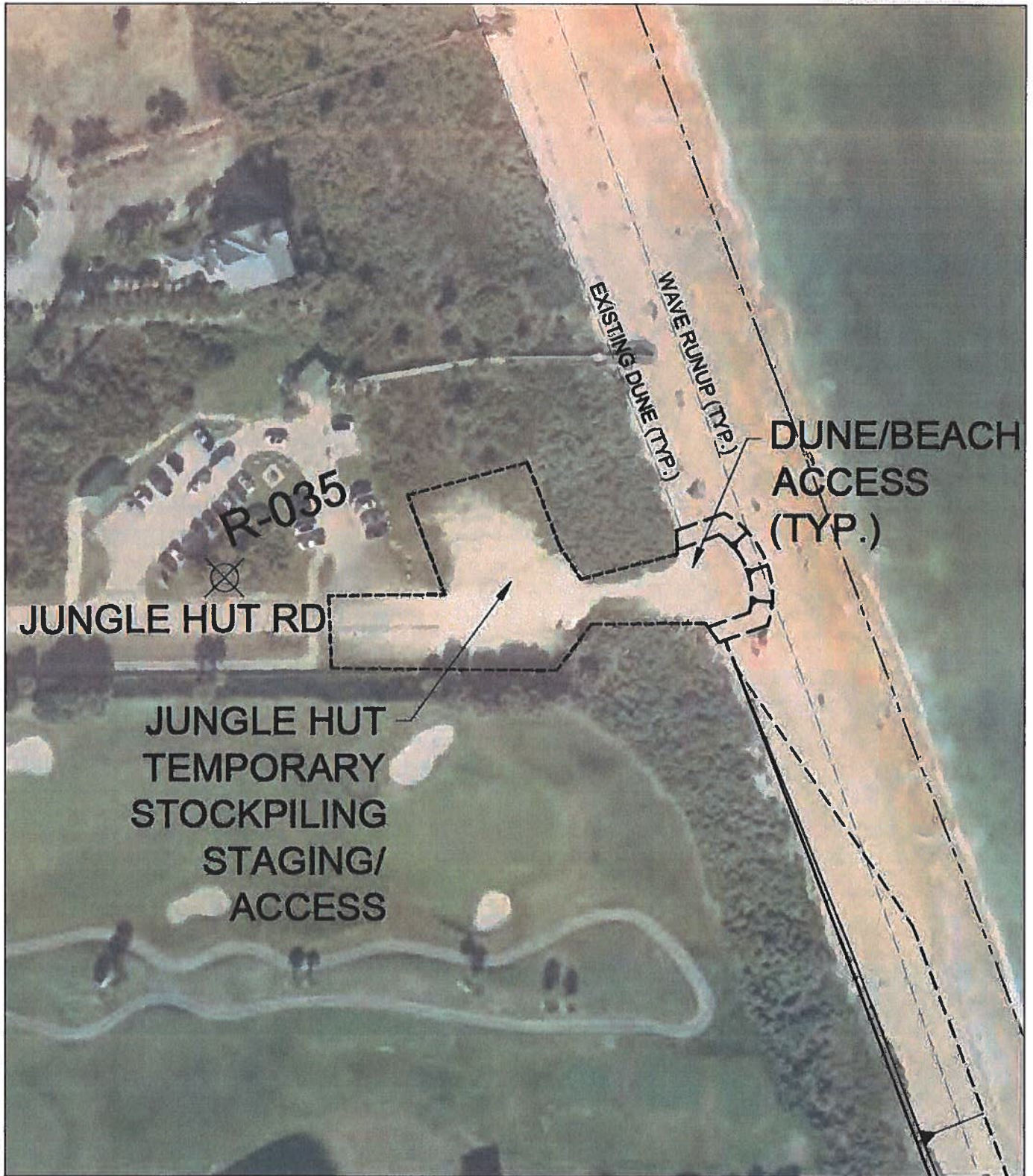


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FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

PLAN

REV	DATE:	07/23/21
		DRAWN BY: ZB



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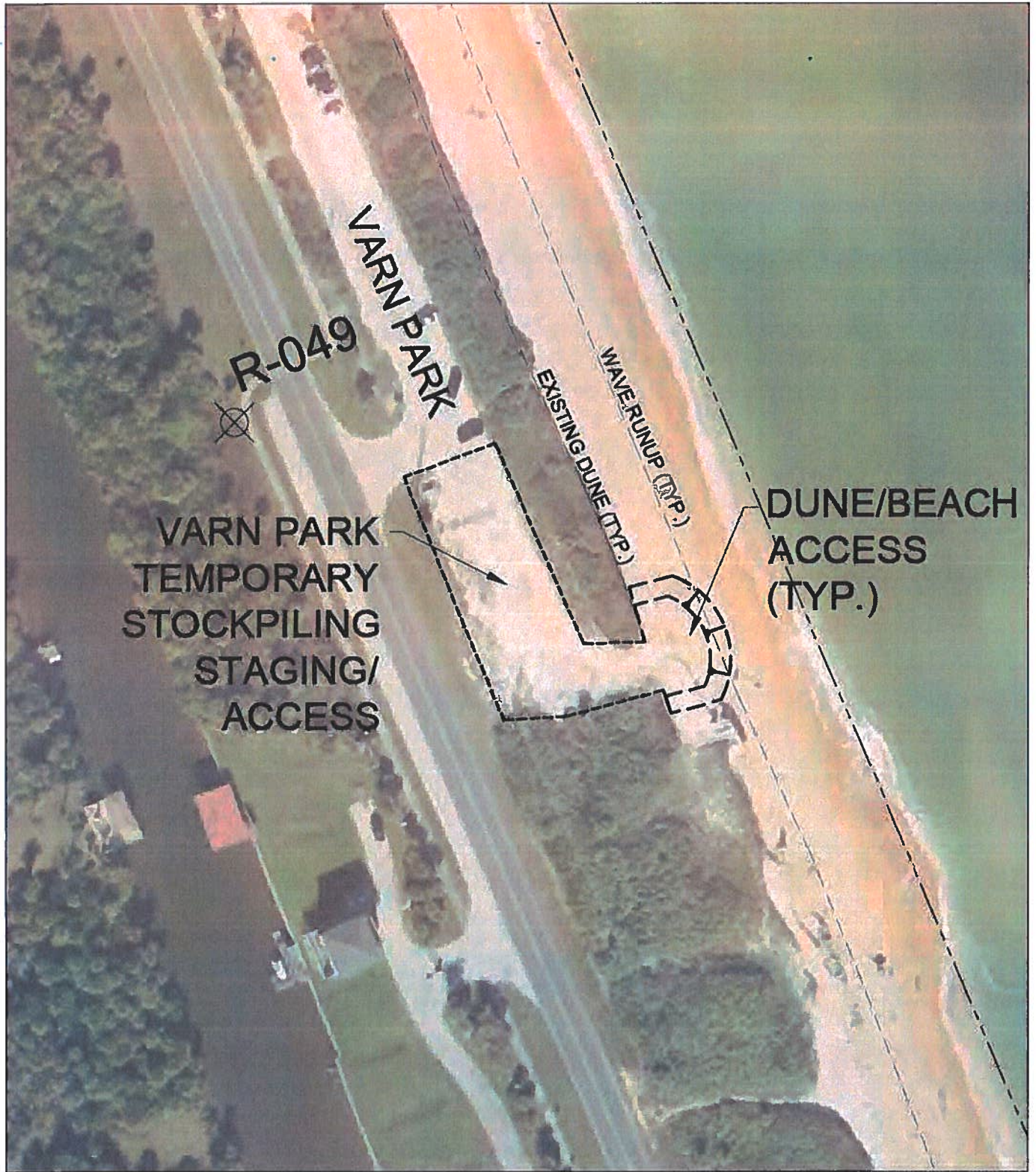


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FLAGLER COUNTY, FL
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STAGING/ACCESS

REV	DATE:	07/15/21
		DRAWN BY: ZB



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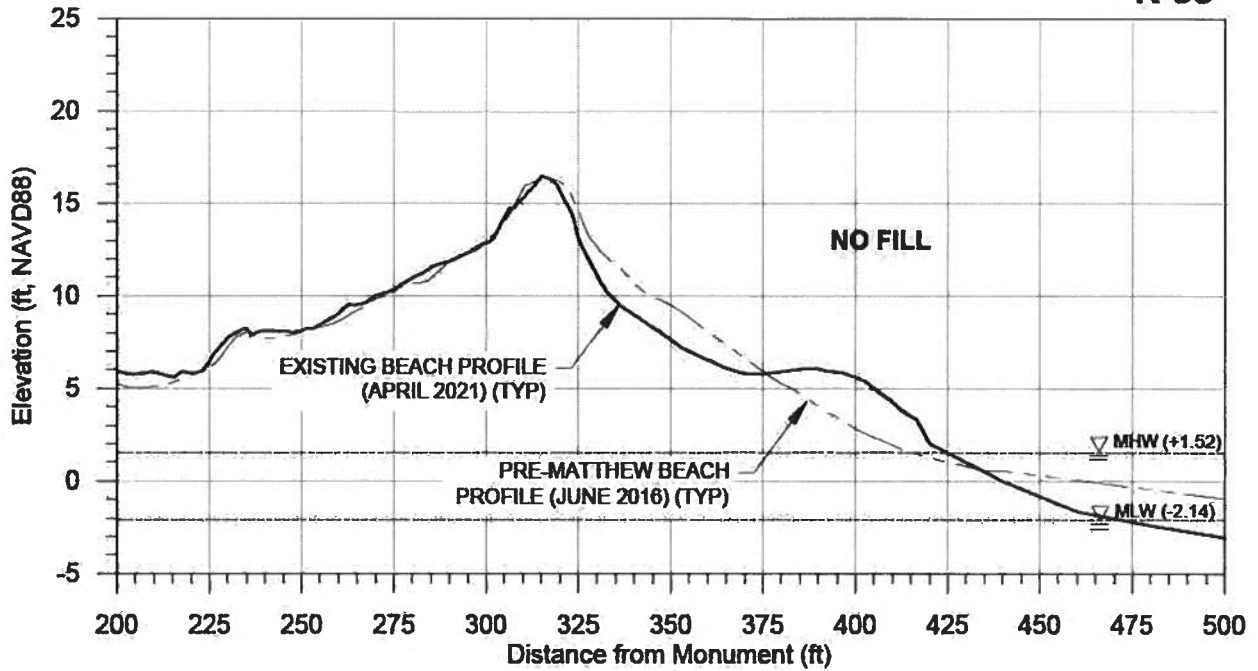
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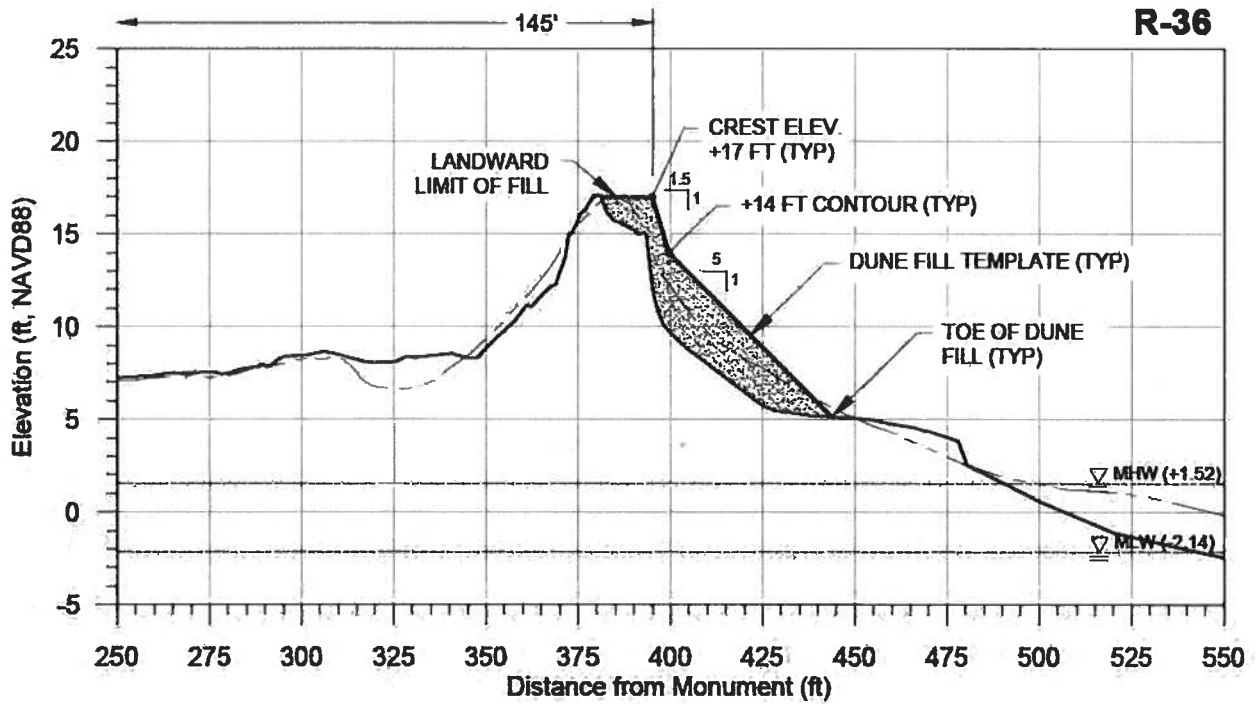
STAGING/ACCESS

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R-35



R-36



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Range: 31 E
Section: 3, 4, 10, 15

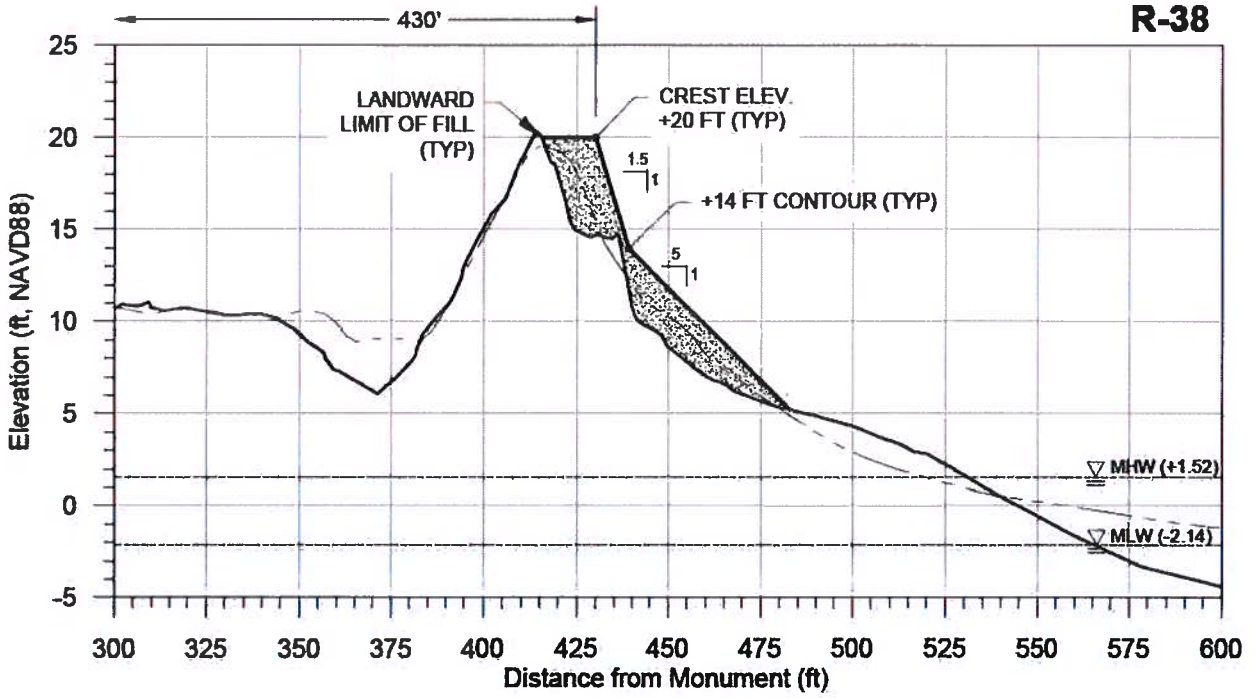
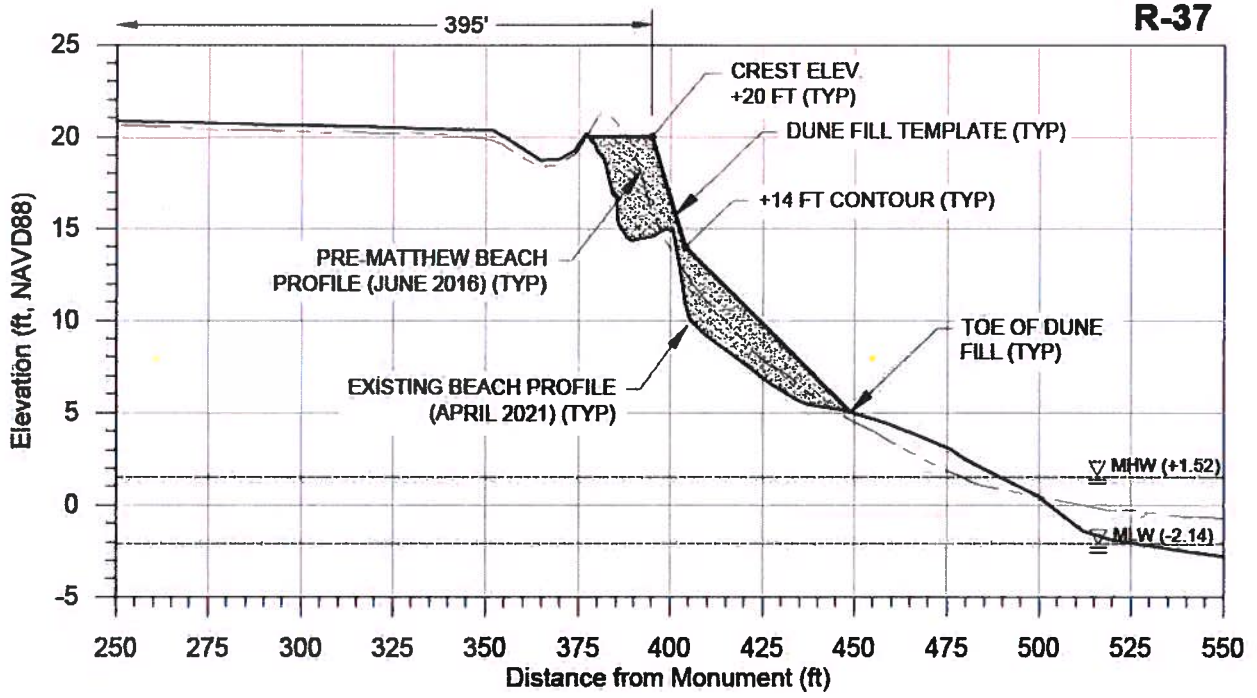


olsen
associates inc.
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Jacksonville, FL 32204
(904) 387-6114
COA No. 3491

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE:	07/15/21
		DRAWN BY: ML
		SHEET 6 of 14



NOTES:
1.

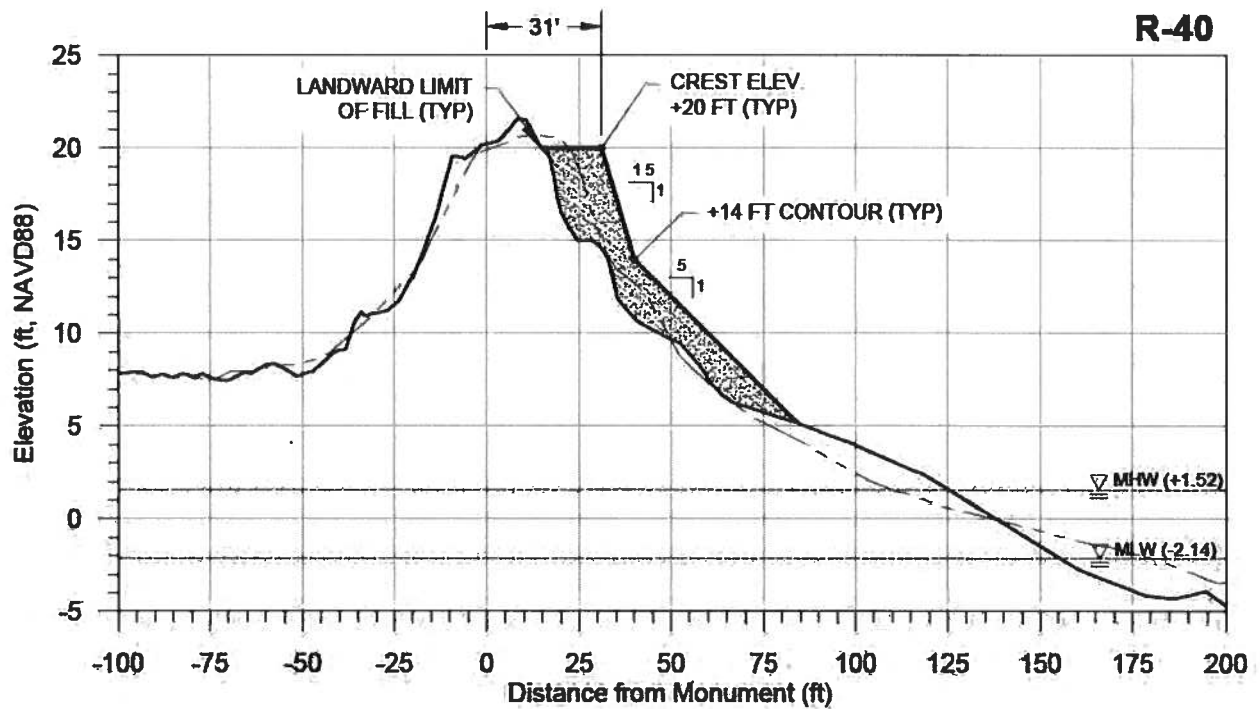
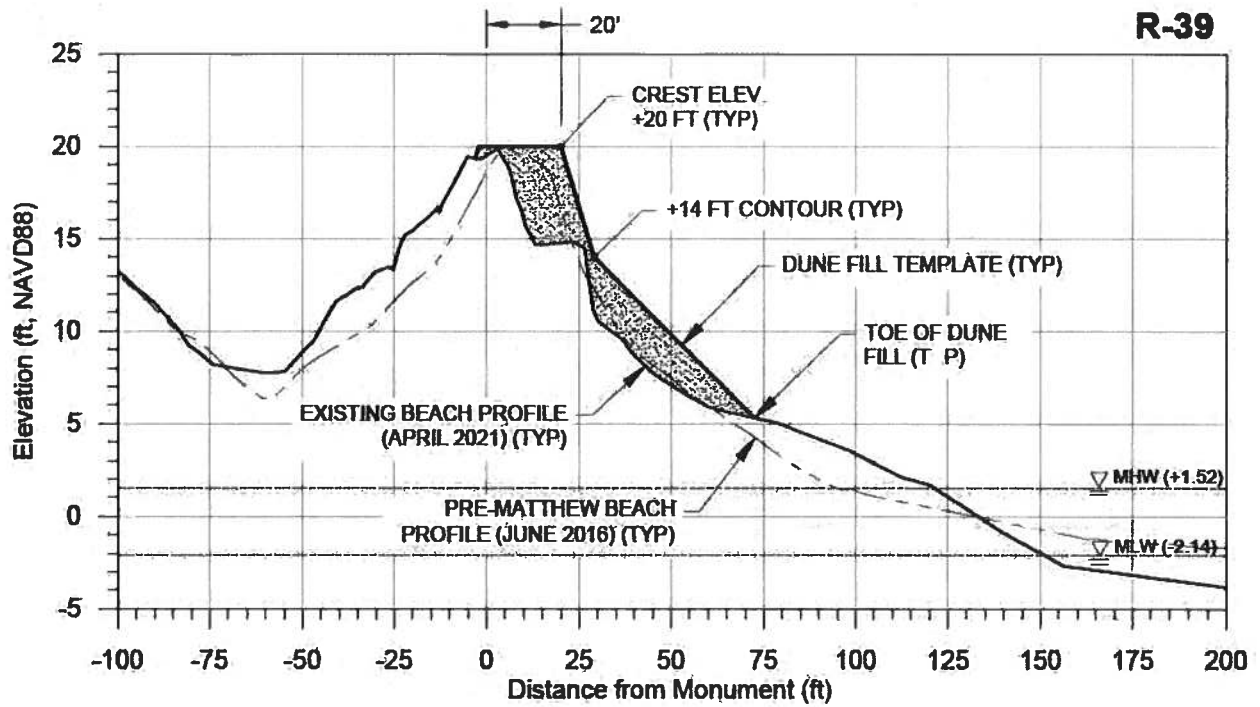
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Longitude: 81° 10.2' W
Township: 11 S
Range: 31 E
Section: 3, 4, 10, 15

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FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE:	07/15/21
		DRAWN BY: ML
		SHEET 7 of 14



NOTES:
1.

Latitude: 29° 34.0' N
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Township: 11 S
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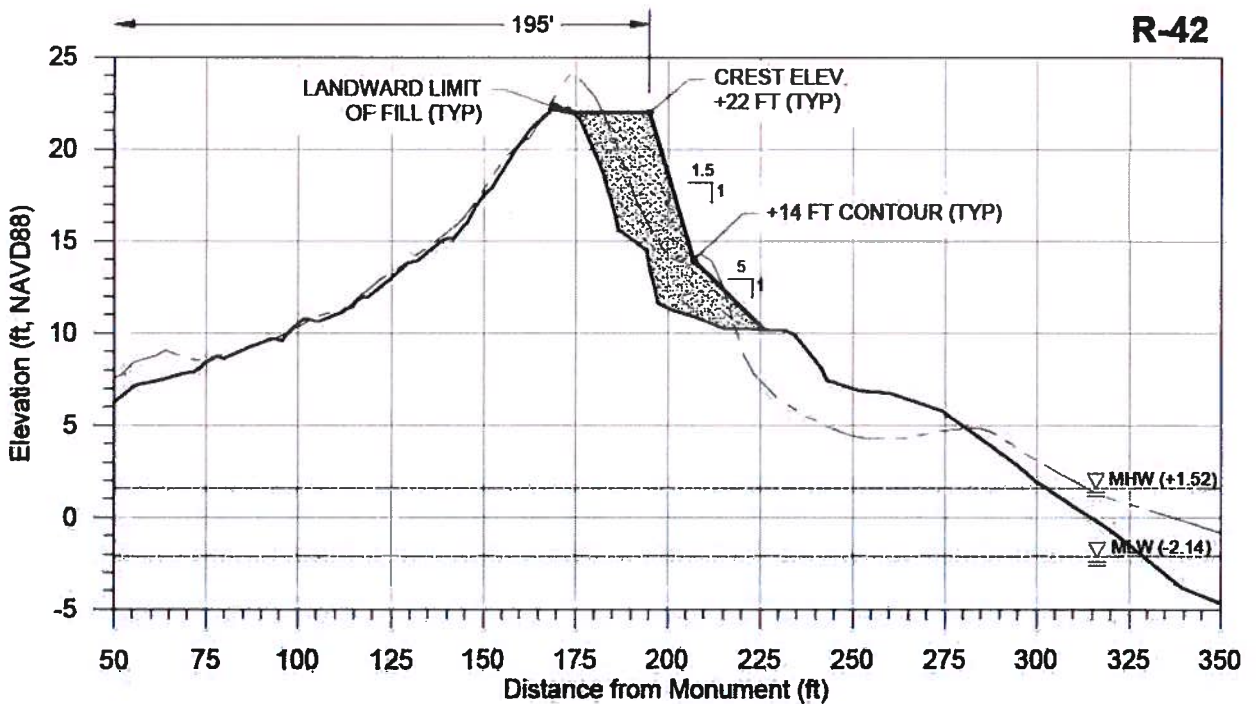
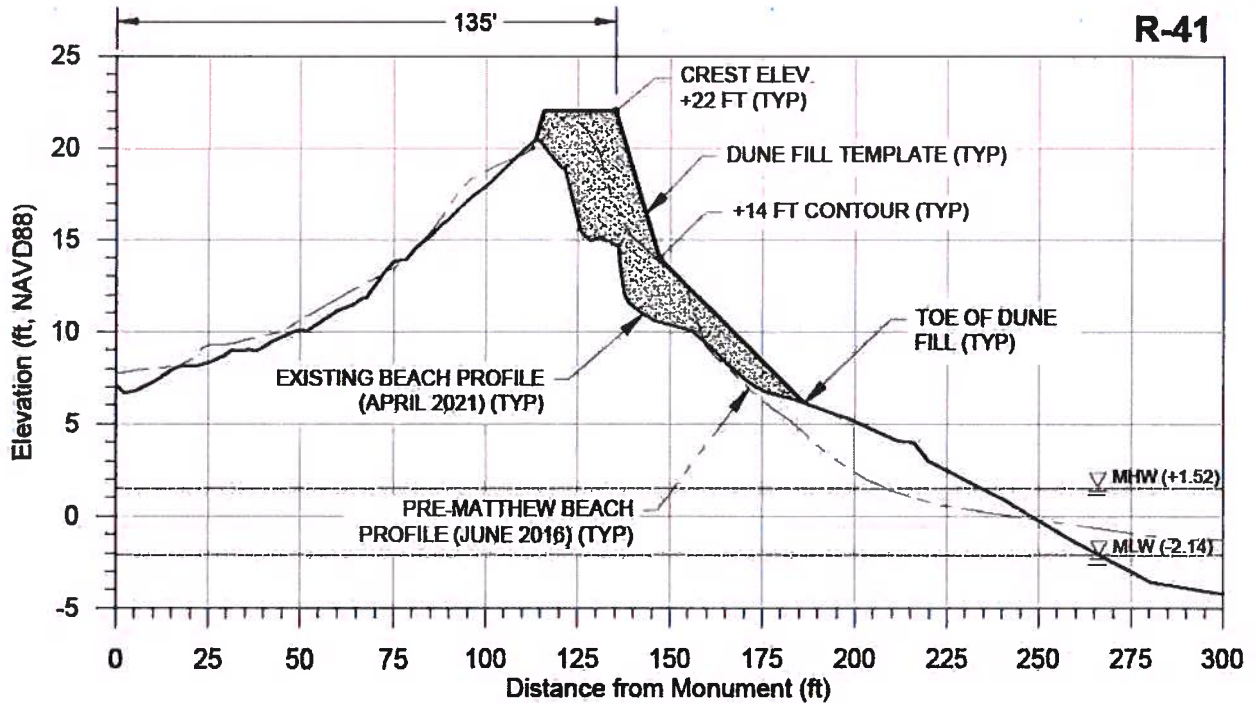
olsen
associates inc.
2618 Herschel Street
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COA No. 349

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE

07/15/21
DRAWN BY:
ML
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NOTES:

1.

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Longitude: 81° 10.2' W
Township: 11 S
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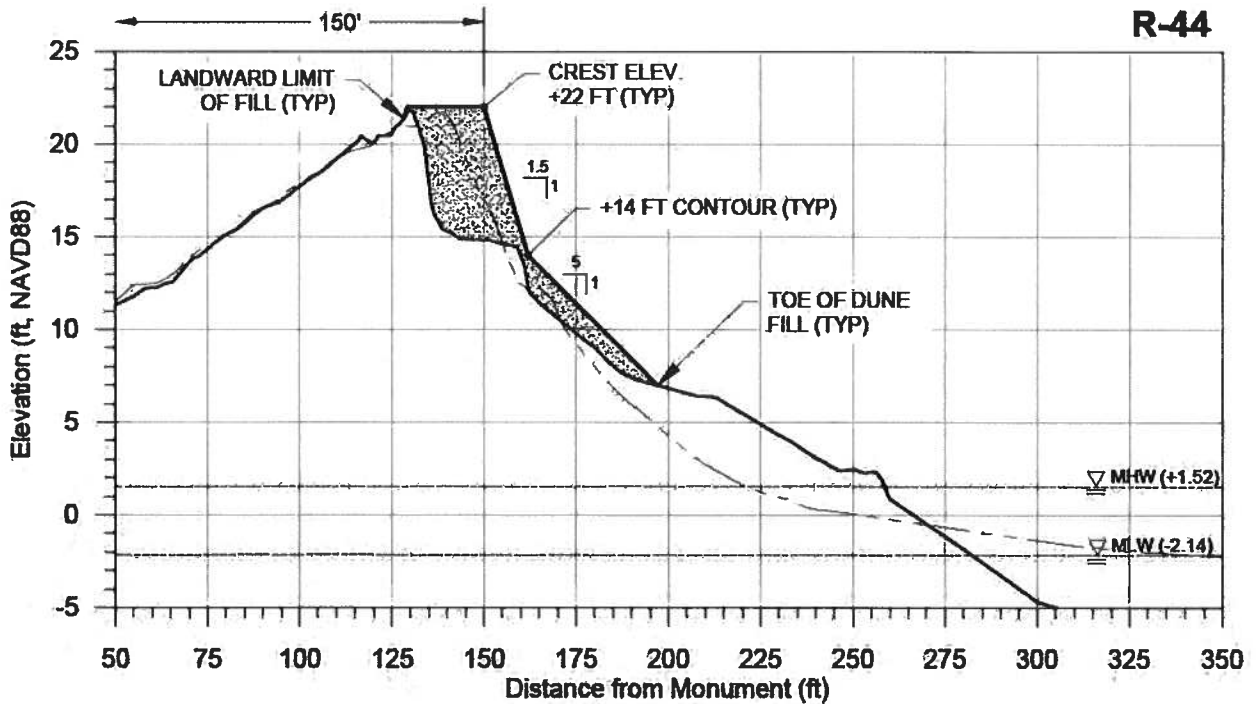
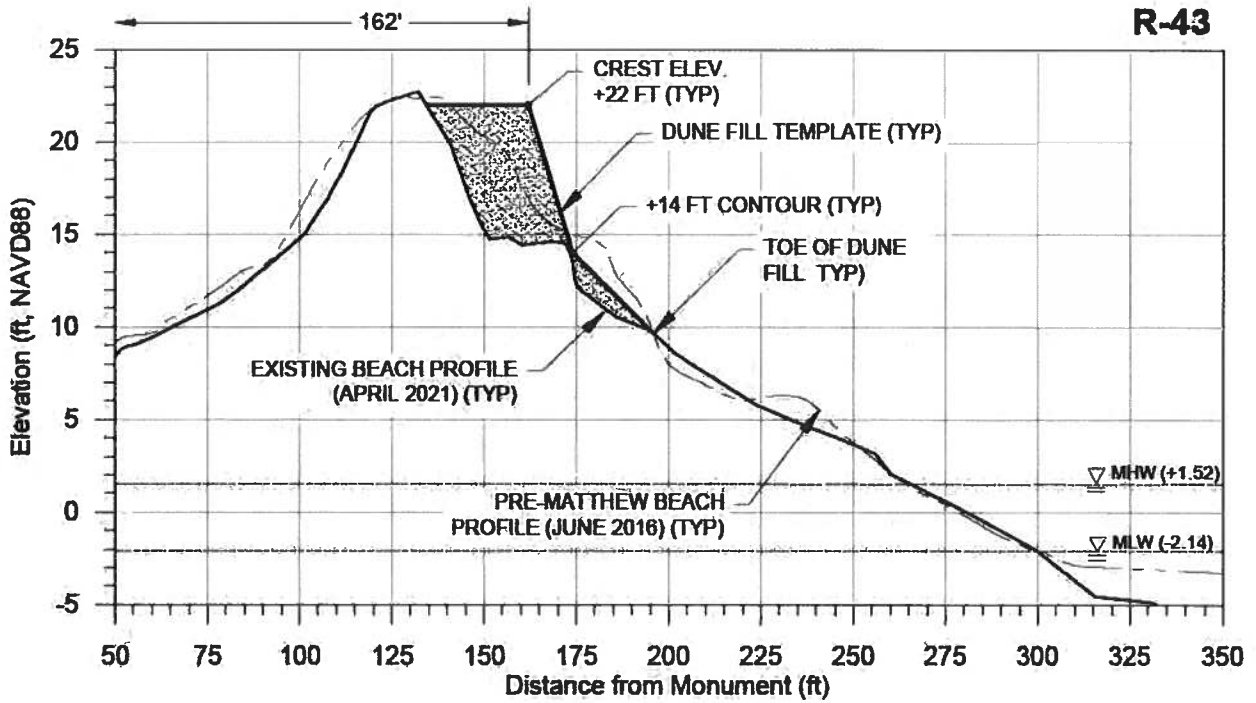


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FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE
	07/15/21
DRAWN BY: ML	
SHEET 9 of 14	



NOTES:
1.

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Township: 11 S
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Section: 3, 4, 10, 15

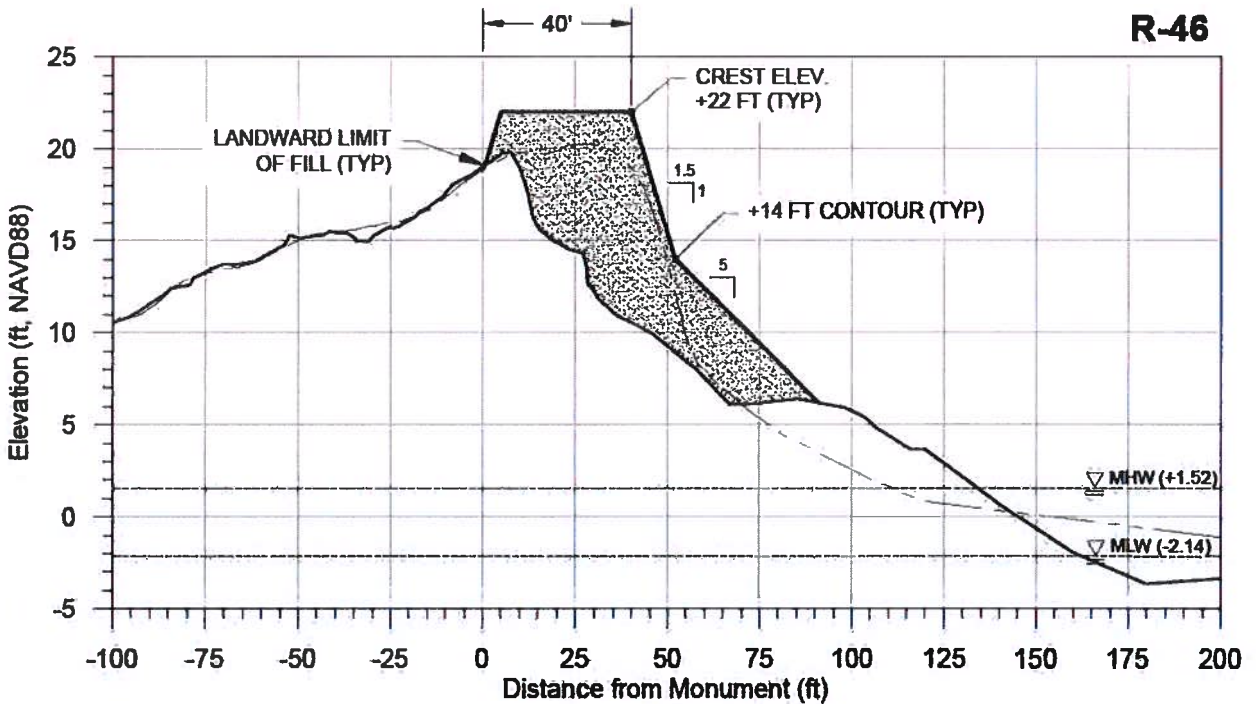
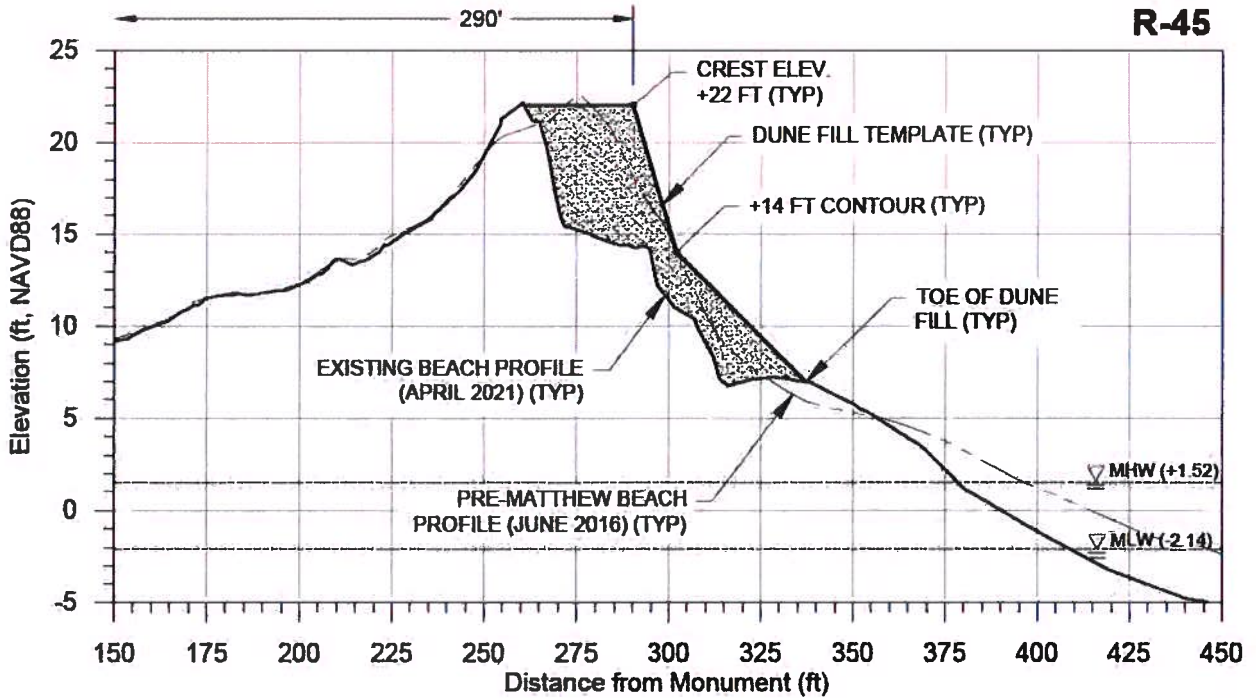


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FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE:	07/15/21
		DRAWN BY: ML
		SHEET 10 of 14



NOTES:
1.

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Township: 11 S
Range: 31 E
Section: 3, 4, 10, 15

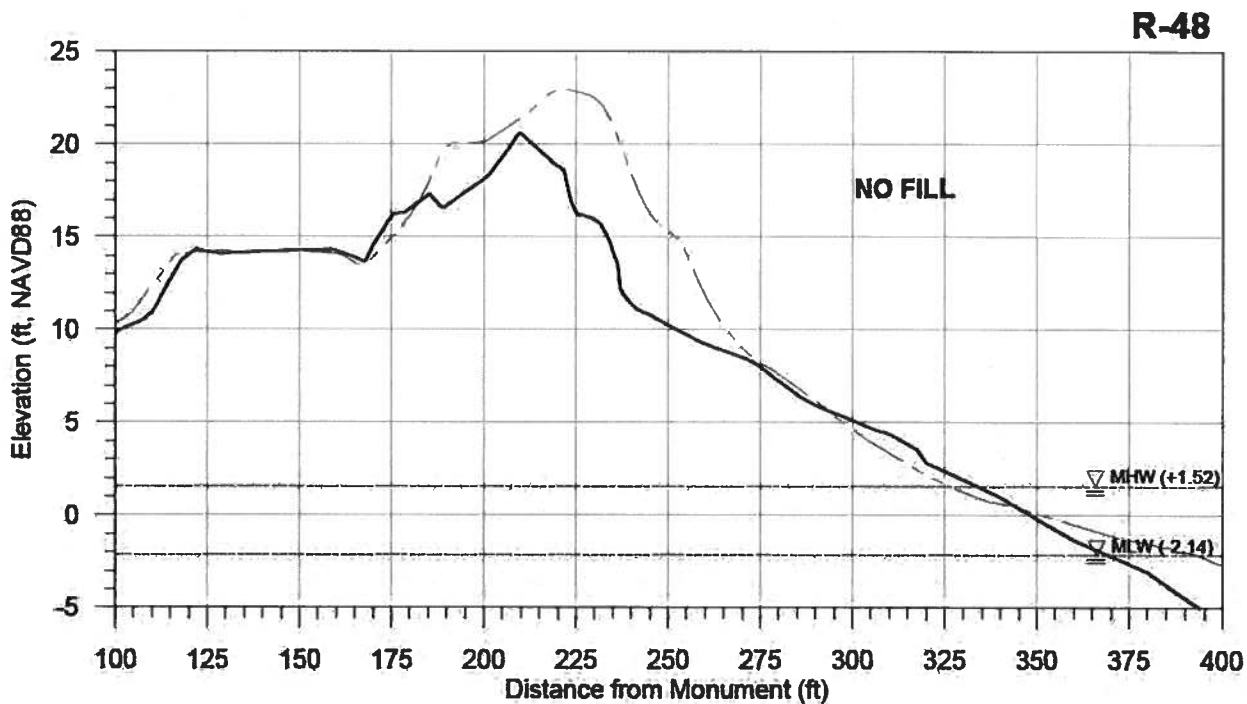
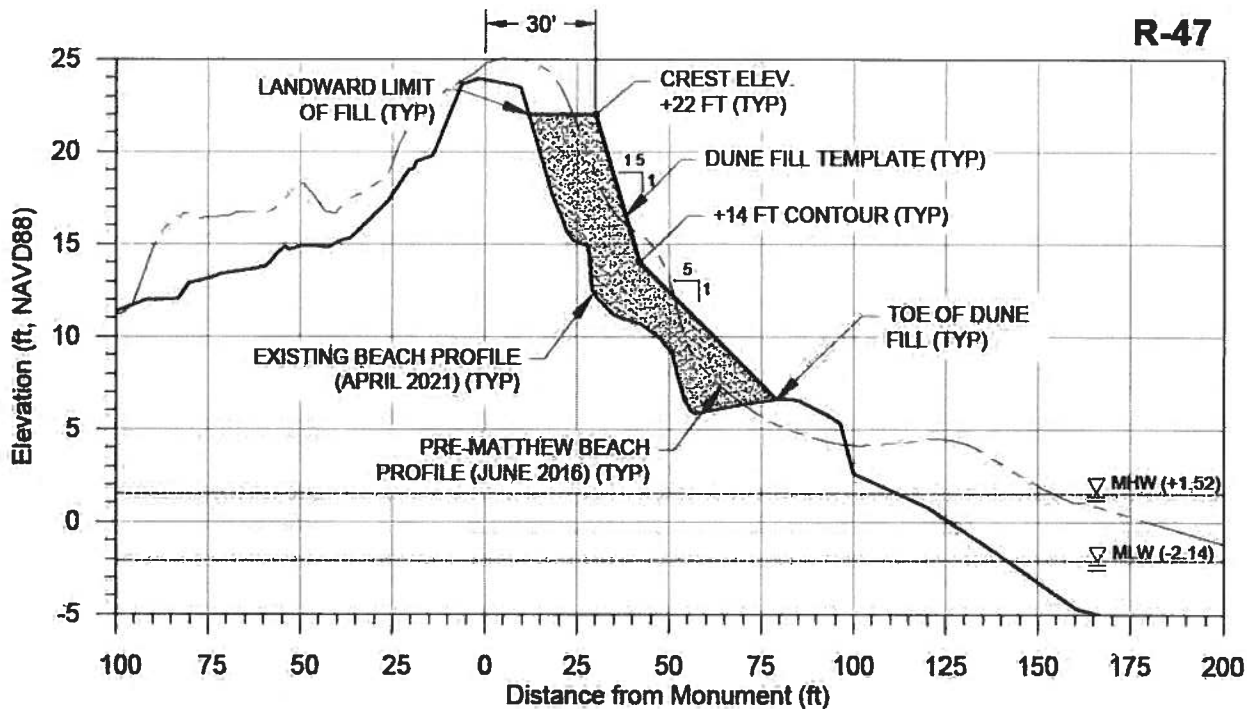


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COA No. 3491

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE
	07/15/21
DRAWN BY: ML	
SHEET 11 of 14	



NOTES:
1.

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Range: 31 E
Section: 3, 4, 10, 15

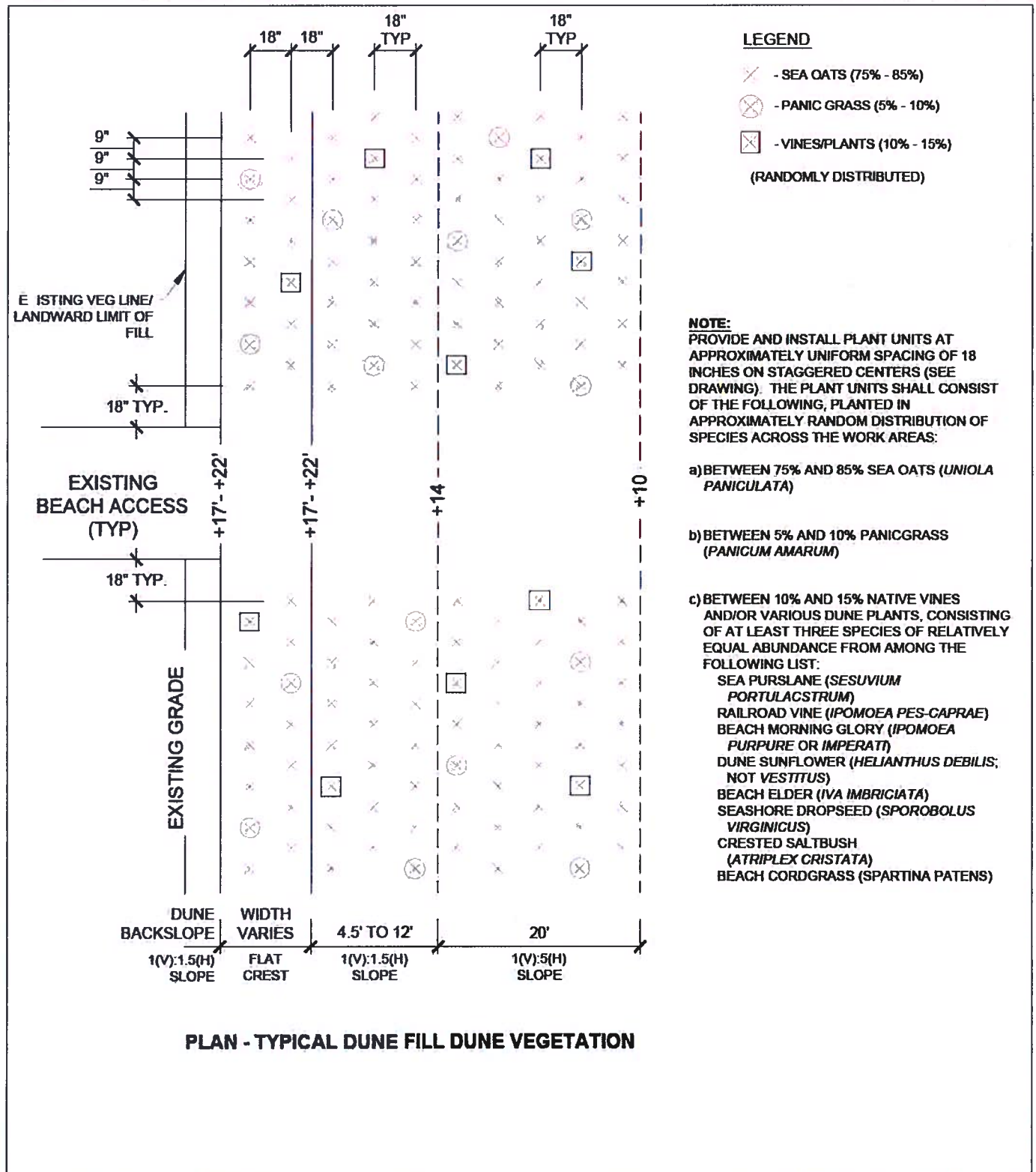


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COA No. 349

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

SECTIONS

REV	DATE	07/15/21
DRAWN BY:		ML
SHEET		12 of 14



PLAN - TYPICAL DUNE FILL DUNE VEGETATION

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1.

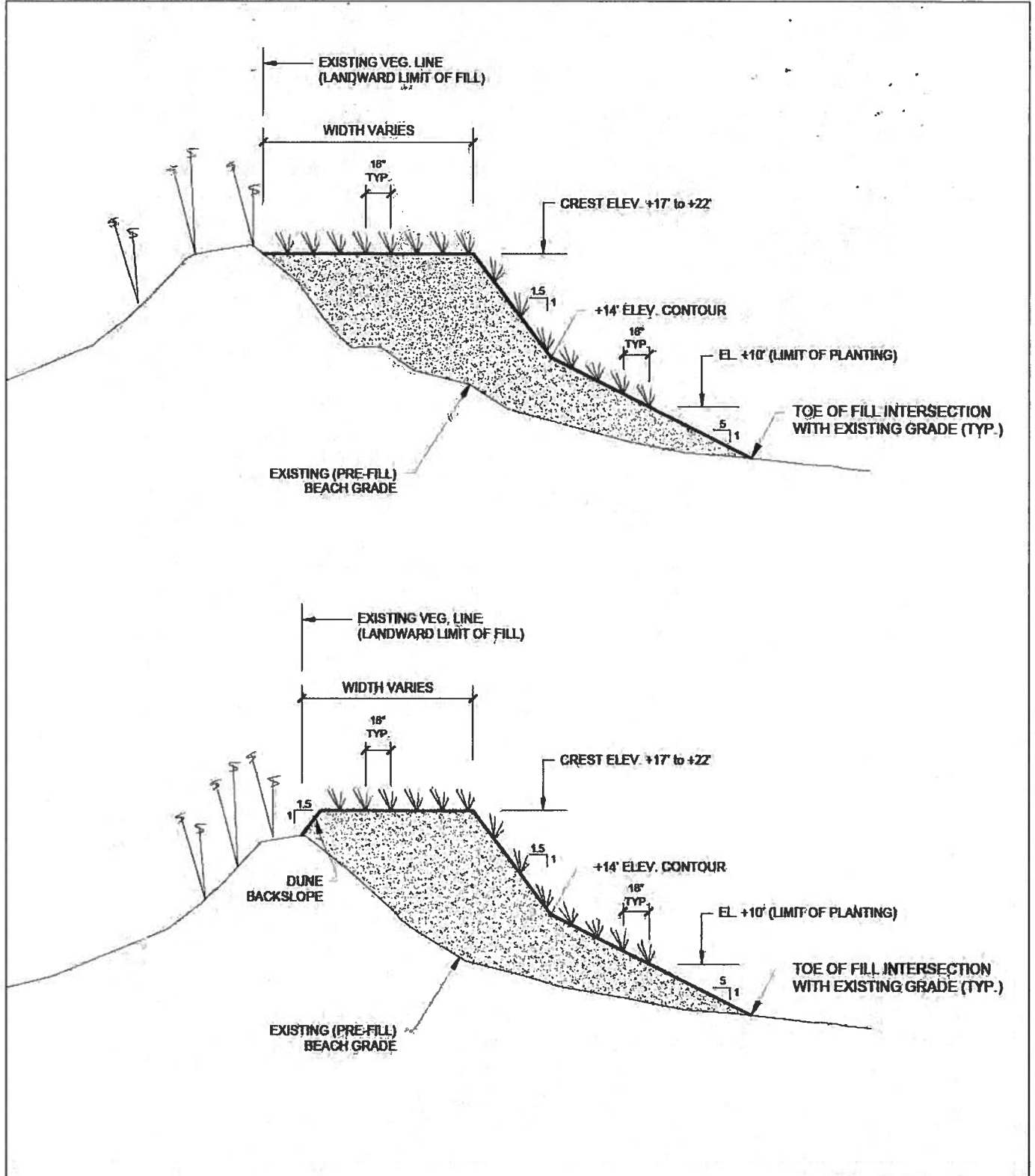
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2618 Herschel Street
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COA No. 3491

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT

DUNE PLANTING PLAN

REV	DATE:	07/15/21
		DRAWN BY: ML
		SHEET 13 of 14



NOTES:
1.

Latitude: 29° 34.0' N
Longitude: 81° 10.2' W
Township: 11 S
Range: 31 E
Section: 3, 4, 10, 15



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COA No. 3497

FLAGLER COUNTY, FL
HAMMOCK DUNES
DUNE RESTORATION PROJECT
DUNE PLANTING PLAN

REV	DATE
	07/15/21
DRAWN BY: ML	
SHEET 14 of 14	



July 27, 2021

Wetlands

- | | | | | | |
|-------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

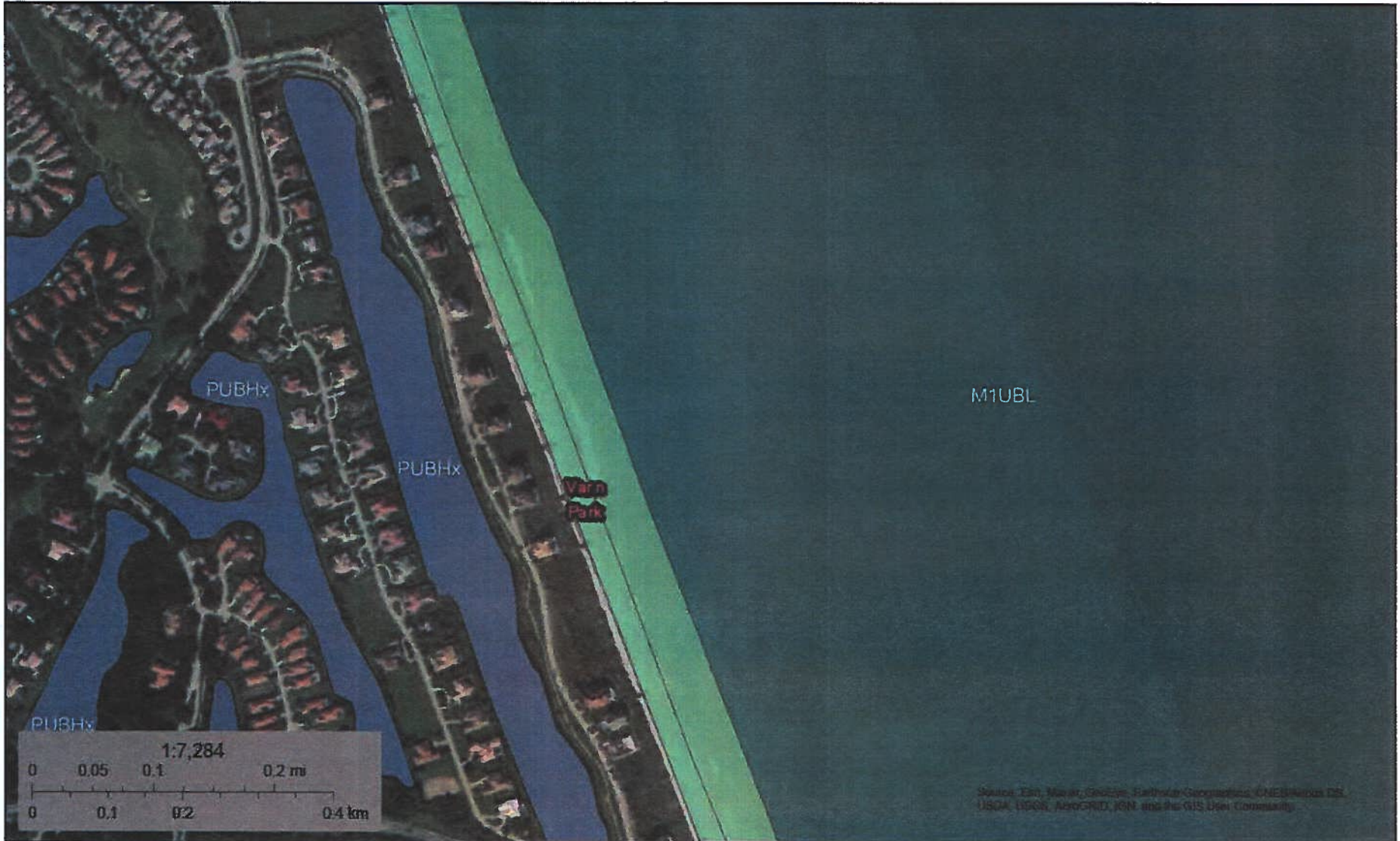


July 27, 2021

Wetlands



- | | | | | | |
|-------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
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July 27, 2021

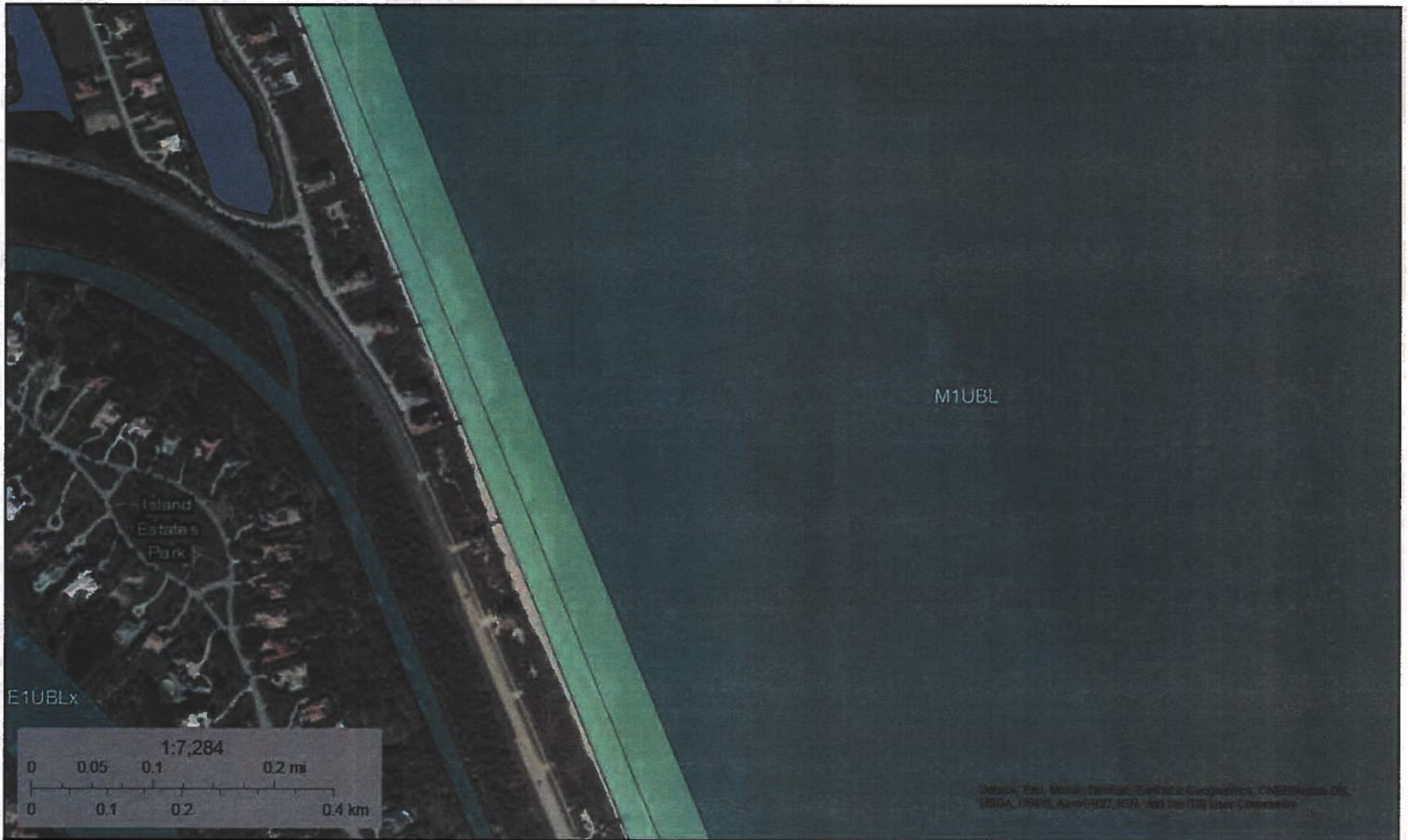
Wetlands

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland

-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond









-  Lake
-  Other
-  Riverine

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July 27, 2021

Wetlands

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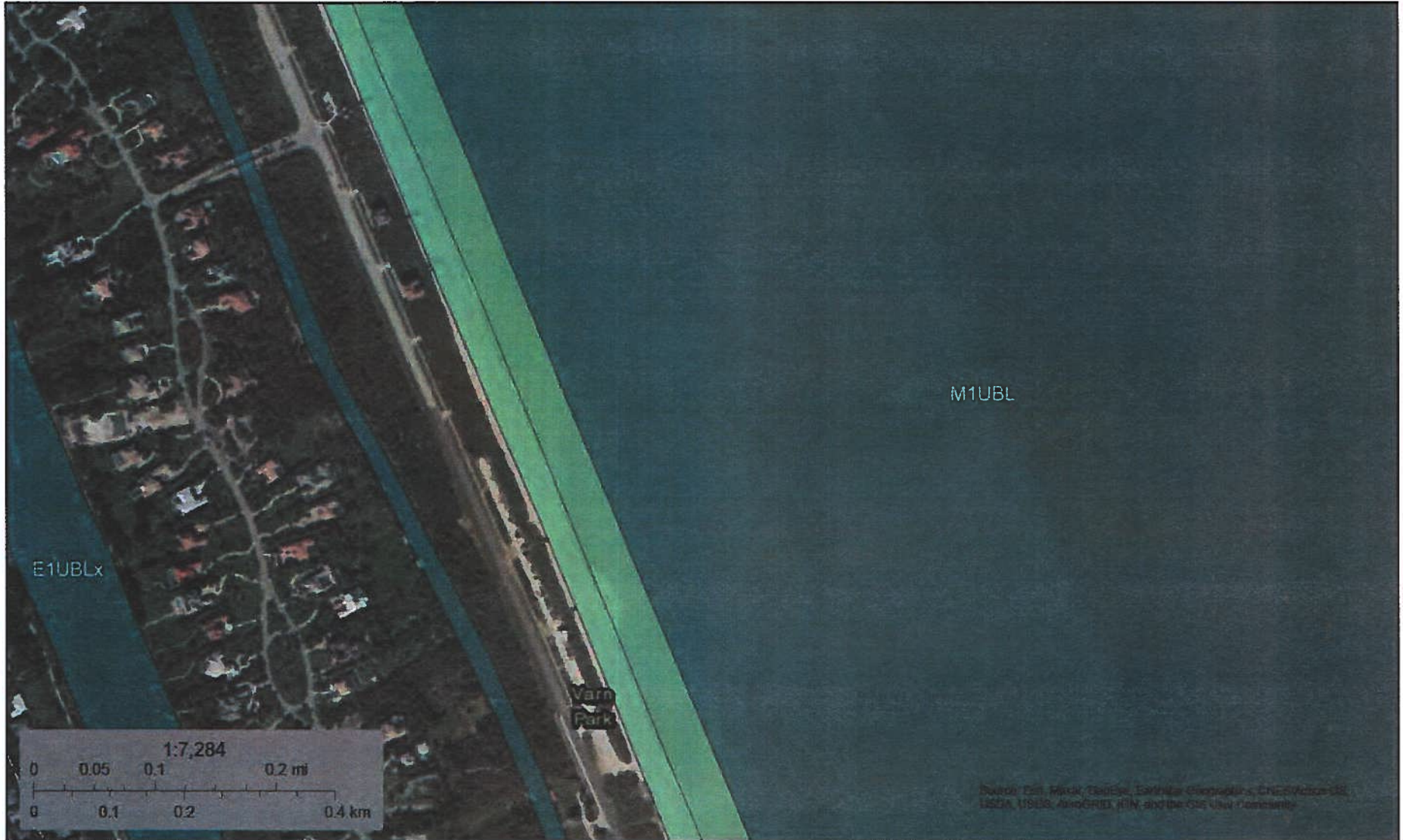
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U.S. Fish and Wildlife Service

National Wetlands Inventory

HD_5

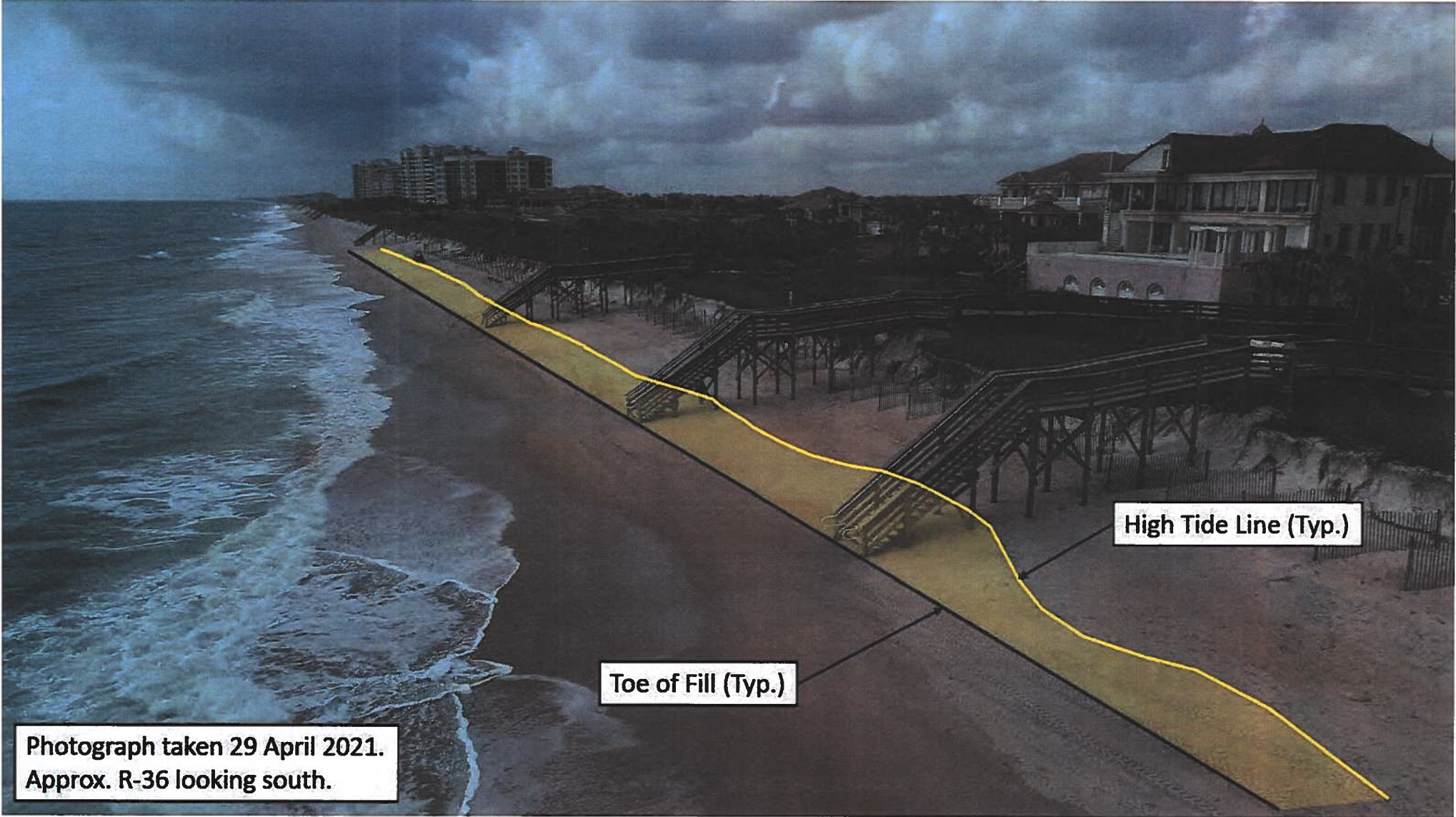


July 27, 2021

Wetlands

- | | | | | | |
|-------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------|----------|
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High Tide Line (Typ.)

Toe of Fill (Typ.)

Photograph taken 29 April 2021.
Approx. R-36 looking south.



Toe of Fill (Typ.)

High Tide Line (Typ.)

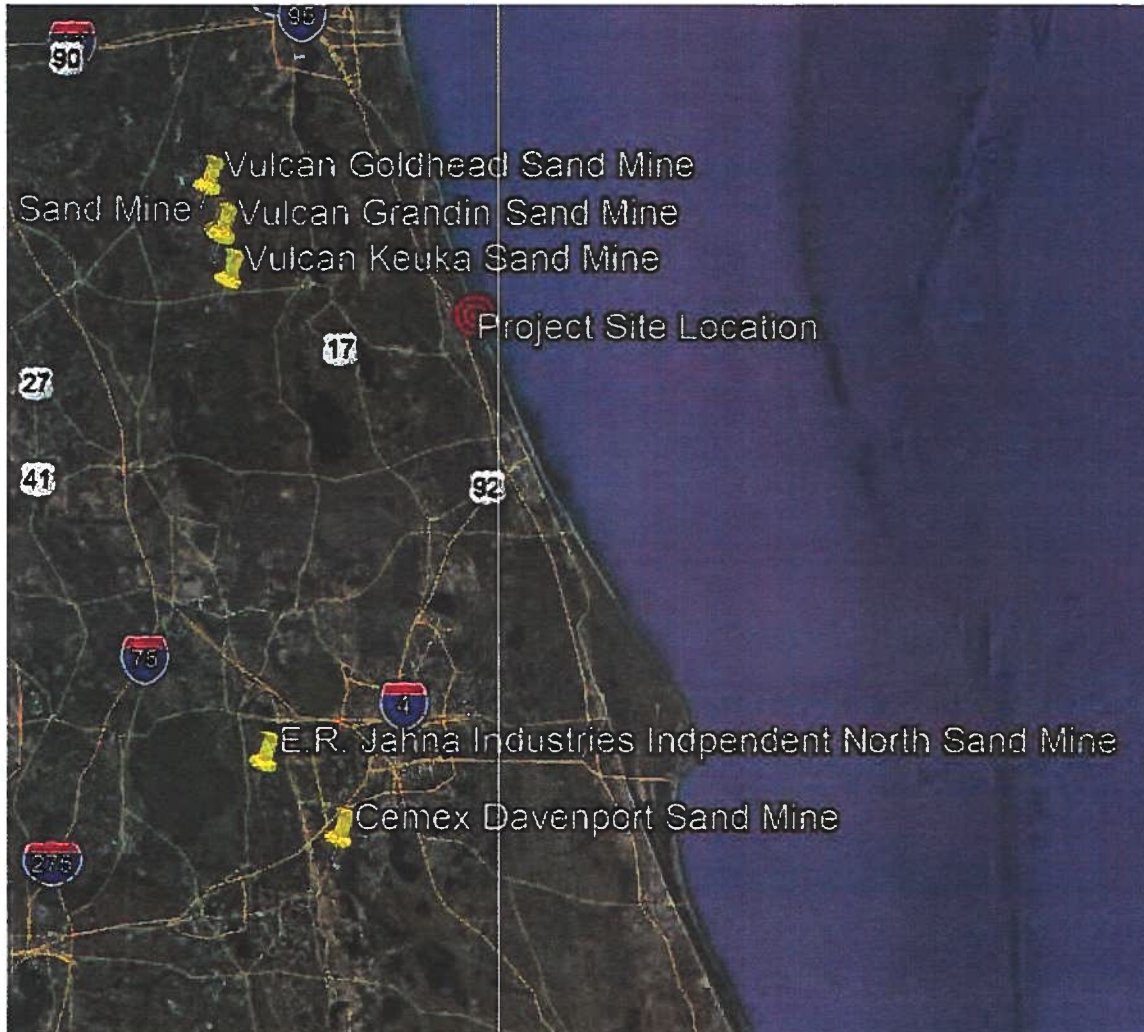
Photograph taken 29 April 2021.
Approx. R-38 looking south.



High Tide Line (Typ.)

Toe of Fill (Typ.)

Photograph taken 29 April 2021.
Approx. R-45 looking south.



Vulcan Goldhead Sand Mine
Sand Mine
Vulcan Grandin Sand Mine
Vulcan Keuka Sand Mine

Project Site Location

E.R. Jahna Industries Independent North Sand Mine

Cemex Davenport Sand Mine



FLORIDA DEPARTMENT OF

Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

Hammock Dunes Owners' Association, Inc.
Attn: Ralph Dumke
21 Montilla Place
Palm Coast, FL 32137
RDatHD@outlook.com

PERMIT INFORMATION:

Permit Number: 0405821-001-JC

Project Name: Hammock Dunes – Dune
Restoration

County: Flagler

AGENT:

Christopher Creed, P.E.
2618 Herschel Street
Jacksonville, FL 32204 Expiration Date: December 6, 2036 c Creed@olsen-associates.com

Issuance Date: December 6, 2021

REGULATORY AUTHORIZATION:

This permit is issued under the authority of Chapter 161, which includes consideration of the provisions contained in Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

PROJECT DESCRIPTION:

The project will restore and maintain approximately 2.3 miles of dunes along the Hammock Dunes shoreline, using beach compatible material obtained from the following approved upland sources: Vulcan – Goldhead; Vulcan – Keuka; Vulcan – Grandin; Cemex – Davenport; and E.R. Jahna – Independent North.

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
Permit No. 0405821-001-JC
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The permitted template includes a variable dune crest width at elevations ranging from +17 to +22 feet North American Vertical Datum (NAVD), a seaward slope of 1(vertical):1.5(horizontal) to elevation +14.0 feet, and thence sloping at 1(v):5(h) to intersect the existing beach landward of the mean high water line (MHWL). Planting of dune vegetation is also authorized within the approved project template.

PROJECT LOCATION:

The dune restoration site is located between Department Range Monument (R) R-35.1 to R-47.9 in Flagler County, Sections 3, 4, 10, 15, Township 11 South, Range 31 East, Atlantic Ocean, Class III Waters.

PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated, to the Department, the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

The Department has also determined that the construction activities qualify for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

COASTAL ZONE MANAGEMENT:

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

WATER QUALITY CERTIFICATION:

This permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

OTHER PERMITS:

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project. When the Department received your permit application, a copy sent to the U.S. Army Corps of Engineers (Corps) for review. The Corps will issue their authorization directly to you, or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
Permit No. 0405821-001-JC
Page 3 of 24**

date that your application was received by the Department, contact the nearest Corps regulatory office for status and further information. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

AGENCY ACTION:

The above named Permittee is hereby authorized to construct the work that is outlined in the Project Description and Project Location of this permit and as shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. **This permit and authorization to use sovereign submerged lands are subject to the General Conditions, General Consent Conditions, Specific Conditions, and attached Plans which are a binding part of this permit and authorization.** Both the Permittee and their Contractor are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the project description, permit drawings, plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The Permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, F.A.C.
2. If, for any reason, the Permittee does not comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; and, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
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4. Pursuant to Sections 253.77 and 373.422, F.S., prior to conducting any works or other activities on state-owned submerged lands, or other lands of the state, title to which is vested in the Board of Trustees, the Permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees shall not be considered received until it has been fully executed.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The Permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
8. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
9. At least 48 hours prior to commencement of activity authorized by this permit, the Permittee shall electronically submit to the Department, by email at JCPCCompliance@dep.state.fl.us, and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the Permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.
10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, shipwreck remains or anchors, dugout canoes or other physical remains that could be associated with Native American cultures, or early Colonial or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
Permit No. 0405821-001-JC
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such discoveries. The Permittee, or other designee, shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)2456333 or (800)847-7278, as well as the appropriate permitting agency office. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, F.S.

11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the Permittee shall electronically submit to the Department, by email at JCPCCompliance@dep.state.fl.us, and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on as-built drawings electronically submitted to the Department, by email at JCPCCompliance@dep.state.fl.us.

GENERAL CONSENT CONDITIONS:

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use or operation of the structure or activity shall not adversely affect any species that is endangered, threatened or of special concern, as listed in Rules 68A27.003, 68A-27.004 and 68A-27.005, F.A.C.

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
Permit No. 0405821-001-JC
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6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
9. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident or fire.
10. Structures or activities shall be constructed, operated and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS:

1. Unless otherwise specified in the specific conditions of this permit all submittals required herein (e.g., progress reports, water-quality reports etc.) shall be electronically submitted (via e-mail, file transfer site or hard drive). Email submittals shall be sent to the Department's JCP Compliance Officer (e-mail address: JCPCCompliance@dep.state.fl.us). If a file transfer site is used, a link shall be e-mailed to the JCP Compliance Officer. If data are too large to be submitted via e-mail or file transfer site, the Permittee may submit the data via an external hard drive, provided by the Permittee. The external hard drive shall be mailed to:

Department of Environmental Protection
Office of Resilience and Coastal Protection
Attn: JCP Compliance Officer
2600 Blair Stone Road, Mail Station 3544
Tallahassee, FL 32399-2400

2. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storing, stockpiling or accessing equipment on, in, over or through areas with benthic biological resources (including beds of submerged aquatic vegetation [SAV], wetlands, oyster reefs or hardbottom) is prohibited unless it occurs within a work area or ingress/egress corridor that is specifically approved by this permit and is shown on the approved permit drawings. Anchoring or spudding of vessels and barges within areas with benthic biological resources is also prohibited.

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
Permit No. 0405821-001-JC
Page 7 of 24**

3. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved staging, beach access and dune restoration areas designated in the permit drawings.
4. ***Pre-Construction Submittals.*** For each construction event under this permit, no work shall commence until the Permittee has satisfactorily submitted all information noted in this condition. At least **45** days prior to commencement of construction, the Permittee shall submit the following items for review by the Department. Unless otherwise notified by the Department within 15 days of receipt of all information specified below, the Permittee shall assume the submittals are satisfactory:
 - a. An electronic copy of detailed ***final construction plans and specifications*** for all authorized activities. The plans and specifications must be consistent with the project description, conditions and approved drawings of this permit. These documents shall be certified by a professional engineer (P.E.), who is registered in the State of Florida. The Permittee shall point out any deviations from the Project Description of this permit (as stated above) or the approved permit drawings (attached to this permit), and any significant changes that would require a permit modification. The plans and specifications shall include a description of the dredging and construction methods to be utilized and drawings and surveys that show all biological resources and work spaces (e.g., anchoring areas, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project.
 - b. ***Turbidity Monitoring:*** In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an individual familiar with beach construction techniques and turbidity monitoring. This individual shall have authority to alter construction techniques or shut down the beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names, and contact information of those individuals performing these functions shall be provided.
 - c. ***Fish & Wildlife Monitoring Qualifications:*** To ensure that individuals conducting monitoring of fish and wildlife resources have appropriate qualifications, the Permittee shall provide documentation demonstrating expertise/experience in surveying the types of resources that are present in the project. The Department and the Florida Fish and Wildlife Conservation Commission (FWC) will review this information for confirmation that the monitors are capable of meeting the requirements in Specific Conditions contained herein. This documentation shall include the following:

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- i. *Marine Turtle Protection:* A list of the names and FWC permit numbers for the Marine Turtle Permit Holders.
 - ii. *Shorebird Protection:* A list of Bird Monitors with their contact information, summary of qualifications including bird identification skills, and avian survey experience, proposed locations of shorebird survey routes, and the locations of travel routes.
- d. Documentation from the U.S. Fish and Wildlife Service (USFWS) that this work will be covered under a Statewide Programmatic **Biological Opinion** or a Biological Opinion(s) (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, a permit modification may be required prior to construction to include those additional conditions.
- e. Documentation confirming that the approved upland source is currently producing the quantity and quality of the authorized sand product required for the upcoming event, as required by Specific Condition 7.
- f. ***Pre-Construction Conference.*** After all items required by a through e above have been submitted to the Department, the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the Permittee's contractors, the engineer of record, those responsible for turbidity monitoring, those responsible for protected species monitoring, staff representatives of the Fish and Wildlife Conservation Commission (FWC) and the JCP Compliance Officer (or designated alternate) prior to each construction event. In order to ensure that appropriate representatives are available, at least twenty-one (21) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

DEP, JCP Compliance Officer e-mail:
JCPCCompliance@dep.state.fl.us

FWC Imperiled Species Management Section e-mail:
marineturtle@myfwc.com

FWC, Regional Biologist
Contact list: <http://myfwc.com/conservation/you- conserve/wildlife/shorebirds/>

The Permittee is also advised to schedule the pre-construction conference at least a week prior to the intended commencement date. At least seven (7) days in advance of the preconstruction conference, the Permittee shall provide written notification, advising the participants of the agreed-upon date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

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If the actual construction start date is different from the expected start date proposed during the preconstruction conference, at least 48 hours prior to the commencement of each dredging event, the Permittee shall ensure that notification is sent to the FWC, at marineturtle@myfwc.com, indicating the actual start date and the expected completion date. The Permittee shall also ensure that all contracted workers and observers are provided a copy of all permit conditions.

5. Sediment quality will be assessed as outlined in the Sediment QA/QC plan dated June 18, 2021 (attached). Any occurrences of placement of material not in compliance with the Plan shall be handled according to the protocols set forth in the Sediment QA/QC plans. The sediment testing result shall be submitted to the Department within 90 days following the completion of beach construction. The Sediment QA/QC plans include the following:
 - a. If during construction, the Permittee or Engineer determines that the beach fill material does not comply with the sediment compliance specifications, measures will be taken to avoid further placement of noncompliant fill, and the sediment inspection results will be reported to the Department.
 - b. The Permittee will submit post-construction sediment testing results and an analysis report as outlined in the Sediment QA/QC plan to the Department within 90 days following beach construction. The sediment testing results will be certified by a P.E. or P.G. from the testing laboratory. A summary table of the sediment samples and test results for the sediment compliance parameters as outlined in Table 1 of the Sediment QA/QC plan shall accompany the complete set of laboratory testing results. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the geotechnical investigation shall be included in the sediment testing results report.
 - c. A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced will be submitted to the Department within 7 days following completion of remediation activities.
6. The non-shelly sand product from: (1) Vulcan – Goldhead; (2) Vulcan – Keuka; (3) Vulcan – Grandin; (4) Cemex – Davenport; and (5) E.R. Jahna – Independent North; was reviewed and approved for use in this project. Any additional upland sand sources will require review through the permit modification process.
7. Prior to each construction event, the Permittee (or Permittee’s Representative) shall submit documentation confirming that the authorized upland sand source(s) is currently producing both the quantity and quality of the authorized sand product(s) to meet the needs of the upcoming event. The documentation shall be signed and sealed by a Registered Professional in the State of Florida (i.e., a P.E. or P.G.) and shall indicate the name(s) of the product(s), the upland sand source(s) and the approximate volume (per

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product per source) needed for the upcoming event. The Permittee shall submit the documentation to the Department as a preconstruction submittal item no later than 45 days prior to construction. *Note: If the upland source(s) is no longer producing a product consistent with the approved Sediment QA/QC plan, a permit modification will be required to authorize an alternate source.*

SPECIFIC CONDITIONS – Fish and Wildlife

8. Construction Area Project Lighting.

During the marine turtle nesting season (May 1 through October 31), direct lighting of

the beach and nearshore waters shall be limited to the immediate area of active construction.

Lighting on offshore and onshore equipment shall be minimized by reducing the number of fixtures, shielding, lowering the height and appropriately placing fixtures to avoid excessive illumination of the water's surface and nesting beach. The intensity of lighting shall be reduced to the minimum standard required for general construction area safety. Shields shall be affixed to the light housing on dredge and on land-based lights and shall be large enough to block lamp light from being transmitted outside the construction area or to the adjacent marine turtle nesting beach. (Figure 1 below).

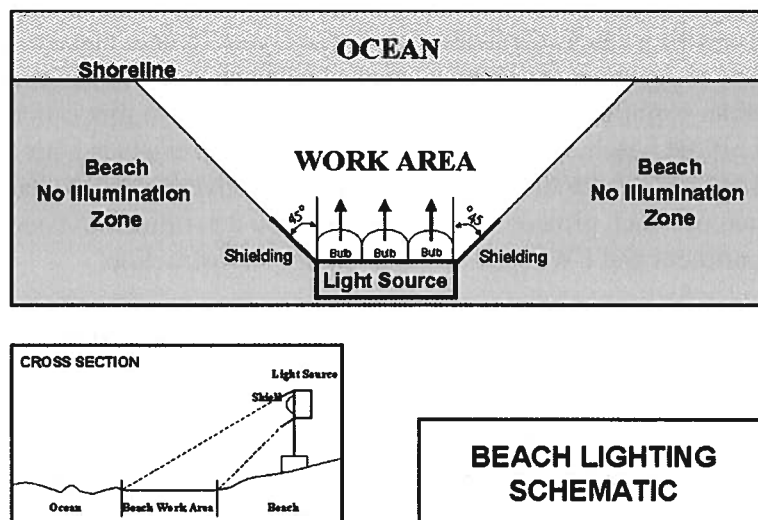


Figure 1

9. **Wildlife Conditions for All Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities during marine turtle and shorebird nesting/breeding seasons March 1 through October 31.

a. **Beach Maintenance:**

- i. The Permittee shall require their contractor and protected species monitors to inspect all work areas that have excavations and temporary alterations of beach topography each day, to determine which areas have deviations (such as depressions, ruts, holes and vehicle tracks) capable of trapping flightless shorebird chicks or marine turtle hatchlings. If so, the deviations shall be filled or leveled from the natural beach profile prior to 9:00 p.m. each day.

The beach surface shall also be inspected subsequent to completion of the project, and all tracks, mounds, ridges or impressions, etc. left by construction equipment on the beach shall be smoothed and leveled.

- ii. All debris, including derelict construction or coastal armoring material, concrete and metal, found on the beach placement site, shall be removed from the beach to the maximum extent practicable prior to any placement of fill material. If debris removal activities will take place during protected species nesting seasons, the work shall be conducted during daylight hours only, and shall not commence until completion of daily monitoring surveys.
 - b. **Equipment Storage and Placement.** Staging areas and temporary storage for construction equipment shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment that is not in use shall be located off the beach. If staging and storage areas off the beach are not possible, then additional marine turtle and shorebird protective measures shall be implemented. Such protective measures shall be determined in coordination with the Department and FWC prior to beginning of construction
 - c. **Beach Driving.** All vehicles operated on the beach shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you-serve/wildlife/beach-driving/>). Specifically, the vehicle shall be operated at speeds less than 6 mph and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of protected species, and the need to avoid injury and disturbance to these species. *Note: when flightless chicks are present within or adjacent to travel corridors, construction-related vehicles shall not be driven through the corridor unless a Bird Monitor is present pursuant to Specific Condition 19.*
10. **Marine Turtle Protection Conditions.**
Construction-related activities are authorized to occur on the nesting beach (sandy beach seaward of existing coastal armoring structures or dune crest and all areas used for beach access) during marine turtle nesting season (May 1 through October 31) under the following conditions:
- a. Daily early morning marine turtle nest surveys shall start two weeks prior to marine turtle nesting season (April 15) or 65 days prior to beach placement whichever is later. Daily nesting surveys shall continue through November 30, or until two weeks after the last crawl in the project area, whichever is earlier.

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- b. Daily nesting surveys shall be conducted beginning ½ hour prior to sunrise, and no construction activity may commence until completion of the marine turtle survey each day.
 - c. The Permittee shall ensure that marine turtle nesting surveys are conducted as required in this authorization, and only conducted by personnel with a valid FWC Marine Turtle Permit, that covers all project activities as required by Chapter 68E-1, F.A.C. For information on the authorized Marine Turtle Permit Holders in the project area, contact FWC at MTP@MyFWC.com.
 - d. Only those nests laid in the area where sand placement will occur shall be relocated, and nest relocation shall cease after the sand placement is completed. Nests requiring relocation shall be moved no later than 9 a.m., the morning following deposition (no longer than 12 hours from the time the eggs are laid), to a nearby self-release beach site in a secure setting, where artificial lighting will not interfere with hatchling orientation. The relocation site shall be determined in conjunction with and approved by FWC prior to nest relocations. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting.
 - e. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished dune, shall be marked and left in place. The Marine Turtle Permit Holder shall install on-beach markers at the nest site to establish a minimum 5-foot radius around the approximate clutch location and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located should the on-beach marker be lost. No activity shall occur within the marked area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
11. **Fill Restrictions.** During the marine turtle nesting season, the contractor shall not advance the beach fill more than 500 feet along the shoreline between dusk and the following day, until the daily nesting survey is completed, and the beach has been cleared for fill advancement. If the 500-foot advancement limitation is not feasible for the project, an alternative distance shall be established during the preconstruction meeting, if a distance can be agreed upon in consultation with the FWC. If the work area is extended, nighttime nesting surveys are required, and a Marine Turtle Permit Holder is required to be present on-site to ensure that no nesting and hatching marine turtles are present. If any nesting turtles are sighted on the beach within the immediate construction area, activities

shall cease immediately until the turtle has returned to the water and the Marine Turtle Permit Holder responsible for nest monitoring has relocated the nest.

12. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling, or egg that may have been harmed or destroyed as a result of the project, the Permittee shall be responsible for notifying FWC Wildlife Alert at 888-404-FWCC (3922). Care shall be taken in handling injured marine turtles or exposed eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials for later analysis. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, the permitted person responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.
13. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, within 30 days prior to April 15 and weekly throughout the marine turtle season for three (3) subsequent years, each year placed sand remains on the dry beach. Escarpment remediation shall be as follows:
 - a. Prior to marine turtle nesting season, escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled to the natural beach contour or the beach profile shall be reconfigured to minimize scarp formation. Any escarpment removal shall be reported relative to Rmonument location to the FWC at MarineTurtle@MyFWC.com, with a copy sent to the JCP Compliance Officer.
 - b. If weekly surveys during the marine turtle nesting season document escarpments that exceed 18 inches in height for a distance of at least 100 feet and have persisted for more than two weeks, the FWC shall be contacted immediately to determine the appropriate action to be taken. The Permittee shall provide locations and measurements of the escarpments to the closest R monument as well as the coordinates for the location of marine turtle nests located within 20 feet of the escarpments (latitude and longitude in decimal degrees), with photographs when possible. Upon written notification by the FWC that the escarpment needs to be leveled, the Permittee shall level the escarpment. If nests are located nearby, to minimize impacts to any existing nest the Permittee shall also coordinate with the marine turtle permit holder prior to leveling the escarpments. An annual summary documenting weekly escarpment surveys (including dates, presence and height of escarpments) and any remediation actions taken shall be submitted electronically to the FWC (MarineTurtle@MyFWC.com) by December 31 of each year.

Note for Shorebird Protection: If escarpment removal occurs during shorebird breeding season, the Shorebird Conditions (including surveys) included in this authorization shall be followed. No heavy equipment shall operate within 300 feet of any shorebird nest. If flightless shorebird chicks are present within the work zone or equipment travel corridor, a Bird Monitor shall be present during the operation to ensure that no heavy equipment operates within 300 feet of the flightless young or within a site-specific corridor established per Specific Condition 19. It is the responsibility of the Permittee to ensure that their contractors avoid scarp removal or dune vegetation planting in areas where nesting birds are present.

14. **Post-Construction Lighting Surveys.** The Permittee shall ensure that lighting surveys be conducted from the renourished dune and the following actions taken to address potential adverse impacts expected with artificial lights visible from any dry portion of the newly elevated beach. The surveys shall be conducted from the top of the foreshore slope (i.e., the seaward edge of the filled dune before it slopes into the water), facing landward. The survey shall follow standard techniques for such a survey, such as including the number and type of visible lights, location of lights, and photo documentation (see additional techniques as per the 2015 USFWS Statewide Programmatic Biological Opinion).
 - a. The first survey shall be conducted between May 1 and May 15 for the first nesting season following construction. For each visible light source, the Permittee shall document that the property owners have been notified and has been provided with recommendations for correcting the light as soon as possible. Recommendations shall be in accordance with local lighting ordinances. A report summarizing all visible lights and the recommendations for correcting the light shall be forwarded to local code enforcement. If no lighting ordinances exist, the recommendations to the property owners shall be consistent with FWC lighting guidelines, which include no lights or light sources shall be visible from the newly elevated beach. The second survey shall be conducted between July 15 and August 1 to assess any remaining visible lights requiring corrective action.
 - b. A summary report of the surveys and what corrective actions or local enforcement actions have been taken shall be submitted to FWC at MarineTurtle@MyFWC.com and copied to JCPCompliance@dep.state.fl.us by December 31 of the year in which surveys are conducted. Upon request by the FWC, the Permittee shall set up and hold a meeting with the those responsible for code enforcement (when applicable), FWC and the USFWS to discuss the report and potential additional corrective action needed, as well as any documented marine turtle disorientations in or adjacent to the project area.
15. **Post-Construction Monitoring and Reporting Marine Turtle Protection Conditions**

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- a. For each sand placement event, reports for all required marine turtle nesting surveys shall be provided for the post construction (partial or remaining) nesting season and for two full nesting seasons post construction in accordance with the Table 1 (below). If nesting and reproductive success is less than the criteria in the table below, an additional year of monitoring and reporting may be required. If criteria is not met, additional conditions prior to the next sand placement on this beach may be required by the Department and the FWC.

- b. Data shall be reported and summarized for the nourished areas and reference beach in accordance with Table 1 (below). Reports shall summarize all crawl activity, hatching success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction. Data on nesting activity on the nourished areas and on an equal length of beach that is not nourished shall be submitted in electronic format (Excel spreadsheets) which are available upon request from MarineTurtle@MyFWC.com. Reports shall be sent to the FWC Imperiled Species Management section at MarineTurtle@MyFWC.com and copied to JCPCCompliance@dep.state.fl.us. All summaries should be submitted by January 15 of the following year.

Table 1. Marine Turtle Monitoring for Beach Placement of Material

Date	Duration	Variable	Criterion
Nesting Success	Year of in-season construction and two entire nesting seasons post construction, with possible additional year ^{1 & 2}	Number of nests and non-nesting emergences by day by species	40 percent or greater
Hatching success	Year of in-season construction and one entire nesting season post construction, with possible additional year ^{1 & 2}	Number of hatchlings by species to hatch from egg	60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests)

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Emergence Success	Year of in-season construction and one entire nesting season post construction, with possible additional year ¹ & ²	Number of hatchlings by species to emerge from nest onto beach	Average must not be significantly different than the average hatching success
Disorientations	Year of in-season construction and two entire nesting seasons post construction ¹	Number of nests and/or individuals that misorient or disorient	
Nests affected by erosion or inundation	Year of construction and two years post construction if placed sand remains on the beach	Number of nests lost and/or affected, by species	
Date	Duration	Variable	Criterion
Lighting Surveys	Two in-season surveys the year following construction; First survey between May 1 and May 15 and second survey between July 15 and August 1 ¹	Number, location and photographs of lights visible from nourished dune, corrective actions recommended, and notifications made	Lighting survey and possible meeting resulting with plan for reduction in lights visible from nourished dune
Escarpment Surveys	Weekly during nesting season for three years beginning with year of construction ¹	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed
¹ If placed sand remains on the beach ² Additional years may be required if variable does not meet criterion based on previous year			

16. **Shorebird Protection.** The term “shorebird” is used here to refer to all solitary nesting shorebirds and colonial nesting seabirds that nest on Florida’s beaches. These conditions are intended to avoid direct impacts associated with the construction of the project and may not address all potential take incidental to the operation and use related to this authorization. The Permittee shall adhere to the shorebird protection conditions during the shorebird breeding cycle, which includes nesting.
- a. Shorebird breeding season dates for this project area are **March 1 through September 1** (note that while most species have completed the breeding cycle by September 1, flightless young may be present through September and must be protected if present).
 - b. Any parts of the project where “project activities” on the beach take place *entirely outside the breeding season*, do not require shorebird surveys. The term “project activities” includes operation of vehicles on the beach, movement or storage of equipment on the beach, sand placement or sand removal, and other similar activities that may harm or disturb shorebirds. Bird survey routes must be established and monitored throughout the entire breeding season in any parts of the project area where: 1) potential shorebird breeding habitat occurs, and 2) project activities are expected to occur at any time within the breeding season. Breeding season surveys shall begin on the first day of the breeding season or 10 days prior to project commencement (including survey activities and other pre-construction presence on the beach), whichever is later.
 - c. Bird surveys shall be conducted in all potential beach-nesting bird habitats within the project boundaries that may be impacted by construction or pre-construction activities. One or more shorebird survey routes shall be established by the Permittee to cover project areas which require shorebird surveys. These routes shall be determined in coordination with the FWC Regional Biologist prior to the initiation of construction. Routes shall not be modified without prior notification to FWC.
 - d. During the pre-construction and construction activities associated with the project, the Permittee shall ensure that surveys for detecting breeding activity and the presence of flightless chicks shall be completed **on a daily basis** by a qualified bird monitor. This shall be completed prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to the birds or their eggs or young. If all project activities are completed and all personnel and equipment have been removed from the beach prior to the end of the breeding season, route surveys shall continue to be conducted at least weekly through the end of the breeding season. If breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall establish a buffer in accordance with Specific Condition 19 around the site and shall

notify the FWC Regional Biologist within 24 hours. The posts and materials for the shorebird buffer zones shall be removed once all breeding or nesting behavior has ceased.

- e. The Permittee shall require the Bird Monitor to conduct a shorebird education and identification program (and/or provide educational materials) with the on-site staff to ensure protection of precocial (mobile) chicks. All personnel are responsible for watching for shorebirds, nests, eggs and chicks. If the Bird Monitor finds that shorebirds are breeding within the project area, the Permittee shall place and maintain a bulletin board in the construction staging area with the location map of the construction site showing the bird breeding areas and a warning, clearly visible, stating that “NESTING BIRDS ARE PROTECTED BY LAW INCLUDING THE FLORIDA ENDANGERED AND THREATENED SPECIES ACT AND THE STATE and FEDERAL MIGRATORY BIRD ACTS”.

17. Shorebird Monitor Requirements.

- a. The Permittee shall ensure that nesting and breeding shorebird surveys are conducted by trained, dedicated individuals (Bird Monitors) with proven shorebird identification skills and avian survey experience.
- b. Bird Monitor(s) shall be required to review and become familiar with the general information, employ the data collection protocol, and implement data entry procedures outlined on the FWC’s FSD website (<http://www.flshorebirddatabase.org> or [Florida Shorebird Database](#)). They shall use the data-collection protocol and implement data entry procedures as outlined in that website.
- c. The Permittee shall submit a list of Bird Monitors, with their contact information and a summary of qualifications, including bird identification skills and avian survey experience to the FWC Regional Biologist and JCPCCompliance@dep.state.fl.us, prior to any construction or shorebird surveys. The determination that the selected Bird Monitor(s) meet the required qualifications shall be coordinated between the Permittee and the FWC Regional Biologist. Once approved, the Permittee shall submit the names and contact information of the Bird Monitor(s) who have been approved by FWC to JCPCCompliance@dep.state.fl.us, prior to any construction or shorebird surveys. The Bird Monitor(s) shall meet the following minimum qualifications:
 - i. Has previously participated in beach-nesting shorebird surveys in Florida (provide references or resume). Experience with previous projects must

document the ability to 1) identify all species of beach-nesting birds by sight and sound, 2) identify breeding/territorial behaviors, and find nests of shorebirds that occur in the project area, and 3) identify habitats preferred by shorebirds nesting in the project area.

- ii. Have a clear working knowledge of, and adhere to, the *Breeding Bird Protocol for Florida's Seabirds and Shorebirds*.
<https://publictemp.myfwc.com/crossdoi/shorebirds/resources.aspx>
- iii. Have completed full-length webinars: Route-Surveyor Training and Rooftop Monitoring Training, including the annual refresher training. Training resources can be found on the *Florida Shorebird Database (FSD)* website.
<https://publictemp.myfwc.com/crossdoi/shorebirds/index.aspx>
- iv. Familiar with *FWC beach driving guidelines*.
[\(https://myfwc.com/conservation/you-serve/wildlife/beach-driving/\)](https://myfwc.com/conservation/you-serve/wildlife/beach-driving/).
- v. Experience posting beach-nesting bird sites, consistent with *Florida Shorebird Alliance (FSA) Guidelines*.
<http://flshorebirdalliance.org/resources/instructions-manuals.aspx>
- vi. Has registered as a contributor to the FSD.

18. **Shorebird Survey Protocols.** Bird survey protocols, including downloadable field data sheets, are available on the *FSD website*. All breeding activity shall be reported to the FSD website within one week of data collection. If the use of this website is not feasible for data collection, the FWC Regional Biologist shall be contacted for alternative methods of reporting. The Permittee shall ensure that the Bird Monitors use the following survey protocols:

- a. Surveys shall be conducted by walking the length of all survey routes and visually surveying for the presence of shorebirds exhibiting breeding behavior, shorebird chicks or shorebird juveniles, as outlined in the FSD Breeding Bird Protocol for Shorebirds and Seabirds. Use of binoculars (minimum 8x40) is required and use of a spotting scope may be necessary to accurately survey the area. If an ATV or other vehicle is needed to cover large survey routes, the Bird Monitor shall stop at intervals of no greater than 600 feet to visually inspect for breeding activity.
- b. Once breeding or nesting behavior is confirmed by the presence of a scrape, eggs or young, the Permittee (or their designee) shall notify the FWC Regional Biologist within 24 hours.

19. **Shorebird Buffer Zones and Travel Corridors.** The Permittee shall require the Bird Monitor(s) and Contractor(s) to meet the following:
- a. The Bird Monitor(s) shall establish a disturbance-free buffer zone around any location within the project area where the Bird Monitor has observed shorebirds engaged in breeding behavior, including territory defense. A 300-foot buffer shall be established around each nest or around the perimeter of each colonial nesting area. A 300-foot buffer shall also be placed around the perimeter of areas where shorebirds are seen digging nest scrapes or defending nest territories. All construction activities, movement of vehicles, stockpiling of equipment, and pedestrian traffic are prohibited in the buffer zone. **Smaller, site-specific buffers may be established if approved in writing by the FWC Regional Biologist.** Travel corridors shall be designated and marked outside the buffer areas for pedestrian, equipment or vehicular traffic.
 - b. The Bird Monitor(s) shall keep breeding sites under sufficient surveillance to determine if birds appear agitated or disturbed by construction or other activities in adjacent areas. If birds appear to be agitated or disturbed by these activities, then the Bird Monitor(s) shall immediately widen the buffer zone to a sufficient size to protect breeding birds.
 - c. The Bird Monitor(s) shall ensure that reasonable and traditional pedestrian access is not blocked in situations where breeding birds will tolerate pedestrian traffic. This is generally the case with lateral movement of beach-goers walking parallel to the beach at or below the highest tide line. Pedestrian traffic may also be allowed when breeding was initiated within 300 feet of an established beach access pathway. The Bird Monitor(s) shall work with the FWC Regional Species Conservation Biologist to determine if pedestrian access can be accommodated without compromising nesting success. These site-specific buffers must be determined in coordination with the FWC Regional Biologist.
 - d. The Bird Monitor(s) shall ensure that the perimeters of designated buffer zones shall be marked according to FSA Posting Guidelines available at: <http://flshorebirdalliance.org/resources/instructions-manuals.aspx>) with posts, twine and FWC-approved signs stating “Do Not Enter, Important Nesting Area” or similar language around the perimeter (see example of signage for marking designated buffer zones at <http://myfwc.com/conservation/you- conserve/wildlife/shorebirds/>). Posts shall not exceed 3 feet in height once installed. Symbolic fencing (twine, string or rope) should be placed between all posts at least 2.5 feet above the ground and rendered clearly visible to pedestrians. If pedestrian pathway and/or equipment travel corridor modifications are approved by the FWC Regional Biologist, these shall be clearly marked. **Posting shall be maintained in good repair until no**

active nests, eggs, or flightless young are present. Although solitary nesters may leave the buffer zone temporarily with their chicks, the posted area continues to provide a potential refuge for the family until breeding is complete. Breeding is not considered to be completed until all chicks have fledged.

- e. The Permittee shall ensure that no construction activities, pedestrians, moving vehicles, or stockpiled equipment are allowed within the buffer area.
- f. The Permittee shall ensure that the Bird Monitor(s) designate and mark travel corridors outside the buffer areas so as not to cause disturbance to breeding birds. Heavy equipment, other vehicles, or pedestrians may transit past breeding areas in these corridors. However, other activities such as stopping or turning heavy equipment and vehicles shall be prohibited within the designated travel corridors adjacent to the breeding site.
- g. When flightless chicks are present within or adjacent to travel corridors, construction related vehicles shall not be driven through the corridor unless a Bird Monitor is present to adequately monitor the travel corridor. The Permittee shall require the contractor with the oversight of the Bird Monitor(s) to avoid any chicks that may be in the path of moving vehicles. The Permittee shall also require the contractor with the oversight of the Bird Monitor(s) to level any tracks, ruts, or holes that may be capable of trapping flightless chicks, while avoiding any impacts to the chicks.

Notification. Any injury or death of a shorebird (including crushing eggs or young) resulting from project activities shall be reported immediately to the FWC Regional Biologist.

20. **Dune Planting Conditions.** Planting of dune vegetation is encouraged outside of marine turtle nesting season. However, planting activities may occur during the marine turtle nesting season May 1 through October 31 under the following conditions:
- a. It is the responsibility of the Permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nest surveys and activities involving marine turtles shall be conducted only by persons with a valid FWC permit issued pursuant to Florida Administrative Code 68E-1. For information regarding marine turtle permit holders, contact the FWC at MTP@MyFWC.com.
 - b. Marine turtle nest surveys shall be initiated at the beginning of the nesting season or 65 days prior to installation of plants (whichever is later). Surveys shall continue until completion of the project or through October 31 (whichever is earliest). Surveys shall be conducted throughout the project area and all beach access sites.

- c. Any nests deposited in the area shall be left in place. The marine turtle permit holder shall install an on-beach marker at any nest site and a secondary marker located at a point as far landward as possible to ensure that future location of the nest will be possible should the on-beach marker be lost. A series of stakes and survey ribbon or string shall be installed to establish an area of three (3) feet radius surrounding the nest. No planting or other activity shall occur within this area nor shall any activity occur which might cause indirect impacts within this area. Nest sites shall be inspected daily to ensure nest markers have not been removed.
 - d. The use of heavy equipment (including vehicles such as trucks) is not authorized in marine turtle nesting habitat. A lightweight (ATV style) vehicle, with tire pressures of 10 psi or less can operate on the beach if required.
 - e. Any vegetation planting shall be installed by hand labor/tools only.
 - f. All activity shall be confined to daylight hours and shall not occur prior to the completion of all necessary marine turtle surveys and conservation activities within the project area. Nighttime storage of equipment or materials shall be off the beach.
 - g. In the event a nest is disturbed or uncovered during planting activity, the Permittee shall cease all work and immediately contact the marine turtle permit holder responsible for marine turtle conservation measures within the project area. If a nest(s) cannot be safely avoided during construction, all activity within the affected project area shall be delayed until complete hatching and emergence of the nest.
 - h. All planting related activities must avoid marked marine turtle nests including those that may be on the beach before and after the marine turtle nesting season dates (May 1 through October 31). Any impacts to nests or marine turtles that inadvertently occur shall be immediately reported the Florida Fish and Wildlife Conservation Commission (FWC) at MarineTurtle@MyFWC.com, and all work shall stop until authorized to continue by the Department and the FWC.
 - i. All irrigation lines for the dune restoration planting, if proposed, will be temporarily installed along the landward side of the dune only and will be removed once the plants have become established. Any watering necessary along the seaward side of the dune will be done by hand on an “as needed” basis.
21. **Water Quality.** No fill placement is authorized below the mean high water line (MHWL). The project is not expected to generate turbidity because all fill material will be dry and will be placed landward of the MHWL. Consequently, when working in close proximity to the MHWL, the Permittee shall have a person with experience and/or qualifications in turbidity monitoring on site to visually monitor for project-related

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turbidity plumes. The person conducting the visual turbidity monitoring shall maintain a log of any visible project-related turbidity plumes that extend beyond the edge of the mixing zone (50-meter radius from the shoreline closest to the construction activity).

If a turbidity plume, visually assessed as potentially greater than 29 NTUs above background, extends beyond the edge of the mixing zone, construction activities shall **cease immediately** and not resume until corrective measures have been taken and the plume dissipates to acceptable levels. Any such occurrence shall also be reported to the JCP Compliance Officer (JCPCompliance@dep.state.fl.us) within 24 hours. The subject line of the email shall state, "POTENTIAL TURBIDITY EXCEEDANCE", and the Project Name and Permit Number. The following information shall also be included:

- a. description of the plume (location, estimated length, width and direction of flow). A diagram indicating the direction of flow and the boundaries of any benthic resources should also be included in the report;
- b. the antecedent weather conditions at the time of exceedance
- c. the time and date that the exceedance occurred; and
- d. the time and date that construction ceased.
- e. corrective measures that were taken; and
- f. the cause of the exceedance.

If a second incident occurs, where a visible turbidity plume, visually assessed as greater than 29 NTUs above background, extends beyond the mixing zone, construction shall cease as described above and the Permittee shall also coordinate with the JCP Compliance Officer to determine whether a Physical Turbidity Monitoring protocol should be implemented.

Within 30 days of completion of construction, a **summary of the visual turbidity monitoring** shall be submitted to the JCP Compliance Officer with the written statement of completion and certification required by General Condition 11 and detailed in Specific Condition 21.

22. If the Permittee is unable to complete two maintenance events within the 15-year life of the permit, the Permittee may request (prior to the expiration date of the permit), and the Department shall grant, an extension of the permit expiration date in order to allow completion of the second maintenance event. The extension would be documented through an administrative modification.
23. Within 90 days after completion of authorized activities, the Permittee shall submit a notice of completion to the JCP Compliance Officer that includes the following information:

**Joint Coastal Permit
Hammock Dunes – Dune Restoration
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- a. The permit number **0405821-001-JC** and the project name **Hammock Dunes – Dune Restoration**.
 - b. A copy of any post-construction As-Built Survey drawings required of the Contractor. If any of the completed activities differ substantially from the permitted plans, any substantial deviations shall be noted and explained.
 - c. The date on which authorized activities began and the date of completion;
 - d. A table identifying any harm or injury to threatened species, endangered species or protected species, endangered status communities, the probable causes of the take and corrective measures taken.
24. **Post-Construction Meeting.** Within 90 days following each construction activity authorized by this permit, the Permittee shall hold a post-construction conference. Attendees shall include at minimum, the Permittee, Agent, Department representative, and FWC representative.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory W. Garis.
Program Administrator
Beaches, Inlets and Ports Program
Office of Resilience and Coastal Protection

Attachment(s):

1. Approved Permit Drawings (14 pages, dated June 2021)
2. Sediment QA/QC Plan (7 pages, approved on June 2021)

**Joint Coastal Permit
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all attachments were sent on the filing date below.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Shenicka Miller
Clerk

_____ 12/06/2021
Date

**Flagler County, FL – Hammock Dunes
Dune Restoration Project
R-35.1 to R-47.9**

**FDEP Joint Coastal Permit Application
ATTACHMENT #16f SEDIMENT QA/QC PLAN**

SEDIMENT QUALITY ASSURANCE/QUALITY CONTROL PLAN

FOR BEACH OR DUNE RESTORATION USING AN UPLAND SAND SOURCE

Permit # _____

Hammock Dunes, Flagler County – Dune Restoration Project

18 June 2021

A. INTRODUCTION

Pursuant to Fla. Admin. Code r. 62B-41.008 (1) (k) 4.b., permit applications for inlet excavation, beach restoration, or nourishment shall include a quality control/assurance plan that will ensure that the sediment from the borrow areas to be used in the project will meet the standard in Fla. Admin. Code r. 62B-41.007(2)(j). To protect the environmental functions of Florida's beaches, only beach compatible fill shall be placed on the beach or in any associated dune system. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system.

The Department has received the results of geotechnical investigations that provide adequate data concerning the character of the sediment and the quantities available within the spatial limits of the upland sand source(s). The Department has received an analysis of the existing or native sediment and the sediment within the permitted upland sand source(s), including the methods of mining and post-mining processing, that demonstrates its compatibility with the naturally occurring beach sediment in accordance with Fla. Admin. Code r. 62B-41.007(2)(j). The sediment analysis and volume calculations were performed using established industry standards, and are certified by a Professional Engineer or a Professional Geologist registered in the State of Florida.

Based upon this information, the Department of Environmental Protection (Department) has determined that use of the sediment from the upland sand source(s) will maintain the general character and functionality of the sediment occurring on the beach and in the adjacent dune and coastal system. Furthermore, this information provides sufficient Quality Assurance/Quality Control (QA/QC) that the mean grain size and carbonate content of the sediment from the upland sand source(s) will meet the requirements of Fla. Admin. Code r. 62B-41.007(2)(j); hence, additional QA/QC procedures are not required for these sediment parameters during construction.

This plan outlines the responsibilities of each stakeholder in the project as they relate to the placement of beach compatible material on the beach. These responsibilities are in response to the possibility that non-beach compatible sediments may exist within the upland sand source(s) and could be unintentionally placed on the beach. The QC Plan specifies the minimum construction management, inspection and reporting requirements placed on the Contractor and enforced by the Permittee, to ensure that the sediment from the upland sand source(s) to be used in the project meet the compliance specifications. The QA Plan specifies the minimum construction oversight, inspection and reporting requirements to be undertaken by the Permittee or the Permittee's On-Site Representative to observe, sample, and test the placed sediments to verify the sediments are in compliance.

B. SEDIMENT QUALITY SPECIFICATIONS

The sediment from the upland sand source(s) is similar in Munsell color and grain size distribution to the material in the existing coastal system at the beach placement site. The Department and the Permittee acknowledge that it is possible that discrete occurrences of non-beach compatible sediments may exist within the permitted upland sand source(s) that do not comply with the limiting parameters of Fla. Admin. Code r. 62B-41.007(2)(j) 1. – 5., or vary in Munsell color from the composite value. Furthermore, the Department may consider more restrictive values for the sediment parameters to ensure that the sediment from the upland sand source(s) is similar in color and grain size distribution to the sediment in the existing coastal system at the beach placement site. Therefore, fill material compliance specifications for the sediment from the upland sand source(s) proposed for this project are provided in Table 1.

The compliance specifications take into account the variability of sediment on the native or existing beach, and are

values which may reasonably be attained given what is known about the upland sand source(s). Beach fill material which falls outside of these limits will be considered unacceptable and subject to remediation.

Table 1- Sediment Compliance Specifications.†

Sediment Parameter	Parameter Definition	Compliance Value
Max. Silt Content	Passing #230 sieve	2%
Max. Shell Content*	Retained on #4 sieve	5%
Munsell Color Value	Moist Value (Chroma = 1 or 2; Hue 7.5 YR or 10 YR)	6 or lighter
Mean Grain Size Range	Moment Method	0.20 to 0.40 mm

†The beach fill material shall not contain construction debris, toxic material, other foreign matter, coarse gravel or rocks.

*Shell Content is used as the indicator of fine gravel content for the implementation of Quality Assurance/Quality Control procedures.

C. QUALITY ASSURANCE PLAN

The Permittee will seek to enforce the construction contract and Department permits related to sediment quality. In order to do so, the following steps shall be followed:

1. **Construction Observation.** Construction observation by the Permittee's On-Site Representative will be performed on a daily basis during periods of active construction. The Permittee's On-Site Representative will collect a sediment sample to visually assess grain size, Munsell color, shell content, and silt content against the benchmark sample. The observation will include handling the fill material to ensure that it is predominantly sand to note the physical characteristics and assure the material meets the sediment compliance parameter specified in this Plan. If deemed necessary, quantitative assessments of the sand will be conducted for grain size, silt content, shell content and Munsell color using the methods outlined in section C.7.b.
2. **On-Site Representative.** The Permittee will provide on-site observation by individuals with training or experience in beach nourishment and construction inspection and testing, and who are knowledgeable of the project design and permit conditions. The project Engineer will actively coordinate with the Permittee's On-Site Representative, who may be an employee or sub-contractor of the Permittee or the Engineer. Communications will take place between the Engineer and the Permittee's On-Site Representative on a weekly basis.
3. **Pre-Construction Meeting.** The project QA/QC Plan will be discussed as a matter of importance at the preconstruction meeting. The Contractor will be required to acknowledge the goals and intent of the above described QA/QC Plan, in writing, prior to commencement of construction.
4. **Contractor's Daily Reports.** The Permittee's On-Site Representative will review the Contractor's Daily Reports which will characterize the nature of the sediments encountered at the upland sand source and placed along the project shoreline with specific reference to moist sand color and the occurrence of rock, rubble, shell, silt or debris.
5. **On Call.** The project Engineer will be continuously on call during the period of construction for the purpose of making decisions regarding issues that involve QA/QC Plan compliance.
6. **Addendums.** Any addendum or change order to the Contract between the Permittee and the Contractor will be evaluated to determine whether or not the change in scope will potentially affect the QA/QC Plan.
7. **Post-Construction Sampling for Laboratory Testing.** To assure that the fill material placed on the beach was adequately assessed by the borrow area investigation and design, the Project Engineer will conduct assessments of the sediment as follows:
 - a. Post-construction sampling of each acceptance section and testing of the fill material will be conducted to verify that the sediment placed on the beach meets the expected criteria/characteristics provided during from the geotechnical investigation and borrow area design process. Upon completion of an acceptance section of

constructed beach, the project Engineer will collect two (2) duplicate sand samples at each Department reference monument profile line to quantitatively assess the grain size distribution, moist Munsell color, shell content, and silt content for compliance. The Engineer will collect the sediment samples of a minimum of 1 U.S. pint (at least 200 grams) each from the bottom of a test hole a minimum of 18 inches deep within the limits of the constructed berm. The Engineer will visually assess grain size, Munsell color, shell content, and silt content of the material by handling the fill material to ensure that it is predominantly sand, and further to note the physical characteristics. The Engineer will note the existence of any layering or rocks within the test hole. One sample will be sent for laboratory analysis while the other sample will be archived by the Permittee. All samples and laboratory test results will be labeled with the Project name, FDEP Reference Monument Profile Line designation, date sample was obtained, and "Construction Berm Sample."

- b. All samples will be evaluated for visual attributes (Munsell color and shell content), sieved in accordance with the applicable sections of ASTM D422-63 (Standard Test Method for Particle-Size Analysis of Soils), ASTM D1140 (Standard Test Method for Amount of Material in Soils Finer than No. 200 Sieve), and ASTM D2487 (Classification of Soils for Engineering Purposes), and analyzed for carbonate content. The samples will be sieved using the following U.S. Standard Sieve Numbers: 3/4", 5/8", 3.5, 4, 5, 7, 10, 14, 18, 25, 35, 45, 60, 80, 120, 170, 200, and 230.
- c. A summary table of the sediment samples and test results for the sediment compliance parameters shall accompany the complete set of laboratory testing results. The column headings will include: Sample Number; Mean Grain Size (mm); Sorting Value: Silt Content (%); Shell Content (%); Munsell Color Value; and a column stating whether each sample MET or FAILED the compliance values found in Table 1. The sediment testing results will be certified by a P.E or P.G. registered in the State of Florida. A statement of how the placed fill material compares to the sediment analysis and volume calculations from the sand search investigation and borrow area design shall be included in the sediment testing results report. The Permittee will submit sediment testing results and analysis report to the Department within 90 days following beach construction.
- d. In the event that a section of beach contains fill material that is not in compliance with the sediment compliance specifications, then the Department will be notified. Notification will indicate the volume, aerial extent and location of any unacceptable beach areas and remediation planned.

D. QUALITY CONTROL PLAN

The contract documents shall incorporate the following technical requirements, or equivalent language that addresses the sediment quality monitoring on the beach, and, if necessary, remedial actions. The Permittee will seek to enforce these contract requirements during the execution of work. The Contractor's Quality Control Plan shall be submitted for review and acceptance by the Permittee. This Plan shall also address sediment quality assurance by including: (1) the specific sampling frequency and testing methodology to be provided by the Contractor, (2) the name, address and point of contact for the Licensed Testing Laboratory to be used for the required collection of samples and laboratory testing, and (3) how the Contractor intends to assess compliance with the Sediments Compliance Specifications as shown in Table 1 above.

The characteristics of the in-situ materials in the upland sand source(s) are indicated by the geotechnical data, including the boring logs and grain size distribution curves. The characteristics of the processed material are also included with the geotechnical data. However, the Contractor should be aware that it is possible for material of differing characteristics to be present and that the mining process may correspondingly require revisions to produce beach compatible sand consistent with the Sediment Compliance Specifications in Table 1.

1. **Assessment at Upland Sand Source.** The material shall be observed while the material is being loaded into the trucks for transport to the Construction Access/Staging Area. Both the Contractor and the Permittee will have benchmark samples labeled with the permit number, "Benchmark Sample", date collected, site name and information on where the sample was attained. The benchmark sample shall be material that has been deemed beach compatible in accordance with the Sediment Compliance Specifications and shall serve as the minimum requirement for the material being placed on the beach. If any material appears to be non-compliant, it shall be set aside for testing and/or further processing and not transported to the beach.

- a. **For conventional hydraulic excavation and stockpiling.** The Contractor will collect a sediment sample at not less than 4 samples for each 3,000 cubic yards of stockpiled material to visually assess grain size, Munsell color, shell content, and silt content against the benchmark sample. The sample shall be a minimum of 1 U.S. pint (approximately 200 grams). This assessment will consist of handling the fill material to ensure that it is predominantly sand to note the physical characteristics and assure the material meets the sediment compliance parameter specified in this Plan. If deemed necessary, quantitative assessments of the sand will be conducted for grain size, silt content, shell content and Munsell color using the methods outlined in section C.7.b. Each sample will be archived with the date, time, and location of the sample. The results of these daily inspections, regardless of the quality of the sediment, will be appended to or notated on the Contractor's Daily Report. All samples will be stored by the Permittee for at least 60 days after project completion.
- b. **For material requiring special handling and material processing.** If special handling and material processing are necessary to produce beach compatible material consistent with the Sediment Compliance Specifications in Table 1, then sampling and laboratory testing of the processed sand shall be conducted at the upland mine(s) from the stockpiled material before the material is transported to the Construction Access/Staging Areas. The Contractor will collect 4 representative samples from approximately every 3,000 cubic yards of material in the stockpile no less than 6 inches below the surface. The samples shall be tested at a Licensed Testing Laboratory using the criteria outlined in Section C.7.b.

If a sample does not meet the Sediment Compliance Specifications in Table 1, then the 3,000 cubic yards of material represented by that sample shall not be transported to the Construction Access/Staging Area. The material may undergo further processing to meet the Sediment Compliance Specifications with additional testing to verify the additional processing produce material that meets the Sediment Compliance Specifications, or the material shall be set aside and not used.

2. **Beach Observation.** The Contractor will continuously visually monitor the sediment being placed on the beach. An assessment will be made during placement at a minimum of once every hour. This assessment will consist of handling the fill material to ensure that it is predominantly sand and to note the physical characteristics, and assure the material meets the Sediment Compliance Specifications in Table 1. If noncompliant sediment is placed on the beach, the Contractor will immediately cease placement until any stockpiled material at the beach construction staging area can be verified as beach compatible and verbally notify the Permittee's On-site Representative, providing the time, location, and description of the noncompliant sediment. The Contractor will take the appropriate remediation actions as directed by the Permittee or Permittee's Engineer.

E. REMEDIATION

1. **Compliance Area.** If a sample does not meet the compliance value for construction debris, toxic material, other foreign material, coarse gravel, or rock the Permittee shall determine the aerial extent of the noncompliant beach fill material and remediate regardless of the extent of the noncompliant material. If a sample is noncompliant for the silt content, shell content, or Munsell color, and the aerial extent exceeds 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects, the Permittee shall remediate.
2. **Notification.** If an area of newly constructed beach or dune does not meet the sediment compliance specifications, then the Department (JCPCCompliance@dep.state.fl.us) will be notified. Notification will indicate the aerial extent and location of any areas of noncompliant beach fill material and remediation planned. As outlined in section E.4 below, the Permittee will immediately undertake remediation actions without additional approvals from the Department. The results of any remediation will be reported to the Department following completion of the remediation activities and shall indicate the volume of noncompliant fill material removed and replaced.
3. **Sampling to determine extent.** In order to determine if an area greater than 10,000 square feet of beach berm or 100 linear feet of dune for dune-only projects is noncompliant, the following procedure will be performed by the Permittee's On-site Representative or Engineer:
 - a. Upon determination that the first sediment sample is noncompliant, at minimum, five (5) additional sediment samples will be collected at a maximum 25-foot spacing in all directions and assessed. If the additional samples are also noncompliant, then additional samples will be collected at a 25-foot spacing in all directions until the aerial extent is identified.

- b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, shell content, and Munsell color using the methods outlined in section C.7.b. Samples will be archived by the Permittee.
 - c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of noncompliant fill.
 - d. The total square footage will be determined.
 - e. The site map and analysis will be included in the Contractor's Daily Report.
4. **Actions.** The Permittee or Permittee's Engineer shall have the authority to determine whether the material placed on the beach is compliant or noncompliant. If placement of noncompliant material occurs, the Contractor will be directed by the Permittee or Permittee's Engineer on the necessary corrective actions. Should a situation arise during construction that cannot be corrected by the remediation methods described within this QA/QC Plan, the Department will be notified. The remediation actions for each sediment parameter are as follows:
- a. *Silt*: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value, or removing the noncompliant fill material and replacing it with compliant fill material.
 - b. *Shell*: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
 - c. *Munsell color*: blending the noncompliant fill material with compliant fill material within the adjacent construction berm or dune sufficiently to meet the compliance value or removing the noncompliant fill material and replacing it with compliant fill material.
 - d. *Coarse gravel*: screening and removing the noncompliant fill material and replacing it with compliant fill material.
 - e. *Construction debris, toxic material, or other foreign matter*: removing the noncompliant fill material and replacing it with compliant fill material.

All noncompliant fill material removed from the beach will be transported to an appropriate upland disposal facility located landward of the Coastal Construction Control Line or returned to the upland mine.

5. **Post-Remediation Testing.** Re-sampling shall be conducted following any remediation actions in accordance with the following protocols:
- a. Within the boundaries of the remediation actions, samples will be taken at maximum of 25-foot spacing.
 - b. The samples will be visually compared to the acceptable sand criteria. If deemed necessary by the Engineer, quantitative assessments of the sand will be conducted for grain size, silt content, and Munsell color using the methods outlined in section C.7.b. Samples will be archived by the Permittee.
 - c. A site map will be prepared depicting the location of all samples and the boundaries of all areas of remediation actions.
6. **Reporting.** A post-remediation report containing the site map, sediment analysis, and volume of noncompliant fill material removed and replaced will be submitted to the Department within 7 days following completion of remediation activities.

All reports or notices relating to this permit shall be emailed and sent to the Department at the following locations:

DEP Beaches Field Services and Compliance Program
JCP Compliance Officer 2600 Blair Stone Rd.
Mail Station 3566
Tallahassee, Florida 32399
Phone: (850) 245-8336
E-mail: JCPCompliance@dep.state.fl.us

End of Plan

FDEP Version dated October 31, 2014

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2017-01052 (SP-TMM)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

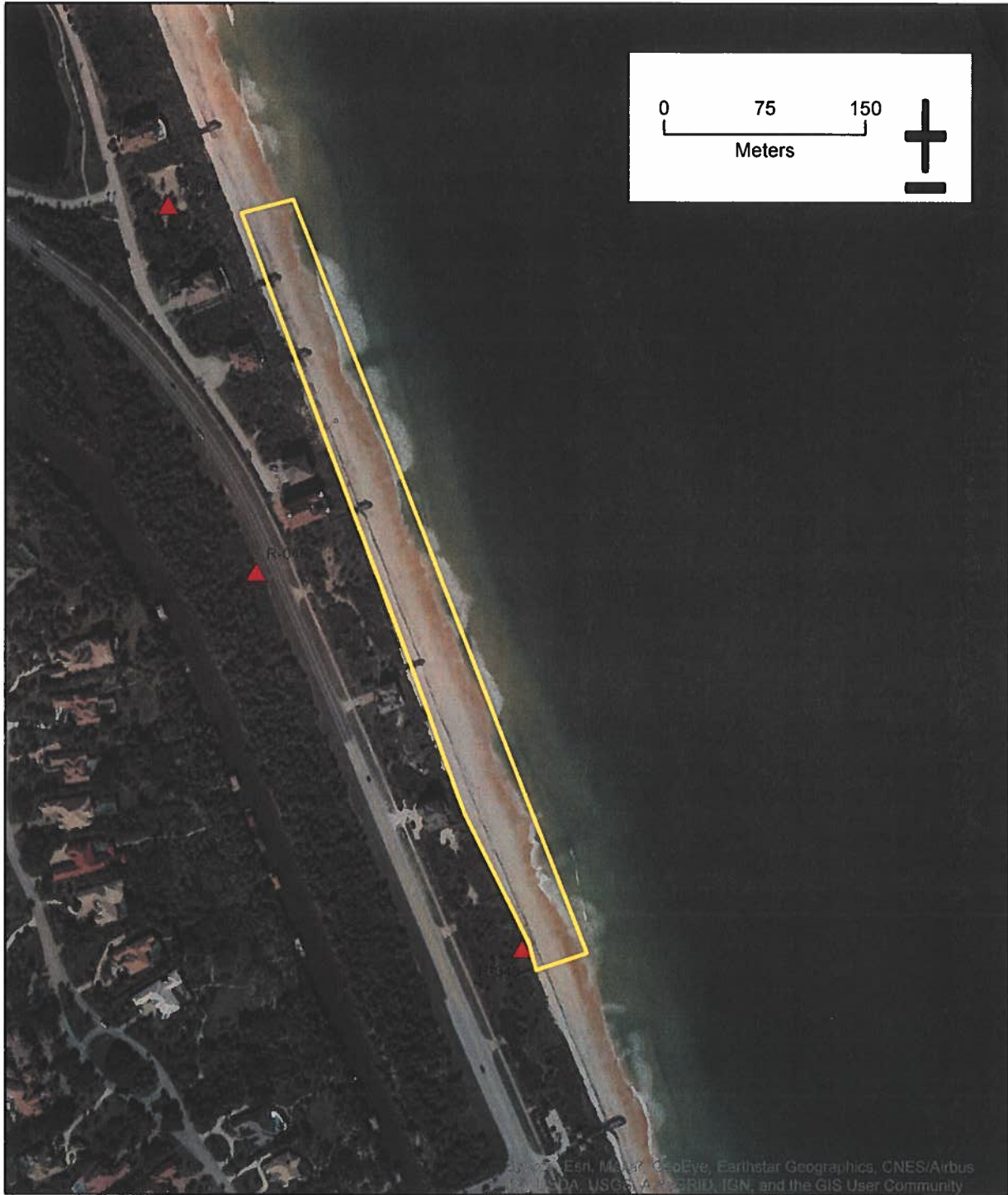
Email: _____

Phone: _____

of Permittee Signature

Printed Name of Permittee

Date Dated 9/18/2019



Hammock Dunes SAJ 2017-01052 Special Condition

 Buffer area for Archaeological Reconnaissance

Robin Moore
RD Archaeologist
CESAJ RD

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via email, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336

Panama City Field Office – (850) 769-0552
South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5” x 11” paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant’s designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project

completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Within sixty (60) days of completion of the authorized work, submit this form and one set of asbuilt engineering drawings via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, but not to exceed 15 MB) or by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3697.

1. Department of the Army Permit Number: SAJ-2017-01052 (SP-TMM)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR, or VI) Reg. Number

Company Name

Dated 9/18/2019

Exhibit F

For maintenance evaluations, the coastal engineers will use transects and modelling for Projects.

In 1972, there were only 4 full-width-transects in HDOA (R-36, R-39, R-42 and R-45).

11 full-width-transects at R-monuments have been used since the 1980s; 1000 feet apart.

The area between the pink 1972 line and the black 2022/2023 line is an example of “deficit sand”.

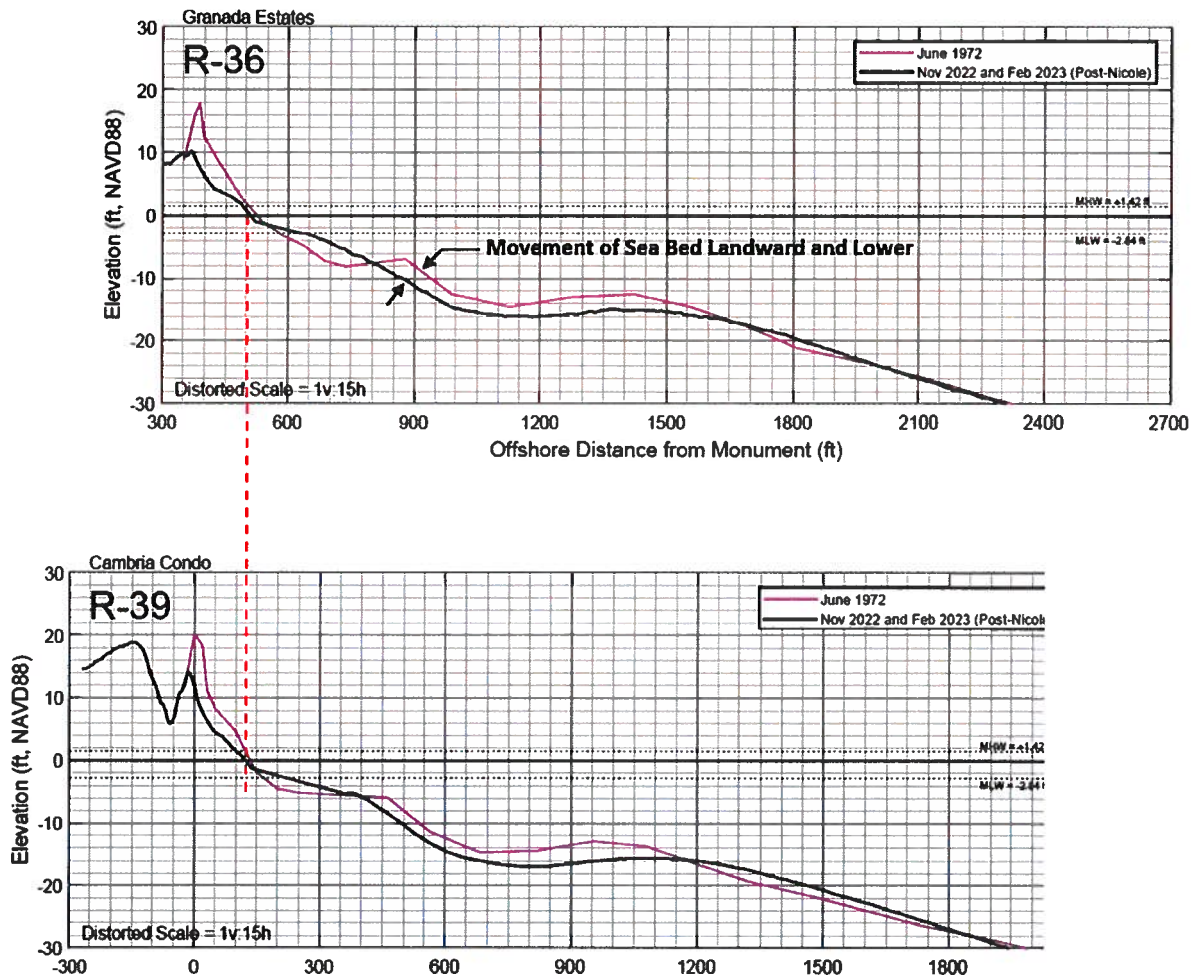
The 1972 elevation line can be adjusted higher for Sea Level Rise (SLR) from 1972.

As new Lidar Surveys are taken, the volume of sand deficit is updated for evaluation by engineers.

The vertical dotted red line is to align the “zero elevation points” across the transects.

This method provides on-going tracking of: dune, beach, and nearshore sand volumes.

Each cell of the grid is 2 foot high and 50 feet wide equaling 100 sq. ft. or 3.7 cy/lf of sand.

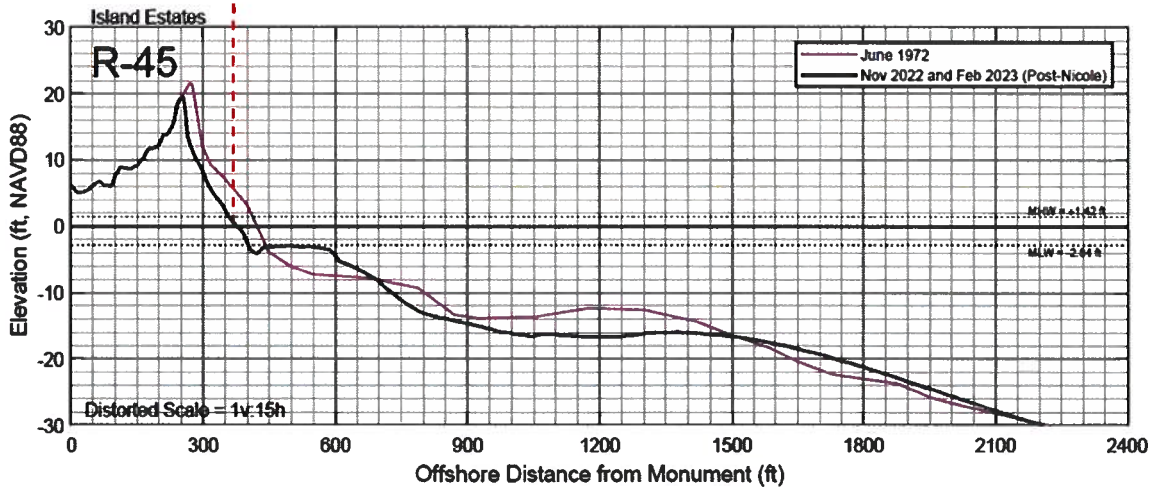
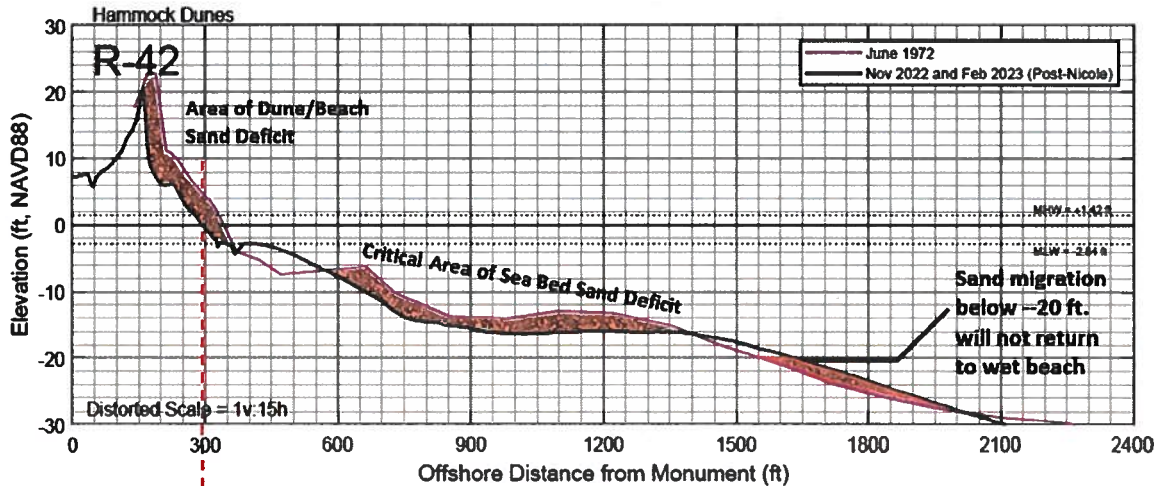


Modelling of dune, beach, and nearshore by coastal engineers is necessary for Restoration Projects
 (In some locations, the 2023 sea bed is 4 foot lower than in 1972).
 For reference, 2.3 miles HDOA, 1 ft. of SLR, 500 ft. wide, requires 225,000 cubic yards of sand (18.4 cy/lf)

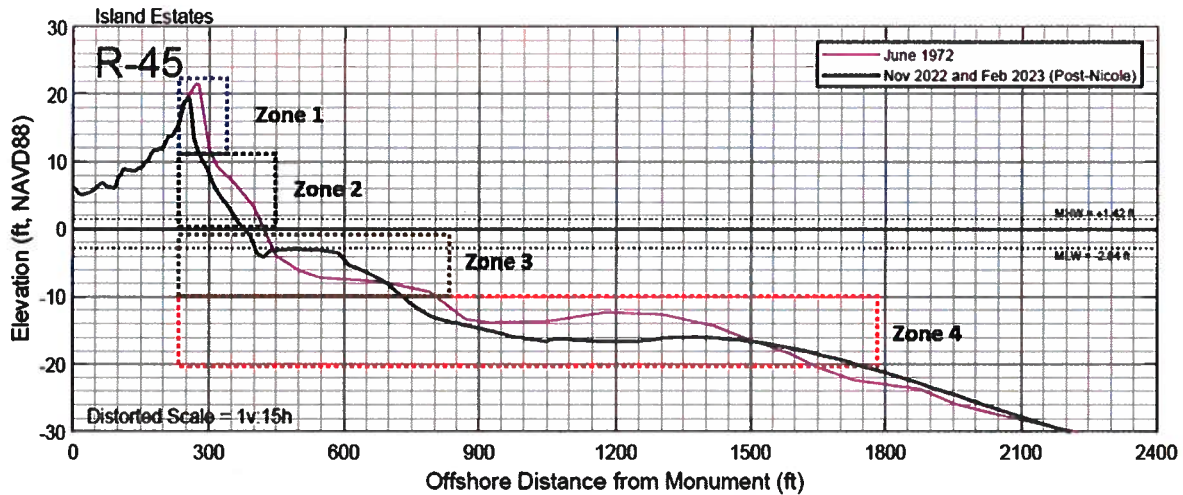
The Area between the lines does NOT represent the sand loss from 1972 until 2022, as sand repairs during the period have to be added to the sand deficit.

In most areas of HDOA, 16 cy/lf has been added during repairs in 2017 and 2018.

Also, during construction of HDOA by developers, dune openings for vehicle entrance to the beach were repaired.



Using Transect R-45 to illustrate four zones of sand volume measurement as an example,
(w/o adjustment for SLR of the 1972 pink line).



The zones in this example all start landward, at the 18 foot elevation intersection of each transect on the back-slope of the dune in 1972.

Zone 1, is from the 11 foot NAVD elevation Vegetation Line, to the top of the dune for sand volume measurement. This sand volume should be relatively stable, except for routine dune toe erosion, and except following a major storm, when Lidar surveys are often taken.

Zone 2, is from zero NAVD up to the 11 foot vegetation line for sand volume measurement. This sand volume is very dynamic, so while measurement is important as part of the total sand volume of all four zones, depending on the timing and seasonality of the Lidar, the sand volume can vary widely, and still function properly.

Zone 3, is from -10 foot elevation up to zero NAVD for sand volume measurement. This volume is dynamic, so absolute volume of just this zone is less important that the total of Zone 2 and Zone 3 and take into account seasonality of the Lidar survey.

Zone 4, is from -20 foot elevation up to -10 foot NAVD to measure sand volume. This volume is less dynamic than 3, except for major storms. Zone 4 volume is important to increase for Sea Level Rise, versus 1972.

A rough evaluation of sand volumes from this one illustrative example (without SLR) transect R-45 is:

- 500 sq. ft. in 1972, and 225 sq. ft. in 2023 for Zone 1 (275 sq. ft. deficit or 10.1 cy/lf deficit)
- 1250 sq. ft. in 1972, and 800 sq. ft. in 2023 for Zone 2 (450 sq. ft. deficit or 16.7 cy/lf deficit)
- 2900 sq. ft. in 1972, and 3300 sq. ft. in 2023 for Zone 3 (400 sq. ft. surplus or 14.8 cy/lf surplus)
- 10,750 sq. ft. in 1972 and 8,950 sq. ft. in 2023 for Zone 4 (1,800 sq. ft. deficit or 66.7 cy/lf deficit)

- 15,400 sq. ft. in 1972 and 13,275 sq. ft. in 2023 for all 4 zones (2,125 sq. ft. deficit or 78.7 cy/lf deficit)
- Adding 1.0 ft. of SLR, starting in 1972, would increase the sand deficit to approximately 98 cy/lf at R-45

During Dredge Restoration, the example 78.7 cy/lf of sand would be placed in Zones 1, 2 and the landward area of Zone 3. Natural wave action would “equilibrate”, over months of sand movement from the beach berm onto the nearshore sea bed.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 9a**

SUBJECT: LEGISLATIVE—Amendments to Chapter 27 of the County Code Related to Solid Waste

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: The County Code related to Solid Waste has not been updated since 2007. Since that time, law and practice have evolved such that the ordinance needs to be updated. The ordinance amendment deletes provisions that are no longer applicable, such as reference to the closed County landfill. The amendment also removes provisions that are no longer applicable under current law. For example, the Solid Waste Special Assessment District is no longer established by ordinance, but by resolution in accordance with Chapter 197, Florida Statutes. The ordinance amendment also updates the size of waste that may be placed curbside for pickup in order to coincide with the requirements of the County's new contract with WastePro.

The ordinance establishes a seven percent franchise fee on residential solid waste, which aligns with the County's contract with WastePro, and a three percent franchise fee on commercial solid waste.

In addition, the ordinance provides that residential building permit applicants will pay a flat fee to cover the cost of solid waste services during the "gap" between the time when the residence begins receiving solid waste service and the time the property is assessed on the tax roll. (The County has delayed implementation of the flat fee until July 1, at the request of the Flagler Home Builders Association, so as not to interfere with existing contracts.) Depending on the timing of the issuance of a certificate of occupancy, the gap between the time a residence receives solid waste service and the time it is assessed on the tax roll can be nearly two years. Because the County does not have a utility bill by which to collect for these "gap" services, the only way to ensure the fee is paid is to impose it at time of residential building permit.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 3 – Provide an Excellent Customer Experience
 - Objective EG 3.1: Create and implement best practices for customer interaction within all county departments/divisions.

Focus Area: Economic Vitality

- Goal 1 – Diversity and Enhance the Tax Base to Improve Local Economy
 - Objective EV 1.1: Foster a regulatory framework conducive to sustainable economic growth.

FUNDING INFORMATION: N/A

DEPARTMENT CONTACT: Sean Moylan, Deputy County Attorney 386.313.4005

RECOMMENDATION: Request the Board approve the ordinance on first reading, which will return on June 5, 2023, for approval and adoption on second reading.

ATTACHMENTS:

1. Interlocal Agreement
2. Legal Notice

ORDINANCE 2023 - ____

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS; AMENDING CHAPTER 27 OF THE FLAGLER COUNTY CODE RELATED TO SOLID WASTE; REPEALING COUNTY CONSTRUCTION AND DEMOLITION DEBRIS FACILITY PROVISIONS; PROVIDING FOR FRANCHISE FEES FOR RIGHT TO COLLECT AND DISPOSE OF SOLID WASTE; REPEALING CERTAIN OUTDATED PROVISIONS OF THE CODE RELATED TO SOLID WASTE SPECIAL ASSESSMENTS; PROVIDING FOR PAYMENT OF FEE FOR SOLID WASTE COLLECTION SERVICE AT TIME OF RESIDENTIAL BUILDING PERMIT APPLICATION; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Flagler County Board of County Commissioners ("Board") finds it in the public interest to ensure that all areas within unincorporated Flagler County are provided with high quality collection, transport and disposal of domestic solid waste and recyclable materials; and

WHEREAS, the Board ordained Chapter 27 of the Flagler County Code of Ordinances to regulate solid waste collection and disposal pursuant to authority the Florida Legislature vested in the County through Section 125.01(1)(k), Florida Statutes; and

WHEREAS, the Board also finds it in the public interest to amend Articles V and VI of Chapter 27 of the Flagler County Code of Ordinances, related to solid waste collection and disposal, which has not been amended in sixteen years so that the Code reflects current practices and contractual obligations and to ensure compliance with state law; and

WHEREAS, the County no longer operates a County class 3 landfill or a construction and demolition debris facility; and

WHEREAS, public notice of the adoption of this ordinance has been provided in accordance with Section 125.66(4), Florida Statutes.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Flagler County, Florida:

SECTION 1. RECITALS.

The above recitals are incorporated herein as findings of fact.

SECTION 2. FLAGLER COUNTY CODE AMENDMENT.

Chapter 27 of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline; deletions are shown in ~~strikethrough~~):

Chapter 27 SOLID WASTE

ARTICLE I. – IN GENERAL

Sec. 27-1. – Penalty.

Violations of this chapter are punishable as provided in section 1-6 and chapter 9.

Secs. 27-2 – 27-25. – Reserved.

* * * *

ARTICLE III. ~~COUNTY LANDFILL~~RESERVED

Sec. 27-51. -27-70. Reserved.

Sec. 27-52. Reserved.

Sec. 27-53. Disposal of tires:

- (a) ~~No person shall dump, abandon, or discard any tires within the unincorporated area of the county other than at the county solid waste management facility.~~
- (b) ~~No person shall dump, abandon or discard any tires at the county solid waste management facility until and unless they have paid to the county the following fees for each tire dumped, abandoned or discarded at the landfill:~~
 - (1) ~~A fee of one dollar (\$1.00) per tire shall be charged for up to and including five (5) tires per delivery.~~
 - (2) ~~More than five (5) tires delivered at the same time shall be disposed of at a fixed price of ninety dollars (\$90.00) per ton.~~

Sec. 27-54. ~~Waste acceptable and waste not acceptable for disposal at construction and demolition debris facility.~~

- (a) ~~Waste materials acceptable for inclusion in the land filling site:~~
 - (1) ~~Construction and demolition debris.~~ ~~Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard,~~

~~paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in F.S. § 403.707(12)(j), unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.~~

- ~~(2) *Land-clearing debris.* Land-clearing debris means rocks, soils, tree remains, trees and other vegetative matter that normally result from land-clearing or land-development operations for a construction project. Land-clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way easement maintenance, farming operations or any other source not directly related to a construction or demolition activity.~~

~~**Sec. 27-55. Waste material acceptable at the construction and demolition facility for transport to another facility or for recycling.**~~

- ~~(a) *Yard trash.* Yard trash, as used herein shall mean vegetative matter resulting from landscaping maintenance or land-clearing operations and includes trees and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.~~
- ~~(b) *Recyclables.* Plastic and glass bottles, aluminum and steel cans, flattened cardboard and newspapers.~~
- ~~(c) *Household hazardous materials.* Household hazardous materials such as but not necessarily limited to: paint, solvents, pesticide, fluorescent lights, mercury thermometers and other similar materials.~~
- ~~(d) *Special wastes.* White goods (inoperative and discarded refrigerators, ranges, washers, driers, water heaters and other discarded domestic appliances), whole waste tires, leadacid batteries, empty propane tanks, used oil in quantities of five (5) gallon or less. Used oil quantities exceeding the five (5) gallon limit must be accompanied by a notarized statement signed by the Flagler County resident producing/generating the used oil, complete with toxicity characteristic leaching procedure test results from a commercial testing laboratory, certified by the Florida Department of Health and having a quality assurance program (QAP) approved by Florida Department of Environmental Protection, and showing that it contains no hazardous wastes.~~
- ~~(e) *Other waste.* Furniture and household garbage in limited quantities (less than eighty (80) pounds per week).~~

~~**Sec. 27-56. Waste material not acceptable for disposal at construction and demolition debris facility.**~~

- ~~(a) In addition to any other hazardous wastes defined by the Florida Department of Environmental Regulation, the following materials are not processed at the Flagler~~

~~County Construction and Demolition Debris Facility and will not knowingly be accepted:~~

- ~~(1) Abandoned vehicles—Inoperative and discarded passenger, agricultural or industrial vehicle (whole or in parts) such as automobiles, trucks, boats, tractors, trailers, and related items.~~
 - ~~(2) Asbestos, asbestos coated products or any item that contains asbestos in any form.~~
 - ~~(3) Radioactive materials.~~
 - ~~(4) Biological waste.~~
 - ~~(5) Sewage, solid or dissolved materials.~~
 - ~~(6) Silt, dissolved or suspended solids in wastewater effluents, dissolved material in irrigation return flows or other common water pollutants.~~
 - ~~(7) Wood treated with waterborne or oil borne chemicals for preservation from biological deterioration. (e.g. creosote or CCA treated wood)~~
- ~~(b) Waste originating outside the jurisdictional limits of Flagler County will not be accepted at the Flagler County Construction and Demolition Debris Facility.~~

Sec. 27-57. Fees.

~~Fees for receipt and handling of the materials delivered to the construction and demolition debris facility shall be established by resolution of the Board of County Commissioners of Flagler County, upon the recommendations of the county administrator and shall be based on the cost to operate the facility and related solid waste activities.~~

Secs. 27-58—27-70. Reserved.

* * * *

ARTICLE V. SOLID WASTE COLLECTION AND DISPOSAL

* * * *

Sec. 27-204. Definitions.

* * * *

Solid Waste means garbage, refuse and other discarded solid materials, including recyclables and solid waste materials resulting from residential, industrial, commercial, agricultural or governmental operations, and from community activities, but does not include dissolved materials in domestic sewage or other significant pollutants in wastewaters, such as silt, dissolved or suspended solids, industrial wastewater effluent, irrigation return flows, and other common water pollutants, special waste or any byproducts, the sale or reuse of which is intended by the person from whose process they resulted.

* * * *

Sec. 27-205. Flow control.

* * * *

(e) Collection, transport and/or disposal of hazardous waste is prohibited without an agreement with or permit from the county. Household hazardous waste shall be disposed of at the county designated ~~landfill~~ household hazardous waste collection center.

* * * *

Sec. 27-206. Exclusive areas and franchise fees.

Pursuant to Chapter 125, Florida Statutes, the County Commission shall have the power and authority to enter into contracts for the collection of residential solid waste and/or commercial solid waste within the unincorporated area of Flagler County and within municipalities, or any portions thereof, pursuant to an interlocal agreement. In consideration of the right to provide solid waste collection and disposal services within the jurisdiction of the County, the County Commission shall impose a seven percent franchise fee on residential collectors and a three percent franchise fee on commercial collectors.

* * * *

Sec. 27-212. Penalties and enforcement.

Any person violating the provisions of this article shall be subject to enforcement action. Each day that a violation continues shall constitute a separate offense or violation. All costs for enforcement, prosecution and judicial review shall be assessed against the violator. Any person violating the provisions of this article also may be subject to a violation which can be punished by a fine of up to five hundred dollars (\$500.00) for each violation or by a term of imprisonment of six (6) months or less. Each day that a violation continues shall be a separate offense. A violation of this article may be punished as provided in section 1-6 of this Code and under Chapter 9, ~~articles II and III~~ of the Code.

* * * *

ARTICLE VI. MANDATORY SOLID WASTE COLLECTION AND DISPOSAL DISTRICT

~~Sec. 27-251. Creation.~~

~~There is hereby created the "Flagler County Mandatory Solid Waste Collection and Disposal Special Assessment District."~~

Sec. 27-2521. Purpose.

The purpose of this article is to assure that all solid waste generated and accumulated within Flagler County shall be collected, removed and disposed of by an authorized collector, except as otherwise provided herein, in a proper, sanitary and efficient manner, to eliminate illegal

dumping within the county, ~~to provide an effective method of collecting the special assessment charges provided herein,~~ and to promote the general health, safety and welfare of the citizens of Flagler County, Florida.

Sec. 27-2532. Boundaries of district.

The boundaries of ~~the~~any mandatory solid waste collection and disposal special assessment district may be coincident with those boundaries of unincorporated Flagler County and such municipalities as may agree to be in the district pursuant to ~~i~~nterlocal agreement. The collection district may be subdivided into exclusive collection contract service areas.

Sec. 27-2543. Definitions.

For the purposes of this article, the following definitions shall apply:

Bulk trash means large cuttings of vegetative and wood matter which are part of normal yard maintenance which cannot be cut for placement in a container or bundle due to the material exceeding the weight and size restrictions for regular yard trash. Bulk trash shall be of a type as to be readily handled by the mechanical equipment of the collector and bulk material shall not exceed ~~four (4) feet in length~~three cubic yards. Bulk trash does not include any form of matter or debris resulting from tree removal, land clearing, land development, building demolition or home improvement. Home improvements, as defined herein, would include, but not be limited to, carpeting, cabinets, drywall, lumber, paneling and other such construction related materials. Carpeting will be picked up by the collector if cut to lengths of four (4) feet or less and bundled. Bulk trash does not include automobiles and automotive components, boats and internal combustion engines. In the case of a dispute between a collector and a customer as to what constitutes bulk trash, the situation will be reviewed and decided by the director whose decision will be final.

* * * *

Districts means the boundaries of the "Flagler County Mandatory Solid Waste ~~Collection and Disposal~~ Special Assessment District as referenced in section 27-253 and as defined by County resolution.

* * * *

Sec. 27-2554. Prima facie evidence of accumulation of waste.

The fact that any residential improved real property that is located within the district is designed for occupancy, or is capable of being occupied, shall be prima facie evidence that solid waste is being produced or accumulated upon such property. The county shall establish and collect a flat fee, to cover the cost of collecting and disposing of solid waste, at the time a residential building permit is issued. ~~Collection of assessment charges, when applicable, may be levied against newly constructed residential property as a lien immediately following the issuance of a permanent or temporary certificate of occupancy, whichever occurs first.~~

~~Sec. 27-256. Annual solid waste special assessment charge.~~

- ~~(a) There is hereby imposed an annual special assessment charge for the collection and disposal of solid waste on all residential improved real property within the district. The amount of such special assessment charge for such solid waste collection and disposal shall be the rate established by the county commission and from time to time amended as provided herein.~~
- ~~(b) On or before the first day of October of each year, the county commission shall hold a public hearing to adopt a rate resolution incorporating a schedule of the annual collection special assessment charges to be imposed upon the owners of all residential improved real property in the district. In addition, such schedule may also include additional charges the collector may charge for providing collection of solid waste from nonresidential improved property within the district, collection of solid waste from residential improved real property exempt from special assessment as hereinafter provided, and special services to residential improved real property.~~
- ~~(c) Notice of the public hearing shall be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice. Notice of the special assessment charge shall also be included on the "TRIM" notice required by Section 200.069, Florida Statutes, or its successor.~~
- ~~(d) Collection of special service charges incorporated in the rate resolution adopted hereunder, applicable to each parcel of residential improved real property within the district shall be the rate and charge for each such parcel for the collection and disposal of all solid waste generated on each such parcel during the ensuing county fiscal year, except for special services.~~
- ~~(e) The owner and description of each parcel of residential improved real property shall be that designated on the real property assessment roll maintained by the Flagler County Property Appraiser. On the special assessment charges imposed and collected, discounts for early payment thereof shall be at the rate of four (4) percent in the month of November, and at any time within thirty (30) days after the mailing of the original annual tax bill with special assessment charge notice; three (3) percent in the month of December; two (2) percent in the following month of January; and one (1) percent in the following month of February. The special assessment charges paid in March shall be without discount. The special assessment charge shall become delinquent if not fully paid by the thirty-first day of March of the fiscal year for which the annual special assessment charge is imposed. All delinquent annual collection special assessment charges shall bear an initial penalty of three (3) percent of the full amount of the annual special assessment charge if not paid by the thirty-first day of March of the fiscal year for which the annual special assessment charge is imposed, and an additional penalty of one (1) percent per month on the delinquent principal amount on the first day of June, and on the first day of each month thereafter until said annual special assessment charge is paid in full. In addition, the special assessment charges shall be entitled to prepayment in accordance with promulgated county procedures.~~
- ~~(f) Residential improved real property not included on the property appraiser assessment roll and not billed as a special assessment charge on the annual tax bill as provided above, shall be billed a pro rata portion of the annual charge for the remaining months of the fiscal year and for the next fiscal year, if applicable. The total amount shall be collected by the county when a permanent or temporary certificate of occupancy is issued, or solid waste collection service is authorized, whichever shall occur first.~~

Sec. 27-2575. Annual collection service charge shall constitute a lien on residential improved real property.

Pursuant to Section 197.3632, Florida Statutes, all annual special assessment charges imposed against the owners of residential improved real property within the district under the provisions of this article shall constitute and are hereby imposed as liens against such residential improved real property as of the first day of January of the fiscal year for which the special assessment charge is imposed. Until fully paid and discharged or barred by law, said annual special assessment charges shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the residential real property involved.

Sec. 27-258. Annual rate of compensation.

- ~~(a) The term "annual rate of compensation" shall mean the amount of money per residential improved real property within the collection contract area to be fixed and paid by the county to the contract collector for full solid waste collection services to be rendered by the contract collector to the residential improved real property within the district. The number of residential improved real properties entitled to full service in each service area beginning October 1 of each year shall be multiplied times the annual rate of compensation and the result shall be the measure of contract compensation paid to each contract collector for providing full service within the collection contract area. Compensation shall be payable by the county to each contract collector in monthly installments on the first of the month after which service has been provided, less any outstanding debt or administrative charges owed to the county by the contractor collector. Based upon the property appraiser's records and the contract collector's records submitted to the county, the director or his designee shall determine the number of residential improved real properties within each service area for the upcoming year. The director shall provide monthly a list of certificates of occupancy issued for residential improved real property not billed for the service by the tax bill so that service may be provided and the collector paid.~~
- ~~(b) In the event there exists residential improved real property entitled to full service and such residential improved real properties are not billed for the special assessment on the annual tax bill, or at the time of issuance of the certificate of occupancy (hereinafter referred to as "the unassessed residential improved real property"), then each contract collector shall submit to the director for review and approval a list of all such unassessed residential improved real property within the collection contract areas. Upon approval of such list by the director, the contract collector may be directed to bill each of the unassessed residential improved real property within the collection contract area an amount equal to the annual rate of compensation (or a pro rata amount if the residential improved real property has not received full service for the entire calendar year), or the county may issue the bill.~~

Sec. 27-2596. Individual exemptions.

- (a) *Criteria.* Pursuant to Section 125.01(1)(k)2., Florida Statutes, or its successor, eExemptions from the special assessment charge may be granted by the director on individual parcels of residential improved real property meeting the following guidelines:

- (1) The property is ten (10) acres in area or more, or the dwelling unit is set back three hundred (300) feet or more from the public roadway and is a single-family residence; or
- (2) The director of solid waste determines that it would be in the best interest of the county to exempt the property.

In addition, each residence applying for an exemption hereunder must demonstrate to the satisfaction of the director by notarized documentation that the owner has a proper, sanitary, effective method of removing, collecting and, where applicable, disposing of the solid waste generated on the owner's property, and that same is being achieved in conformance with all applicable laws, rules and regulations. The director may from time to time, but no more than once per year, request residential property owners benefiting from the exemption to reapply for the exemption. Residents receiving individual exemptions shall not collect and remove solid waste generated on their property except in the manner proposed and approved in the application for the individual exemption.

- (b) *Procedure.* The director shall review the application and if it meets the criteria set out herein, the director shall grant an individual exemption. Upon the issuance of an individual exemption, the director shall have the property removed from the solid waste collection special assessment roll.
- (c) *Appeal.* If the director denies the application for an individual exemption, then within ten (10) working days of the denial, the applicant may make a formal written appeal to the county ~~administratoremission~~. The decision of the county ~~administratoremission~~ shall be binding and final.

Sec. 27-26057. – Duty of owners of residential improved real property.

- (a) All garbage and rubbish generated from a residential improved property shall be placed by the customer in one or more garbage containers and placed ~~d~~ at the applicable collection point on the designated collection day. All other solid waste shall be piled at the applicable collection point and shall include up to four garbage cans or bags only items in size not exceeding thirty-five (35) gallons and fifty (50) pounds each or in carts with a capacity of less than ninety-six (96) gallons four (4) feet in length and twenty four (24) inches in diameter and fifty (50) pounds in weight. Any bulk trash or junk shall not exceed three (3) cubic yards and shall be placed at the collection point on the collection day designated for such collection. Excessive amounts of bulk trash or junk may require special service.
- (b) Yard waste shall not exceed four (4) cubic yards per household. Yard waste shall be either tied in a bundle, neatly stacked, or placed in a can or bag and placed at the applicable collection point on the designated collection day. If bagged, yard waste shall not exceed eight, ninety-six (96) gallon or fourteen, fifty-five (55) gallon yard waste bags per household per service. No piece shall exceed five (5) feet in length or six (6) inches in diameter, and no can or bag shall exceed fifty (50) pounds in weight.

(c) Collection of white goods (e.g., large appliances) by the contract collector is a special service that must be coordinated with the director.

~~(b)~~(d) Hazardous, industrial and infectious waste generated on residential improved real property shall not be placed for collection by the contract collector but shall be disposed of according to law.

~~(e)~~(e) Tree removal, land clearing, land development, building demolition or home improvement debris shall be disposed of as a special service.

~~(d)~~(f) The customer shall place all solid waste at the following collection points for the specified categories of property:

- (1) Single-family residence: At a point within the roadway abutting such residence no further than ten (10) feet from the curblineline or paving line, or if no roadway exists which abuts the customer's property, at a point no greater than ten (10) feet, or in the case of the existence of a drainage ditch, at a point within said dimensions adjacent to the nearest driveway. A customer who resides on a private road must allow access or place container on the nearest public right-of-way.
- (2) Multifamily dwelling units: At a point designated by the collector in consultation with the customer, which will maximize economy of collection of the solid waste while considering the public health and the convenience of the customer.
- (3) Collectors shall provide rear-door collection to certified handicapped residents unable to place containers pursuant to paragraph (d)(1) above without extra charge for this service.
- (4) Customers must ensure that containers may be picked up without interference from pets or other sources and that the safety of the collector not be threatened.
- (5) Containers shall be removed within twelve (12) hours after collection and shall not be placed at the collection point more than twelve (12) hours prior to day of collection.
- (6) Where road access is not passable by packer truck unit, customer must place solid waste at nearest passable public right-of-way.

~~(e)~~(g) In the event of a dispute between the collector and a customer regarding the location of the collection point, the collector's decision shall be subject to review by the director. The director's decision shall be final and binding.

Sec. 27-26158. – Rules, regulations and fees.

The board is hereby authorized and empowered to promulgate and adopt, pursuant to resolution, rules and regulations and fees to implement the provisions of this article. Such rules and regulations shall not be inconsistent with the terms and provisions of this article.

Sec. 27-26259. – Municipal Exemption.

Municipalities are exempted from the collection assessment provision of this article unless provided for by interlocal agreement.

Sec. 27-26360. Penalty.

Any person found in violation of any provision of this article shall be punished as provided in section 1-6 and Chapter 9 of this Code ~~and in Chapter 9, Articles II and III~~. The county may further bring suit to restrain, enjoin or otherwise prevent the violation of this article, and shall be entitled to reasonable attorneys' fees, court costs and other enforcement expenses if it prevails in the suit.

SECTION 3. CODIFICATION AND SCRIVENER’S ERRORS

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

B. Scrivener’s errors may be corrected as deemed necessary.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be filed with the Secretary of State as provided in Section 125.66, Florida Statutes, and shall take effect June 1, 2023.

[Signature Page to Follow.]

PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS 5TH DAY OF JUNE 2023.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

Gregory L. Hansen, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Sean S. Moylan, Deputy County Attorney

THE FLAGLER/PALM COAST
NEWS-TRIBUNE P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Jennifer Miller
Purchasing
Flagler County Board Of County Commissioners
1769 E Moody BLVD # 306
Bunnell FL 32110-6355

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who, on oath says that he/she is LEGAL COORDINATOR of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a Govt Public Notices in the Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

04/26/2023

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida each Wednesday and has been entered as second-class mail matter at the post office in said Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 04/26/2023

PUBLIC NOTICE
You are hereby notified of two Public Hearings to be held the first on May 15, 2023, at 5:30 p.m., or as soon thereafter as possible, and the second on June 5, 2023, at 9:30 a.m., or as soon thereafter as possible, to consider the reading and adoption of an ordinance filled similar to:
AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS; AMENDING CHAPTER 27 OF THE FLAGLER COUNTY CODE RELATED TO SOLID WASTE; REPEALING COUNTY CONSTRUCTION AND DEMOLITION DEBRIS FACILITY PROVISIONS; PROVIDING FOR FRANCHISE FEES FOR RIGHT TO COLLECT AND DISPOSE OF SOLID WASTE; REPEALING CERTAIN OUTDATED PROVISIONS OF THE CODE RELATED TO SOLID WASTE SPECIAL ASSESSMENTS; PROVIDING FOR PAYMENT OF FEE FOR SOLID WASTE COLLECTION SERVICE AT TIME OF RESIDENTIAL BUILDING PERMIT APPLICATION; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.
This meeting will be held at the Flagler County Government Services Building located at 1769 E. Moody Blvd., Building 2, Bunnell, Florida, in the Board Chambers. All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4001 or write to: Flagler County Administration, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to publiccomments@flaglercounty.gov. Copies of the proposal and other pertinent information are available for review at Flagler County Administration, 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110.
IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.
IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT COUNTY ADMINISTRATION AT LEAST 48 HOURS PRIOR TO THE MEETING.

NT8713532 4/26/2023 11

[Handwritten Signature]

Legal Clerk

[Handwritten Signature]

Notary, State of WI, County of Brown

[Handwritten Signature]

My commission expires

Publication Cost: \$36.28

Order No: 8713532

Customer No: 465546

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9b**

SUBJECT: Approval of Resolution Including List of County-owned Parcels Suitable for Affordable Housing

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request meets the requirements of both the existing statutory language in Section 125.379, Florida Statutes, pertaining to a listing of County-owned parcels suitable for affordable housing, and the amended language to the statute that is reflected in the Live Local Act (Chapter 2023-17, Laws of Florida), which takes effect on July 1, 2023.

Section 125.379(1), Florida Statutes, requires each county to prepare an inventory list of all real property which it holds in fee simple title that is appropriate for use as affordable housing. The Board of County Commissioners (Board) must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the Board must adopt a resolution that includes an inventory of such property. Pursuant to the new requirements of Chapter 2023-17, Laws of Florida, upon adoption by the Board, the inventory list of parcels will be placed on the County's website to encourage potential development.

The properties identified as appropriate for use as affordable housing on the adopted inventory list may be:

- used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing (added by Chapter 2023-17, Laws of Florida);
- offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing;
- sold with a restriction that requires the development of the property as permanent affordable housing;
- donated to a nonprofit housing organization for the construction of permanent affordable housing; or
- made available for use for the production and preservation of permanent affordable housing.

The term "affordable" in Section 125.379, F.S., has the same meaning as provided in Section 420.0004(3), Florida Statutes.

As the Board may be aware, the Board initially reviewed the list of County-owned parcels in 2007 and determined at the time that no parcels were suitable for affordable housing. In subsequent years, County staff reviewed the County-owned parcel list and provided reports to the Board that no parcels were suitable for development for affordable housing.

For this agenda item, County staff again reviewed the list of County-owned parcels and seven (7) vacant parcels have been identified as suitable for affordable housing. This iteration of the list includes five (5) parcels within Daytona North and two (2) parcels in Lincoln Heights. In the case of the Daytona North parcels, staff had previously identified

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9b**

these as unsuitable because of the relative distance from employment centers and services, along with the increased costs (and maintenance) associated with land development where infrastructure is not available. Similarly, for the parcels in Lincoln Heights, extension of utilities (by the City of Bunnell) and roadway access is needed so that development of these parcels may occur. With mounting pressure to provide affordable housing, these parcels may be developed; however, the Board needs to recognize that these parcels are not optimal for use for affordable housing.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 4 – Explore Affordable, Workforce and Attainable Housing Options
 - Objective EV 4.2: Develop policies and incentives to expand housing options.
 - Objective EV 4.4: Reduce regulatory and procedural barriers for affordable and workforce housing.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

RECOMMENDATION: Staff recommends that the Board accept the inventory of County-owned parcels suitable for affordable housing and adopt the Resolution.

ATTACHMENTS:

1. Resolution
2. Section 125.379, Florida Statutes
3. Section 4 of Chapter 2023-17, Laws of Florida, amending Section 125.379, Florida Statutes
4. Section 420.0004, Florida Statutes

RESOLUTION 2023-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ESTABLISHING AN INVENTORY LIST OF ALL REAL PROPERTY WITHIN ITS JURISDICTION TO WHICH THE COUNTY HOLDS FEE SIMPLE TITLE THAT IS APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 125.379, FLORIDA STATUTES; PROVIDING FOR THE UPDATE OF THE INVENTORY LIST TO OCCUR EVERY THREE YEARS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2006 Florida Legislature proposed various amendments to the Florida Statutes pertaining to affordable housing through House Bill 1363; and

WHEREAS, House Bill 1363 became effective as law on July 1, 2006 as Chapter 2006-69, Laws of Florida; and

WHEREAS, Section 125.379 of Florida Statutes (2006) was created through the enactment of Chapter 2006-69, Laws of Florida; and

WHEREAS, Section 125.379, Florida Statutes, requires each county to prepare an inventory list of real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing; and

WHEREAS, on July 9, 2007, the Board of County Commissioners of Flagler County (Board) reviewed the inventory list at a public hearing and at the conclusion of the public hearing revised the inventory list finding that no parcels were appropriate for use as affordable housing; and

WHEREAS, periodic reviews of the inventory list found that at the time of each review no parcels were appropriate for use as affordable housing; and

WHEREAS, the 2023 Florida Legislature amended Section 125.379, Florida Statutes, along with other matters related to housing, through the adoption of Committee Substitute for Senate Bill 102, which was enacted as Chapter 2023-17, Laws of Florida, and is referred to as the "Live Local Act"; and

WHEREAS, among other things, the Live Local Act requires that the inventory list be prepared by October 1, 2023, and be publicly available on the county's website to encourage potential development; and

WHEREAS, staff have prepared an inventory list in accordance with Section 125.379, Florida Statutes, for the Board's review.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THAT:

1. The above Recitals are incorporated herein as Findings of Fact.
2. The inventory list of all real property within Flagler County to which the county holds fee simple title that is appropriate for use as affordable housing is attached and made a part of this Resolution at Exhibit "A".
3. The inventory list adopted through this Resolution will be made publicly available on the County's website to encourage potential development.
4. The inventory list adopted through this Resolution shall be updated no later than three (3) years hereafter.
5. This Resolution shall become effective immediately upon adoption.

APPROVED in open session by the Flagler County Board of County Commissioners in Bunnell, Florida, on this 15th day of May 2023.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Gregory L. Hansen, Chair

APPROVED AS TO FORM:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.04.27 14:26:52 -04'00'

Sean S. Moylan, Deputy County Attorney

EXHIBIT "A"
INVENTORY LIST

PARCEL ID NUMBER	911 ADDRESS	LEGAL DESCRIPTION	VACANT/IMPROVED
13-12-28-1800-00250-0280	1684 Avocado Blvd, Bunnell	Lot 28, Block 25, Daytona North S/D (MB 10, P 1, PRFCF and MB 10, P 4, PRFCF 4, PRFCF)	Vacant
13-12-28-1800-00500-0040	5849 Ironwood Ave, Bunnell	Lot 4, Block 50, Daytona North S/D (MB 10, P 1, PRFCF and MB 10, P 6, PRFCF)	Vacant
13-12-28-1800-00650-0070	5762 Mango Ave, Bunnell	Lot 7, Block 65, Daytona North S/D (MB 10, P 1, PRFCF and MB 10, P 7, PRFCF)	Vacant
13-12-28-1800-00800-0050	1072 Rosewood St, Bunnell	Lot 5, Block 80, Daytona North S/D (MB 10, P 1, PRFCF and MB 10, P 8, PRFCF)	Vacant
13-12-28-1800-01220-0010	1345 Forest Park St, Bunnell	Lot 1, Block 122, Daytona North S/D (MB 10, P 1, PRFCF and MB 10, P 12, PRFCF, PRFCF)	Vacant
14-12-30-3800-00020-0060	(no address assigned)	Lots 6-8, Block 2, Lincoln Heights (MB 2, P 18, PRFCF)	Vacant
14-12-30-3800-00040-0010	(no address assigned)	Lots 1 and 2, Block 4, Lincoln Heights (MB 2, P 18, PRFCF)	Vacant

Select Year:

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

Chapter 125
COUNTY
GOVERNMENT

[View Entire Chapter](#)

125.379 Disposition of county property for affordable housing.—

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. [420.0004\(3\)](#).

History.—s. 1, ch. 2006-69.

development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 4. Section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing. Each county shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be used for affordable housing through a long-term land lease requiring the development and

maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.~~ Alternatively, the county or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

(3) Counties are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 5. Subsections (5) and (6) of section 166.04151, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

166.04151 Affordable housing.—

(5) Subsection (4) (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years,

Select Year: 2022

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

[Title XXX](#)
SOCIAL WELFARE

[Chapter 420](#)
HOUSING

[View Entire Chapter](#)

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(1) “Adjusted for family size” means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (9), subsection (11), subsection (12), or subsection (17), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) “Adjusted gross income” means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) “Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), subsection (11), subsection (12), or subsection (17).

(4) “Corporation” means the Florida Housing Finance Corporation.

(5) “Community-based organization” or “nonprofit organization” means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) “Department” means the Department of Economic Opportunity.

(7) “Disabling condition” means a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, or the co-occurrence of two or more of these conditions, and a determination that the condition is:

- (a) Expected to be of long-continued and indefinite duration; and
- (b) Not expected to impair the ability of the person with special needs to live independently with appropriate supports.

(8) “Elderly” describes persons 62 years of age or older.

(9) “Extremely-low-income persons” means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

(10) “Local public body” means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(11) “Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan

statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12) “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(13) “Person with special needs” means an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. [409.1451\(5\)](#); a survivor of domestic violence as defined in s. [741.28](#); or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans’ disability benefits.

(14) “Student” means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(15) “Substandard” means:

- (a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;
- (b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or
- (c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(16) “Substantial rehabilitation” means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(17) “Very-low-income persons” means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

History.—s. 2, ch. 88-376; s. 1, ch. 89-121; s. 13, ch. 90-275; s. 72, ch. 2000-153; s. 36, ch. 2004-357; ss. 44, 53, ch. 2006-26; s. 14, ch. 2006-69; s. 323, ch. 2011-142; s. 7, ch. 2011-189.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9c**

SUBJECT: LEGISLATIVE – Application #3330 – Future Land Use Map Amendment from Commercial: High Intensity and Industrial to Residential High Density for a 28.32+/- acre parcel located South of State Road 100 East; Parcel Number: 08-12-31-0650-000B0-0070. Owner: Flagler Pines Properties, LLC / Applicant: Jay W. Livingston, Esquire. (Project # 2022090031).

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. The subject project area is 28.32+/- acres in size and is located on the South side of State Road 100 East:



This request is for Future Land Use Map amendment for part of Parcel Number 08-12-31-0650-000B0-0070. On September 27, 2022, the applicant submitted an application to amend the Future Land Use designation for a 28.32+/- acre portion of the subject parcel. The proposed Future Land Use Map amendment will change the present Future Land Use designations from 6.52+/- acres of Commercial High Intensity and 21.80+/- acres of Industrial to 28.32+/- acres of Residential High Density. The Residential High density Future Land Use designation would permit a maximum permissible density of 10 units per acre (a range of 7.1 to 10 units per acre is provided in the Comprehensive Plan) and when paired with the R-3b (Multifamily Residential) rezoning proposed under Application #3331 (and its 8 unit per acre maximum density), the resulting entitlement yield is capped at 255 multifamily residential units. To link with the maximum density listed in the R-3b zoning district, the applicant has proposed an amendment to the current parcel-specific limiting policy (Policy A.1.1.10(7)) which includes this parcel to cap multifamily residential development at 255 units. However, as a Comprehensive Plan amendment, staff is obligated to review the request at the maximum permissible density or intensity associated with the Future Land Use designation.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9c**

This application was reviewed by the Technical Review Committee (TRC) at its October 19, 2022 and March 15, 2023 regular meetings. The applicant has satisfactorily addressed the TRC comments with exception of the Airport Director's comments. The TRC comments – and the applicant's response – are attached.

This request was reviewed by the Planning and Development Board at its April 11, 2023 regular meeting. Following a motion to recommend approval – which died for a lack of second – the Board ultimately had a prevailing motion for denial, finding that the existing Future Land Use designation and zoning was more appropriate. Draft minutes from the Planning and Development Board meeting are attached.

The Board is sitting in its capacity as the designated Local Planning Agency (LPA) in its review of this Comprehensive Plan amendment request in accordance with Sec. 163.3174, F.S.

Public notice has been provided for this application according to Section 125.66, Florida Statutes, and Land Development Code (LDC) Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

Focus Area: Economic Vitality Objectives

- Goal 4 – Explore Affordable, Workforce and Attainable Housing Options
 - Objective EV 4.2: Develop a master plan for growth in collaboration with local municipalities.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

Approve Application #3330, a Future Land Use Map amendment (for Parcel # 08-12-31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

Deny Application #3330, a Future Land Use Map amendment (for Parcel # 08-12-31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9c**

to Residential High Density, finding that the amendment is not consistent with the Flagler County Comprehensive Plan.

Continue the request for a Future Land Use amendment on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision (and recommendation) on the amendment request. Continuing the request will provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Adoption Ordinance
3. Application and supporting documents
4. TRC comments
5. Applicant response to TRC comments
6. Planning and Development Board April 11, 2023 draft meeting minutes (in part)
7. Public notice

**APPLICATION #3330
FUTURE LAND USE MAP AMENDMENT
FLAGLER PINES PROPERTIES, LLC
TECHNICAL STAFF REPORT**

Project: Future Land Use Map Amendment

Application #/Project #: 3330/2022090031

Owners: Flagler Pines Properties, LLC

Applicant/Agent: Jay W. Livingston, Esquire

Parcel #: 08-12-31-0650-000B0-0070.

Address: 5615 State Highway 100 East

Parcel Size: 28.32+/- acres

Existing Zoning and Land Use(s):

Zoning: C-2 (General Commercial and Shopping Center) and I (Industrial) District

Land Use: Commercial High Intensity and Industrial

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Moody Boulevard/State Road 100/City of Palm Coast – Mixed Use/PSP (Public/Semipublic) District and COM-2 (Commercial) District;

East: Commercial High Intensity and Industrial; C-2 (General Commercial and Shopping Center) and Industrial Districts

South: Flagler Executive Airport/Industrial/I (Industrial) District

West: Commercial High Intensity and Agriculture & Timberlands; C-2 (General Commercial and Shopping Center) and PUD (Planned Unit Development) Districts

Report in Brief:

The applicant has proposed a Future Land Use Map amendment for the 28.32+/- acre South portion of the subject parcel adjoining the Flagler Executive Airport. The amendment will change the Future Land Use for the subject parcel from Commercial High Intensity and Industrial to Residential High Density.

This Future Land Use amendment request is for the development of a multifamily apartment complex. The applicant is proposing an amendment to parcel-specific limiting policy (Policy A.1.1.10(7)) that states (deletions in strike-through format, additions in underline format):

“FLUM Application #2747, as amended by Application #3330, Flagler Airport Industrial, LLC and Flagler Pines Properties, LLC, approximately 89.50 acres designated as Residential: High Density (28.32 acres) Industrial (~~54.05~~ 32.25)

acres) and Commercial High Intensity (~~35.443~~ 28.93 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The ~~2008~~ 2023 tax parcel numbers of the subject property are 08-12-31-0650-000B0-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050. Density on the Residential acreage shall not exceed 255 units. Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. No structure containing residential multi-family dwelling units shall be constructed less than 100 feet from the boundary with the Flagler Executive Airport. Natural and planted landscape buffers shall be utilized to ensure that there are no conflicts between multifamily residential uses and surrounding high intensity commercial and industrial uses.”

In 2007, the subject parcel – together with an adjacent parcel to the East, and totaling 54.05+/- acres – was the subject of a Future Land Use map and text amendment (Application #2747) submitted by the owner to amend the Future Land Use designation from Agriculture & Timberlands to Industrial. The Florida Department of Community Affairs – following comments from reviewing agencies including the Florida Department of Transportation – raised objections related to the proposed amendment, specifically related to consistency with Chapter 163, F.S., and Chapter 9J-5, F.A.C., and the State Comprehensive Plan.

In response to the Objections, Recommendations, and Comments (ORC) Report, the applicant provided a response via letter dated November 12, 2008 (and which was part of the December 15, 2008 Board regular meeting agenda and backup) offering, among other things, the adoption of a parcel-specific limiting policy to resolve the transportation-related objection:

“In order to avoid adverse impacts to the surrounding transportation facilities, the applicants propose adding the following to Policy 1.10 of the Future Land Use Element of the Flagler County Comprehensive Plan:

FLUM Application #2747, Flagler Airport Industrial, LLC and Flagler Pines, L.L.C., approximately 89.493 acres designated as Industrial (54.05 acres) and Commercial (35.443 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 tax parcel numbers of the subject properties are 08-12-31-0650-000B0-0071, 08-12-31-0650-000D0-0050, and 08-12-31-0650-000B0-0070.

By imposing this parcel specific limitation to the overall property there will be no increase in the number of trips generated by Amendment over and above what is currently generated under the adopted FLUM. In addition, the trip limitation will also reduce all other impacts that may be caused by the Amendment because the limitation will result in a reduction in the development intensity of the overall

property from what would be allowed if the overall property was developed under the proposed FLUM without any limiting policy.”

The trip count was described in a table within the staff report as:

Future Land Use designation	Acreage	Maximum Daily Trips	Maximum Peak Hour Trips
Ag & Timberlands (subject of amendment)	54.05	96	10
Commercial High Intensity	35.443	17,070	1,603
Total	89	17,166	1,613

The proposed change to the parcel-specific limiting policy leaves the trip limitation in place, while adding a cap on multifamily units and a minimum setback requirement from the Airport boundary. Any amendment seeking a greater maximum trip count would need to be coordinated with the City of Palm Coast and the Florida Department of Transportation. An increase in the trip count may also require proportionate share mitigation.

Standards for Review:

Under the existing Commercial High Intensity there would be an allowable 0.40 Floor Area Ratio (FAR) and a 70% maximum impervious area. With the existing Industrial Land Use the maximum intensity would be 0.45 FAR and a 70% maximum impervious area. The amendment to Residential High Density will allow a maximum permissible density range between 201 to 283 units, corresponding to 7.1 to 10.0 units per acre applied to the 28.32 acres. The current text of Policy A.1.1.10(7) – adopted through Ordinance No. 2008-33 (Application #2747) – imposes a parcel-specific limiting policy on Parcel Numbers 08-12-31-0650-000B0-0070 (the subject parcel), 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050 that limits the vehicle trips to 17,166 daily trips and 1,613 peak hour trips.

Analysis of Consistency with Florida Statutes:

The proposed amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes:

- “2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
 - a. The amount of land required to accommodate anticipated growth.”

This request is not related to any studies of future growth; this amendment would allow the proposed multifamily development. This parcel has been

subject to a 2008 Future Land Use amendment and a 2021 rezoning corresponding to industrial uses. The Board's prior actions – following application by the owner – reflected an anticipated non-residential use of the land compatible (or arguably more compatible than residential uses) with the adjacent Airport.

“b. The projected permanent and seasonal population of the area.”

On its face, the amendment would represent an increase in population in the area ranging between 482 and 679 persons, applying 2.4 persons per household (pph) to the 201 to 283 units.

“c. The character of undeveloped land.”

The land is mostly level and undeveloped forest, with widespread wetlands.

“d. The availability of water supplies, public facilities, and services.”

Potable water and sanitary sewer are to be provided by the City of Palm Coast.

“e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.”

There is need for additional commercial uses in this area and for the most part new commercial uses will be added in this location to the North of the multifamily residential development proposed along the South portion of the subject parcel adjoining the Airport. Commercial uses need to take advantage of frontage along arterial and collector roadways to be viable. This application is accompanied by a partner application for rezoning to R-3b (Multifamily Residential) District to coincide with the conversion of the Future Land Use to High Density Residential.

“f. The compatibility of uses on lands adjacent to or closely proximate to military installations.”

Not applicable – the subject parcels are not adjacent or proximate to a military installation.

“g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.”

These subject parcels are adjacent to an Airport. On its face, the proposed multifamily residential development is compatible with the Airport. However, the history of noise-related complaints from adjacent single-family residential neighborhoods cause concern for the Airport Director: in effect, this will add a population of new residents concerned about the Airport.

“h. The discouragement of urban sprawl.”

The subject parcels will discourage sprawl by not building out to the full potential buildout permissible under the Residential High Density. Effectively, the subject parcels are infill redevelopment in that they have been entitled with non-residential uses through the present Future Land Use designation, and the parcels have not developed according to these designations.

“i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”

The amendment does eliminate non-residential uses, but these uses are not desired by the community at this location and the non-residential development has remained vacant for the last twenty years, further emphasizing that this location is not appropriate. The extent of job creation related to this amendment will come from the building activity for the multifamily residential project.

“j. The need to modify land uses and development patterns within antiquated subdivisions.”

This development is not occurring within an antiquated subdivision.

“8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.”

This report and the attached analyses provide a preliminary analysis of the availability of facilities and services. The provision of potable water and central sanitary sewer to this parcel by the City makes this development possible. Proposed development as a multifamily residential apartment complex consisting of 255 units will add new families to this area which arguably will be service users as compared to other existing neighborhoods.

“b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.”

There are wetlands on site that would hinder development of the parcel. These wetlands require mitigation or avoidance as part of the development process.

- “c. An analysis of the minimum amount of land needed as determined by the local government.”

This amendment is not based on an analysis by the County of the minimum amount of land needed. This amendment is related to the applicant’s desired multifamily residential development, and is based on a calculation of impacts relying on the maximum permissible residential density.

- “9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
- a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
 - (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - (VI) Fails to maximize use of existing public facilities and services.
 - (VII) Fails to maximize use of future public facilities and services.
 - (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining

facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.”

Staff concludes that this request neither results in the 13 sprawl indicators being met or not met; the approval of the request will not trip any of sprawl indicators. Public facilities are available to serve the proposed development. The proposed density and the plan of development is not inconsistent with other developments within the area.

- “b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - (IV) Promotes conservation of water and energy.
 - (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
 - (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
 - (VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.
 - (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

Staff concludes that this request neither results in the eight “anti-sprawl” objectives being met or not met; the approval of the request will have no impact on the sprawl indicators.

Analysis of Consistency with the Comprehensive Plan

The proposed amendment has been evaluated by staff for its consistency with the Comprehensive Plan:

“Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

- (1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
- (2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
- (3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

The Land Use amendment will eventually be followed by site development plan and plat submittals.

“Policy A.1.4.1: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 100-year flood plain, and soils for the areas to be amended will be analyzed and specific findings made as part of the plan amendment process.”

There are site characteristics that are present on this parcel that would impact the requested amendment: the onsite wetlands requires either mitigation or preservation; and the parcel-specific limiting policy will require review throughout the development process to ensure that the use meets the self-imposed setback distances from the Airport.

“Policy A.6.1.1: Land use plan amendments shall be reviewed under the criteria established in the Coastal Management Element, Transportation Element, and other applicable standards contained in the adopted Flagler County Comprehensive Plan.”

This analysis satisfies this Policy’s requirements, provided that any deficiencies in services are addressed at the time of plat approval.

“Policy A.7.3.6: All requests for amendments to the Future Land Use Map shall include an analysis of the level of service for public facilities, including an analysis of the potable water supply. Applications for land use map amendments shall be provided to

the appropriate potable water supplier and the St. Johns River Water Management District (SJRWMD) for their review.”

This analysis satisfies this Policy's requirements. Potable water requirements are satisfied through permitting by the City for this use.

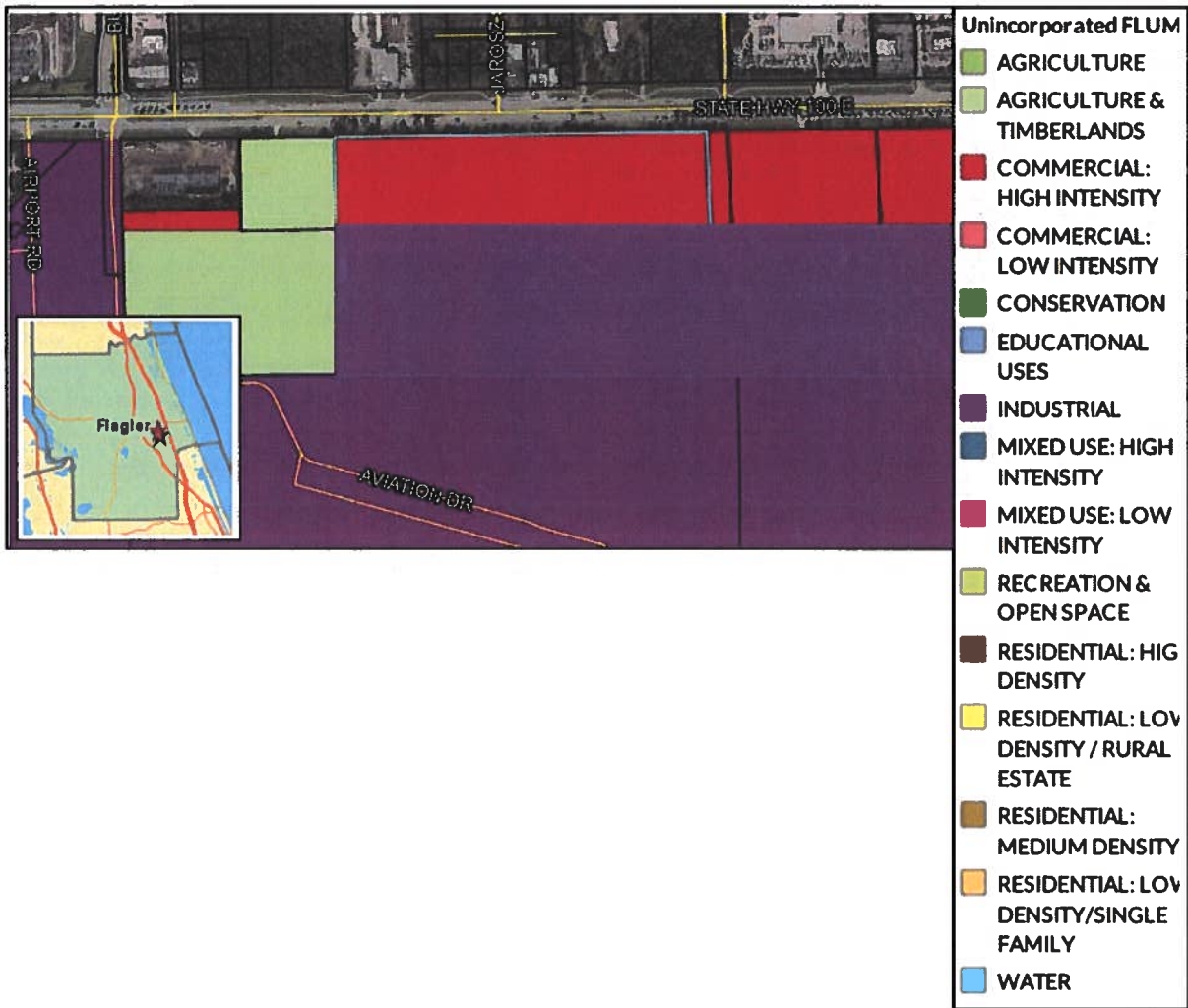
Analysis of Compatibility with the Land Development Code:

The requested small scale amendment has been evaluated by staff for its compatibility with the Land Development Code (LDC):

“8.04.00.: Plan amendments. A report shall be prepared by county staff as required and forwarded as part of the major plan amendment process to the long range planning and land development review board, planning board and the board of county commissioners. The report shall indicate the anticipated impact of the administrative action on the levels of service adopted in this ordinance. This report is intended to be a general analysis and should identify corrective actions and any responsibility for the cost of those actions.”

This request is considered a small scale plan amendment under Florida Statutes. Staff has addressed the concurrency-related requirements of Florida Statutes, the Comprehensive Plan, and this section of the LDC through this staff report and the accompanying materials. Ultimately, the plan amendment process provides a “forward look” at concurrency issues, with the LDC requiring concurrency to be met or programmed at the time of final site development plan approval or permit issuance, as applicable.

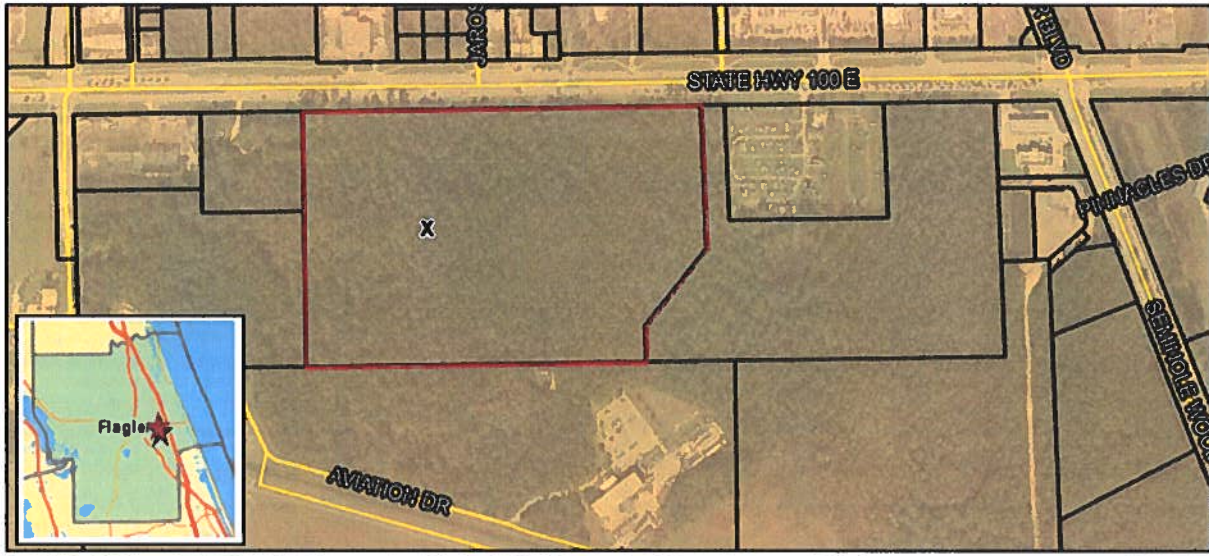
Future Land Use Map



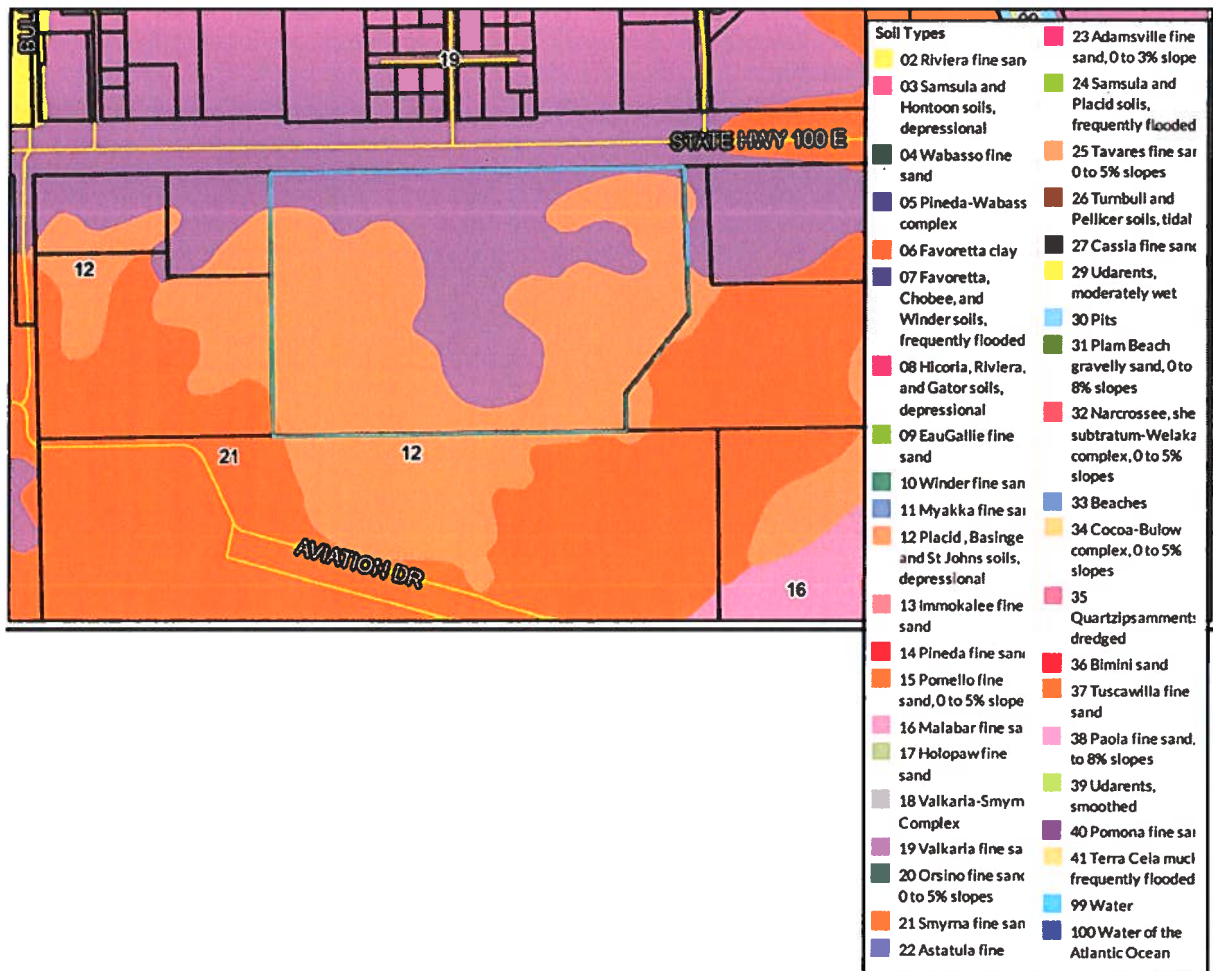
Zoning Map



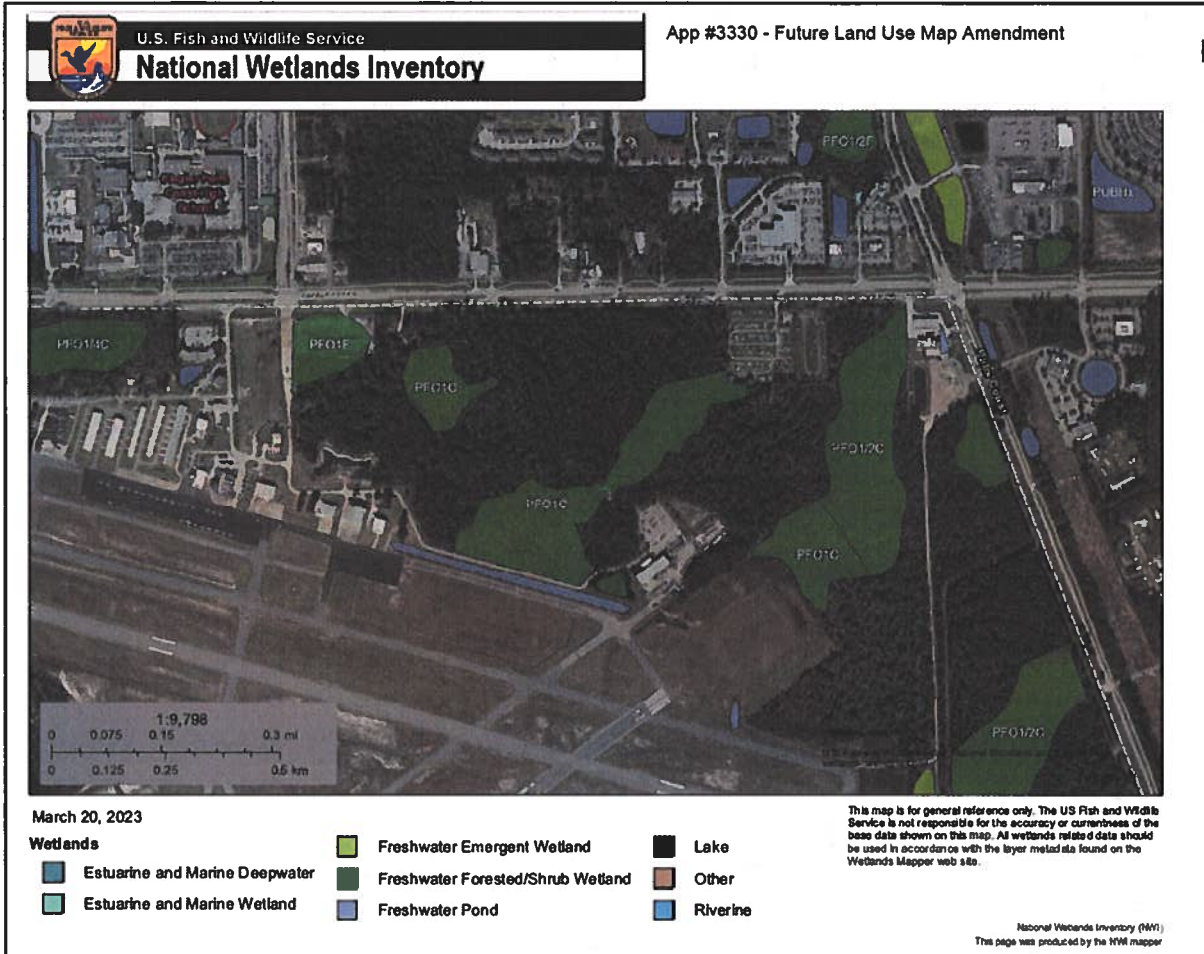
Flood Zone



Soils Map



National Wetlands Inventory Mapper



**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Existing FLUM Category	Proposed FLUM Category	Existing Maximum Density (DU/Acre)	Proposed Maximum Density (DU/Acre)	Existing Maximum Intensity (FAR)	Proposed Maximum Intensity (FAR)	Net Increase or (Decrease) in Maximum Density	Non-Residential Net Increase or (Decrease) in Potential Floor Area
Commercial High Intensity (6.52 acres) and Industrial (21.80 acres)	Residential High Density (28.32 acres)	N/A	10 dwelling units per acre	113,604.48 sf and 427,323.60 sf (540,928.08 sf)	.40 and .45 FAR	+283 units	N/A

Note: The applicant has proposed a parcel-specific limiting policy capping residential development at 255 multifamily residential units.

Population:

Population Potential of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Density	Criterion	Size of Development		Population
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	N/A	2.4 pph	28.32 acres	540,928.08 sf	0 persons
Proposed	Residential High Density	10 dwelling units per acre	2.4 pph	28.32 acres	283 units	679 persons
Change in Population:						+679 persons

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Transportation Impacts:

Trip Generation Potential of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	152	28.32 acres	540,928.08 sf	909 trips
Proposed	Residential High Density	10 dwelling units per acre	220	28.32 acres	283 units	1,882 trips
Change in Daily Trips						+973 trips

Note: The current parcel-specific limiting policy (Policy A.1.1.10(7)) limits the combined parcels to 17,166 daily trips and 1,613 peak hour trips. Utilized 1.68 daily trips per 1,000 GFA for High-Cube Warehouse/Distribution Center (LUC 152), and 6.65 trips per day per dwelling unit for Apartment (LUC 220), both from the ITE Trip Generation Manual, 9th Edition.

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Potable Water:

Water Supply Impacts of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Potable Water Demand
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	125 gals per capita per day	28.32 acres	540,928.08 sf	10,819 gallons
Proposed	Residential High Density	10 dwelling units per acre	125 gals per capita per day	28.32 acres	283 units	84,875 gallons
Change in Potable Water Demand						+74,056 gallons

Note: Multifamily demand based on 2.4 pph. Utilized Miami-Dade potable water demand generator of 0.02 GPD/sf for warehouse as provided in: www.sfrpc.com/dri/Beacon%20Countyline/Q17%20Water%20Supply.pdf.

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Sanitary Sewer:

Sanitary Sewer Impacts of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Sanitary Sewer Demand
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	110 gals per capita per day	28.32 acres	540,928.08 sf	10,819 gallons
Proposed	Residential High Density	10 dwelling units per acre	110 gals per capita per day	28.32 acres	283 units	74,690 gallons
Change in Sanitary Sewer Demand						+63,871 gallons

Note: Multifamily demand based on 2.4 pph. Utilized Miami-Dade potable sewer demand generator of 0.02 GPD/sf for warehouse as provided in: www.sfrpc.com/dri/Beacon%20Countyline/Q17%20Water%20Supply.pdf.

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Solid Waste:

Solid Waste Impacts of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Solid Waste Demand
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	9.3 pounds per capita per day	28.32 acres	540,928.08 sf	25 pounds
Proposed	Residential High Density	10 dwelling units per acre	9.3 pounds per capita per day	28.32 acres	283 units	6,312 pounds
Change in Solid Waste Demand						+6,287 pounds

Note: Multifamily demand based on 2.4 pph. No solid waste generator for a warehouse was readily available. It is assumed that most pallets and cardboard boxes used in the shipping process will either be reused or recycled; staff used a reasonable estimate of daily solid waste associated with offices, employee breakrooms, washrooms, and non-recyclables.

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Parks and Recreation:

Parks and Recreation Impacts of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Parks and Recreation Demand
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	Resident population	28.32 acres	540,928.08 sf	0 persons
Proposed	Residential High Density	10 dwelling units per acre	Resident population	28.32 acres	283 units	679 persons
Change in Parks and Recreation Demand						+679 persons

Note: Parks and recreation LOS demand is based on aggregated population counts.

**FUTURE LAND USE AMENDMENT
SUMMARY FOR APPLICATION #3330**

Educational Facilities:

Educational Facilities Demand of Parcels Affected by FLUA #3330

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Educational Facilities Demand
				Acres	Units or Area	
Existing	Commercial High Intensity and Industrial	0.40 and 0.45 FAR	FTE	28.32 acres	540,928.08 sf	0 students
Proposed	Residential High Density	10 dwelling units per acre	FTE	28.32 acres	283 units	15 students
Change in Educational Facilities Demand						+15 students

Note: Educational facilities LOS demand is based on actual FTE counts applied by the School District at grade level based on housing type. For multifamily dwellings, the 2022 student generation rate is: 0.027 for elementary (K-5); 0.016 for middle (6-8); and 0.011 for high (9-12), and totals 0.054 students per dwelling unit.

ORDINANCE NO. 2023 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 28.32 ACRES, MORE OR LESS, IN SECTION 08, TOWNSHIP 12 SOUTH, RANGE 31 EAST; FROM COMMERCIAL HIGH INTENSITY AND INDUSTRIAL TO RESIDENTIAL HIGH DENSITY; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Flagler Pines Properties, LLC, owner of Parcel Number: 08-12-31-0650-000B0-0070, totaling 28.317+/- acres in size, more particularly described herein and graphically shown on Exhibit "A" attached hereto; and

WHEREAS, on April 11, 2023, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend denial of the amendment; and

WHEREAS, on May 15, 2023, the Flagler County Board of County Commissioners, sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to approve the proposed amendment; and

WHEREAS, public notice of this action has been provided in accordance with Sections 125.66(2)(a) and 163.3187, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. FINDINGS

- a. The Board of County Commissioners finds that the proposed Future Land Use Map amendment is consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.
- b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

Section 2. FUTURE LAND USE MAP AMENDMENT

The real property containing 28.32 acres, more or less, and legally described herein is hereby amended from approximately 6.52 acres of Commercial High Intensity and approximately 21.80 acres of Industrial to approximately 28.32 acres of Residential High Density, as graphically shown on Exhibit "A" attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY S 89°09'05" W A DISTANCE OF 1223.50' FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S 02°27'01" E A DISTANCE OF 275.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 02°27'01" E A DISTANCE OF 318.57 FEET; THENCE S 38°32'07" W A DISTANCE OF 410.00 FEET; THENCE S 00°50'03" E A DISTANCE OF 150.01 FEET; THENCE S 89°09'52" W A DISTANCE OF 1414.74 FEET; THENCE N 00°50'55" W A DISTANCE OF 750.02 FEET; THENCE N 89°09'05" E A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 28.32 ACRES MORE OF LESS

Section 3. FUTURE LAND USE ELEMENT AMENDMENT

The Future Land Use Element is hereby amended by the amendment of policy A.1.1.10(7) that shall read as follows (added text in underline format, deleted text in strikethrough format)

FLUM Application #2747, as amended by Application #3330, Flagler Airport Industrial, LLC and Flagler Pines Properties, LLC, approximately 89.50 acres designated as Residential: High Density (28.32 acres) Industrial (54.05 32.25 acres) and Commercial

High Intensity (~~35.443~~ 28.93 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The ~~2008~~ 2023 tax parcel numbers of the subject property are 08-12-31-0650-000B0-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050. Density on the Residential acreage shall not exceed 255 units. Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise, and safe aviation have been followed. No structure containing residential multi-family dwelling units shall be constructed less than 100 feet from the boundary with the Flagler Executive Airport. Natural and planted landscape buffers shall be utilized to ensure that there are no conflicts between multifamily residential uses and surrounding high intensity commercial and industrial uses.

Section 4. EFFECTIVE DATE

This amendment shall become effective 31 days after adoption if no challenge is filed. If challenged within 30 days after adoption, this amendment will not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that this amendment is in compliance.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 15TH DAY OF MAY, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

Gregory L. Hansen, Chair

ATTEST:

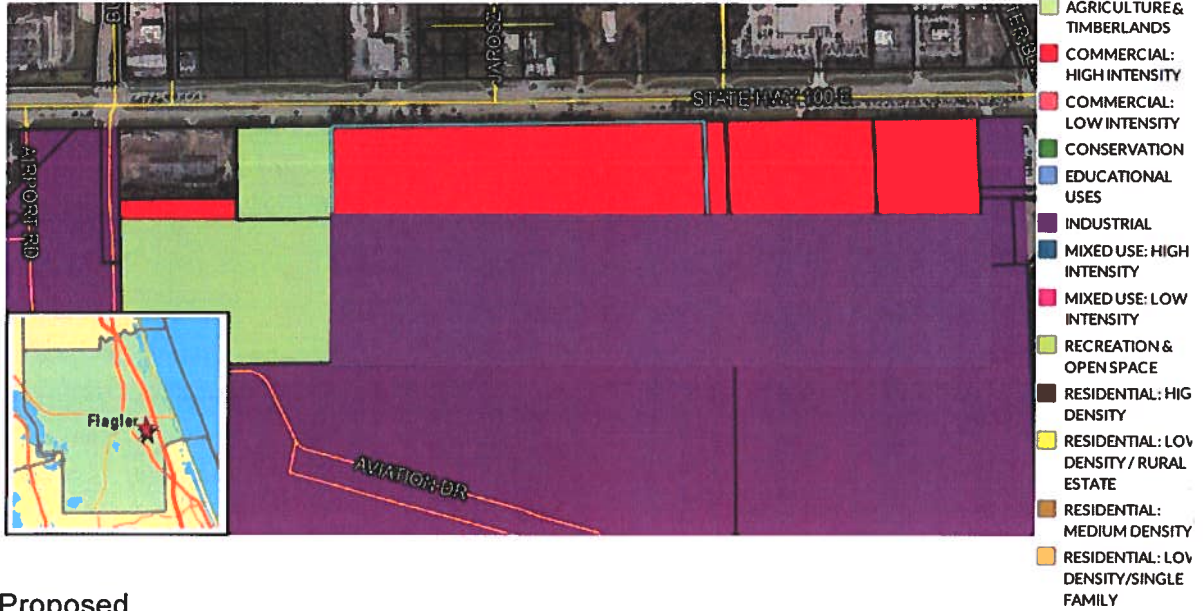
APPROVED AS TO FORM:

Tom Bexley, Clerk of the
Circuit Court and Comptroller

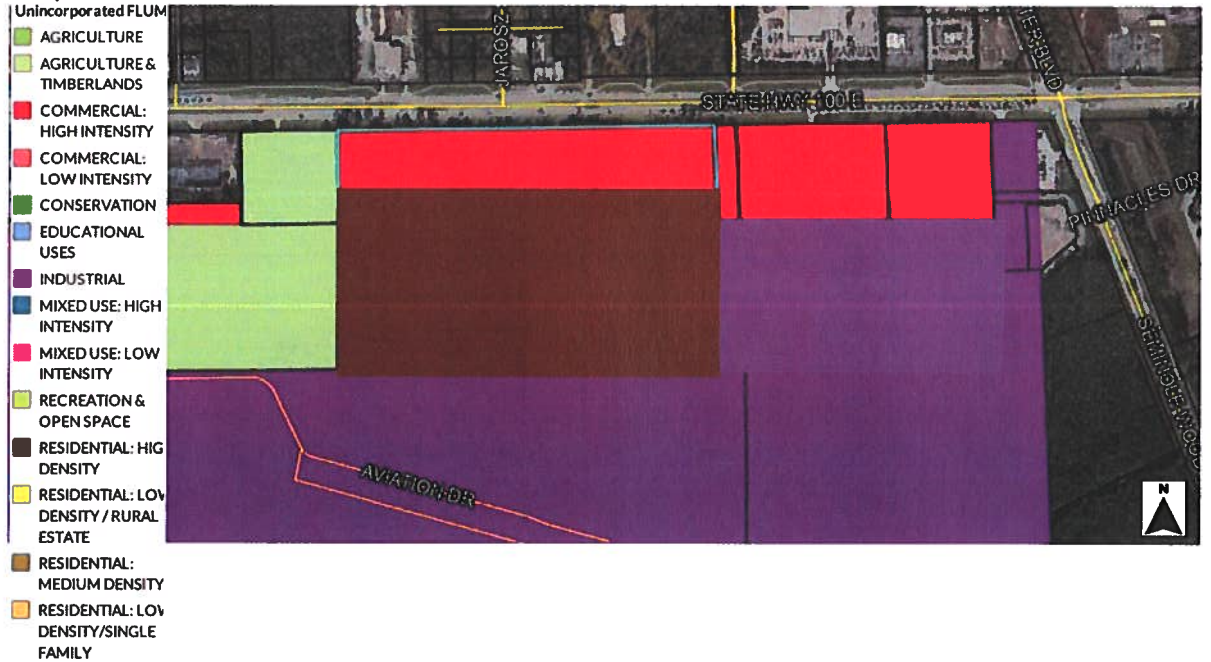
Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.03 14:32:11 -04'00'
Sean S. Moylan, Deputy County Attorney

Exhibit "A"

Current:



Proposed





APPLICATION FOR FUTURE LAND USE MAP AMENDMENT TEN ACRES OR GREATER

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3330 / 2022090031

PROPERTY OWNER(S)	Name(s):	Flaaler Pines Properties LLC			+
	Mailing Address:	4 Lambert Cove			+
	City: Flaaler Beach	State: FL	Zip: 32136		+
	Telephone Number	(386) 793-4740	Fax Number		+

APPLICANT/AGENT	Name(s):	Jav W. Livinaston. Esa. / Livinaston & Sword. P.A.			+
	Mailing Address:	391 Palm Coast Parkwav SW #1			+
	City: Palm Coast	State: FL	Zip: 32137		+
	Telephone Number:	(386) 439-2945	Fax Number:	(866) 896-5573	+
	Email:	jav.livinaston314@protonmail.ch			+

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):	5615 State Hwv 100 E	+
	LEGAL DESCRIPTION:	SEE ATTACHED	+
	Parcel # (<i>tax ID #</i>):	08-12-31-0650-000B0-0070	+
	Parcel Size:	28.317 ACRES. MORE OR LESS	+

FUTURE LAND USE DESIGNATION	Present Future Land Use Designation(s) <u>Provide acreage of each classification.</u>	COMMERCIAL - HIGH INTENSITY - 6.517 AC INDUSTRIAL - 21.80 AC
	Proposed Future Land Use Designation (s) <u>Provide acreage of each classification.</u>	RESIDENTIAL: HIGH DENSITY - 28.317 AC

POPULATION ASSUMPTIONS	Maximum population of site under current land use:	0
	Maximum population of site under proposed land use: (2.4 PPH x (gross acres x maximum density))	679 2.4 PPH x (28.317 x 10)

TRANSPORTATION	<p>A Traffic Impact Study (TIS) is required to be prepared by a transportation engineer to evaluate the impact of the proposed amendment on segments and intersections of the affected regional transportation network. The horizon year for the analysis shall be 2010. The study area will include all arterial and collector roadway segments and intersections within a two-mile radius of the external boundary of the FLUM parcel. Existing traffic counts shall be for the preceding calendar year and based upon FDOT, Flagler County or City of Palm Coast published data. If the traffic engineer conducts counts, they must be for a minimum of 72 consecutive hours during M-F and be adjusted to AADT using FDOT seasonal adjustment factors. Intersection turning counts shall be made during weekday peak hour. Trip generation of existing and proposed uses shall be based upon the applicable ITE land use code. Residential density is measured in maximum number of units per acre times the gross acreage. Non-residential FAR's are .3 comm. low, .4 comm. high and .5 industrial. The adopted LOS of the applicable comprehensive plan, County or City, shall be used and capacity determined by reference to FDOT Level of Service Manual for road segments and the Highway Capacity Manual for intersections.</p> <p>Trip distribution to determine the directional flow of traffic associated with the proposed FLUM shall be based upon FSUTMS using the Flagler County model set. The annual growth rate for traffic shall be calculated by calculating the previous 10 year's traffic counts or by using the following: U.S. 1 - 4.7%, I-95 - 4.6%, S.R. 100 - 10%, all other segments - 5%. Committed improvements must be underway, subject of a binding development agreement or funding in a State, County or municipal capital budget. The TIS concludes with an analysis of 2010 conditions in the study area with and without the proposed FLUM and any recommendations to mitigate the impact of increased traffic on the operational efficiency of the regional transportation network.</p>	
	Traffic Impact Study Prepared by: Traffic Planning and Design, Inc. +	
	Name: Rita Merhi / Turaut Dervish +	
	Address: 535 Versailles Drive +	
	City/State/Zip Maitland, FL 32751 +	

RECREATION AND OPEN SPACE	Facilities immediately serving site:	None <input type="checkbox"/>	
	Is this site within a targeted Park Land?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

WATER	Method (check one)	Private wells <input type="checkbox"/>	Central <input checked="" type="checkbox"/>	Private treatment plant <input type="checkbox"/>
	Attach completed SJRWMD Consumptive Use Worksheet and supporting information concerning growth projection or committee capacity.			
	If Central Water, provide name and address of facility: City of Palm Coast WTP <input type="checkbox"/>			
	Name: City of Palm Coast <input type="checkbox"/>			
	Address: 2 Utility Drive <input type="checkbox"/>			
	City/State/Zip Palm Coast. FL 32137 <input type="checkbox"/>			

SEWER	Method (check one)	Onsite Sewage Treatment and Disposal System <input type="checkbox"/>	Central <input checked="" type="checkbox"/>	Private treatment plant <input type="checkbox"/>
	Attach completed FDEP operating information for previous 12 months.			
	If Central Sewer, provide name and address of facility: City of Palm Coast WWTP #1 or #2 <input type="checkbox"/>			
	Name: City of Palm Coast <input type="checkbox"/>			
	Address: 2 Utility Drive <input type="checkbox"/>			
	City/State/Zip Palm Coast. FL 32137 <input type="checkbox"/>			

SOLID WASTE	If proposed land use amendment is for other than residential land use	Type	Square Footage
	Commercial	N/A	
	Industrial	N/A	

DRAINAGE	Detention/Retention facilities immediately serving the site	New On-Site Stormwater Facility	
	Available downstream facilities:	Discharge to Off-Site Wetland	
	Is site situated within a known floodplain area? Identify FIRM panel.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>


9/26/2022
 Signature of All Property Owners _____ Date _____

Signature of All Property Owners _____ Date _____

The foregoing was acknowledge before me this 26 day of September, 2022 by Jay Livingston and _____ who is/are personally known to me or who has produced _____ as identification, and who (did) / (did not) take an oath.


 Signature of Notary Public _____



****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED { }
 *APPROVED WITH CONDITIONS { }
 DENIED { }

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

****OFFICIAL USE ONLY****

BOARD OF COUNTY COMMISSIONER/ACTION:

APPROVED { }
 *APPROVED WITH CONDITIONS { }
 DENIED { }

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

Rev 05/08

Required Attachments:

Will need 33* sets of the following:

1. Location Map – Attachment “A”;
2. Legal Description – Attachment “B”;
3. Sealed Land survey showing the natural features of the land, the Ordinary high water line. **Survey cannot be more than 2 years old.** Attachment “C”
4. Zoning Map Showing Current Zoning – Attachment “D”;
5. Present Future Land Use Designation Map – Attachment “E”;
6. Proposed Future Land Use Designation Map – Attachment “F”;
7. Population Analysis – Attachment “G”;
8. Transportation Study – Attachment “H”
9. Recreation and Open Space Analysis – Attachment “I”;
10. Water and Sewer Analysis – Attachment “J”;
11. Solid Waste Analysis – Attachment “K”;
12. Drainage Study – Attachment “L”.
13. FLUCCS code information including delineation of endangered and threatened species and species of special concern habitat and observations - Attach. “M”;
14. Soil association - Attachment “O”.
15. Topographic map - Attachment “P”.
16. Aerials (false color) - Attachment “Q”.

*10 sets of plans for the Technical Review Committee **due upon submittal of application**, 13 sets of plans for Planning Board, and 10 sets of plans for the BCC.

NOTE: All applicants are requested to provide at least one set of documents/plans in a size no larger than 11” x 17” plus one electronic submittal in PDF format is preferred.

Application fee of \$1,220.00 plus \$20.00 per acre or portion thereof up to a maximum of \$15,000 plus cost of newspaper ad(s) and postage at prevailing rate and \$50 for each notification of public hearing (posting of sign). Make check payable to BOCC.

Fee amount per Resolution 2008-31.

NOTE: OWNER/APPLICANT IS RESPONSIBLE FOR REQUIRED RESPONSE TO OBJECTIONS, RECOMMENDATIONS AND COMMENTS FROM STATE REVIEWING AGENCY.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Rev 7/09

ATTACHMENT "A"



LOCATION MAP

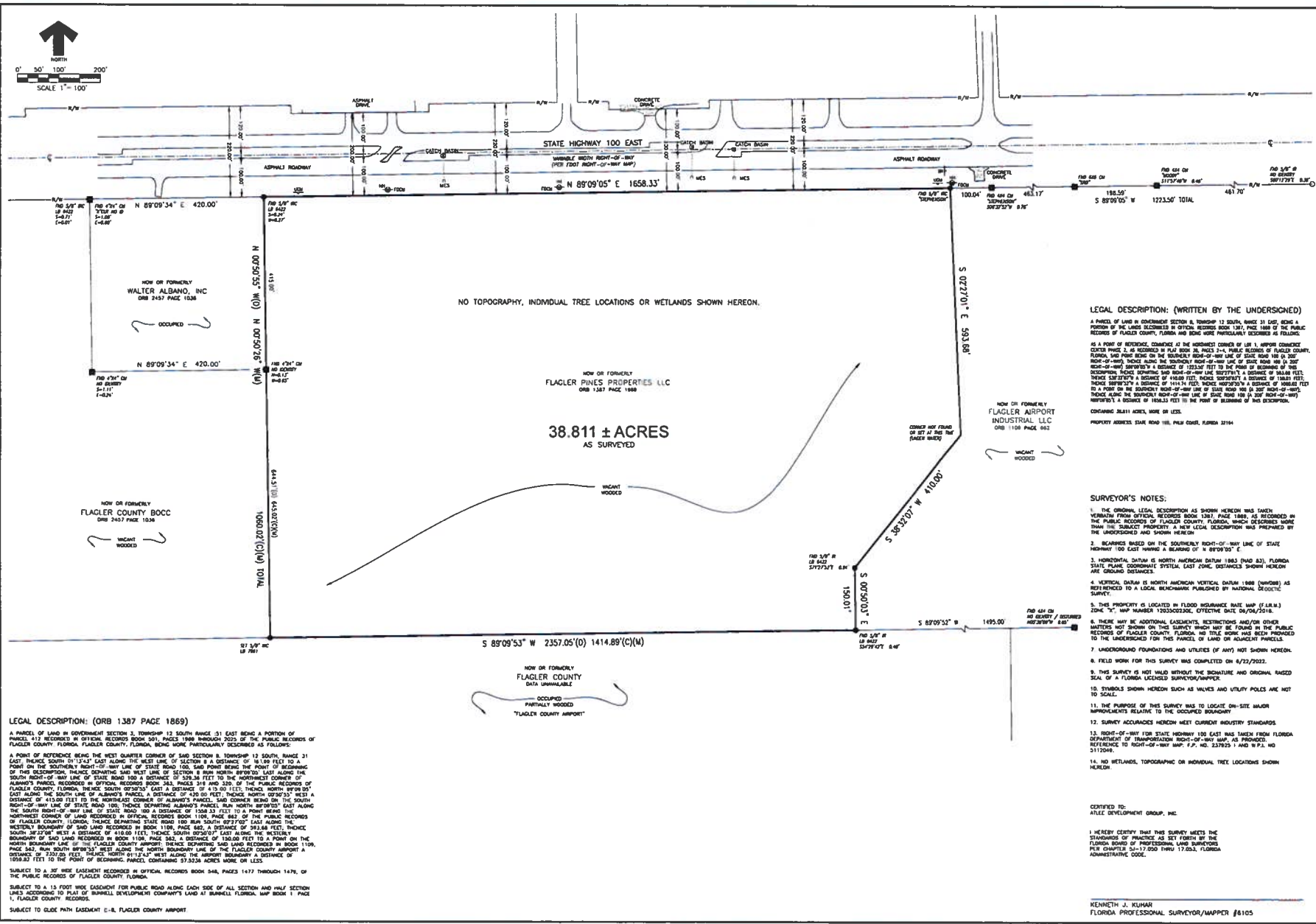
ATTACHMENT "B"

LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY S 89°09'05" W A DISTANCE OF 1223.50' FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S 02°27'01" E A DISTANCE OF 275.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 02°27'01" E A DISTANCE OF 318.57 FEET; THENCE S 38°32'07" W A DISTANCE OF 410.00 FEET; THENCE S 00°50'03" E A DISTANCE OF 150.01 FEET; THENCE S 89°09'52" W A DISTANCE OF 1414.74 FEET; THENCE N 00°50'55" W A DISTANCE OF 750.02 FEET; THENCE N 89°09'05" E A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.]

CONTAINING 28.317 ACRES MOR OF LESS



LEGAL DESCRIPTION: (ORB 1387 PAGE 1869)

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 13 SOUTH RANGE 31 EAST BEING A PORTION OF PARCELS 412 RECORDED IN OFFICIAL RECORDS BOOK 501, PAGES 1946 THROUGH 2005 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE WEST QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 13 SOUTH, RANGE 31 EAST THENCE SOUTH 01°13'43\"/>

SUBJECT TO A 30' WIDE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 544, PAGES 1477 THROUGH 1478, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

SUBJECT TO A 15 FOOT WIDE EASEMENT FOR PUBLIC ROAD ALONG EACH SIDE OF ALL SECTION AND HALF SECTION LINES ACCORDING TO PLAN BY BARNALL DEVELOPMENT COMPANY'S LAND AT BARNALL, FLORIDA, MAP BOOK 1, PAGE 1, FLAGLER COUNTY RECORDS.

SUBJECT TO GULF PATH EASEMENT C-8, FLAGLER COUNTY AIRPORT.

LEGAL DESCRIPTION: (WRITTEN BY THE UNDERSIGNED)

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 13 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1391, PAGE 1868 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE CORNER OF THE SOUTHWEST CORNER OF LOT 1, NORTH QUARTER CORNER PARCEL 2, AS RECORDED IN PUBLIC BOOK 28, PAGES 214, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THERE BEING ON THE SOUTHWEST CORNER OF SAID LOT 1, NORTH QUARTER CORNER PARCEL 2, A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF SAID LOT 1, NORTH QUARTER CORNER PARCEL 2, A DISTANCE OF 1141.74 FEET THENCE NORTH 89°09'05\"/>

CONTAINING 38.811 ACRES, MORE OR LESS.

PROPERTY ADDRESS: STATE ROAD 100, PALM COAST, FLORIDA 32164

- SURVEYOR'S NOTES:**
- THE ORIGINAL LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN VERBATIM FROM OFFICIAL RECORDS BOOK 1387, PAGE 1869, AS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH DESCRIBES MORE THAN THE SUBJECT PROPERTY. A NEW LEGAL DESCRIPTION WAS PREPARED BY THE UNDERSIGNED AND SHOWN HEREON.
 - BEARINGS BASED ON THE GOVERNMENT RIGHT-OF-WAY LINE OF STATE HIGHWAY 100 EAST HAD A BEARING OF N 89°09'05\"/>
 - HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
 - VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) AS REFERENCED TO A LOCAL BENCHMARK PUBLISHED BY NATIONAL GEODETIC SURVEY.
 - THIS PROPERTY IS LOCATED IN FLOOD HAZARD ZONE MAP (FIRM) ZONE X-1, MAP NUMBER 170300020E, EFFECTIVE DATE 09/04/2014.
 - THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SURVEY WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND THIS BOUNDARY HAS BEEN PREPARED TO THE UNDERSIGNED FOR THE PARCEL OF LAND OR ADJACENT PARCELS.
 - UNDERSIGNED FOUNDATIONS AND UTILITIES (IF ANY) WERE SHOWN HEREON.
 - FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 4/23/2022.
 - THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAZED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER.
 - SYMBOLS SHOWN HEREON SUCH AS VALVES AND UTILITY POLES ARE NOT TO SCALE.
 - THE PURPOSE OF THIS SURVEY WAS TO LOCATE ON-SITE MAJOR IMPROVEMENTS RELATIVE TO THE OCCUPIED BOUNDARY.
 - SURVEY ACCURACIES HEREON MEET CURRENT INDUSTRY STANDARDS.
 - RIGHT-OF-WAY FOR STATE HIGHWAY 100 EAST WAS TAKEN FROM FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, AS PROVIDED HEREON TO RIGHT-OF-WAY MAP, F.P.M. NO. 237625-1 AND W.P.S. NO. 5112048.
 - NO WETLANDS, TOPOGRAPHIC OR BROWALIN TREE LOCATIONS SHOWN HEREON.

CERTIFIED TO:
 ALICE DEVELOPMENT GROUP, INC.

KENNETH J. KUHAR
 FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

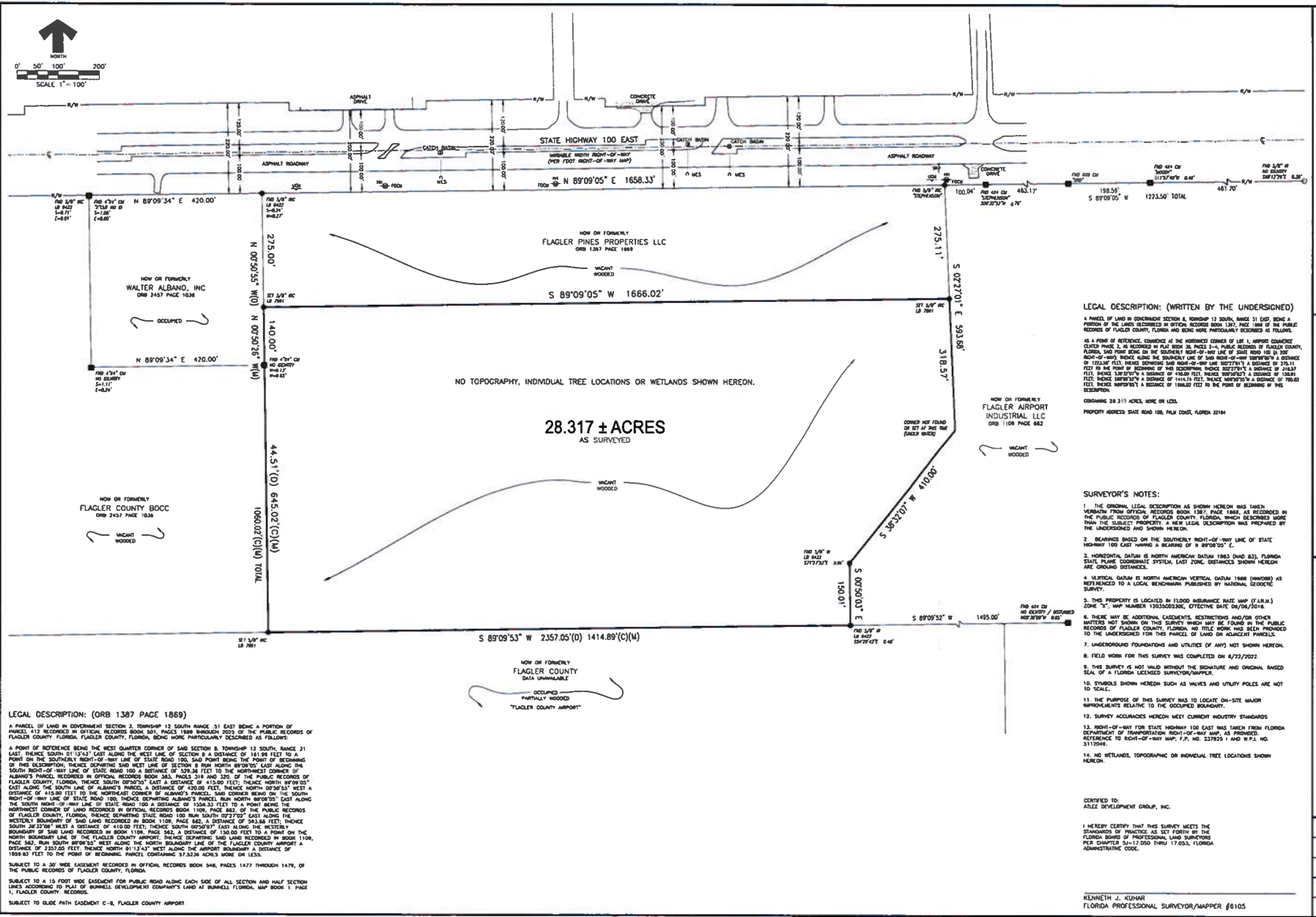
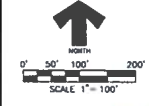
I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 115-1.000 FWS-17052, FLORIDA ADMINISTRATIVE CODE.

KUHAR SURVEYING & MAPPING, LLC
 1501 REDWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
 Phone: 386-672-0002 WWW.KUHARSURVEYING.COM

LS (PSM) 5105
 LB 7861

REVISIONS	DESCRIPTION	NO	DATE

BOUNDARY SURVEY
 STATE HIGHWAY 100 EAST, PALM COAST, FLORIDA 32164
 PREPARED FOR: ALICE DEVELOPMENT GROUP, INC.
 PROJECT NO: K22009
 DRAWING REFERENCE NO: K22009 WORKSHEETING
 ORIGINAL ISSUE DATE: 10/7/2022
 SHEET 1 OF 1



28.317 ± ACRES
AS SURVEYED

LEGAL DESCRIPTION: (WRITTEN BY THE UNDERSIGNED)

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 188 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, WARDEN COUNTY, FLORIDA PARCEL 2, AS DESCRIBED IN PLAT BOOK 28, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND FROM SAID POINT OF REFERENCE RUN NORTH 89°09'05" EAST ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF STATE ROAD 100 IN 100' WIDTH, THENCE ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ROAD 100 IN 100' WIDTH, THENCE SOUTH 89°09'05" WEST A DISTANCE OF 1223.50 FEET TO THE POINT OF BEGINNING OF THIS BOUNDARY, THENCE SOUTH 89°09'05" WEST A DISTANCE OF 1414.89 FEET, THENCE WEST 89°09'53" WEST A DISTANCE OF 2357.05 FEET, THENCE NORTH 89°09'05" EAST A DISTANCE OF 1666.02 FEET, THENCE EAST 89°09'05" EAST A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 28.317 ACRES, MORE OR LESS.
PROPERTY ADDRESS STATE ROAD 100, PALM COAST, FLORIDA 32164

SURVEYOR'S NOTES:

1. THE ORIGINAL LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN VERBATIM FROM OFFICIAL RECORDS BOOK 1387, PAGE 188, AS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHOSE TITLE WORK HAS BEEN PROVIDED TO THE UNDERSIGNED AND SHOWN HEREON.
2. MEASUREMENTS BASED ON THE BOUNDARY RIGHT-OF-WAY LINE OF STATE HIGHWAY 100 EAST HAVING A BEARING OF N 89°09'05\"/>

LEGAL DESCRIPTION: (ORB 1387 PAGE 188)

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH RANGE 31 EAST BEING A PORTION OF PARCELS #12 RECORDED IN OFFICIAL RECORDS BOOK 501, PAGES 198B THROUGH 202B OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE WEST QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST THENCE SOUTH 01°13'43\"/>

KUHAR SURVEYING & MAPPING, LLC
1501 MIDWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-672-0002 WWW.KUHARSURVEYING.COM

© 2022 KUHAR SURVEYING & MAPPING, LLC. LS (PSM) 0105

LB 7891

REVISIONS	DESCRIPTION	NO.	DATE

BOUNDARY SURVEY

STATE HIGHWAY 100 EAST, PALM COAST, FLORIDA, 32164

PROJECTED FOR: ANILE DEVELOPMENT GROUP, INC.

CERTIFIED TO: ANILE DEVELOPMENT GROUP, INC.

PROJECT NO: K22009

DRAWING REFERENCE NO: I22008 WORKSHEET.DWG

REVISION NO./DATE

ORIGINAL ISSUE DATE: 10/7/2022

SHEET 1 OF 1

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

ATTACHMENT "D"

qPublic.net™ Flagler County, FL Property Appraisers Office



Overview



Legend

- Parcels
- Roads
- Streams and River

ZONE_CODE

- AC
- AC-2
- C-1
- C-2
- CN
- I
- MH-1
- MH-2
- MH-3
- O-1
- O-2
- PUD
- R-1
- R-1B
- R-1C
- R-1D
- R-2
- R-3
- RC
- I-PUD
- MUH-PUD
- MUL-PUD
- NRC-PUD

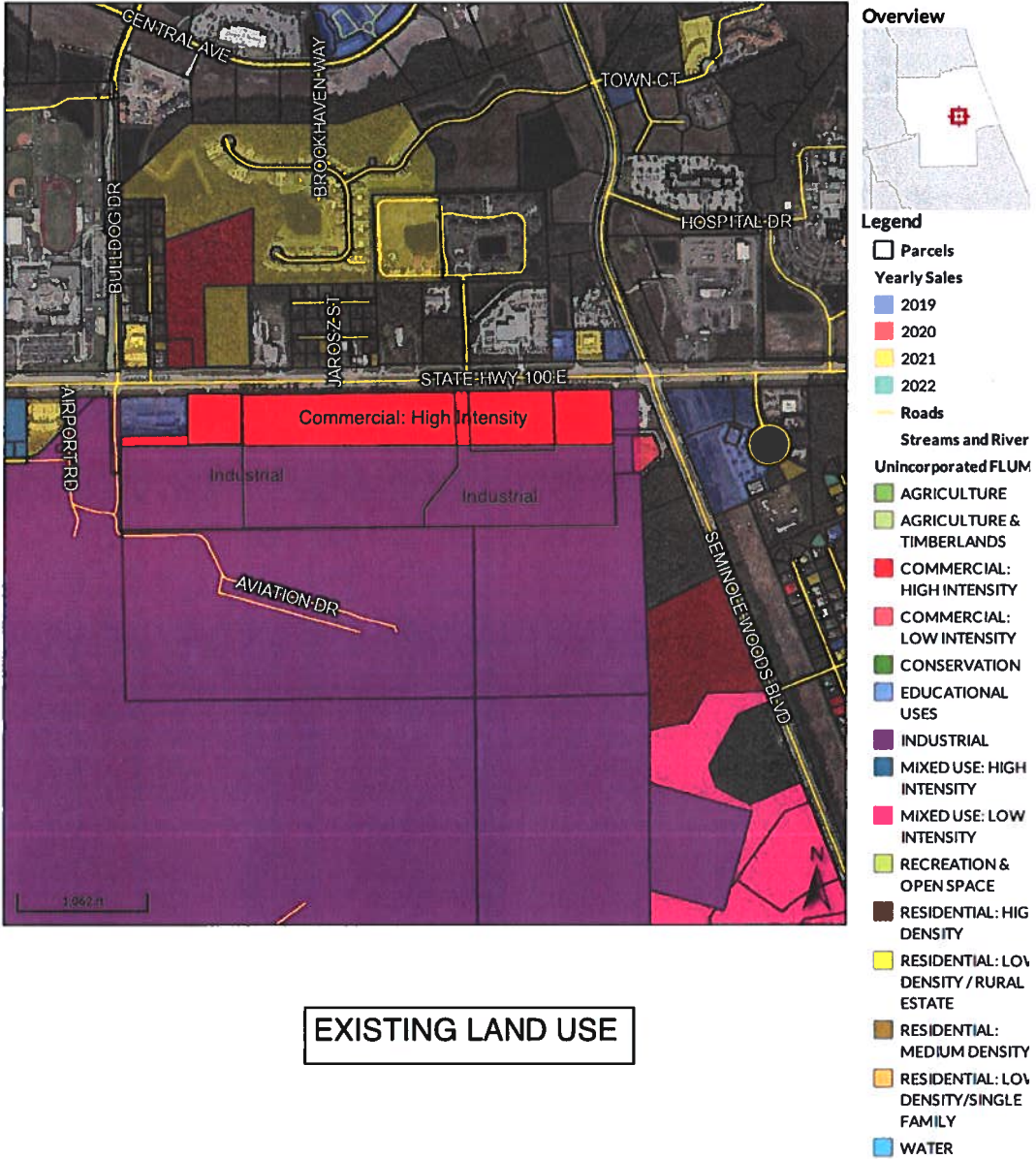
EXISTING ZONING

Parcel ID	08-12-31-0650-00080-0070	Owner	FLAGLER PINES PROPERTIES LLC
Prop ID	77773		4 LAMBERT COVE
Class Code	VACANT		FLAGLER BEACH, FL 32136
	COMMERCIAL	Physical Address	5615 STATE HWY 100 E
Taxing District	1		
GIS sqft	1,689,168.871		

Date created: 9/21/2022

ATTACHMENT "E"

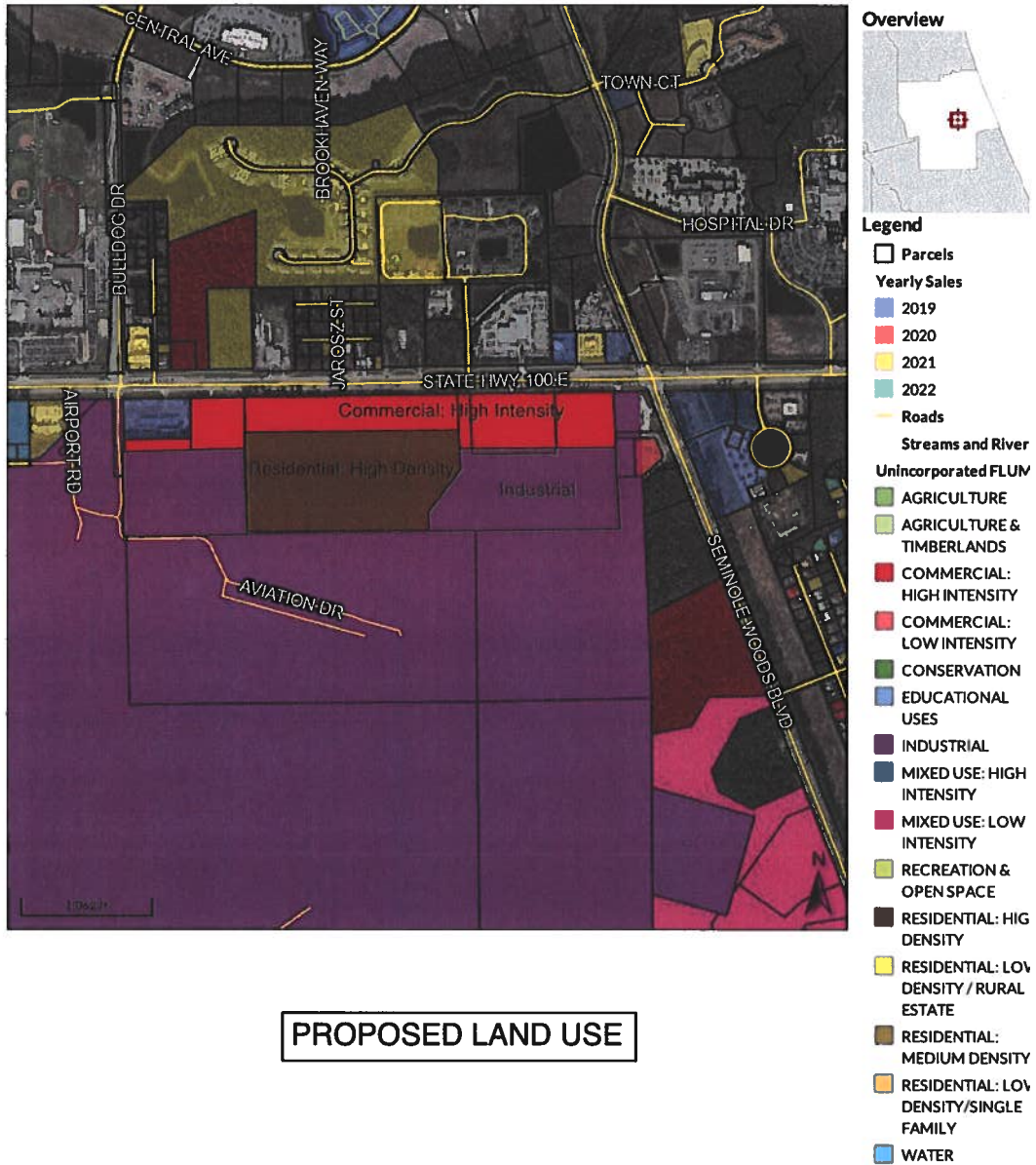
qPublic.net™ Flagler County, FL Property Appraisers Office



Date created: 7/6/2022
Last Data Uploaded: 7/6/2022 8:14:06 AM
Developed by

ATTACHMENT "F"

qPublic.net™ Flagler County, FL Property Appraisers Office



Date created: 7/6/2022
 Last Data Uploaded: 7/6/2022 8:14:06 AM
 Developed by

ATTACHMENT "G"

POPULATION ANALYSIS

The anticipated maximum population resulting from the proposed amendment to the Future Land Use Map is 679 (2.4 PPH x (28.317 x 10)). The present Future Land Use Designations for the property (Commercial - High Intensity and Industrial) generate zero population. Therefore, the proposed land use change will result in a net population increase of 679.

ATTACHMENT "H"

TRANSPORTATION STUDY



TRAFFIC MEMORANDUM FLAGLER AIRPORT 100 PROPERTY

The Flagler 100 property consists of 38.811 acres located on SR 100 west of Seminole Woods Parkway in front of the Flagler Executive Airport. It is proposed that this site be subdivided into commercial development along the SR 100 frontage on the north and multifamily residential recreational on the south. The residential development will occupy 28 acres and require a future land use amendment and rezoning to develop 280 apartment units (10 units per acre). The current zoning of the property is industrial which allows for general commercial development with a building coverage of 35 percent. This would equate a retail commercial development of 426,888 square feet (28 x 43,560 x 0.35).

Trip Generation

The trip generation of the 28 acres under the existing and proposed zoning categories was calculated with the use of data from the 11th Edition of the Institute of Transportation Engineers (ITE) Manual. The calculation is summarized in **Table 1** and the trip generation worksheets are attached.

**Table 1
Trip Generation Summary**

ITE Code	Land Use	Size	Daily		A.M. Peak Hour				P.M. Peak Hour			
			Rate	Trips	Rate	Enter	Exit	Total	Rate	Enter	Exit	Total
Existing Land Use/Zoning												
820	Retail Commercial (Shopping Center >150 KSF)	426.88	37.01	15,799	0.84	223	136	359	3.40	696	755	1,451
Pass by- trips (Retail 19%)				3,002	--	42	26	68	--	132	144	276
New Net Trips				12,797	--	181	110	291	--	564	611	1,175
Proposed Land Use/Rezoning												
220	Multi-family Residential	280 DU	6.74	1,887	0.40	27	85	112	0.51	90	53	143
Trip Increase (+)/Decrease (-) Due to Land Use Change/Rezone				-10,910	--	-154	-25	-179	--	-474	-558	-1,032

**TPD#5723
September 8, 2022**

Traffic Planning and Design, Inc.

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.tpdtraffic.com

Trip Generation Comparison

As can be seen in **Table 1**, the site's trip generation under the existing land use/zoning is far greater than the trip generation under the proposed land use/rezoning. The proposed change in land use and rezoning will result 10,910 less daily trips, 179 less AM peak hour trips and 1,032 less PM peak hour trips to be added to the area roadways.

Conclusions

The proposed land use amendment will result in a substantial reduction in the site's trip generation. There will be less daily and AM/PM peak hour trips added to the area roadways resulting in improved Levels of Service.

Trip Generation Worksheets

Shopping Center (>150k) (820)

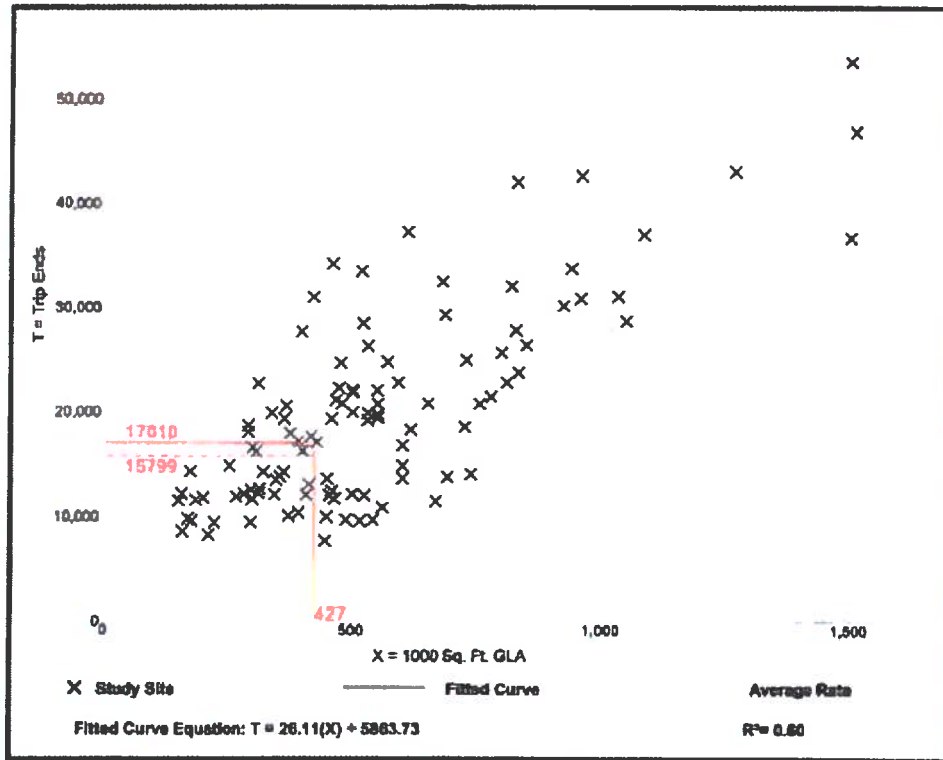
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 108
Avg. 1000 Sq. Ft. GLA: 538
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



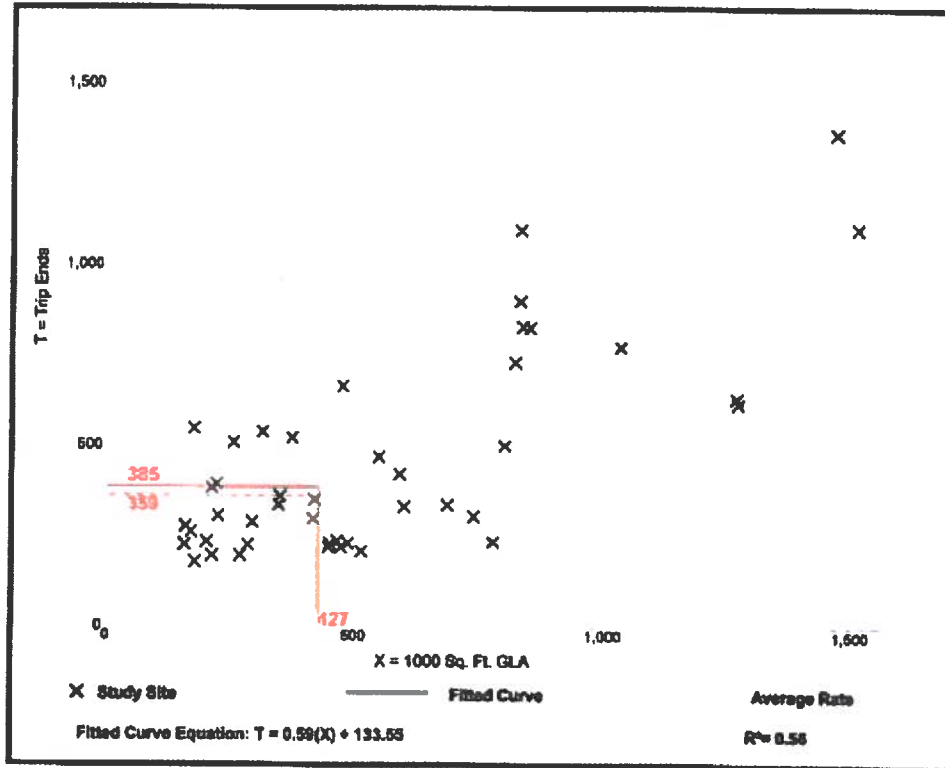
Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 44
Avg. 1000 Sq. Ft. GLA: 546
Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



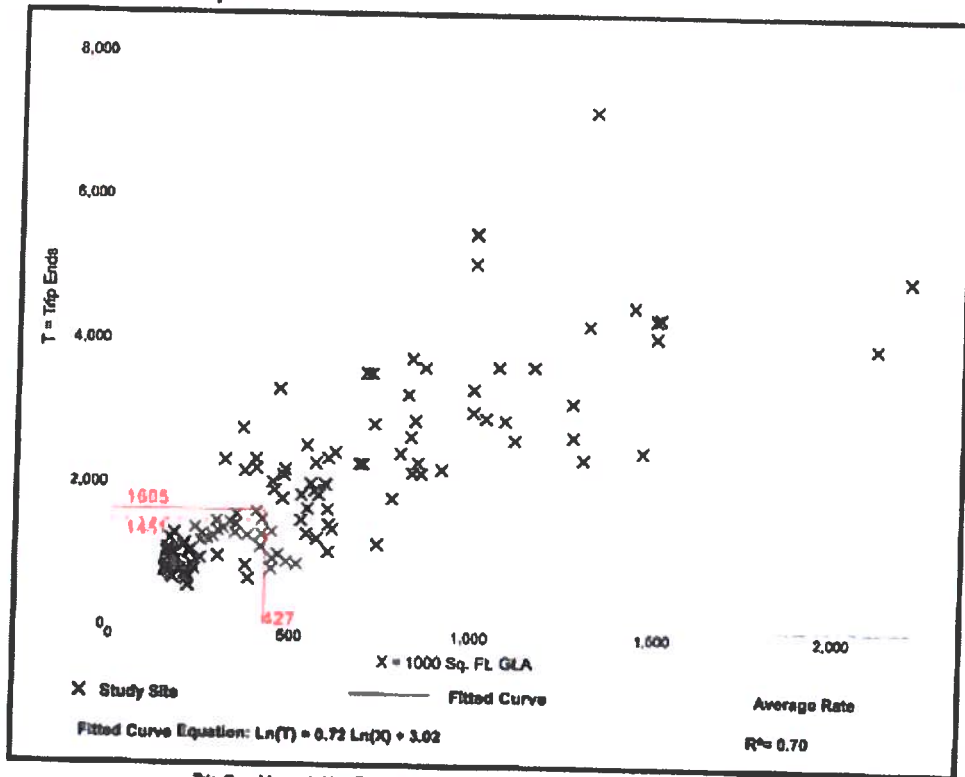
Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 126
Avg. 1000 Sq. Ft. GLA: 581
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation



Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual, 11th Edition

Land Use Code	820								
Land Use	Shopping Center (> 150k)								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	8 Sites with GLA between 150 and 300k				16 Sites with GLA between 300 and 900k				
Average Pass-By Rate	29% for Sites with GLA between 150 and 300k				19% for Sites with GLA between 300 and 900k				
Pass-By Characteristics for Individual Sites									
GLA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
213	Florida	1990	312	28	31	41	72	—	33
225	Illinois	1994	264	35	32	33	65	1970	24
227.9	Kentucky	1993	—	34	35	31	66	—	34
235	Kentucky	1993	211	35	29	36	65	2593	2
255	Iowa	1994	222	23	38	39	77	3706	24
256	Connecticut	1994	208	27	51	22	73	3422	24
293	Illinois	1994	282	24	70	6	76	4606	13
294	Pennsylvania	1994	213	24	48	18	76	4055	24
350	Massachusetts	1994	224	18	45	37	82	2112	24
361	Virginia	1994	315	17	54	29	83	2034	24
375	North Carolina	1994	214	29	48	23	71	2053	24
413	Texas	1994	228	28	51	21	72	589	24
418	Maryland	1994	281	20	50	30	80	5610	24
450	California	1994	321	23	49	28	77	2787	24
476	Washington	1994	234	25	53	22	75	3427	24
488	Texas	1994	257	12	75	13	88	1094	13
560	Virginia	1994	437	19	49	32	81	3051	24
581	Colorado	1994	296	18	53	29	82	2939	24
598	Colorado	1994	205	17	55	28	83	3840	24
633	Texas	1994	257	10	64	26	90	—	24

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

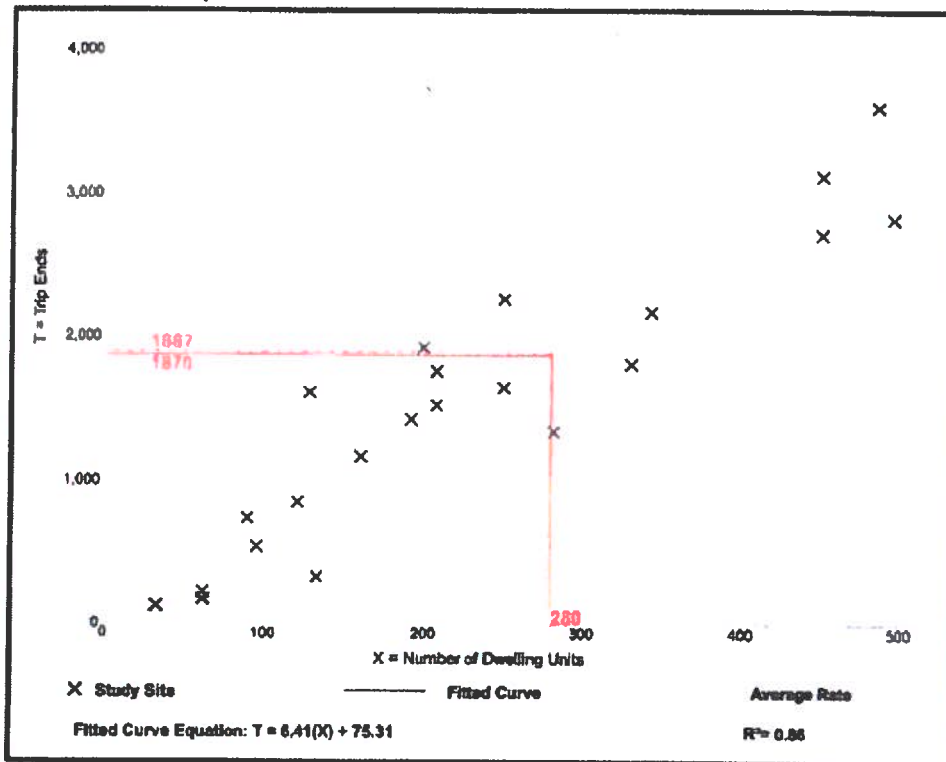
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



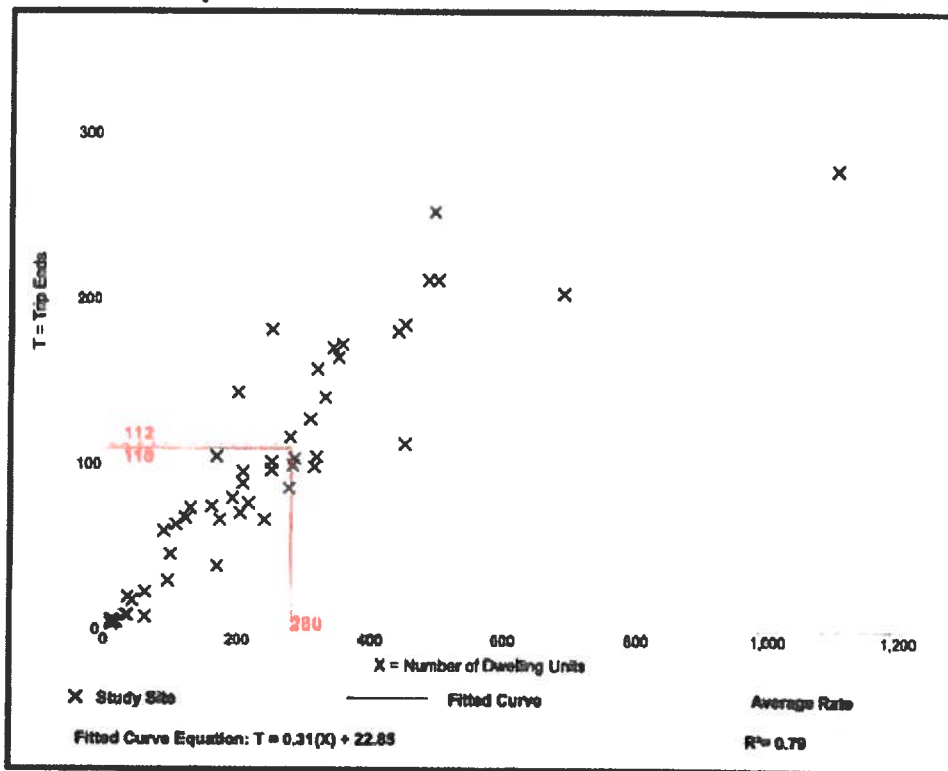
Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 49
Avg. Num. of Dwelling Units: 249
Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.51

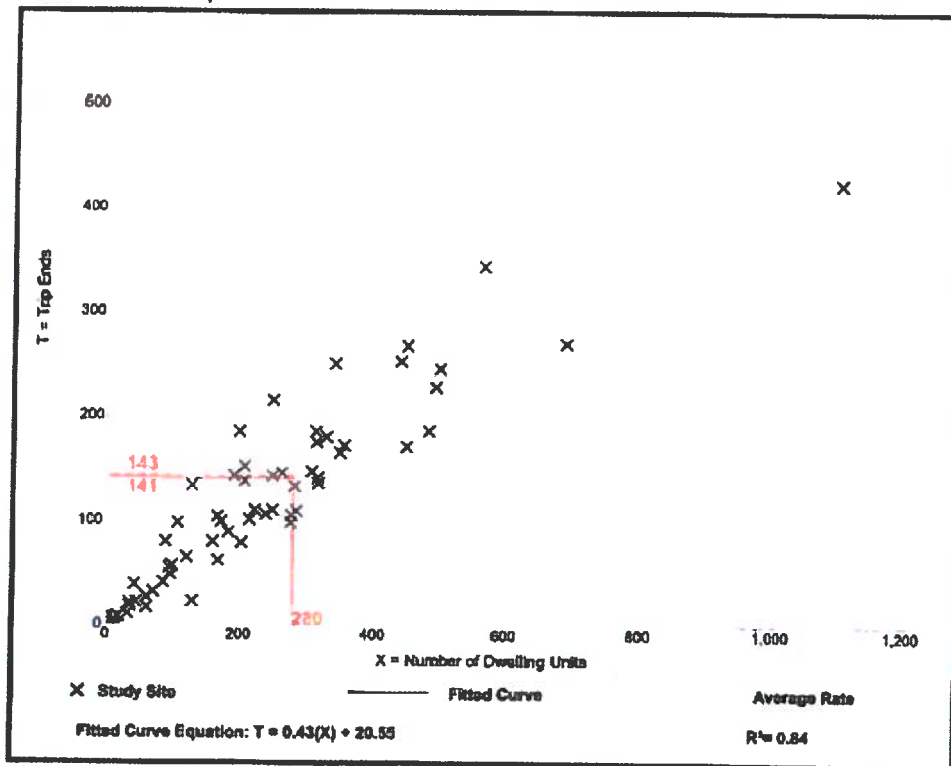
Range of Rates

0.00 - 1.04

Standard Deviation

0.15

Data Plot and Equation



ATTACHMENT "I"

RECREATION AND OPEN SPACE ANALYSIS

The property subject to this application for Future Land Use Map amendment is 28.317 acres in size and a portion of the property described by Flagler County tax parcel ID # 08-12-31-0650-000B0-0070.

Policy H.1.1.1 of the Recreation and Open Space Element of the Flagler County Comprehensive Plan 2010-2035 establishes the following levels of service for recreation and open space:

1. Countywide Parks: LOS standard of 30 acres per 1,000 persons (public lands per total permanent County and incorporated population).
2. Community Parks: LOS standard of 3 acres per 1,000 persons (public lands per unincorporated permanent population).
3. Neighborhood Parks: LOS standard of 1 acre per 1,000 persons (public lands per unincorporated permanent population).

The anticipated maximum population resulting from the proposed amendment to the Future Land Use Map is 679 ($2.4 \text{ PPH} \times (28.317 \times 10)$). The present Future Land Use Designations for the property (Commercial - High Intensity and Industrial) generate zero population. Therefore, the proposed land use change will result in a net population increase of 679. This will impact the above referenced level of service as follows:

- Countywide Parks: 20.37 acres
- Community Parks: 2.04 acres
- Neighborhood Parks: 0.68 acres

ATTACHMENT "J"

WATER AND SEWER ANALYSIS



ALANN ENGINEERING GROUP
CONSULTING ENGINEERS SINCE 1989

FLAGLER PINES PROPERTIES

PARCEL # 08-12-31-0650-000B0-0070

ATTACHMENT "J"

WATER AND WASTEWATER ANALYSIS

The referenced site is located on the south side of SR 100 in Flagler County and is west of Airport Commons Phase II and east of Cornerstone at Seminole Woods. The site consists of 38.81 acres and is proposed to be developed as a mix of commercial along SR 100 to the north and multi-family residential to the south.

Water:

The water in this area is owned and maintained by the City of Palm Coast Utilities. There is an existing 10-inch water main that runs along the south side of SR 100 to the easterly extents of Airport Commons Phase I. The 10-inch main will be extended to the east property line of Airport Commons Phase II. This property will tie into the extended 10-inch water main and run the main east to their eastern property line. Cornerstone at Seminole Woods will be extending a 10-inch main across SR-100 to tie into the main on the north side of SR-100 and will offer a stub out to the west for this property to tie to. By connecting into the future water mains to the east and west of the site, will off this site will a looped water system and more than adequate pressures and volume.

Wastewater:

The Cornerstone at Seminole Woods development proposes the installation of a City of Palm Coast owned and operated lift station as part of their development. The lift station will tie to an existing force main on the north side of SR-100 with a gravity stub out to the west to serve the referenced site. The gravity sewer is deep enough to serve the entire parcel.

ATTACHMENT "K"

SOLID WASTE ANALYSIS

This is not applicable to the present application, which is for a land use change to permit only residential uses.

ATTACHMENT "L"

DRAINAGE STUDY



ALANN ENGINEERING GROUP
CONSULTING ENGINEERS SINCE 1989

FLAGLER PINES PROPERTIES

PARCEL # 08-12-31-0650-000B0-0070

ATTACHMENT "L"

DRAINAGE STUDY

The referenced site is located on the south side of SR-100 in Flagler County and is west of Airport Commons Phase II and east of Cornerstone at Seminole Woods. The site consists of 38.81 acres and is proposed to be developed as a mix of commercial along SR 100 to the north and multi-family residential to the south.

Based on existing conditions, the site currently drains to the wetland system to the south. There is little or no drainage that enters the SR-100 right-of-way. The site does not discharge to an outstanding Florida Waterway nor to an impaired water body. Therefore, treatment and attenuation will be provided per Flagler County Land Development Code Requirements as well as the requirements as outlined in St. John River Water Management District Regulations. Due to an expected high water table condition, the site is expected to be filled and wet detention ponds provided for stormwater treatment. Discharge of the pond(s) will be to the south to the existing wetland system. Pursuant to County and SJRWMD regulations, discharge from the site will be limited to pre-development discharge.

ATTACHMENT "M"
ENVIRONMENTAL REPORT



42 Masters Drive St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

May 31, 2022

Attn: Ken Atlee
Tidelands Investments, LLC
5851 Timuquana Rd, Ste. 301
Jacksonville, FL 32210
BY EMAIL: ken@atleegroup.net

**SUBJECT: Flagler County Environmental Report
Gardner SR 100 – Atlee
5615 State Hwy 100 E, Palm Coast, Florida
Flagler County PIN 08-12-31-0650-000B0-0070**

Dear Mr. Atlee,

On May 28, 2022, Carter Environmental Services (CES) conducted a limited field survey of the referenced +/- 38.78-acre subject property, to assess the presence of or potential utilization by any threatened/endangered species or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). CES also assessed the site community types. Prior to the site visit, CES compiled a list of potentially occurring protected species. The resources used to compile this list included a literature review of the soil units mapped on-site and 2021 aerial photographs of the property. The results of this survey are listed below.

PROTECTED ANIMAL SPECIES

- **Bald Eagle (*Haliaeetus leucocephalus*)**

Using the FWC Eagle Nest Locator Database (2022), CES found four bald eagle nests on record within a 5-mile radius the property boundaries (Figure 4). The closest eagle nest is located approximately 3.5 miles northeast of the project boundary. Further, no nests were located in the project area by CES biologists, and the likelihood of bald eagles utilizing this site is low. While the bald eagle is not listed as threatened, endangered or a species of special concern, it is protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Based on these acts, certain activities are regulated by FWS when they occur near an active nest during nesting season (1 October to 15 May). Due to the distance of known active nests, development of the project should have no effect on the bald eagle.

- **Gopher Tortoise (*Gopherus polyphemus*)**

Though being widespread throughout Florida, the gopher tortoise is listed as threatened in the state because much of its native habitat has been lost to agriculture, forestry, mining, and urban/residential development. Based on the soils mapped onsite and a higher water table, CES deemed it unlikely for gopher tortoises to be



present on the subject property; upon a pedestrian inspection of the site, no tortoises nor their burrows were observed and the uplands are overgrown. It is highly unlikely that gopher tortoises would utilize this site.

Further, CES did not observe any of the tortoise's known protected communal species, which utilize the burrows for shelter and foraging grounds. These include the Florida mouse (*Podomys floridanus*), the eastern indigo snake (*Drymarchon corais couperi*), Florida pine snake (*Pituophis melanoleucus mugitus*), and the gopher frog (*Rana capito*).

- **Wading Birds**

A review of the current FWC database of wading bird rookeries (FWC Wading Bird Locator, 2022) revealed no known rookery within a one-mile radius of the property. Also, the site wetlands offer unlikely habitat for wood stork (*Mycteria americana*) nesting; this species, commonly found foraging throughout Flagler County, was not listed in the FNAI report, and prefers to nest in large colonies in mixed hardwood swamps, deep sloughs, mangroves, and cypress domes – none of which are present on the site.

PROTECTED PLANT SPECIES

In addition to protected animal species, CES biologists reviewed the site for protected plant species and none were observed. Coordination will not be required with any regulatory agency if protected plant species were observed in the future. Currently, no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.

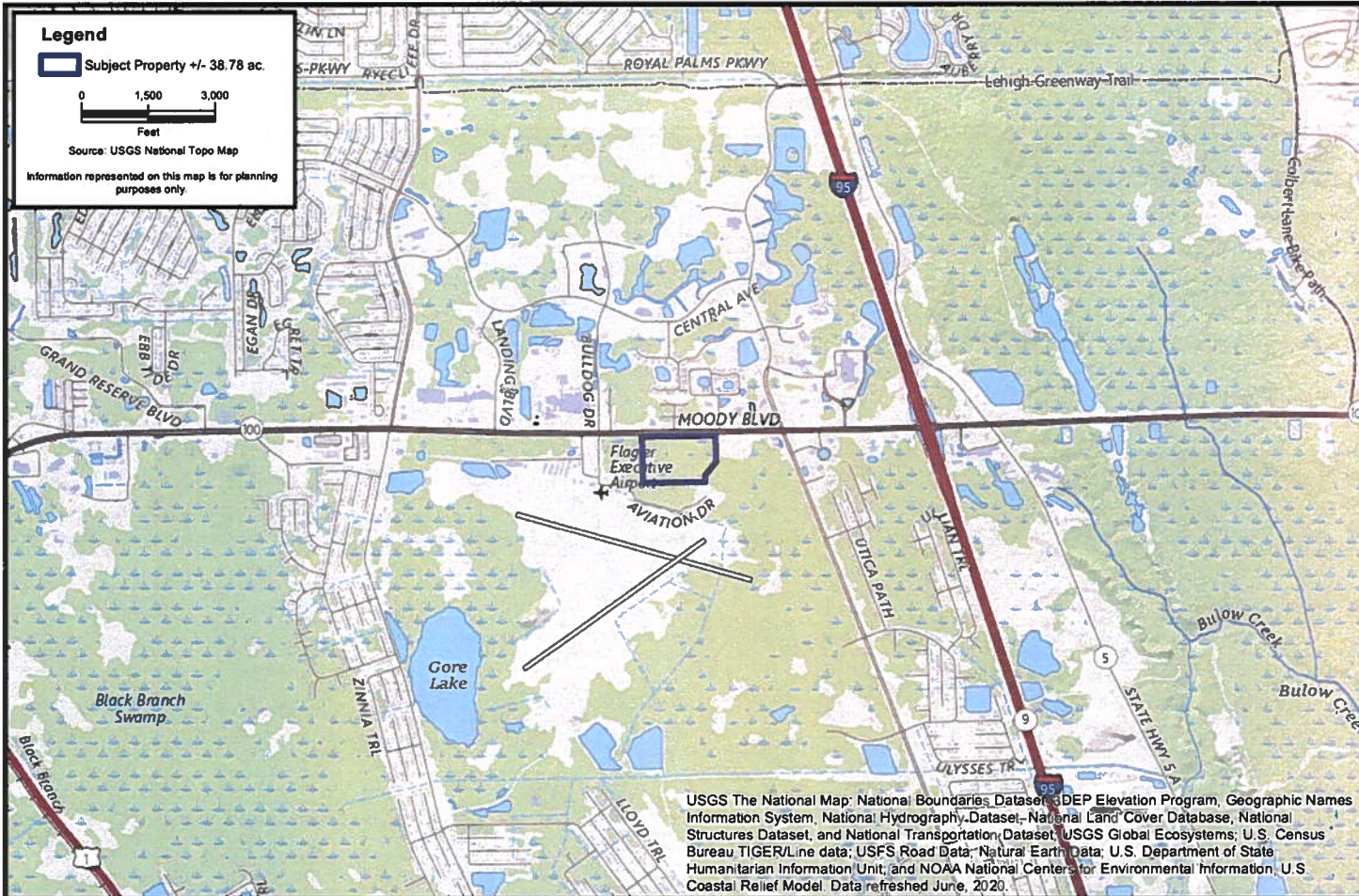
In conclusion, no listed plant or animal species were observed by CES biologists during the site review. I trust that this information is helpful. Please contact me with any questions or requests for additional information.

Sincerely,

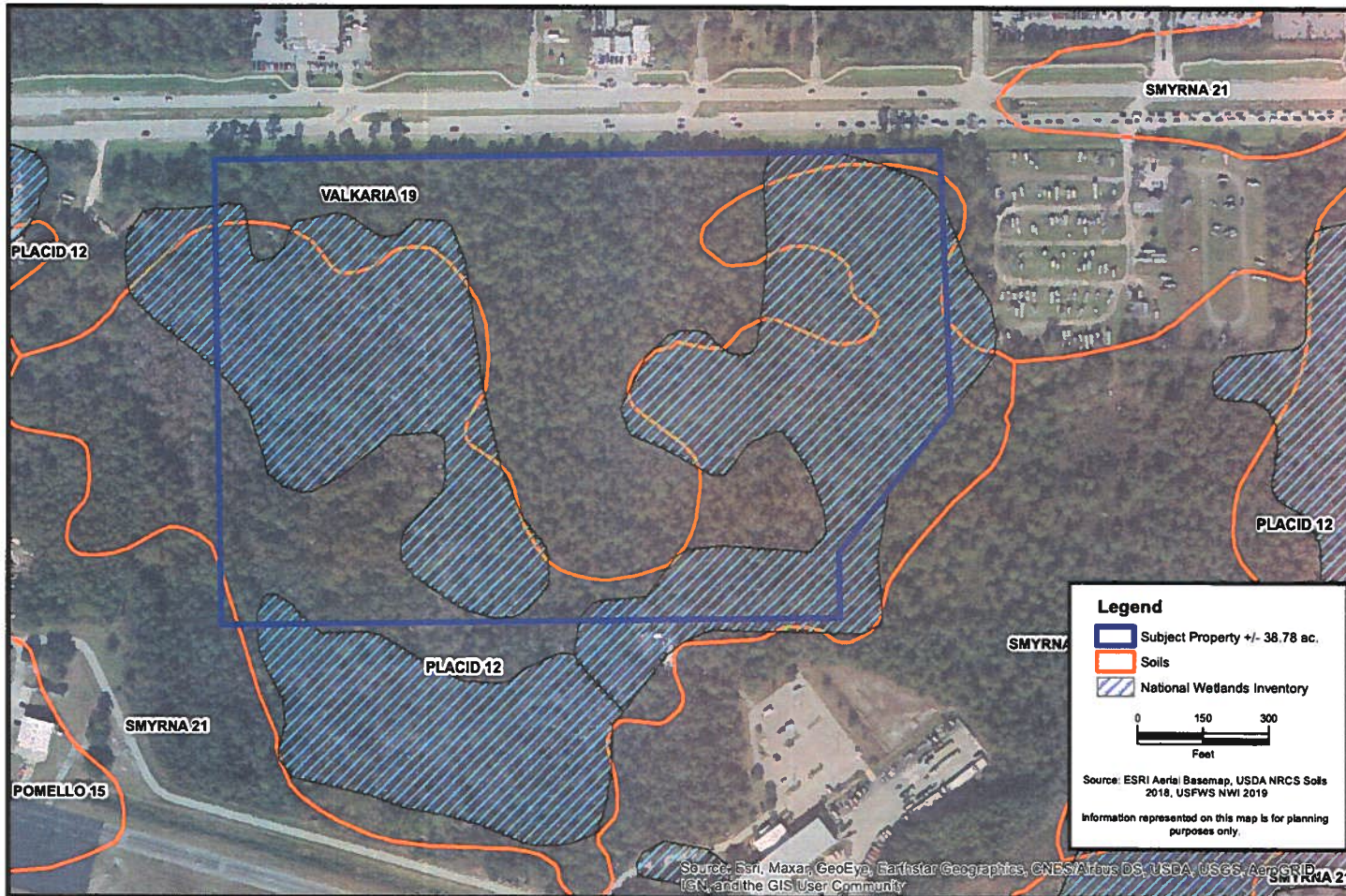
A handwritten signature in black ink that reads "Ryan A. Carter".

Ryan A. Carter, PWS
Vice President

Enclosures: Location Map – Figure 1
Soils/NWI Map – Figure 2
FLUCFCS/Existing Conditions Map – Figure 3
FWC Bald Eagle Nests 2022 – Figure 4
FNAI Biodiversity Matrix




CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1788 www.carterenv.com	Location Map Gardner SR 100 - Atlee		 Figure: 1
	Project: 5.12074.01	Flagler County, FL	

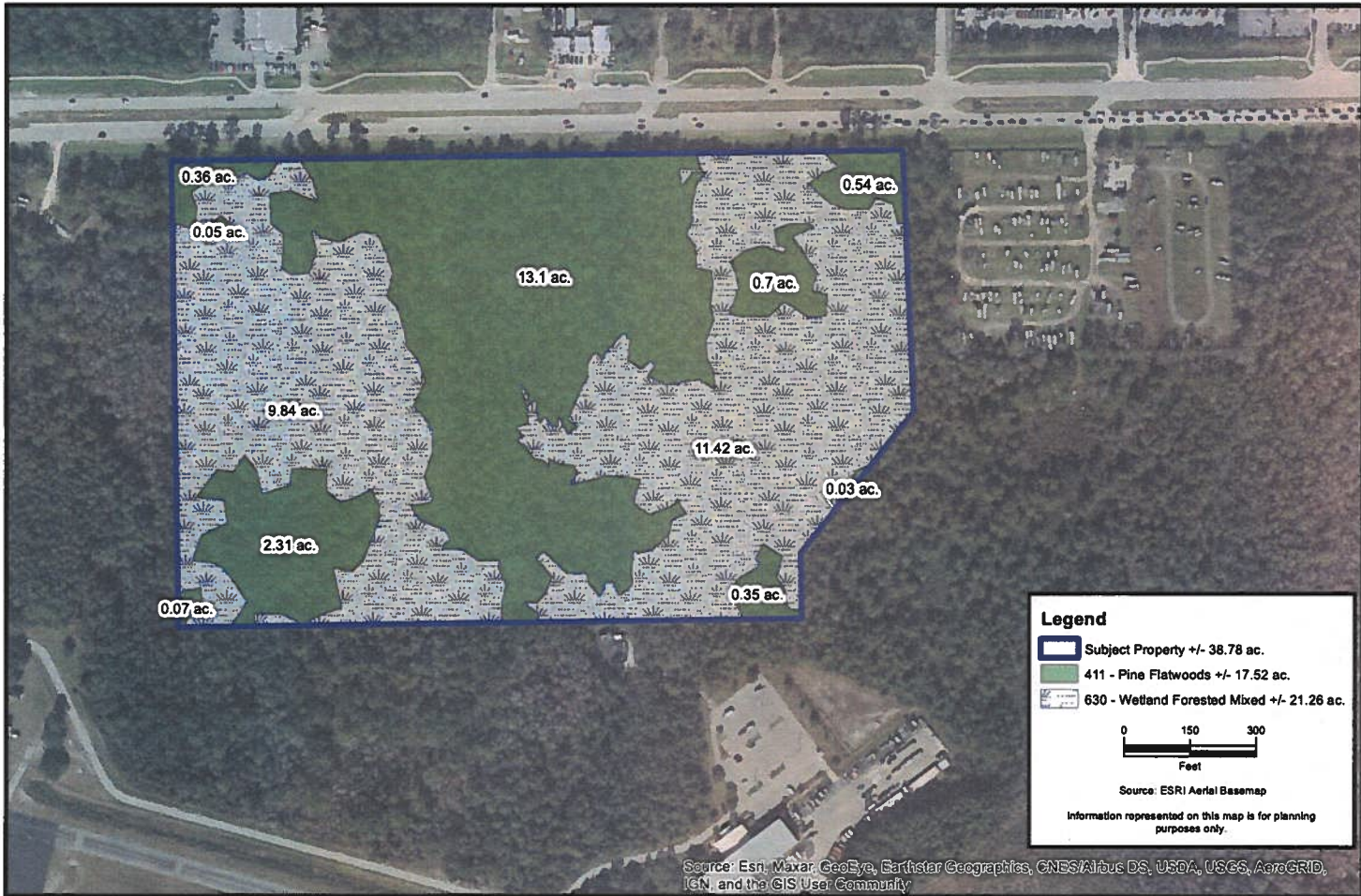




CARTER ENVIRONMENTAL SERVICES, INC.
CES
 42 Masters Drive
 St. Augustine, FL 32084
 904-540-1786
 www.carterenv.com

Soils/NWI Map
Gardner SR 100 - Atlee

Project: 5.12074.01	Flagler County, FL	Date: May 10 2022
---------------------	--------------------	-------------------


 Figure: 2



CARTER ENVIRONMENTAL SERVICES, INC.  42 Masters Drive St. Augustine, FL 32084 904-540-1788 www.carterenv.com	FLUCFCS Map Gardner SR 100 - Atlee		 Figure: 3
	Project: 5.12074.01	Flagler County, FL	



CARTER ENVIRONMENTAL SERVICES, INC.

CES 42 Masters Drive
St. Augustine, FL 32084
904-540-1788
www.carterenv.com

FWC Bald Eagle Nests
Gardner SR 100 - Atlee

Project: 5.12074.01	Flagler County, FL	Date: May 27 2022
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Figure: 4



Florida Natural Areas Inventory
Biodiversity Matrix Query Results
UNOFFICIAL REPORT
 Created 5/27/2022

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 50528

Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is known to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; or
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 50528

0 Documented Elements Found

0 Documented-Historic Elements Found

2 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Nesik</i> flatwoods <i>Utrix americana floridanus</i> Florida Black Bear	G4 G5T4	S4 S4	N N	N N

Matrix Unit ID: 50528

20 Potential Elements for Matrix Unit 50528

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Alligator mississippiensis</i> American Alligator	G5	S4	SAT	FT(S/A)
<i>Amorolossium diversifolium</i> variable-leaved Indian-plantain	G2	S2	N	T
<i>Asplenium x heterareolens</i> Morzenti's spleenwort	G2	S1	N	N
<i>Calamagrostis multiflora</i> many-flowered grass-pink	G2G3	S2S3	N	T
<i>Ceotrosera arenicola</i> sand butterfly pea	G2Q	S2	N	E
<i>Conradina grandiflora</i> large-flowered rosemary	G3	S3	N	T
<i>Drymarchon couardi</i> Eastern Indigo Snake	G3	S27	T	FT
<i>Floodplain swamp</i>	G4	S4	N	N
<i>Gopherus polyphemus</i> Gopher Tortoise	G3	S3	C	ST
<i>Gymnopsis chamanianus</i> Chapman's skeletongrass	G3	S3	N	N
<i>Helianthus scaberrimus</i> lake-side sunflower	G1G2	S1S2	N	E
<i>Heterodon simus</i> Southern Hognose Snake	G2	S2S3	N	N
<i>Lechea cernua</i> nodding pinweed	G3	S3	N	T
<i>Lechea spicata</i> pine pinweed	G2	S2	N	E
<i>Ultima aestivalis</i> pondspice	G37	S2	N	E
<i>Hareola floridana</i> Florida spiny-pod	G2	S2	N	E
<i>Hemaphysalis floridana</i> celestial lily	G2	S2	N	E
<i>Neotiber alleni</i> Round-tailed Muskrat	G2	S2	N	N
<i>Holcus thosocarpa</i> Florida beargrass	G3	S3	N	T
<i>Pterodroma sp. cristata</i> giant orchid	G2G3	S2	N	T

Disclaimer
 The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered.

5/27/22, 11:53 AM

FNAI Biodiversity Matrix

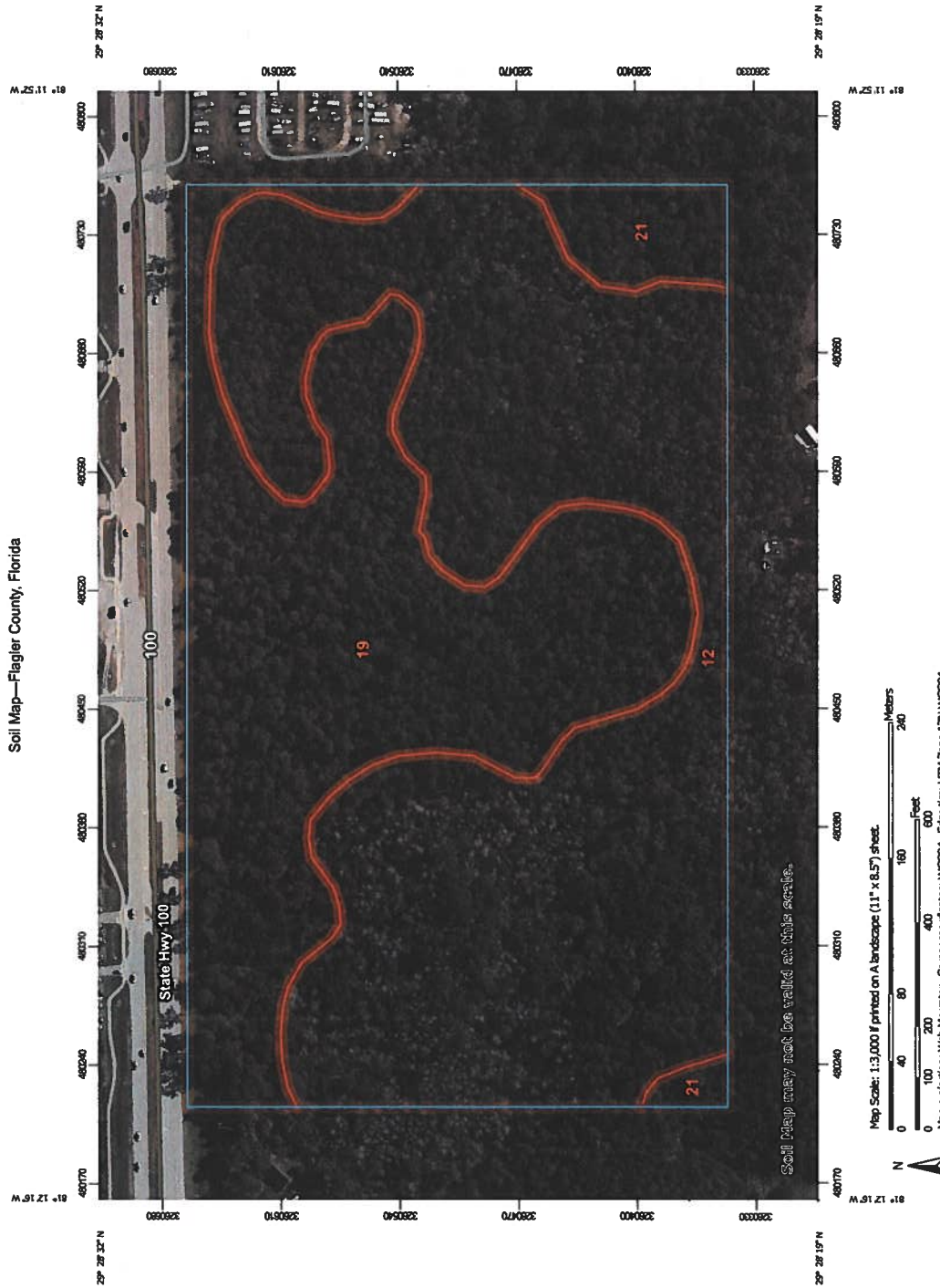
nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.





































Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

ATTACHMENT "O"

SOIL ASSOCIATION

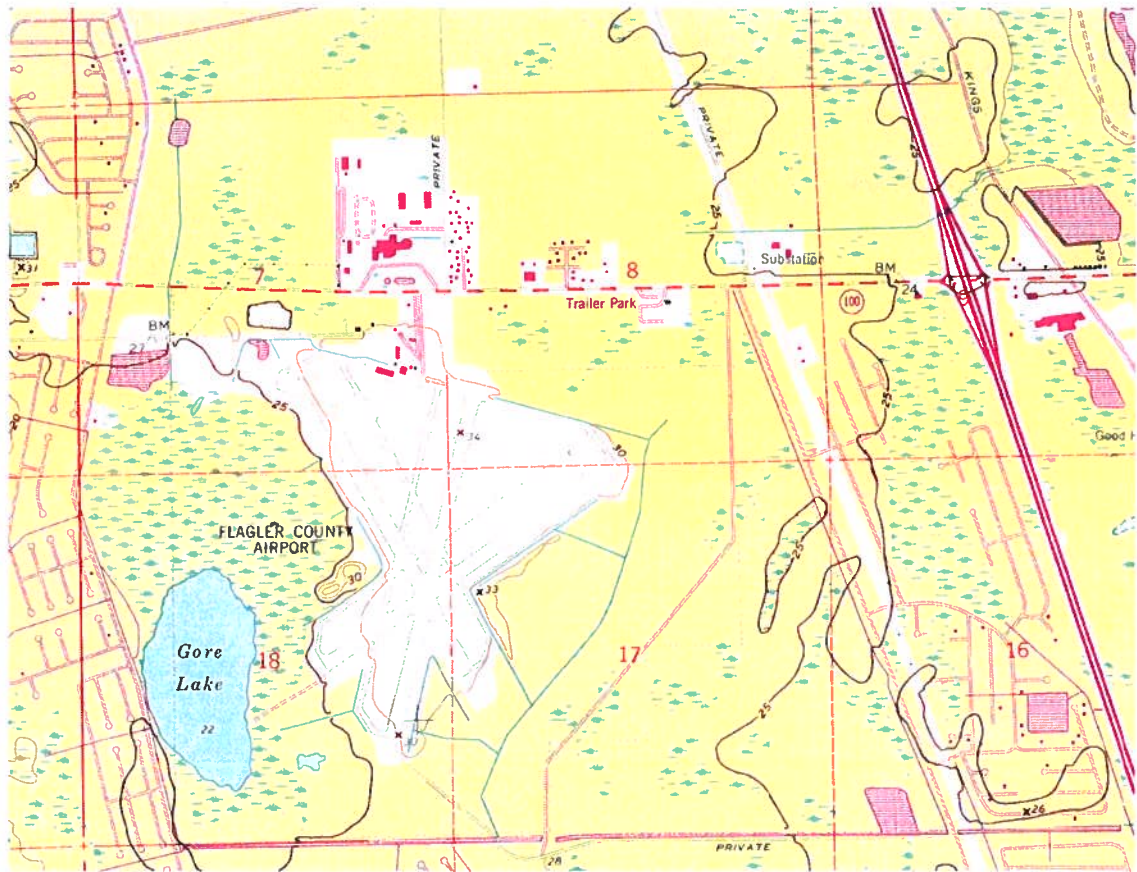


MAP LEGEND		MAP INFORMATION
 Area of Interest (AOI)	 Spoil Area	<p>The soil surveys that comprise your AOI were mapped at 1:15,800.</p>
 Soil Map Unit Polygons	 Stony Spot	
 Soil Map Unit Lines	 Very Stony Spot	<p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p>
 Soil Map Unit Points	 Wet Spot	
Special Point Features	 Other	
 Blowout	 Special Line Features	<p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Flagler County, Florida Survey Area Data: Version 20, Aug 31, 2021</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Jan 6, 2022—Feb 10, 2022</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
 Borrow Pit	Water Features	
 Clay Spot	 Streams and Canals	
 Closed Depression	Transportation	
 Gravel Pit	 Rails	
 Gravelly Spot	 Interstate Highways	
 Landfill	 US Routes	
 Lava Flow	 Major Roads	
 Marsh or swamp	 Local Roads	
 Mine or Quarry	Background	
 Miscellaneous Water	 Aerial Photography	
 Perennial Water		
 Rock Outcrop		
 Saline Spot		
 Sandy Spot		
 Severely Eroded Spot		
 Sinkhole		
 Slide or Slip		
 Sodic Spot		

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
12	Placid, Basinger, and St. Johns soils, depressional	24.8	57.6%
19	Valkaria fine sand, 0 to 2 percent slopes	16.5	38.3%
21	Smyrna fine sand, 0 to 2 percent slopes	1.7	4.1%
Totals for Area of Interest		43.0	100.0%

ATTACHMENT "P"

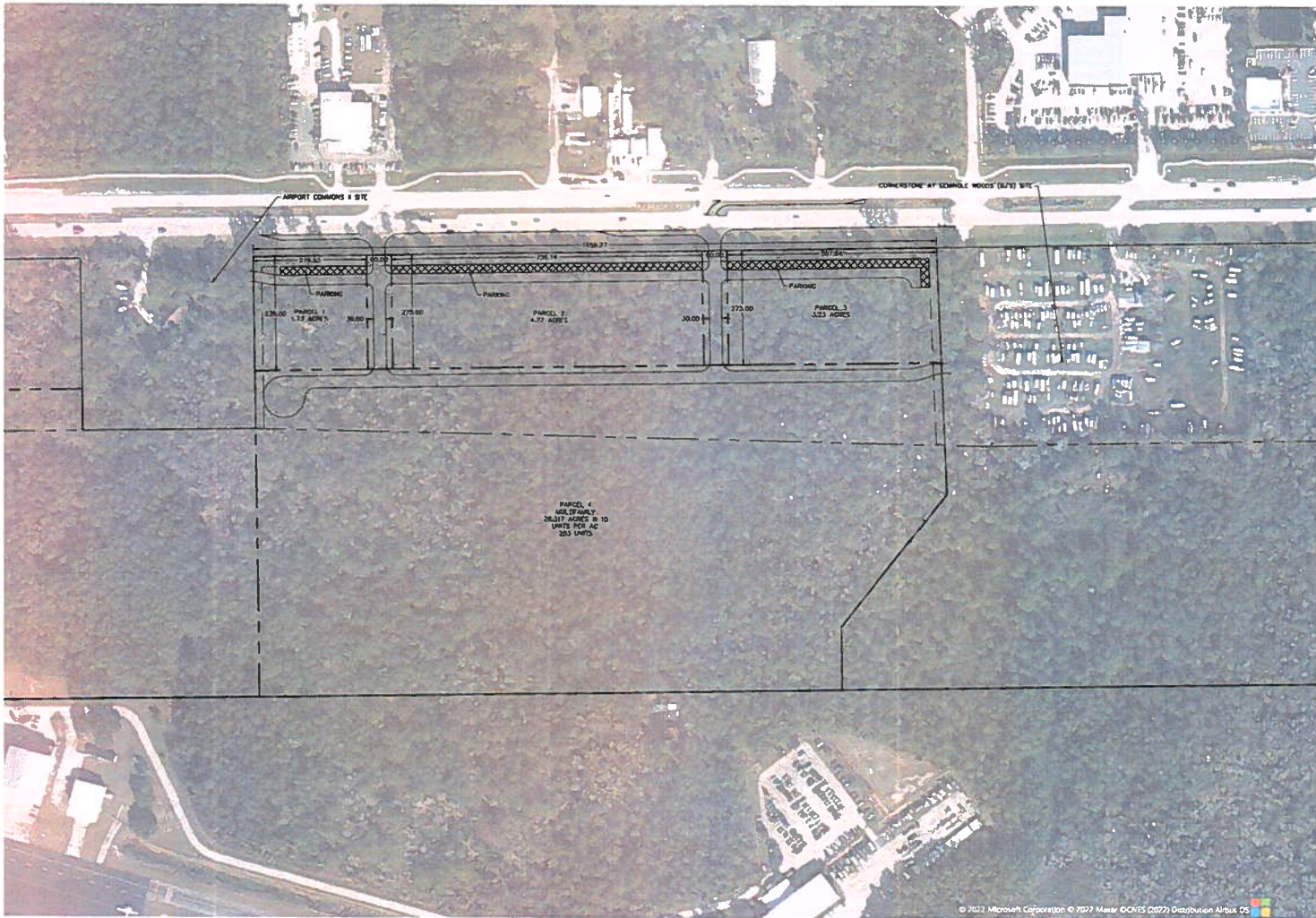


USGS TOPOGRAPHIC MAP

ATTACHMENT "Q"

AERIAL (FALSE COLOR)

ON FOLLOWING PAGE



ALANN ENGINEERING GROUP, INC.
 1000 W. US HWY 1
 SUITE 100
 PALM BAY, FL 32909
 TEL: 321.321.1174
 FAX: 321.321.1177

**GARDNER PROPERTY
 FLAGLER COUNTY
 CONCEPTUAL LAYOUT**

NO.	DATE	BY

DESCRIPTION	DATE	SCALE	AS NOTED
	11/14/21		

**SHEET
 C001**



Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # _____

Jay W. Livingston of Livingston & Sword, P.A., is hereby authorized TO ACT ON BEHALF OF Flagler Pines Properties LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for Future Land Use Map Amendment (Ten Acres or Greater).

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: [Handwritten Signature]

Signature of Owner

James E. Gardner, Jr. / Managing Member

Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:

Telephone Number (incl. area code)

4 Lambert Cove

(386) 793-4740

Mailing Address

Flagler Beach FL

32136

City

State

Zip

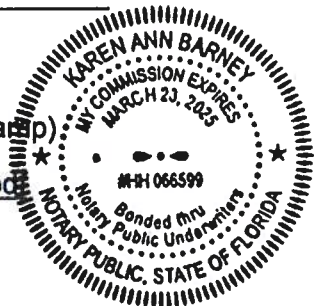
STATE OF Florida

COUNTY OF Flagler

The foregoing was acknowledged before me this 5 day of April, 2022 by James E. Gardner, Jr. and who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

[Handwritten Signature: Karen Ann Barney]
Signature of Notary Public

(Notary Stamp)



http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf

Revised 5/08

PREPARED BY AND RETURN TO:
Michael D. Chiumento, Esquire
Chiumento & Associates, P.A.
4 Old Kings Road North
Palm Coast, Florida 32137
Attn: Kelly DeVore

Property Appraisers Parcel
Identification Numbers
081231-0650-000B0-0070;

WARRANTY DEED

THIS INDENTURE, Made this 18 day of January, 2006, **Florida Landmark Communities, Inc., a Florida corporation, successor by merger to Palm Coast Holdings, Inc.**, 1 Corporate Drive, Suite 3A, Palm Coast, FL 32137-4715, hereinafter called the Grantor, to **Flagler Pines Properties, L.L.C., a Florida limited liability company**, whose post office address is 5 Montilla Place, Palm Coast, FL 32137, hereinafter called the Grantee:

WITNESSETH, That said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Flagler County, Florida, to-wit:

See attached Exhibit "A"

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO taxes for the year 2006 and subsequent years; Assessments or Owner Association, Covenants, Restrictions, Easements, Reservations and Limitations of Record, if any.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

IN WITNESS WHEREOF, the Grantor has signed sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Florida Landmark Communities, Inc., a Florida corporation, successor by merger to Palm Coast Holdings, Inc.

By: William I. Livingston
William I. Livingston, Division President

Eileen L. Linchan
Witness Name: Eileen L. Linchan

Danielle M. Dahl
Witness Name: Danielle M. Dahl

(Corporate Seal)

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me this 18 day of January, 2006 by William I. Livingston, Division President of Florida Landmark Communities, Inc., a Florida corporation, on behalf of the corporation. He/she [X] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]



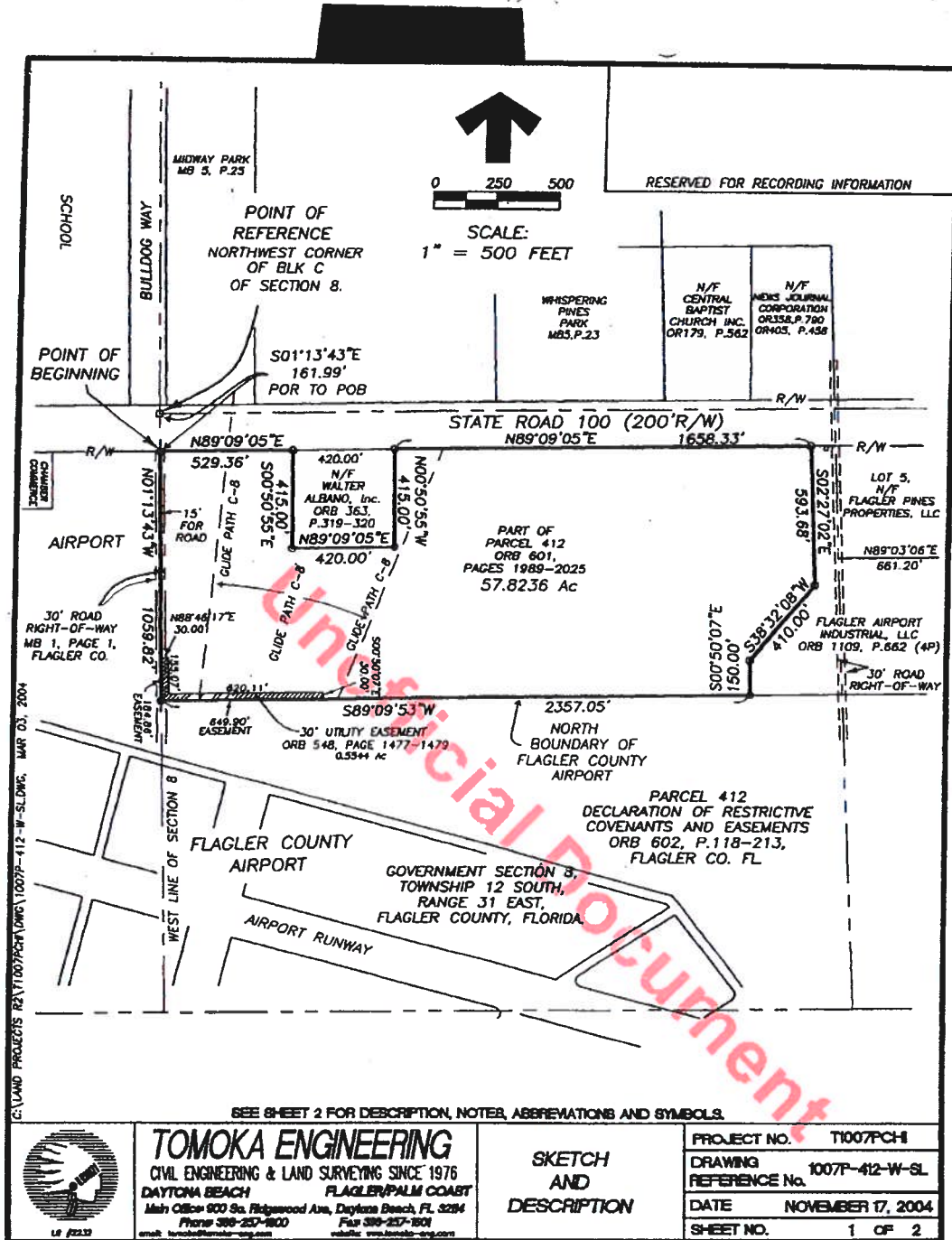
DANIELLE M. DAHL
MY COMMISSION # DO 471402
EXPIRES: January 13, 2010
Bonded Thru Budget Notary Services

Danielle M. Dahl
Notary Public

Printed Name: Danielle M. Dahl

My Commission Expires: _____

Unofficial Document



TOMOKA ENGINEERING
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office 900 So. Ridgewood Ave, Daytona Beach, FL 32184
 Phone 386-257-1800 Fax 386-257-1801
 email tomoka@tomoka-eng.com website www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1007PCH-I
DRAWING REFERENCE No.	1007P-412-W-SL
DATE	NOVEMBER 17, 2004
SHEET NO.	1 OF 2

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF PARCEL 412 RECORDED IN OFFICIAL RECORDS BOOK 601, PAGES 1989 THROUGH 2025, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE WEST QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE SOUTH 01°13'43" EAST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 161.99 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID WEST LINE OF SECTION 8 RUN NORTH 89°09'05" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100 A DISTANCE OF 529.36 FEET TO THE NORTHWEST CORNER OF ALBANO'S PARCEL RECORDED IN OFFICIAL RECORDS BOOK 383, PAGES 319 AND 320, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE SOUTH 00°50'55" EAST A DISTANCE OF 415.00 FEET, THENCE NORTH 89°09'05" EAST ALONG THE SOUTH LINE OF ALBANO'S PARCEL A DISTANCE OF 420.00 FEET, THENCE NORTH 00°50'55" WEST A DISTANCE OF 415.00 FEET TO THE NORTHEAST CORNER OF ALBANO'S PARCEL, SAID CORNER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100, THENCE DEPARTING ALBANO'S PARCEL RUN NORTH 89°09'05" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100 A DISTANCE OF 1858.33 FEET TO A POINT BEING THE NORTHWEST CORNER OF LAND RECORDED IN OFFICIAL RECORDS BOOK 1109, PAGE 662, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING STATE ROAD 100 RUN SOUTH 02°27'02" EAST ALONG THE WESTERLY BOUNDARY OF SAID LAND RECORDED IN BOOK 1109, PAGE 662, A DISTANCE OF 593.68 FEET, THENCE SOUTH 38°32'08" WEST A DISTANCE OF 410.00 FEET, THENCE SOUTH 00°50'07" EAST ALONG THE WESTERLY BOUNDARY OF SAID LAND RECORDED IN BOOK 1109, PAGE 662, A DISTANCE OF 150.00 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT, THENCE DEPARTING SAID LAND RECORDED IN BOOK 1109, PAGE 662, RUN SOUTH 89°09'53" WEST ALONG THE NORTH BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT A DISTANCE OF 2357.05 FEET, THENCE NORTH 01°13'43" WEST ALONG THE AIRPORT BOUNDARY A DISTANCE OF 1059.82 FEET TO THE POINT OF BEGINNING, PARCEL CONTAINING 57.8236 ACRES MORE OR LESS.

SUBJECT TO A 30' WIDE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 548, PAGES 1477 THROUGH 1479, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

SUBJECT TO A 15 FOOT WIDE EASEMENT FOR PUBLIC ROAD ALONG EACH SIDE OF ALL SECTION AND HALF SECTION LINES ACCORDING TO PLAT OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL FLORIDA, MAP BOOK 1, PAGE 1, FLAGLER COUNTY, RECORDS.

SUBJECT TO GLIDE PATH EASEMENT C-8, FLAGLER COUNTY AIRPORT.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 IN THE VICINITY OF THE DESCRIBED PARCEL, BEING NORTH 89°09'05" EAST.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING

MB=MAP BOOK
PG=PAGE
R/W=RIGHT OF WAY
CL=CENTER LINE

PC=POINT OF CURVE
PT=POINT OF TANGENCY
POB=POINT OF BEGINNING

N/F=NOW OR FORMERLY
PCP=PERMANENT CONTROL POINT
PRM=PERMANENT REFERENCE MONUMENT
ORB=OFFICIAL RECORD BOOK



TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office 900 So. Ridgewood Ave., Daytona Beach, FL 32114
Phone 386-257-8900 Fax 386-257-8901
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

**SKETCH
AND
DESCRIPTION**

PROJECT NO. T1007PCH1
DRAWING REFERENCE No. 1007P-412-W-SL
DATE NOVEMBER 18, 2004
SHEET NO. 2 OF 2

LIVINGSTON & SWORD, P.A.

Attorneys At Law

September 27, 2022

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Title Opinion Letter
Flagler Pines Properties LLC

Dear Mr. Mengel:

I have examined the title with respect to the property described in **EXHIBIT "A"** (the "Property"). Based on my examination of the title, it is my opinion that as of the date of this letter title to the Property is vested in **Flagler Pines Properties, LLC, a Florida Limited Liability Company, by virtue of that certain Warranty Deed dated January 18, 2006, and recorded January 31, 2006, in Official Records Book 1387, Page 1869** of the Public Records of Flagler County, Florida, subject to the following matters:


1. Glide area easements as contained in that instrument recorded in Official Records Book 30, Page 454 of the Public Records of Flagler County, Florida.
2. Deed of Easement to Southern Bell Telephone and Telegraph Company recorded in Official Records Book 483, Page 1384 of the Public Records of Flagler County, Florida.
3. Restrictions, covenants, and conditions as set forth in those instruments recorded in Official Records Book 602, Page 118, and Amendment recorded in Official Records Book 813, Page 447; as affected by that Partial Release recorded in Official Records Book 1109, Page 658 of the Public Records of Flagler County, Florida.
4. Ordinance No. 2008-36 recorded in Official Records Book 1707, Page 1278 of the Public Records of Flagler County, Florida.
5. Flagler County Resolution 2008-83 recorded in Official Records Book 1704, Page 1935 and re-recorded in Official Records Book 1705, Page 687 of the Public Records of Flagler County, Florida.
6. Mortgage in favor of Colonial Bank recorded in Official Records Book 914, Page 86; as affected by that Notice of Future Advance, and Mortgage and Note Modification Agreement recorded in Official Records Book 1389, Page 262; as affected by that Mortgage and Note Extension and Modification Agreement recorded in Official Records Book 1708, Page 1286; as affected by that Notice of

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

Future Advance, and Mortgage and Note Modification Agreement recorded in Official Records Book 1716, Page 186; as affected by that Mortgage and Note Extension Agreement recorded in Official Records Book 1818, Page 1005; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 1835, Page 1141; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 1912, Page 1605; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2099, Page 305; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2257, Page 818; as affected by that Mortgage and Note Spreading Agreement recorded in Official Records Book 2370, Page 1227; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2513, Page 753, which Mortgage is now held by Intracoastal Bank, by virtue of Assignment(s) of Mortgage recorded in Official Records Book 1713, Page 1428, all of the Public Records of Flagler County, Florida.

7. Collateral Assignment of Rents, Leases and Profits from Flagler Pines Properties, LLC to Colonial Bank in Official Records Book 914, Page 110, which Mortgage is now held by Intracoastal Bank, by virtue of Assignment of Notes and Mortgage Loan Documents recorded in Official Records Book 1713, Page 1428, of the Public Records of Flagler County, Florida.
8. Subject to taxes for 2022 and subsequent years.

Sincerely,



Jay W. Livingston

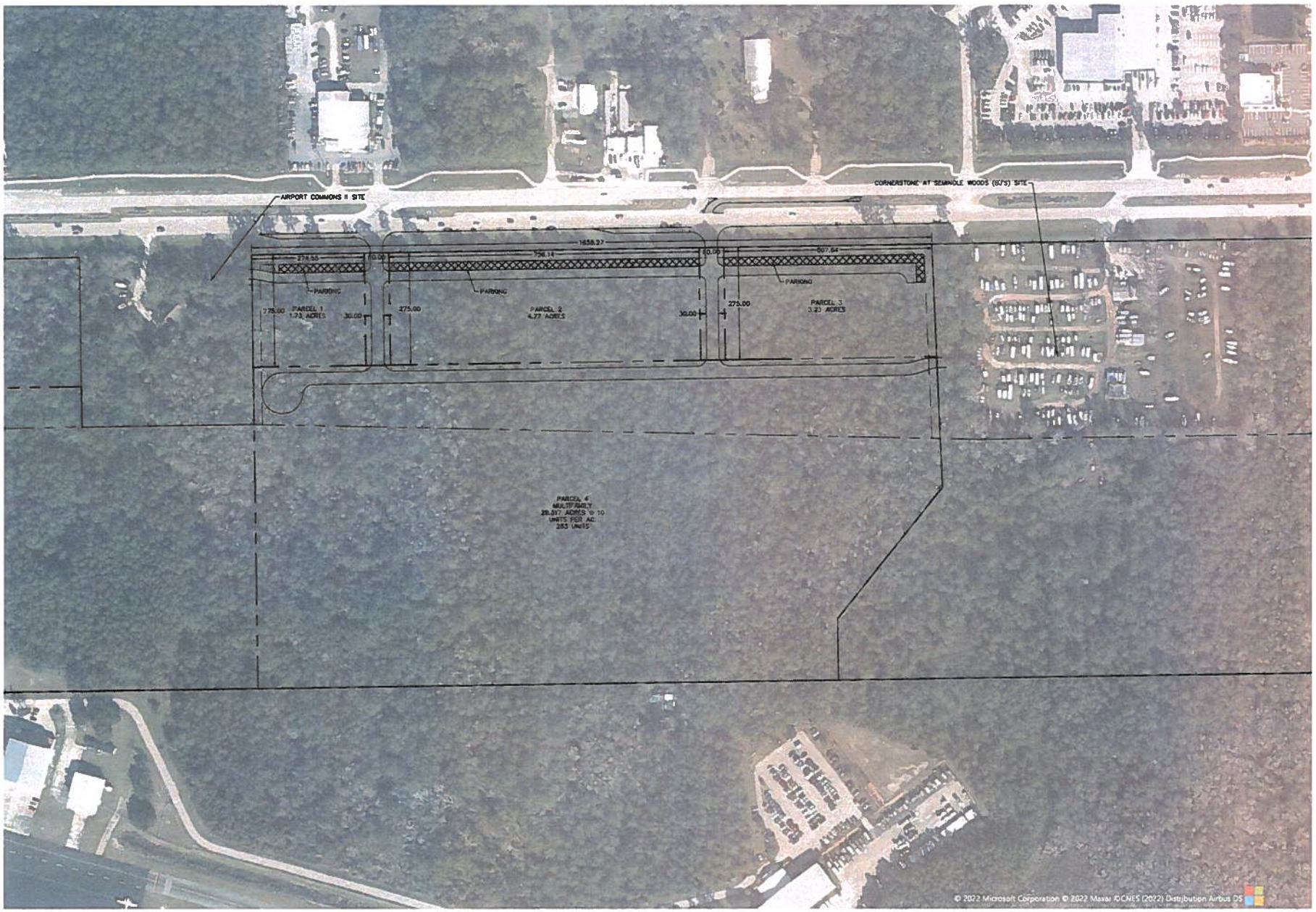
EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF TH PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY S 89°09'05" W A DISTANCE OF 1223.50' FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S 02°27'01" E A DISTANCE OF 275.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 02°27'01" E A DISTANCE OF 318.57 FEET; THENCE S 38°32'07" W A DISTANCE OF 410.00 FEET; THENCE S 00°50'03" E A DISTANCE OF 150.01 FEET; THENCE S 89°09'52" W A DISTANCE OF 1414.74 FEET; THENCE N 00°50'55" W A DISTANCE OF 750.02 FEET; THENCE N 89°09'05" E A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.]

CONTAINING 28.317 ACRES MOR OF LESS



ALAN ENGINEERING
 GROUP, INC.
 CONSULTING ENGINEERS
 CERTIFICATE NO. 054719
 OSWALD ROAD, N. 1174
 PALM BEACH, FL 33474
 TEL: (561) 873-3377

A

**GARDNER PROPERTY
 FLAGLER COUNTY
 CONCEPTUAL LAYOUT**

NO.	DATE	BY

DESIGNER	DATE	SCALE	AS NOTED
CM	10/1/21	AS NOTED	AS NOTED
DRAWN BY	FILE	PROJECT	
CTR	2113-1	2113-1	



**SHEET
 C001**

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FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 10 / 19 / 2022

FUTURE LAND USE MAP AMENDMENT IN THE I (INDUSTRIAL) DISTRICT

APPLICANT: JAY LIVINGSTON, ESQUIRE
OWNER: FLAGLER PINES PROPERTIES, LLC

Distribution date: October 14, 2022

Project #: 2022090031 / AR #3576

Application #: 3330

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. The Application states that water and sewer will be provided by the City of Palm Coast. If the intent is that the land will be annexed into Palm Coast, consider doing so now and going through the City's land use approval process.
2. The County's Strategic Plan has a focus on economic vitality including a goal of diversifying the tax base by identifying and readying industrial lands for development. In addition, the Comp Plan requires the County to coordinate with landowners surrounding the Airport to change the FLUM designations for those lands from residential to industrial or commercial. Policy A.2.7.2. This application arguably contradicts the Strategic Plan and directly conflicts with portions of the Comp Plan addressing land uses around the Airport. The County cannot approve any land use changes that contradict the Comp Plan. Therefore, either the application should be denied, or it should be postponed until the Airport Study Area portion of the Comp Plan is amended to allow for residential land uses along the County's main commercial corridor abutting the Airport.
3. Assuming the discrepancies with the Comp Plan can be resolved, the application would result in an island of residential land use surrounded completely by industrial and commercial high intensity land uses. The applicant should plan for extraordinary buffers or other measures to mitigate against the negative aspects of incompatible adjoining land uses.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.
2. Considerations for development at this site:
 - a. Traffic Impact analysis, scope, /existing background traffic
 - b. FDOT access
 - c. Cross access from the east and the west.
 - d. Stormwater management.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire rescue has no issues with this project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Flagler County Comprehensive Plan, Future Land Use Element has a parcel specific limiting policy that includes the subject property that states the following: "FLUM Application #2747, Flagler Airport Industrial, LLC and Flagler Pines Properties, LLC, approximately 89.493 acres designated as Industrial (54.05 acres) and Commercial High

Intensity (35.443 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 tax parcel numbers of the subject properties are 08-12-31-0650-0000-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050.” There is a scrivener’s error on the first parcel number listed, it should be 08-12-31-0650-000B0-0070. Development approvals have been given for portions of the 17,166 daily trips through the approval of the preliminary plat for Cornerstone at Seminole Woods Subdivision and site development plan for the proposed BJ’s Warehouse at 8,084 daily trips.

FLUE

2. Policy A.1.1.9: The Flagler County shall continue to administer the Land Development Regulations (LDRs) in the R-3b Multi-Family District, which allows a density bonus for development projects, which provide low to moderate income housing. Provide supporting statement relating to the provision of low to moderate income housing.
3. Policy A.1.5.2: The development of residential, commercial and industrial land shall be coordinated through the concurrency management system, in conjunction with the provision of supporting community facilities, such as roads, utilities, parks, fire protection and emergency medical service. Provide a supporting statement relating to the provision of supporting community facilities such as roads, utilities, parks, fire protection and emergency medical service.
4. Policy A.2.7.2: By 2012, Flagler County shall coordinate with the owners of all properties abutting the Airport so that the appropriate land use and development will occur, this includes potential amendments to the Future Land Use Map so that residential and agricultural lands are changed to industrial, institutional, or commercial land uses. These amendments shall be subject to site-specific analysis to determine compatibility with the adjoining properties and sufficient facilities to provide necessary services (transportation, water, sanitary sewer, stormwater, etc.). Provide supporting statement for the amendment from Industrial to Residential adjacent to the airport.
5. Policy A.2.7.3: On a continuing basis Flagler County shall review the review of all existing and proposed developments to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. The review process shall be coordinated with the Airport Manager to ensure compliance with Federal Aviation Administration (FAA) standards and coordination with the Airport Master Plan. Provide supporting documentation from the Airport Manager to ensure compliance with FAA standards and coordination with the Airport Master Plan.
6. Policy A.3.1.2: The Flagler County will assist the local industrial development organizations in planning and securing clean light industry in order to expand and diversify the Flagler County employment base. Provide supporting statement that removing the industrial classification from the subject property will still expand and diversity the Flagler County employment base.
7. Policy A.3.1.3: Flagler County shall encourage the continued development and improvement of appropriate existing industrial areas, while also providing new sites for industrial development. Provide supporting statement that removing the industrial classification from the subject property will still this policy.

FLAGLER COUNTY
REVISED
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 3 / 15 / 2023

FUTURE LAND USE MAP AMENDMENT IN THE I (INDUSTRIAL) DISTRICT

APPLICANT: JAY LIVINGSTON, ESQUIRE
OWNER: FLAGLER PINES PROPERTIES, LLC

Distribution date: March 13, 2023

Project #: 2022090031 / AR #3576

Application #: 3330

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

2. No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire rescue has no issues with this project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The proposed amendment to the parcel-specific limiting policy in the Future Land Use Element (Policy A.1.1.10(7)) should be revised to state that the residential component will be Residential: High Density Future Land Use.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

1. This property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for the development of multi-family development, which is not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.
2. In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.
3. The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighboring residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.
4. The Flagler Executive Airport continues to grow and is getting busier. The airport is currently constructing 42 new T-hangars units, which will be completed in November 2023. We already have these T-hangar units spoken for as we have 147 people on our waiting list. There will be more construction of hangars in the near future to meet the unmet demand for hangar space.

FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 3 / 15 / 2023

FUTURE LAND USE MAP AMENDMENT IN THE I (INDUSTRIAL) DISTRICT

APPLICANT: JAY LIVINGSTON, ESQUIRE
OWNER: FLAGLER PINES PROPERTIES, LLC

Distribution date: March 10, 2023

Project #: 2022090031 / AR #3576

Application #: 3330

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

2. No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire rescue has no issues with this project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The proposed amendment to the parcel-specific limiting policy in the Future Land Use Element (Policy A.1.1.10(7)) should be revised to state that the residential component will be Residential: High Density Future Land Use.

LIVINGSTON & SWORD, P.A.

Attorneys At Law

February 7, 2023

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Responses to Technical Review Committee Comments dated
October 19, 2022
Application for Future Land Use Map Amendment In the I
(Industrial) District
Project #: 2022090031 / AR #3576
Application #: 3330

Dear Mr. Mengel:

The comments from the October 14, 2022, Technical Review Committee letter are restated below with the applicant's responses to each. In addition, the following materials are being submitted in support of the above application and the responses below:

- Airport Noise Study – Flagler County Executive Airport Gardner SR 100 Site Palm Coast, Florida, prepared by RML Acoustics, LLC dated December 10, 2022.
- Survey of airport noise issues at various airports throughout the state of Florida that have adjacent multi-family uses.
- Traffic Memorandum – Flagler Airport 100 Property. This contains the trip generation factors used to determine the applicant's responses below.
- Revised conceptual plans for the project. Details have been added to two of the plans to show the distance of the proposed multi-family buildings closest to the Flagler Executive Airport from both the nearest runway as well as from the shared boundary line with the airport.
- Utility Availability Letter from City of Palm Coast Utility Department.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

1. The Application states that water and sewer will be provided by the City of Palm Coast. If the intent is that the land will be annexed into Palm Coast, consider doing so now and going through the City's land use approval process.

RESPONSE: There is no intent to annex into the City of Palm Coast. Rather it is a requirement as a result of the City of Palm Coast and Flagler County's resolution of water and sewer services and annexation policies as set forth in that certain Settlement Agreement recorded in Official Records Book 1560, Page 471 of the Public Records of Flagler County, Florida. The owner of the subject property was not a party to that Settlement Agreement but due to its effect will be required by the City of Palm Coast to annex into the City when it requests to be connected to water.

Until the City of Palm Coast annexes the property AND adopts a comprehensive plan amendment that includes the annexed area the property will remain subject to Flagler County's comprehensive plan, zoning regulations and subdivision regulations. See, Section 171.062(2), F.S. The time involved in the annexation and comprehensive amendment process as well as the uncertainty of the land use designations and zoning that may be adopted by the City of Palm Coast makes it impossible to complete any effective planning at this time. Like the Airport Commons Phase I and II and the Cornerstone at Seminole Woods projects, the applicant and property owner are exercising the property owners statutory and constitutional property rights by seeking approval of the proposed project in the County.

2. The County's Strategic Plan has a focus on economic vitality including a goal of diversifying the tax base by identifying and readying industrial lands for development. In addition, the Comp Plan requires the County to coordinate with landowners surrounding the Airport to change to the FLUM designations for those lands from residential to industrial or commercial. Policy A.2.7.2. This application arguably contradicts the Strategic Plan and directly conflicts with portions of the Comp Plan addressing land uses around the Airport. The County cannot approve any land use changes that contradict the Comp Plan. Therefore, either the application should be denied, or it should be postponed until the Airport Study Area portion of the Comp Plan is amended to allow for residential land uses along the County's main commercial corridor abutting the Airport.

RESPONSE: The applicant is proposing a project specific limiting policy to avoid any inconsistency with Policy A.2.7.2. The proposed project will ensure a continuation of the valuable commercial development along the SR 100 corridor by providing commercial frontage lots while diversifying the land use types in the immediate area. The addition of a multi-family use on the back portion of the property will remove a significant burden on the adjacent roadway network by not only limiting trips generated from the development (see below regarding existing trip cap in comprehensive plan) but also by internal capture from the introduction of residents to the immediate area that can access the commercial uses either by car, foot or bicycle without having to access SR 100 and add to the traffic burden

to this road. It will also allow for employees of the surrounding commercial developments to live in relative proximity to their places of employment further reducing the number of vehicle trips and trip lengths. Allowing a certain degree of high-density multifamily development in the proposed location, while still maintaining a significant amount of Industrial and High Intensity Commercial acreage will compliment and further the goals of the Strategic Plan while also reducing the burden on the surrounding transportation network.

The proposed project specific limiting policy would amend Policy A.1.1.10(7) as follows:

FLUM Application #2747, as amended by Application #3330, Flagler Airport Industrial, LLC and Flagler Pines Properties, L.L.C., approximately 89.493 acres designated as Residential (28.317 acres) Industrial (54.05 32.25 acres) and Commercial High Intensity (35.443 28.926 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 2023 tax parcel numbers of the subject property are 08-12-31-0650-000B0-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050. Density on the Residential acreage shall not exceed 255 units. Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. No structure containing residential multi-family dwelling units shall be constructed less than 100' from the boundary with the Flagler Executive Airport. Natural and planted landscape buffers shall be utilized to ensure that there are no conflicts between multi-family residential uses and surrounding high intensity commercial and industrial uses.

3. Assuming the discrepancies with the Comp Plan can be resolved, the application would result in an island of residential land use surrounded completely by industrial and commercial high intensity land uses. The applicant should plan for extraordinary buffers or other measures to mitigate against the negative aspects of incompatible adjoining land uses.

RESPONSE: NOTE: We disagree with the conclusion that the adjoining land uses are inherently incompatible. Mixing higher density residential uses like multi-family with general commercial and retail uses is a common planning practice. However, we do agree that due to the different complementing land uses proposed within the project and the existing and proposed uses adjacent to the project adequate buffering needs to be provided to avoid conflicts.

In that light, the conceptual plan for the multi-family portion of the proposed project has been updated. As can be seen in the updated conceptual plan submitted with this response, the multifamily project has been designed with the primary access drive and parking area as a loop around the perimeter of the project. This along with the required landscaping that will be required outside of the paved areas will provide a substantial buffer between the commercial parcels along SR 100 and the multi-family buildings. A similar buffer will be provided

along the shared boundary line with the airport providing between 119.8' and 175.8' separation between the buildings and airport. There is no need for a buffer along the western boundary of the property because that is predominantly vacant wetlands and unlikely to ever be developed. That being said, the same perimeter buffer between the boundary and the multi-family buildings is being provided. Finally, a common stormwater pond and preserved wetlands are proposed along the eastern boundary to create substantial separation from the multi-family project and the proposed Wholesale Warehouse store on the property to the east. In addition, the approved preliminary plat and site plan for this project includes a stormwater pond along the southwestern and southern boundary of that property providing an additional buffer from the high-intensity commercial use. Additional information is provided below regarding compatibility with the airport.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.
 - a. Traffic Impact analysis, scope, /existing background traffic
 - b. FDOT access
 - c. Cross access from the east and the west
 - d. Stormwater management

RESPONSE: No response required.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire rescue has no issues with this project.

RESPONSE: Thank you.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Flagler County Comprehensive Plan, Future Land Use Element has a parcel specific limiting policy that includes the subject property that states the following: "FLUM Application #2747, Flagler Airport Industrial, LLC and Flagler Pines Properties, LLC, approximately 89.493 acres designated as Industrial (54.05 acres) and Commercial High Intensity (35.443 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 tax parcel numbers of the subject properties are 08-12-31-0650-0000-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050." There is a scrivener's error on the first parcel number listed, it should be 08-12-31-0650-000B0-0070. Development approvals have

been given for portions of the 17,166 daily trips through the approval of the preliminary plat for Cornerstone at Seminole Woods Subdivision and site development plan for the proposed BJ's Warehouse at 8,084 daily trips.

RESPONSE: The proposed FLUM amendment to Residential will allow no more than 255 multi-family residential units. This would result in a total of 1,719 trips per day. The developer anticipates up to 50,000 square feet of commercial development on the frontage parcels. This would result in an additional 1851 trips per day for a total daily traffic impact of 3,570 trips per day. In this scenario, there would remain 5,512 unused trips per day under the limiting policy. Since there will be no additional land subject to the policy after buildout of the project the proposal will result in a substantial reduction of impacts to SR 100. Under the comprehensive plans maximum FAR for High Intensity Commercial of 0.40 the theoretical maximum intensity for the commercial frontage parcels would be 169,640 square feet of commercial development. Even in this maximum buildout scenario, the commercial parcels would generate 6,278 trips per day. With the 255 multi-family residential units and the maximum permitted commercial intensity the project would generate a total of 7,997 trips per day, which would still leave 1,085 trips per day unused. Therefore, the proposed project will not exceed the trip cap established in the above policy.

FLUE

2. Policy A.1.1.9: The Flagler County shall continue to administer the Land Development Regulations (LDRs) in the R-3b Multi-Family District, which allows a density bonus for development projects, which provide low to moderate income housing. Provide supporting statement relating to the provision of low to moderate income housing.

RESPONSE: As shown in the revised conceptual plan and the proposed project specific limiting policy, the project will not exceed 255 residential units. Therefore, the developer is no longer proposing low to moderate income housing to gain a density bonus under the R-3b Multi-Family District.

3. Policy A.1.5.2: The development of residential commercial and industrial land shall be coordinated through the concurrency management system, in conjunction with the provision of supporting community facilities, such as roads, utilities, parks, fire protection and emergency medical service. Provide a supporting statement relating to the provision of supporting community facilities such as roads, utilities, parks, fire protection and emergency medical service.

RESPONSE: The roadway network is addressed in the traffic report submitted with this application. Water and sewer utilities will be provided by the City of Palm Coast. A utility services availability letter from the City of Palm Coast's Utility Department is being submitted with this response letter. Onsite recreational amenities will be provided for the residents of the multi-family units in addition to the significant recreational opportunities provided within the Town Centre trail

system and Graham Swamp. Fire protection and emergency medical service will be provided pursuant to joint use agreements between Flagler County and the City of Palm Coast. A fire station is located within the Flagler County Executive Airport complex and the Advent Health Palm Coast hospital along with numerous medical offices and facilities are located less than a mile from the project site.

4. Policy A.2.7.2: By 2012, Flagler County shall coordinate with the owners of all properties abutting the Airport so that the appropriate land use and development will occur, this includes potential amendments to the Future Land Use Map so that residential and agricultural lands are changed to industrial, institutional, or commercial land uses. These amendments shall be subject to site-specific analysis to determine compatibility with the adjoining properties and sufficient facilities to provide necessary services (transportation, water, sanitary sewer, stormwater, etc.). Provide supporting statement for the amendment from Industrial to Residential adjacent to the airport.

RESPONSE: The proposed change in land use and zoning from Industrial to Residential/Commercial to allow for a mixed-use project with commercial frontage and multifamily uses in the back will have no practical effect on the available industrial sites surrounding the airport. The property's future land use designation as industrial and industrial zoning district allows almost all non-residential uses permitted by the County's Land Development Code. Due to the property's location along SR 100, it is highly unlikely that the property would ever be developed for industrial uses. The property will eventually have to be annexed into the City of Palm Coast in order to receive water utility services. When this happens, it is unlikely the City will adopt a comprehensive plan amendment designating the property as Industrial. The most likely future land use designation for the property under the City of Palm Coast's comprehensive plan would be mixed use, which would support the proposed project. This is supported by the City of Palm Coast's decision to designate Airport Commons Phase I as mixed use after that project was annexed into the City.

Under its current land use and zoning the property would most likely be developed for high intensity commercial uses similar to the uses that are proposed or under development on the adjacent properties to the east and the west. An exclusive commercial development would also likely use up the remaining vehicle trips permitted in the existing limiting policy. This would result in up to an additional 9,082 daily trips from the site and, consequently, further burden the capacity and level of service of SR 100 and surrounding roadways. Permitting the development on the other hand would limit the additional daily trips up to approximately 7997 (although as noted above it is likely not going to result in more than 1719 total daily trips). The lack of additional land for development would allow the remaining 5,512 or 1,085 trips, as the case may be, permitted in the above-mentioned limiting policy to not be used. The benefit of allowing a mixture of uses on the subject property far outweighs the general need for industrial properties surrounding the airport, especially in light of the fact that there is more than enough existing property surrounding the airport that is already designated as

Industrial. Most importantly, the residents of the multi-family dwelling units will help provide available employees to support the County's economic goals while also substantially contributing to the local tax base.

The entire airport property owned by Flagler County is designated as industrial. This includes property along Fin Way on the southern portion of the airport. There is in excess of 150 acres of lands designated industrial to the east and south of Fin Way not including the existing ponds along the southern boundary of the airport property. The property to the west of Fin Way that lies south of the runways is in excess of 30 acres not including wetlands. Even if only 1/2 of this 180+ acres are developable that would allow for approximately 1,764,180 square feet of industrial at the permitted 0.45 Floor Area Ratio. The property between Belle Terre Parkway and the airport owned by the County that is currently in the Agriculture land use designation is approximately 110 acres. If this property was designated Industrial consistent with Policy A.2.7.2 that would add up to an additional 2,162,384.78 square feet of industrial space under the permitted 0.45 Floor Area Ratio. Finally, the twelve lots in the Airport Commerce Center plat (PB 36-88) located next to the airport at the southeastern corner and along Seminole Woods Parkway, has been annexed into the City of Palm Coast, provide a total of 64.14 buildable acres. These lots are within the City of Palm Coast's Light Industrial zoning district. This would allow an additional 978,017.25 square feet under the permitted 0.35 Floor Area Ratio. Based on this analysis the amount of property available for industrial development surrounding the property likely far exceeds the County's present and future needs.

5. Policy A.2.7.3: On a continuing basis Flagler County shall review the review of all existing and proposed developments to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. The review process should be coordinated with the Airport Manager to ensure compliance with Federal Aviation Administration (FAA) standards and coordination with the Airport Master Plan. Provide supporting documentation from the Airport Manager to ensure compliance with FAA standards and coordination with the Airport Master Plan.

RESPONSE: As noted above in the proposed project specific limiting policy all residential development will be designed to minimize conflicts with the Flagler County Executive Airport and to comply with FAA standards. The Airport Noise Study – Flagler Executive Airport prepared by RML Acoustics, LLC demonstrates that there will be no noise conflicts between the multi-family development and airport operations. In fact, as noted in the study, ambient noise from SR 100 and surrounding areas is higher most of the time onsite than the noise generated by airport operations.

6. Policy A.3.1.2: The Flagler County will assist the local industrial development organizations in planning and securing clean light industry in order to expand and diversify the Flagler County employment base. Provide supporting statement

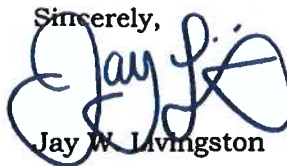
that removing the industrial classification from the subject property will still expand and diversify the Flagler County employment base.

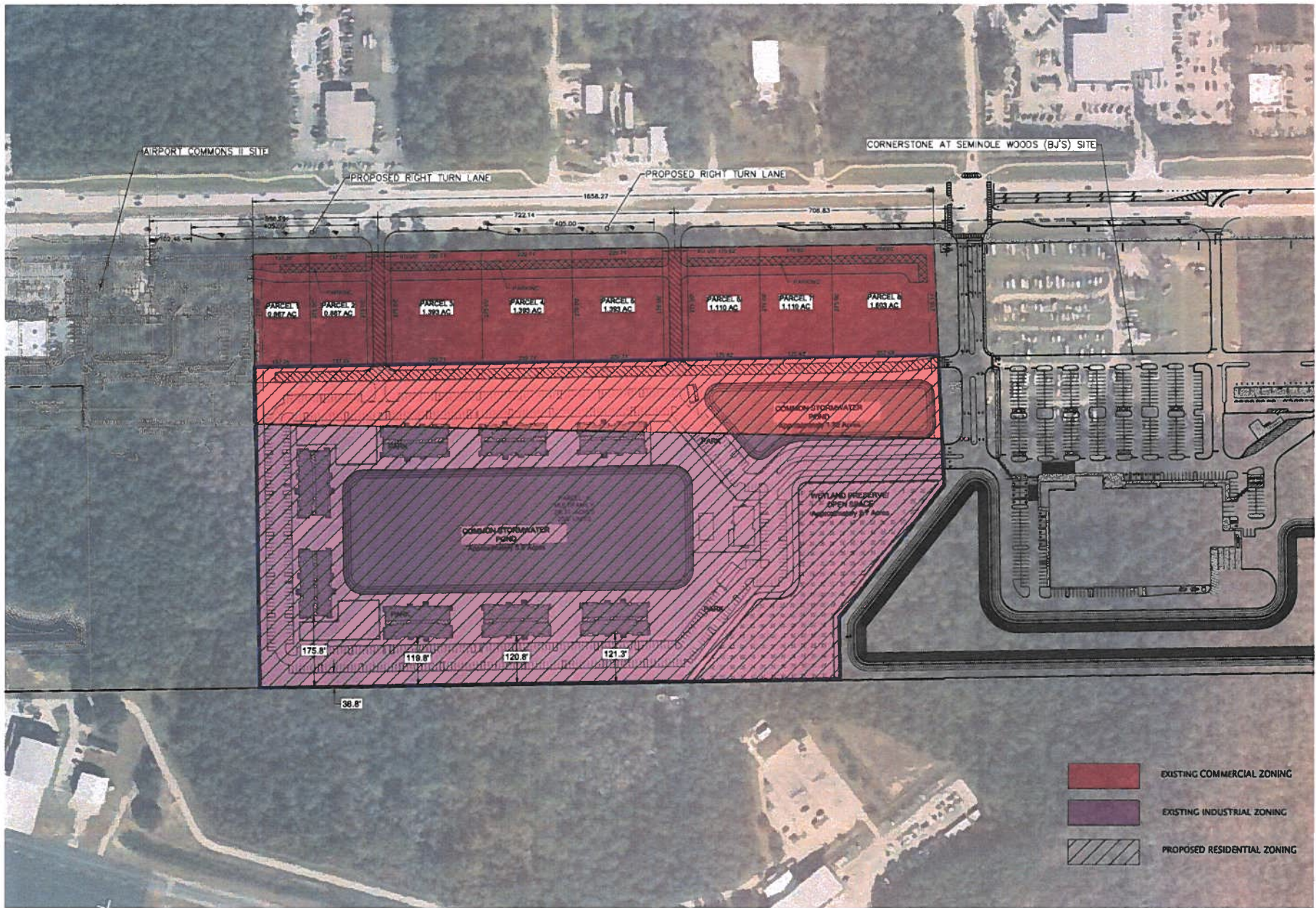
RESPONSE: As noted above, there is more than sufficient unused industrial properties within the immediate area and substantial acreage of additional available land that can be put to that use. Adequate housing is a critical element to commercial and industrial economic development. Allowing for multi-family housing on the project site will add to the housing inventory with Flagler County thereby providing housing options for employees of future commercial and industrial economic development projects while also reducing the traffic impacts to the surrounding roadways and allowing for affordable commute distances. The proposed project will only compliment and further the overall economic development goals and objectives of Flagler County.

7. Policy A.3.1.3: Flagler County shall encourage the continued development and improvement of appropriate existing industrial areas, while also providing new sites for industrial development. Provide supporting statement that removing the industrial classification from the subject property will still this policy.

RESPONSE: As noted above, due to the location of this property along SR 100 and the expansive class of permitted commercial uses permitted within Flagler County Industrial land use classification and zoning districts it is highly unlikely this property will ever be developed for industrial use. It should be noted that the area immediately surrounding the subject property is not an "existing industrial area" and all development proposed on these parcels since the adoption of the above policy have been exclusively commercial. Therefore, the most likely development that will occur under the existing land use and zoning is more high intensity commercial development similar to the developments completed and proposed on the parcels immediately to the east and west of the subject property. The proposed land use change along with the accompanying application for rezoning will maintain over 9 acres of commercial frontage parcels that will maximize the benefit provided by the proximity of SR 100. This will allow up to 169,640 square feet of additional commercial development. The addition to multi-family housing will support the local employment base that is necessary to any successful program to encourage Flagler County's economic development goals. Therefore, the proposed development not only compliments but will also further Policy A.3.1.3.

Contact me if you have any questions, comments or require additional information.

Sincerely,

Jay W. Livingston



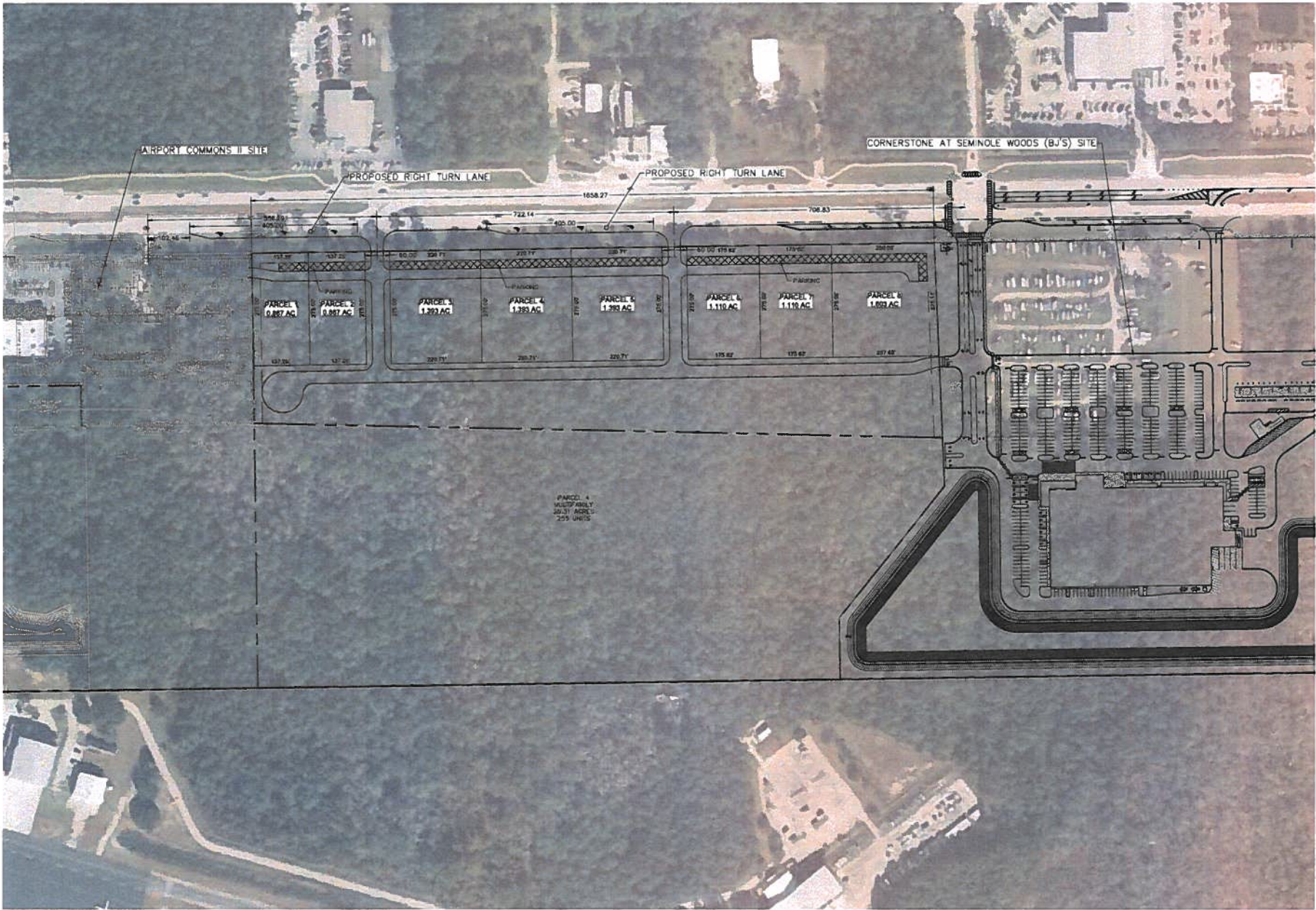
ALANN ENGINEERING GROUP, INC.
 CERTIFICATE No. 08479
 113
 044000 ROAD N. 37174
 TEL: 0188 877-2440
 FAX: 0188 877-2327

**FLAGLER AIRPORT 100 COMMERCIAL
 FLAGLER COUNTY
 REZONING EXHIBIT**

NO.	DATE	REVISION	BY

REVISION	DATE	SCALE	AS NOTED
NO.	2/13/11	PROJECT	2/13/11

**SHEET
 C001**



ALAN ENGINEERING GROUP, INC.
 10000 W. STATE ROAD 100
 SUITE 100
 BOCA RATON, FL 33433
 TEL: 561-991-7440
 FAX: 561-991-7327



FLAGLER AIRPORT 100 COMMERCIAL
 FLAGLER COUNTY
 ANNEXATION EXHIBIT

NO.	DATE	REVISION	BY

DATE	1/16/15	SCALE	AS SHOWN
FILE	2115-1	PROJECT	2115-1
DESIGNER	AM	DRAWN BY	AM



SHEET
C001



**TRAFFIC MEMORANDUM
FLAGLER AIRPORT 100 PROPERTY**

The Flagler 100 property consists of 38.811 acres located on SR 100 west of Seminole Woods Parkway in front of the Flagler Executive Airport. It is proposed that this site be subdivided into commercial development along the SR 100 frontage on the north and multifamily residential recreational on the south. The residential development will occupy 28 acres and require a future land use amendment and rezoning to develop 280 apartment units (10 units per acre). The current zoning of the property is industrial which allows for general commercial development with a building coverage of 35 percent. This would equate a retail commercial development of 426,888 square feet (28 x 43,560 x 0.35).

Trip Generation

The trip generation of the 28 acres under the existing and proposed zoning categories was calculated with the use of data from the 11th Edition of the Institute of Transportation Engineers (ITE) Manual. The calculation is summarized in **Table 1** and the trip generation worksheets are attached.

**Table 1
Trip Generation Summary**

ITE Code	Land Use	Size	Daily		A.M. Peak Hour			P.M. Peak Hour				
			Rate	Trips	Rate	Enter	Exit	Total	Rate	Enter	Exit	Total
Existing Land Use/Zoning												
820	Retail Commercial (Shopping Center >150 KSF)	426.88	37.01	15,799	0.84	223	136	359	3.40	696	755	1,451
Pass by- trips (Retail 19%)				3,002	--	42	26	68	--	132	144	276
New Net Trips				12,797	--	181	110	291	--	564	611	1,175
Proposed Land Use/Rezoning												
220	Multi-family Residential	280 DU	6.74	1,887	0.40	27	85	112	0.51	90	53	143
Trip Increase (+)/Decrease (-) Due to Land Use Change/Rezone				-10,910	--	-154	-25	-179	--	-474	-558	-1,032

**TPD#5723
September 8, 2022**

Trip Generation Comparison

As can be seen in **Table 1**, the site's trip generation under the existing land use/zoning is far greater than the trip generation under the proposed land use/rezoning. The proposed change in land use and rezoning will result 10,910 less daily trips, 179 less AM peak hour trips and 1,032 less PM peak hour trips to be added to the area roadways.

Conclusions

The proposed land use amendment will result in a substantial reduction in the site's trip generation. There will be less daily and AM/PM peak hour trips added to the area roadways resulting in improved Levels of Service.

Trip Generation Worksheets

Shopping Center (>150k) (820)

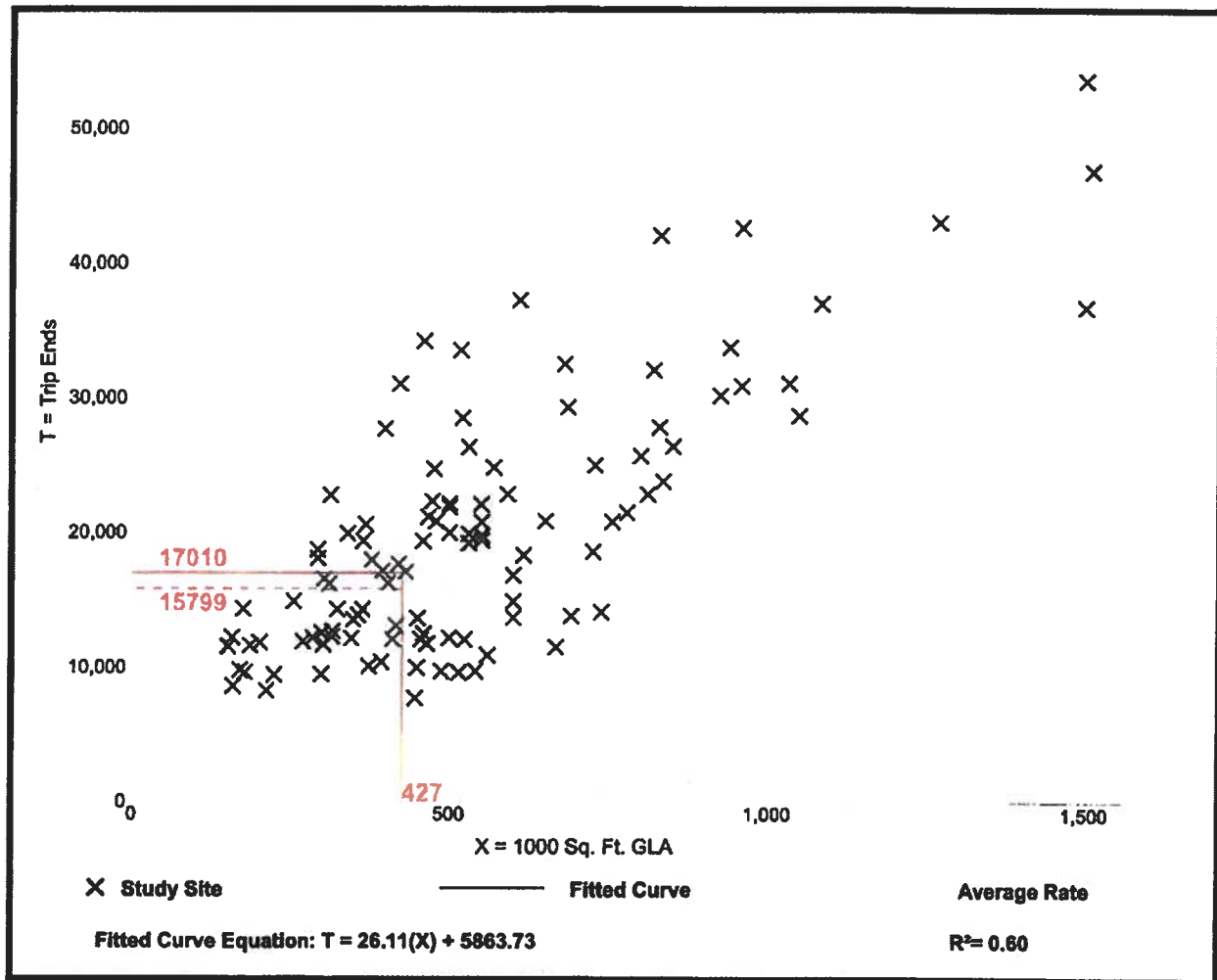
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 108
Avg. 1000 Sq. Ft. GLA: 538
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



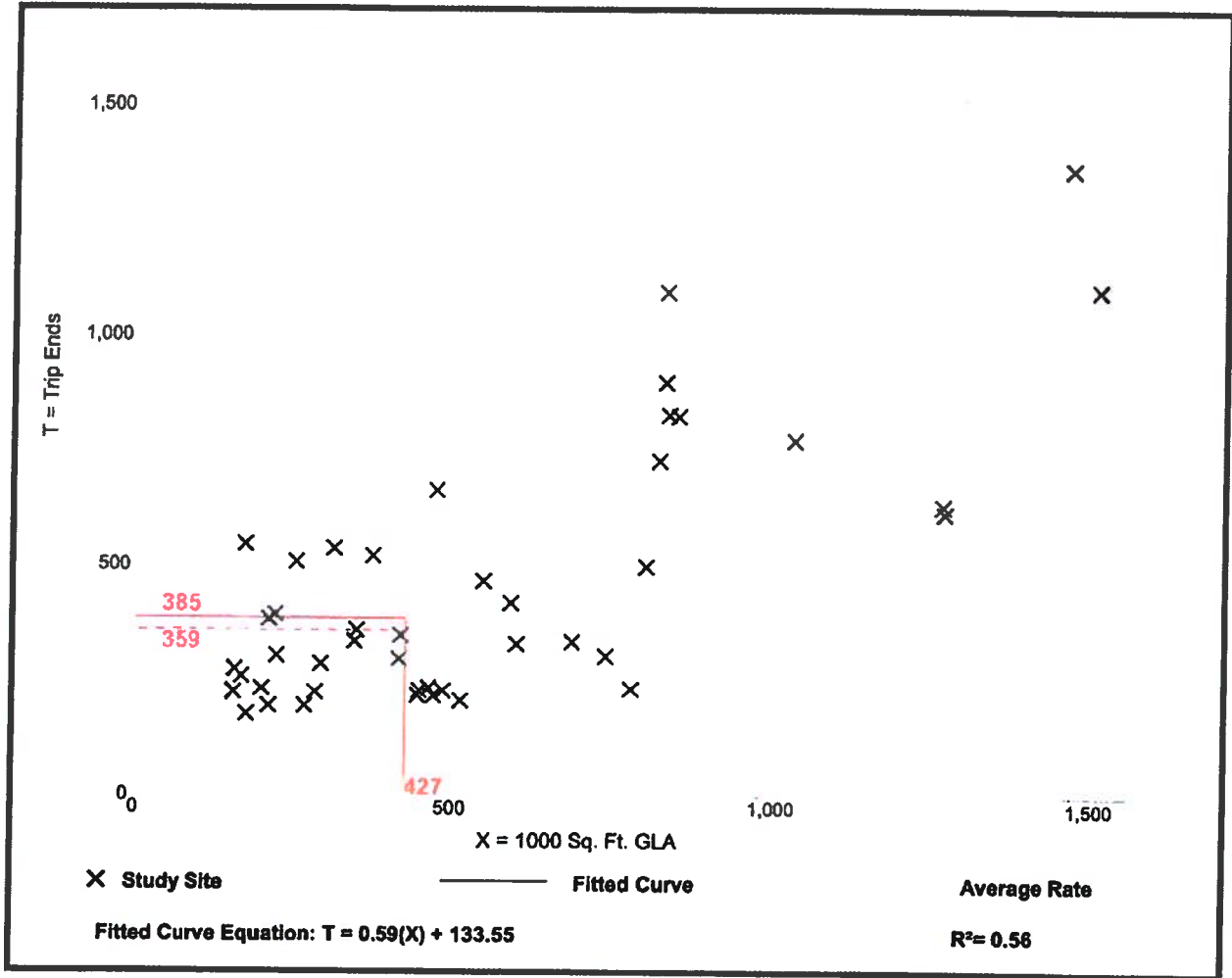
Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 44
 Avg. 1000 Sq. Ft. GLA: 546
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



Shopping Center (>150k) (820)

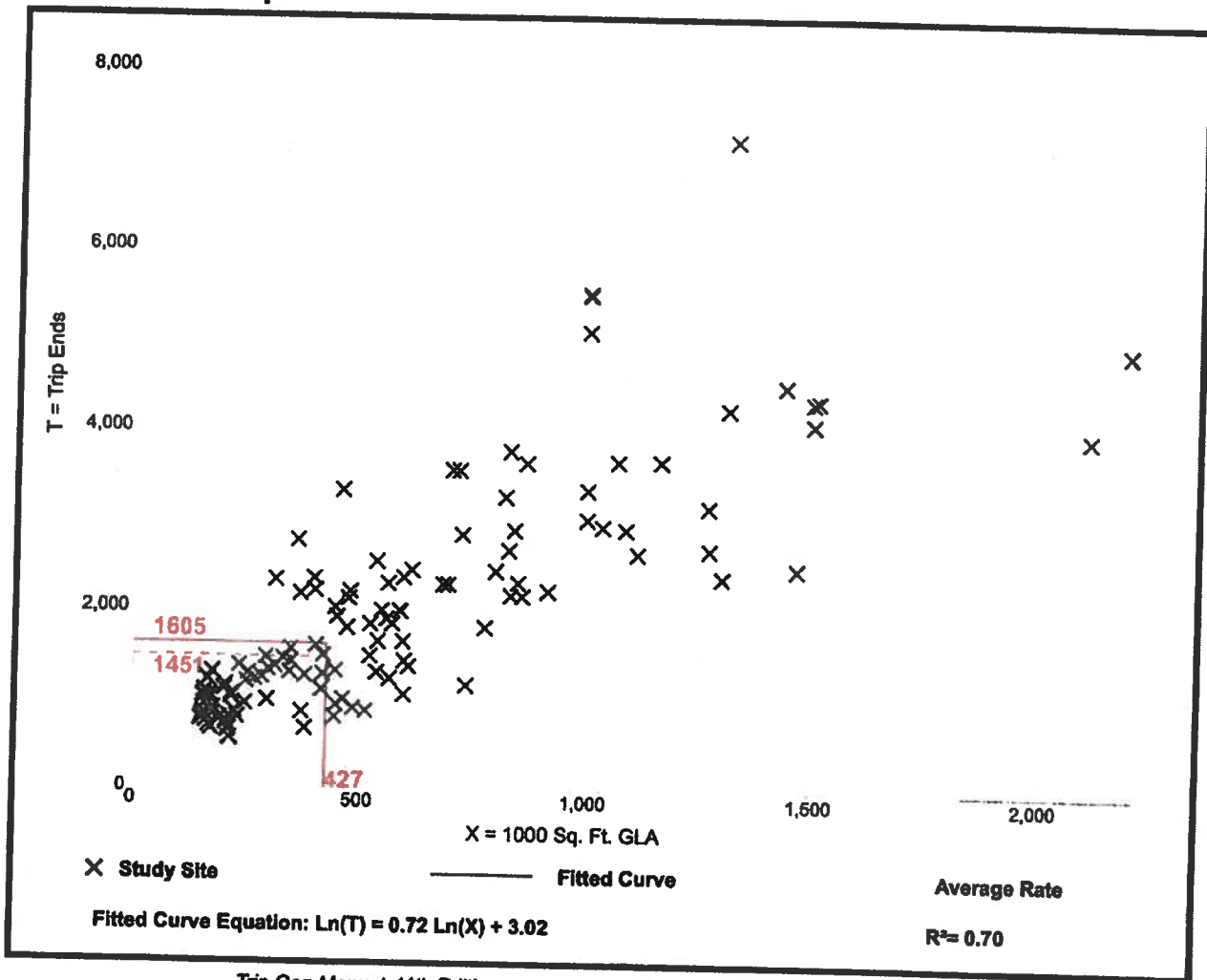
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
Number of Studies: 126
Avg. 1000 Sq. Ft. GLA: 581
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation



Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual , 11th Edition

Land Use Code	820								
Land Use	Shopping Center (> 150k)								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	8 Sites with GLA between 150 and 300k				16 Sites with GLA between 300 and 900k				
Average Pass-By Rate	29% for Sites with GLA between 150 and 300k				19% for Sites with GLA between 300 and 900k				
	Pass-By Characteristics for Individual Sites								
GLA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
213	Florida	1990	312	28	31	41	72	—	33
225	Illinois	1994	264	35	32	33	65	1970	24
227.9	Kentucky	1993	—	34	35	31	66	—	34
235	Kentucky	1993	211	35	29	36	65	2593	2
255	Iowa	1994	222	23	38	39	77	3706	24
256	Connecticut	1994	208	27	51	22	73	3422	24
293	Illinois	1994	282	24	70	6	76	4606	13
294	Pennsylvania	1994	213	24	48	18	76	4055	24
350	Massachusetts	1994	224	18	45	37	82	2112	24
361	Virginia	1994	315	17	54	29	83	2034	24
375	North Carolina	1994	214	29	48	23	71	2053	24
413	Texas	1994	228	28	51	21	72	589	24
418	Maryland	1994	281	20	50	30	80	5610	24
450	California	1994	321	23	49	28	77	2787	24
476	Washington	1994	234	25	53	22	75	3427	24
488	Texas	1994	257	12	75	13	88	1094	13
560	Virginia	1994	437	19	49	32	81	3051	24
581	Colorado	1994	296	18	53	29	82	2939	24
598	Colorado	1994	205	17	55	28	83	3840	24
633	Texas	1994	257	10	64	26	90	—	24

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

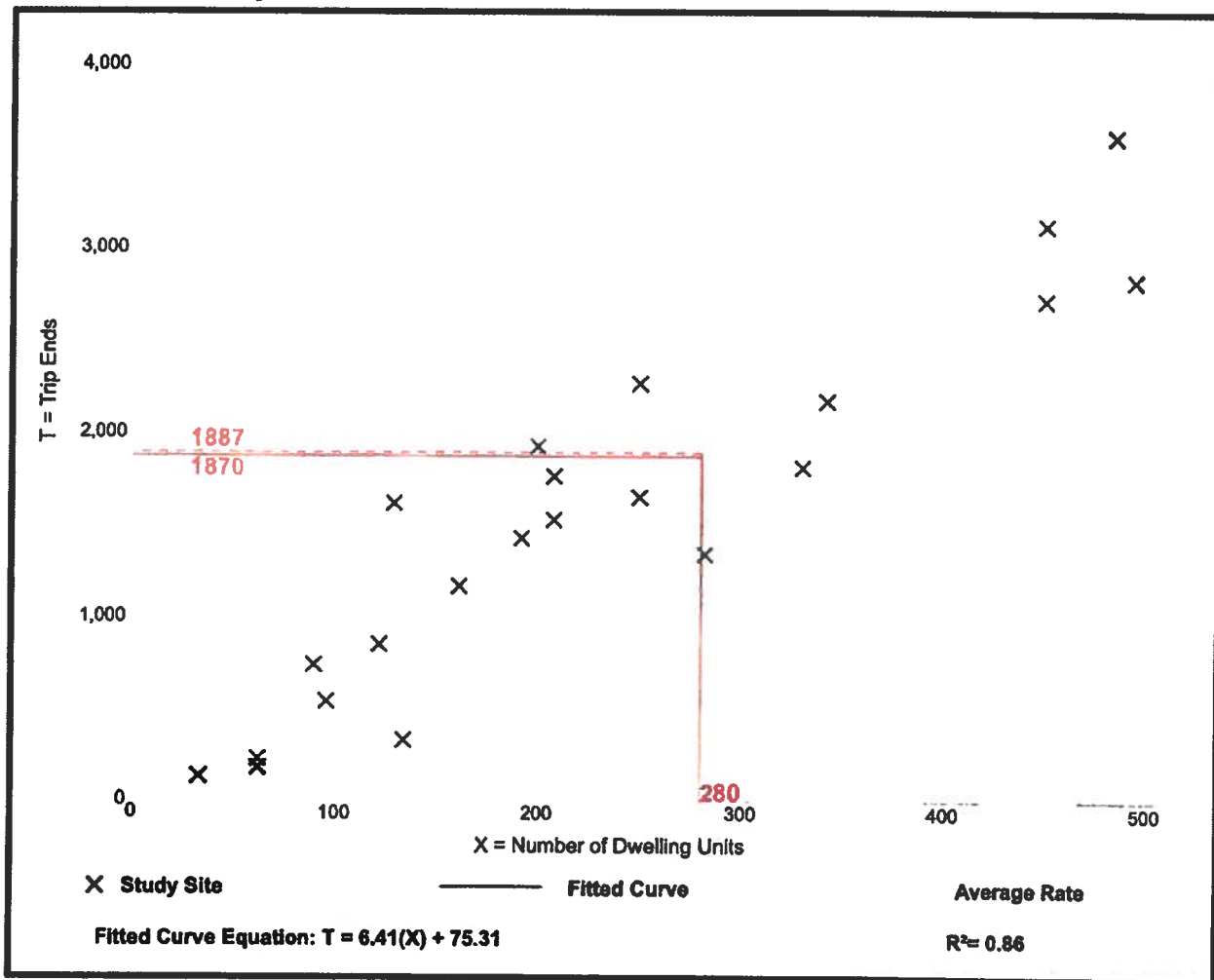
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

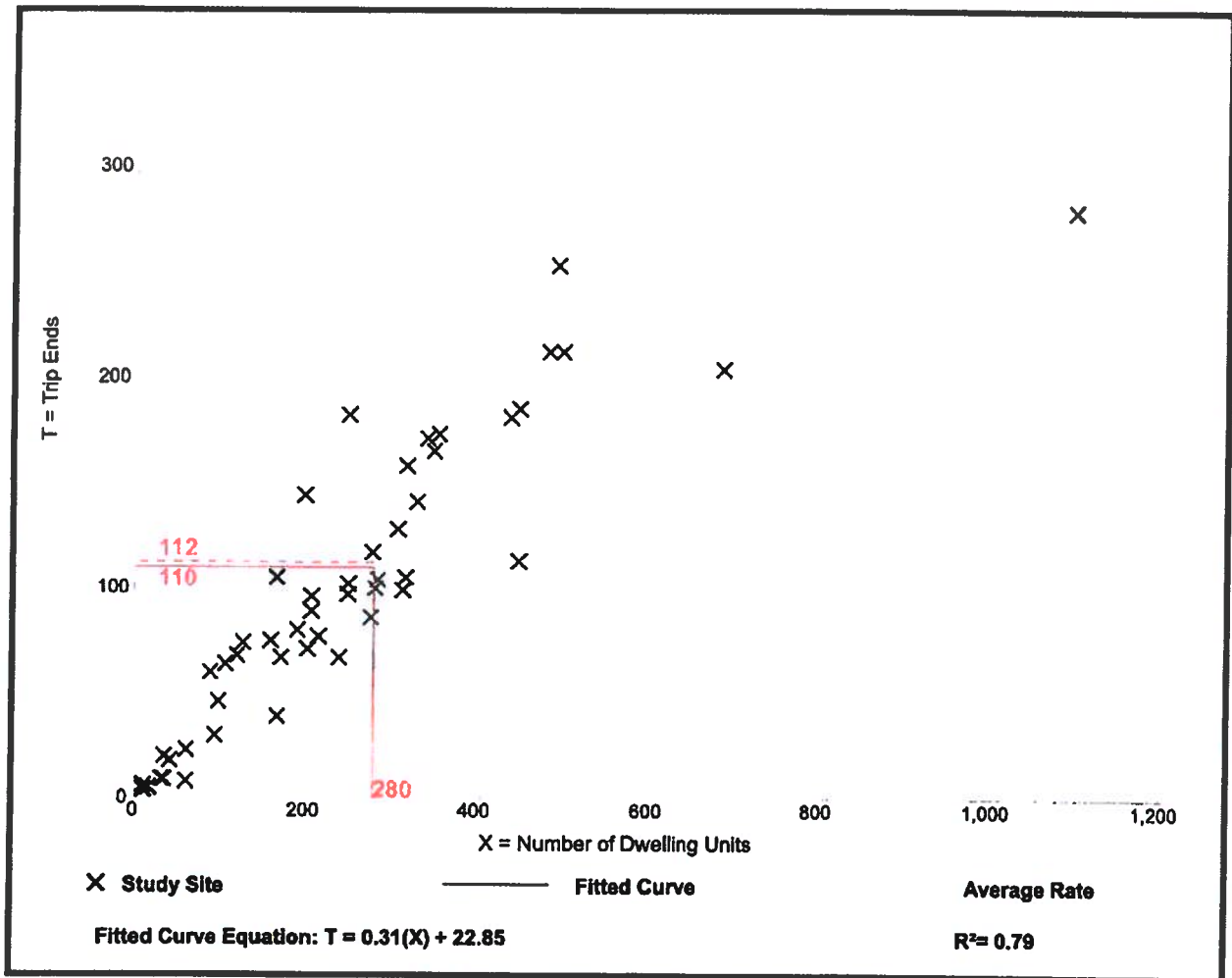
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

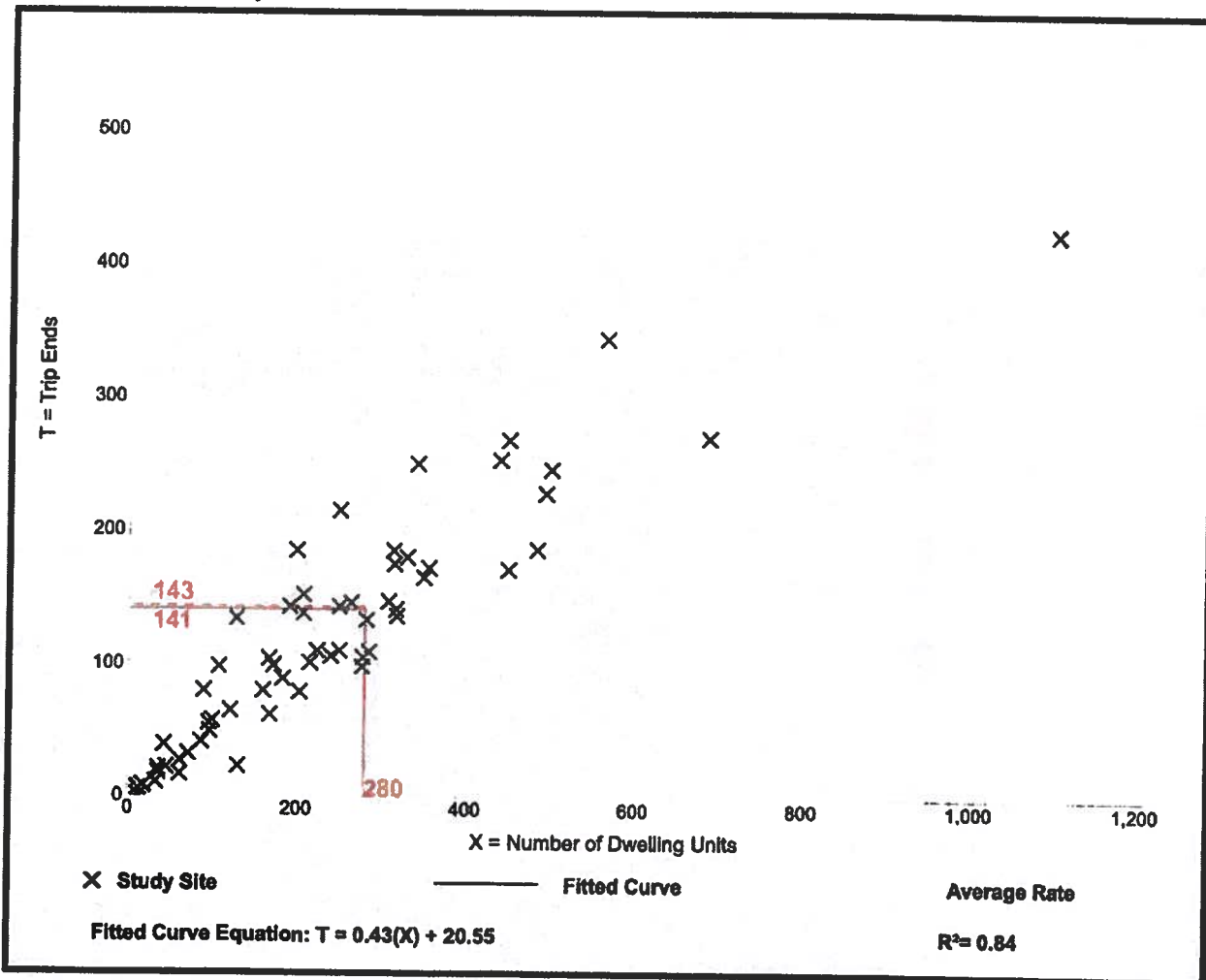
Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 59
 Avg. Num. of Dwelling Units: 241
 Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation





AIRPORT NOISE STUDY

**Flagler Executive Airport
Gardner SR 100 Site
Palm Coast, Florida**

for:

**Tidelands Investments, LLC
5851 Timuquana Road #301
Jacksonville, Florida 32210**

Prepared by:

A handwritten signature in black ink, appearing to read "Robert M. Lilkendey".

**Robert M. Lilkendey, Principal Consultant
RML Acoustics, LLC
14688 NW 150th Lane
Alachua, Florida 32615
www.rmlacoustics.com**

December 10, 2022

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I. INTRODUCTION

This report contains the results of a study of noise levels from the Flagler Executive Airport (hereinafter “Airport”) on the Gardner SR 100 site adjacent to the Airport runway in Palm Coast, Florida. The purpose of the study was to document the daily sound levels on site for seven days at the approximate location of proposed residential structures nearest the runway on the east and west ends of the site and to compare the results to a Day-Night Level (DNL) of 65 dBA, which, when reported as a yearly daily average sound level due to aircraft activity, is the level below which the Federal Aviation Administration considers residential developments compatible with airports.

II. BACKGROUND

The project site consists of one parcel of vacant land that is bounded by the Airport property on the south side and Highway 100 on the north side. The proposed future development of the project site consists of eight apartment buildings and a clubhouse surrounding a 3.7 acre pond, as shown in a mark-up of the Wetland Delineation Assessment exhibit in Figure 1. Due to the proximity of the project to the Airport, a site noise study was conducted to document the sound levels at approximate worst-case locations on site (Locations SE and SW in Figure 1) where the apartment buildings nearest the airport runway on each end of the site would be constructed.

III. EXECUTIVE SUMMARY

1. The Federal Aviation Administration (FAA) uses the Day-Night Sound Level (DNL, also L_{dn}) as the preferred descriptor for evaluating aircraft noise impacts and land use compatibility. Per Part 150, *Airport Noise Compatibility Planning*, of the Code of Federal Regulations (CFR), a residential land use is compatible with aircraft noise at a yearly DNL less than 65 dBA.
2. Sound levels from all noise sources measured for seven consecutive days, from Sunday, November 27, 2022, through Saturday, December 3, 2022, at location SE were between 55 and 59 dBA and at location SW were between 54 and 58 dBA. These values include the contribution of non-airport related noise sources, including traffic noise from Highway 100 and insect noise, but are still below a DNL of 65 dBA by at least 6 to 7 dBA and as much as 10 to 11 dBA.
3. An analysis of the measured and recorded sounds on site showed that the DNL attributable to just plane-related events was between 42 and 52 dBA at location SE and between 44 and 50 dBA at location SW, which are well below the FAA’s DNL criterion of 65 dBA. For each day of measurements and at each location, the calculated contribution of sounds from the plane-related events to the overall DNL was 0 to 1 dBA.
4. Based on the sound levels measured on the project site for seven consecutive days, including days with over 300 plane-related events, and using FAA criteria for land use compatibility, the proposed residential land use on the project site as described in Section II, *Background*, is compatible with the Airport, and would remain so in the future, provided the airport does not expand to include larger/louder airplanes or significantly increase the nighttime (10 pm to 7 am) air traffic beyond the current average of two planes per day flown between 10 pm and 7 am.

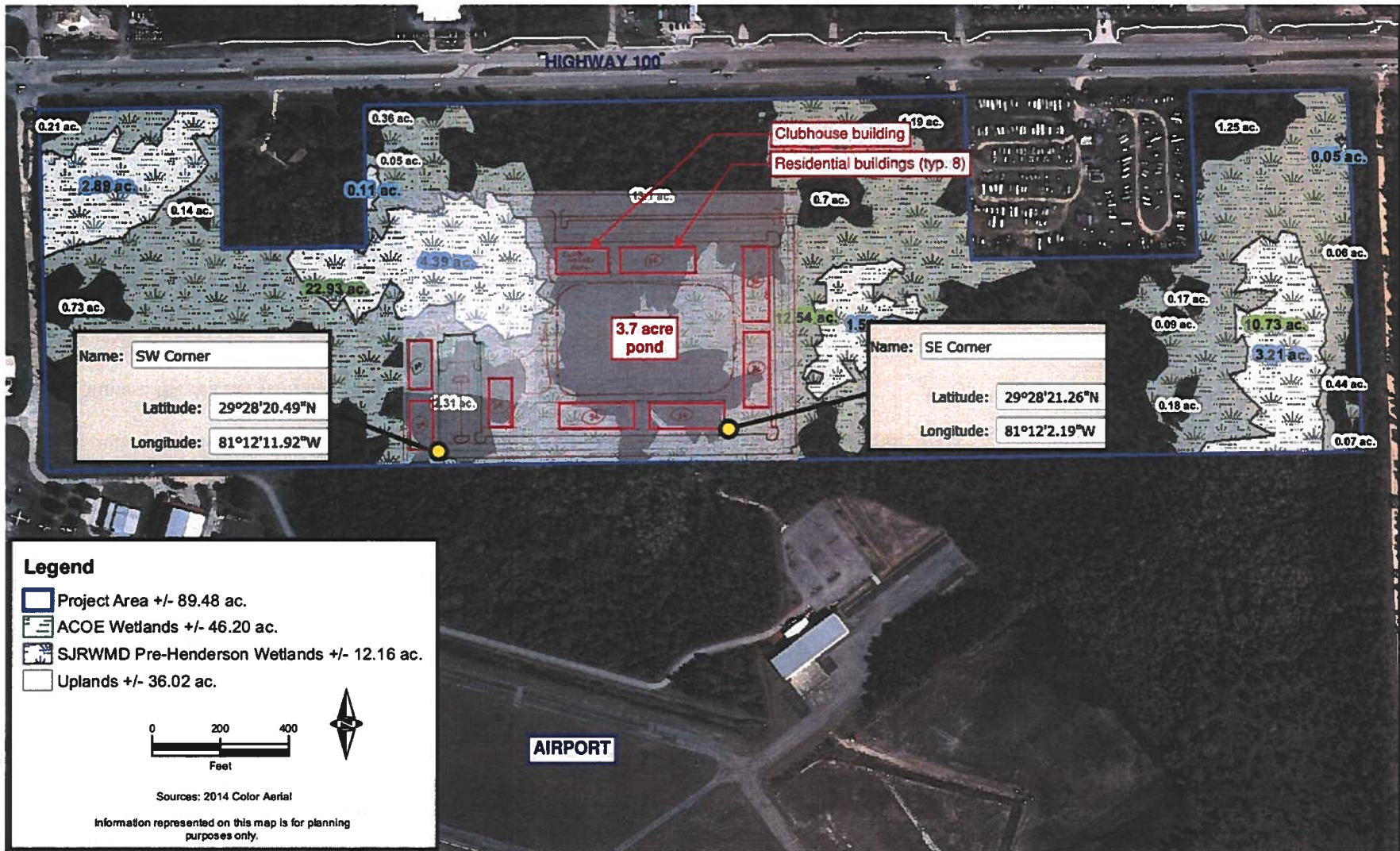


Figure 1. Aerial and conceptual site plan showing the proposed project site, Airport property to the south, Highway 100 to the north, and noise monitoring locations SE and SW, including their GPS coordinates.

IV. NOISE IMPACT CRITERIA

The purpose of the study was to evaluate the compatibility of the proposed residential development with the nearby Airport from a noise impact standpoint. The FAA uses the Day-Night Sound Level (DNL, also L_{dn}) as the preferred descriptor for evaluating aircraft noise impacts and land use compatibility. The DNL is a 24-hour measure that accounts for the moment-to-moment fluctuations in A-weighted sound levels due to all sound sources for 24 hours, combined. It includes a 10-dB penalty for all sounds occurring between 10 pm and 7 am. It is our understanding that an FAA Part 150 Noise Study, which would result in the development of noise contours for the areas surrounding the Airport, does not exist. Per Part 150, *Airport Noise Compatibility Planning*, of the Code of Federal Regulations (CFR), a residential land use is compatible if the yearly DNL values from the Airport are less than 65 dBA. This is the criterion used in this report to evaluate the compatibility of the proposed residential land use for the project site with the existing Airport.

V. NOISE STUDY METHOD

Overall Method

The overall method for the Noise Study included the following elements.

1. Install two long-term noise monitoring stations on site to log the daily DNL values and to record individual aircraft flyovers and other events that exceeded specific sound levels for post-measurement analysis and identification of events.
2. Using the event data, calculate the contribution of the airport related sounds to the overall DNL.
3. Compare the results with the FAA criterion of a DNL less than 65 dBA.

Sound Level Measurement Times, Locations and Equipment

Noise monitoring stations were installed on site to measure sound levels and record events at two sites, labeled as SE and SW, at the locations shown in Figure 1, from 12 am on Sunday, November 27, 2022, through 12 am on Sunday, December 4, 2022. At location SW, the noise monitoring station ran out of power at 11:25 PM on Saturday, December 3, 2022. The final 35 minutes of ambient noise was estimated to derive the DNL for that day. Since there are no planes flying between 11:25 pm and midnight, the ambient sound levels for the first 25 minutes of the 11 pm hour were used for the last 35 minutes of the 11 pm hour, resulting in no change.

Location SE (See Figure 1) – Location SE was in the approximate location of the southeastern most residential structure currently proposed for the property, approximately 1,000 ft south of Highway 100 and 1,440 ft north of the center of Runway 29, as shown in Figure 2. The constant sound of equipment associated with the cell phone tower just southwest of this location, and insect noise at night, established a baseline sound level of 46 to

50 dBA at all times. Distant traffic sounds on Highway 100, including occasional emergency vehicle sirens and motorcycles, could also be heard at this location. Planes taking off and landing at the airport were audible above the background sound level, with a range of instantaneous maximum (LAFmax) sound levels typically in the 60 to 70 dBA range, with only a few events per day in the 75 to 82 dBA range. For reference, a typical riding mower measured at 150 ft has an LAFmax of 65 to 70 dBA.

Location SW (see Figure 1) – Location SW was in the approximate location of the southwestern most residential structures currently proposed for the property, approximately 1,075 ft south of Highway 100 and 1,120 ft north of the center of Runway 29, as shown in Figure 2. Typical ambient sound levels (without planes) at this location were in the 39 to 42 dBA range from approximately 6 am to 6 pm and 49 to 50 dBA range from 6 pm to 6 am (due to insect noise). Distant traffic sounds on Highway 100, including occasional emergency vehicle sirens and motorcycles, could be heard at this location. Planes taking off and landing at the airport were audible above the background sound level, with a range of instantaneous maximum (LAFmax) sound levels typically in the 60 to 70 dBA range, with only a few events per day in the 75 to 83 dBA range.

Sound level measurements were made with Larson Davis 831 Sound Level Meters installed in noise monitoring stations at locations SE (Serial No. 2660) and SW (Serial No. 2520). The meters meet ANSI Standard S1.4 requirements for Type 1 exponential-averaging sound level meters and ANSI Standard S1.43 requirements for Type 1 integrating-averaging sound level meters. The microphones and pre-amplifiers were mounted atop tripods with Larson Davis model EPS2116 Environmental Protection Shrouds (windscreen and bird spike) affixed to the top, at a height of approximately 6 ft above the ground and connected to the sound level meters via extension cables. The meters were installed in weather-proof environmental cases. The meters were calibrated with a Larson Davis CAL200 pistonphone (Serial No. 10472) before the measurements began and were within 0.1 dB of calibration at the completion of the measurements. Calibration certificates for the sound level meters and calibrator are included in Appendix C. The meters were set to calculate the daily DNL and to measure the sound exposure levels (SEL) and record the sounds of all events exceeding 57 dBA for more than 4 seconds at each location. The SELs of plane-related events were used to calculate the DNLs from plane-related events for each day. Figures 3 contain photographs of the noise monitoring stations installed at locations SE and SW.

Definitions:

Decibel: The unit of sound level, expressed as dB.

A-weighted sound level: A sound level to which an A-weighted filter has been applied. The A-weighted filter reduces the value of low frequency sounds from the overall weighted sound level calculation to simulate the way humans perceived the loudness of sounds of low to moderate level.

DNL: The Day-Night Sound Level, a 24-hour measure that accounts for the moment-to-moment fluctuations in A-weighted sound levels due to all sound sources for 24 hours, combined. It includes a 10-dB penalty for all sounds occurring between 10 pm and 7 am. Expressed as dB but is actually dBA.

LAeq: The A-weighted equivalent continuous sound level, expressed in dBA. The equivalent continuous sound level is the level of a steady sound that has the same integrated energy level as the measured fluctuating sound over the same time period. Abbreviated as Leq if dBA is given.

Maximum Sound Level (Lmax): The maximum sound level that occurs during a measurement period when measured using either a Slow (LSmax) or Fast (LFmax) time constant on the sound level meter, expressed in dB. For A-weighted sound levels measured with a Fast time constant, LAFmax is used.

SEL: The SEL is the sound exposure level, in decibels, and represents the total amount of sound energy from an event measured at a specific location, condensed into a one-second LAeq.

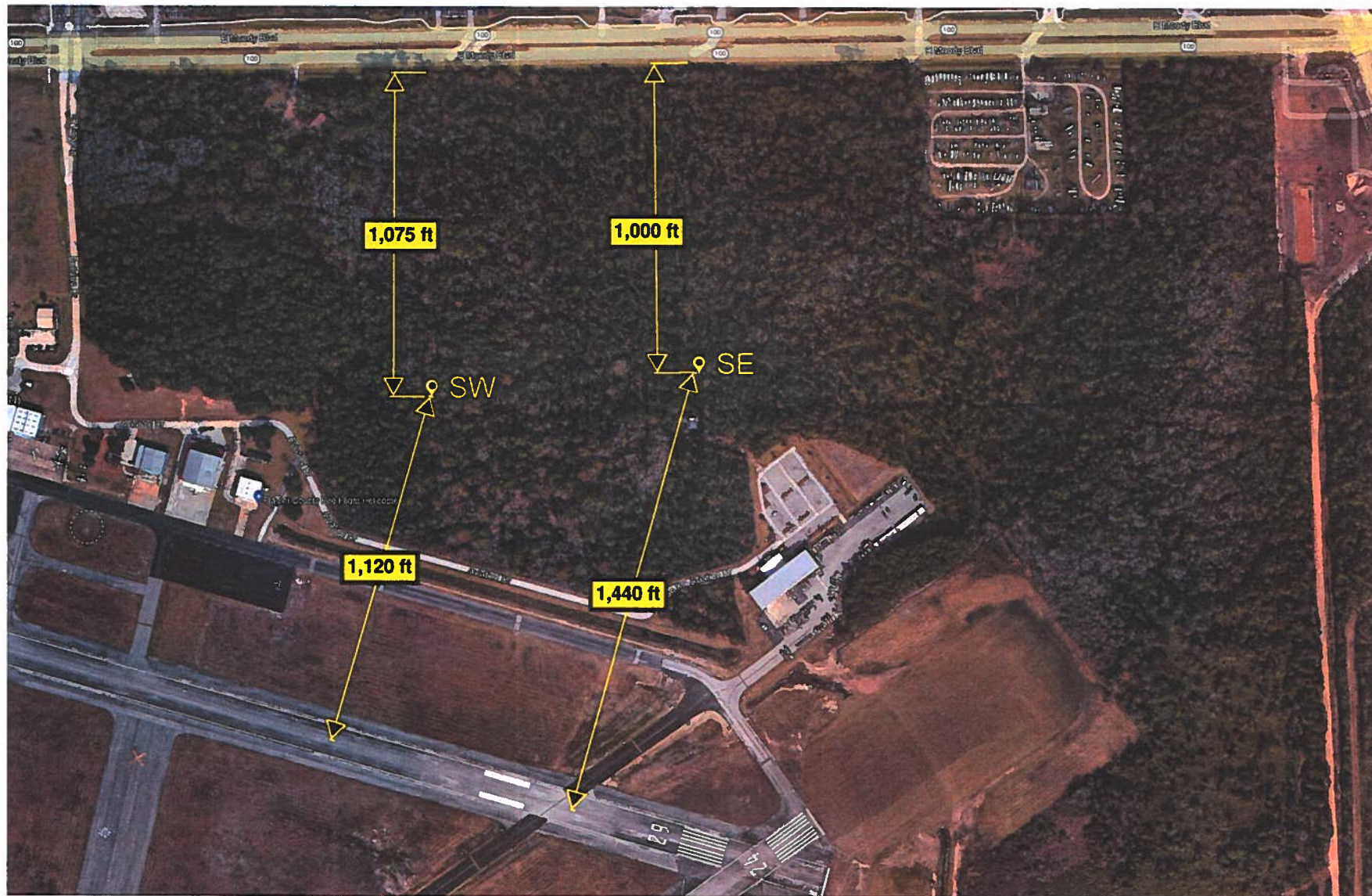


Figure 2. Aerial view of project site and airport showing the distances between to the center of Runway 29 and Highway 100 from Locations SE and SW.



Figure 3. Photographs of the noise monitoring stations at location SE (left) and SW (right).

VI. SOUND LEVEL MEASUREMENT RESULTS AND COMPARISON WITH FAA CRITERION

Table 1 contains a summary of the DNL values measured at locations SE and SW from Sunday, November 27, 2022, through Saturday, December 3, 2022. Also included in the table is the DNL calculated for just plane related events, the DNL from all sources other than the planes, the contribution of plane-related event sounds to the overall DNL and the total number of plane-related events (includes taxiing and other events, not just takeoffs, landings and flyovers) that exceeded 57 dBA for at least 4 seconds, as well as the number of plane-related events that occurred during the nighttime (10 pm to 7 am).

Table 1. Summary of DNLs measured on site.

Date	DNL from all Sources (in dBA)		DNL from Plane- Related Events Only (in dBA)		DNL from Non-Plane Sources (in dBA)		Contribution of Plane- Related Events to Overall DNL (in dBA)		# of Plane-Related Events above Threshold Level (# of nighttime events)	
	SE	SW	SE	SW	SE	SW	SE	SW	SE	SW
Sun., November 27, 2022	59	58	47	44	59	58	0	0	37 (1)	61 (1)
Mon., November 28, 2022	55	56	42	48	55	55	0	1	64 (1)	237 (1)
Tues., November 29, 2022	57	56	53	49	56	55	1	1	337 (2)	319 (2)
Wed., November 30, 2022	55	54	46	45	55	53	0	1	93 (1)	82 (0)
Thur., December 1, 2022	57	56	51	48	56	55	1	1	225 (2)	188 (3)
Fri., December 2, 2022	57	56	50	50	56	55	1	1	251 (1)	243 (4)
Sat., December 3, 2022	57	54	52	47	55	53	0	1	325 (5)	275 (2)
7-Day Average	57	56	49	47	56	55	0.4	0.9	190 (2)	200 (2)

The table shows that the DNLs from all sources measured at Locations SE and SW for each day were well below 65 dBA and therefore, if the same holds true for the entire year, compatible with the FAA criterion of less than 65 dBA. More importantly, the calculated DNLs attributable to just plane-related events were between 42 and 53 dBA at location SW and between 44 and 50 dBA at location SE and adding no more than 1 dBA to the daily DNLs. This means that if the other ambient noise sources contributing to the background noise, such as insect noise at night and traffic noise during the day, the DNLs due to the Airport would be below the FAA threshold of 65 dBA by at least 12 dB at location SE and 15 dB at location SW if the days in which the sound levels were measured are representative of typical days.

The DNL with the greatest value due to only plane-related events was 53 dBA. This occurred on Tuesday, November 29, 2022, a day when there were over 337 plane-related events. With nearly all plane-related events occurring between 7 am and 10 pm, that is an average of 22 events per hour, or one event nearly every 3 minutes, so this likely represents a near maximum condition for the airport as it currently exists. For the LDN of 53 dBA to increase to 65 dBA due to additional air traffic using the same mix of planes during the daytime hours would require the number of planes in one day to increase to over 3,500, or one event every 15 seconds, which is not possible.

Finally, the table shows that there was an average of only two plane-related events per day that occurred during nighttime hours from 10 pm to 7 am. In most instances, these events occurred between 10 pm and midnight or between 6 am and 7 am.

VII. CONCLUSION

Based on the sound levels measured on the project site for seven consecutive days, and using FAA criteria for land use compatibility, the proposed residential land use on the project site as described in Section II, *Background*, is compatible with the Airport, and would likely remain so in the future, provided the airport does not expand to include larger/louder commercial airplanes or does not significantly increase the nighttime (10 pm to 7 am) air traffic beyond the current average of two planes per day flown between 10 pm and 7 am.

APPENDIX A

EQUIPMENT CALIBRATION CERTIFICATES

Calibration Certificate

Certificate Number 2022007061

Customer:

RML Acoustics LLC

Model Number CAL200
Serial Number 10472
Test Results Pass
Initial Condition Adjusted
Description Larson Davis CAL200 Acoustic Calibrator

Procedure Number D0001.8386
Technician Scott Montgomery
Calibration Date 3 Jun 2022
Calibration Due
Temperature 23 °C ± 0.3 °C
Humidity 32 %RH ± 3 %RH
Static Pressure 100.8 kPa ± 1 kPa

Evaluation Method The data is acquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Standards Used

Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	08/06/2021	08/06/2022	001021
Larson Davis Model 2900 Real Time Analyzer	03/31/2022	03/31/2023	001051
Microphone Calibration System	02/23/2022	02/23/2023	005446
1/2" Preamp	08/26/2021	08/26/2022	006506
Larson Davis 1/2" Preamp 7-pin LEMO	08/09/2021	08/09/2022	006507
1/2 inch Microphone - RI - 200V	09/23/2021	09/23/2022	006511
Hart Scientific 2626-H Temperature Probe	02/04/2021	08/04/2022	006767
Pressure Sensor	03/15/2022	12/14/2022	PCB0087008

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Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
114	101.1	114.00	113.80	114.20	0.14	Pass
94	100.8	94.01	93.80	94.20	0.15	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
114	101.1	1,000.10	993.00	1,007.00	0.20	Pass
94	100.8	1,000.12	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
114	101.1	0.47	0.00	2.00	0.25 ‡	Pass
94	100.8	0.45	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0	108.0	-0.02	-0.25	0.25	0.04 ‡	Pass
101.3	101.3	0.00	-0.25	0.25	0.04 ‡	Pass
92.0	91.9	0.02	-0.25	0.25	0.04 ‡	Pass
83.0	83.1	0.02	-0.25	0.25	0.04 ‡	Pass
74.0	73.8	0.01	-0.25	0.25	0.04 ‡	Pass
65.0	65.2	-0.03	-0.25	0.25	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	108.0	-0.01	-7.00	7.00	0.20 ‡	Pass
101.3	101.3	0.00	-7.00	7.00	0.20 ‡	Pass
92.0	91.9	0.00	-7.00	7.00	0.20 ‡	Pass
83.0	83.1	0.00	-7.00	7.00	0.20 ‡	Pass
74.0	73.8	0.00	-7.00	7.00	0.20 ‡	Pass
65.0	65.2	0.00	-7.00	7.00	0.20 ‡	Pass

-- End of measurement results--



Total Harmonic Distortion + Noise (THD+N) Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
108.0	108.0	0.49	0.00	2.00	0.25 ‡	Pass
101.3	101.3	0.48	0.00	2.00	0.25 ‡	Pass
92.0	91.9	0.44	0.00	2.00	0.25 ‡	Pass
83.0	83.1	0.42	0.00	2.00	0.25 ‡	Pass
74.0	73.8	0.40	0.00	2.00	0.25 ‡	Pass
65.0	65.2	0.40	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Signatory: Scott Montgomery

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Initial Assessment

Certificate Number 2022007060

Customer:

RML Acoustics LLC

Model Number CAL200
Serial Number 10472
Test Results Pass
Initial Condition As Received
Description Larson Davis CAL200 Acoustic Calibrator

Procedure Number D0001.8386
Technician Scott Montgomery
Calibration Date 3 Jun 2022
Calibration Due
Temperature 23 °C ± 0.3 °C
Humidity 32 %RH ± 3 %RH
Static Pressure 101.2 kPa ± 1 kPa

Evaluation Method The data is acquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Standards Used

Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	08/06/2021	08/06/2022	001021
Larson Davis Model 2900 Real Time Analyzer	03/31/2022	03/31/2023	001051
Microphone Calibration System	02/23/2022	02/23/2023	005446
1/2" Preamplifier	08/26/2021	08/26/2022	006506
Larson Davis 1/2" Preamplifier 7-pin LEMO	08/09/2021	08/09/2022	006507
1/2 inch Microphone - RI - 200V	09/23/2021	09/23/2022	006511
Hart Scientific 2626-H Temperature Probe	02/04/2021	08/04/2022	006767
Pressure Sensor	03/15/2022	12/14/2022	PCB0087008

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Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
114	101.3	114.10	113.80	114.20	0.14	Pass
94	101.2	94.11	93.80	94.20	0.15	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
114	101.3	1,000.09	993.00	1,007.00	0.20	Pass
94	101.2	1,000.10	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
114	101.3	0.47	0.00	2.00	0.25 ±	Pass
94	101.2	0.45	0.00	2.00	0.25 ±	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0	108.0	-0.02	-0.25	0.25	0.04 ±	Pass
101.3	101.3	0.00	-0.25	0.25	0.04 ±	Pass
92.0	91.9	0.02	-0.25	0.25	0.04 ±	Pass
83.0	83.1	0.02	-0.25	0.25	0.04 ±	Pass
74.0	73.8	0.01	-0.25	0.25	0.04 ±	Pass
65.0	65.2	-0.03	-0.25	0.25	0.04 ±	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	108.0	-0.01	-7.00	7.00	0.20 ±	Pass
101.3	101.3	0.00	-7.00	7.00	0.20 ±	Pass
92.0	91.9	0.00	-7.00	7.00	0.20 ±	Pass
83.0	83.1	0.00	-7.00	7.00	0.20 ±	Pass
74.0	73.8	0.00	-7.00	7.00	0.20 ±	Pass
65.0	65.2	0.00	-7.00	7.00	0.20 ±	Pass

-- End of measurement results--



Calibration Certificate

Certificate Number 2021006997

Customer:

RML Acoustics LLC
14688 Northwest 150th Lane
Alachua, FL 32615, United States

Model Number 831
Serial Number 0002520
Test Results Pass
Initial Condition AS RECEIVED same as shipped
Description Larson Davis Model 831
Class 1 Sound Level Meter
Firmware Revision: 2.403

Procedure Number D0001.8384
Technician Jason Grace
Calibration Date 11 Jun 2021
Calibration Due 11 Jun 2023
Temperature 23.69 °C ± 0.25 °C
Humidity 51 %RH ± 2.0 %RH
Static Pressure 86.33 kPa ± 0.13 kPa

Evaluation Method **Tested with:**
Larson Davis PRM831. S/N 019157
PCB 377A02. S/N 52585
Larson Davis CAL200. S/N 6768
Larson Davis CAL291. S/N 0203

Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.11 (R2009) Class 1
IEC 61260:2001 Class 1	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.

Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev O, 2016-09-19

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to

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1/2" adaptor is used with the preamplifier.

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2016-02-24 certificate number DE-15-M-PTB-0056.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Description	Standards Used		
	Cal Date	Cal Due	Cal Standard
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2021-05-24	2022-05-24	0000354
SRS DS360 Ultra Low Distortion Generator	2021-03-09	2022-03-09	006311
Hart Scientific 2626-H Temperature Probe	2021-02-04	2022-08-04	006767
1/2 inch Microphone - P - 0V	2021-03-12	2022-03-12	007081
Larson Davis CAL291 Residual Intensity Calibrator	2020-10-28	2021-10-28	007287
Larson Davis Model 831	2020-09-22	2021-09-22	007507
Larson Davis CAL200 Acoustic Calibrator	2021-04-12	2022-04-12	007784

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	113.97	113.80	114.20	0.14	Pass

As Received Level: 114.27
Adjusted Level: 113.97

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.27	-0.20	-1.20	0.80	0.23	Pass
1000	0.12	0.00	-0.70	0.70	0.23	Pass
8000	-2.16	-3.00	-5.50	-1.50	0.32	Pass

-- End of measurement results--



Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	43.41

-- End of measurement results--

-- End of Report--

Signatory: Jason Grace

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Calibration Certificate

Certificate Number 2022006936

Customer:

RML Acoustics LLC

Model Number 831
Serial Number 0002660
Test Results Pass
Initial Condition Inoperable

Description Larson Davis Model 831
Class 1 Sound Level Meter
Firmware Revision: 2.403

Procedure Number D0001.8384
Technician Jacob Cannon
Calibration Date 1 Jun 2022
Calibration Due
Temperature 23.48 °C ± 0.25 °C
Humidity 50.1 %RH ± 2.0 %RH
Static Pressure 86.2 kPa ± 0.13 kPa

Evaluation Method Tested with:

Larson Davis CAL291. S/N 0108
Larson Davis CAL200. S/N 9079
Larson Davis PRM831. S/N 019105
PCB 377B02. S/N 166046

Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.11 (R2009) Class 1
IEC 61260:2001 Class 1	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.

Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev O, 2016-09-19

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

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Certificate Number 2022006936

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2016-02-24 certificate number DE-15-M-PTB-0056.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used			
Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2021-09-10	2022-09-10	001250
Hart Scientific 2626-H Temperature Probe	2021-02-04	2022-08-04	006767
Larson Davis CAL200 Acoustic Calibrator	2021-07-21	2022-07-21	007027
Larson Davis Model 831	2022-02-21	2023-02-21	007182
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2022-03-02	2023-03-02	007185
SRS DS360 Ultra Low Distortion Generator	2022-03-29	2023-03-29	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2021-09-28	2022-09-28	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	114.00	113.80	114.20	0.14	Pass

Adjusted Level: 114.00
As Received Level: 113.96

-- End of measurement results--

Loaded Circuit Sensitivity

Measurement	Test Result [dB re 1 V / Pa]	Lower Limit [dB re 1 V / Pa]	Upper Limit [dB re 1 V / Pa]	Expanded Uncertainty [dB]	Result
1000 Hz	-27.29	-27.84	-24.74	0.14	Pass

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.22	-0.20	-1.20	0.80	0.23	Pass
1000	0.12	0.00	-0.70	0.70	0.23	Pass
8000	-2.42	-3.00	-5.50	-1.50	0.32	Pass

-- End of measurement results--

LARSON DAVIS - A PCB PIEZOTRONICS DIV.
1681 West 820 North
Provo, UT 84601, United States
716-684-0001



Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.54

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

LARSON DAVIS - A PCB PIEZOTRONICS DIV.
1681 West 820 North
Provo, UT 84601, United States
716-684-0001



 **LARSON DAVIS**
A PCB DIVISION

Sarasota Int Airport:

I spoke with Mike in their noise complaint department. He said departures and arrivals are from the Southeast. That area is getting the most noise and is the bulk of where their complaints come from. Arrivals aren't as loud as departures.

Holiday Inn 941-355-9000

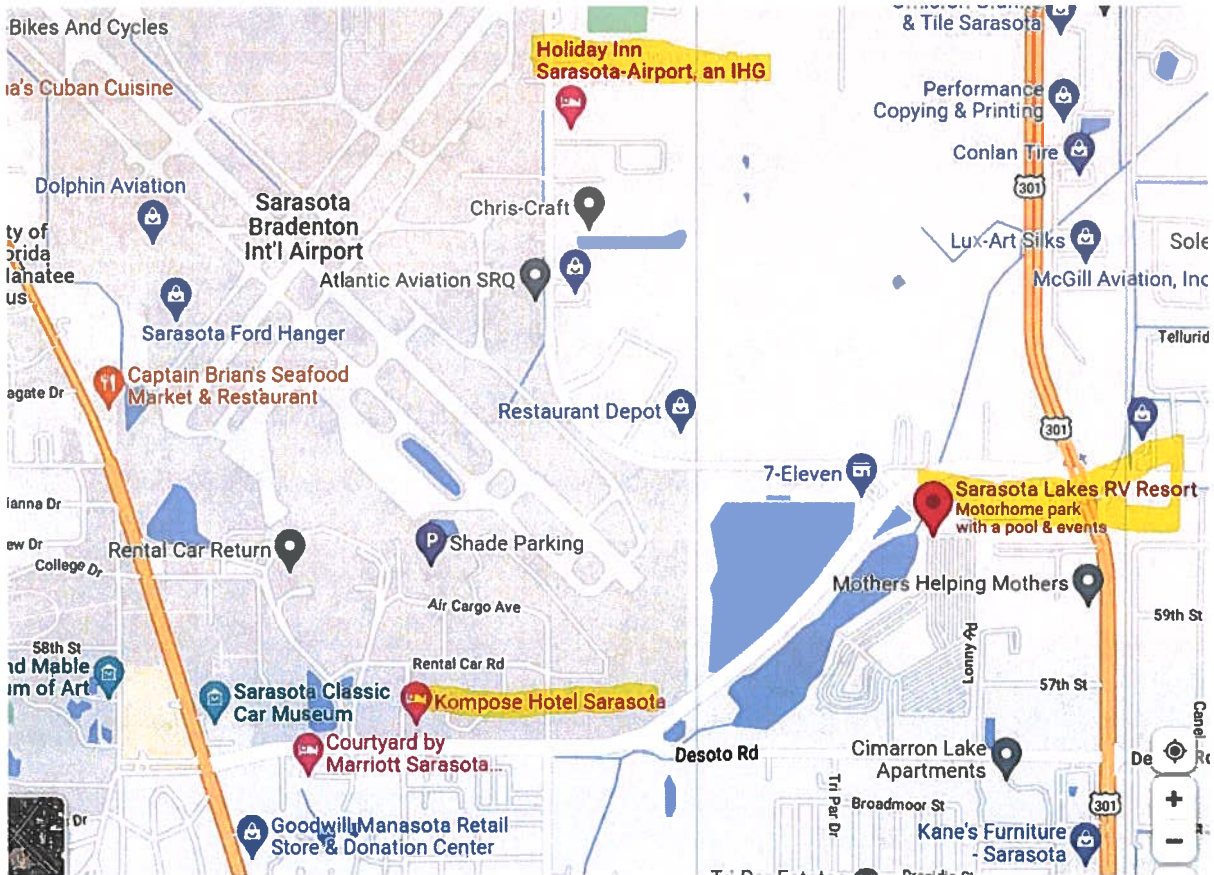
They don't have any noise complaints. They are on the other side of the airport and have private jets, so can't really hear it.

Kompose Hotel – 941-330-1160

They said they never get noise complaints; can't hear the planes at all.

Sarasota Lakes RV Resort – 941-355-8585

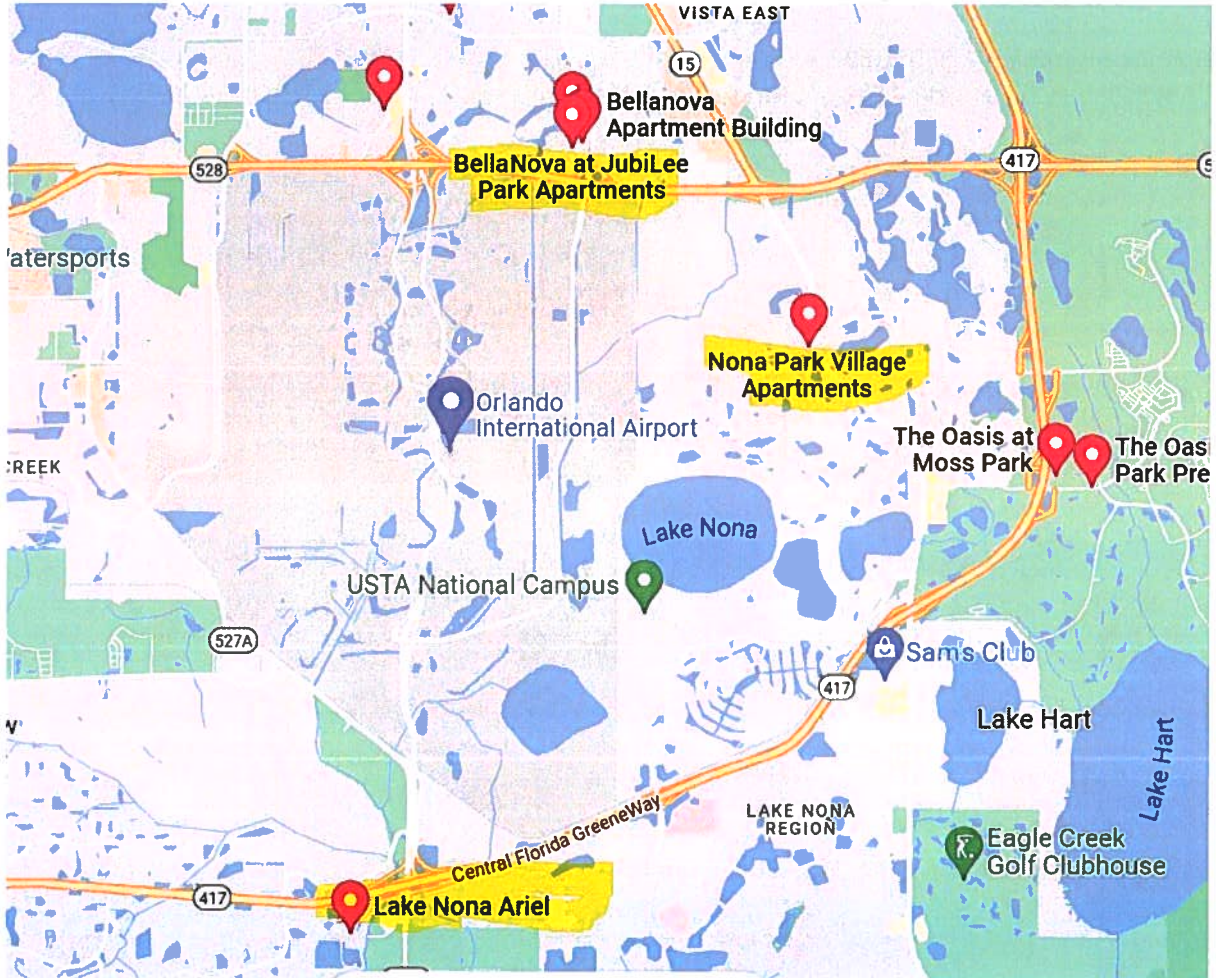
Yes, you can hear the airplanes and they do get noise complaints.



Orlando International Airport

Noise Brochure for Orlando Int Airport – Frequently asked questions and map of noise levels surround airport

Orlando International Airport Customer Service Line:
Noise officer line – 407-825-2674



Nona Park Village – northeast side

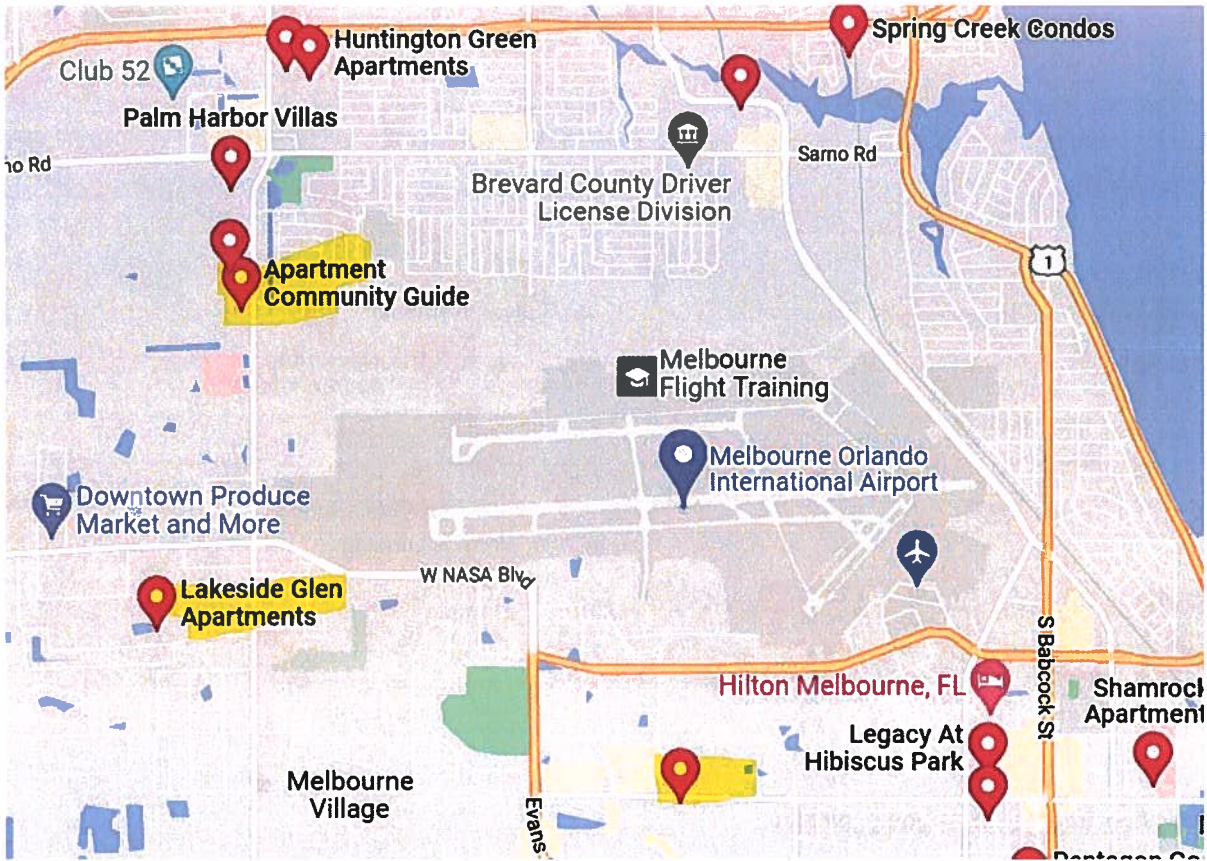
407-888-1028

Don't really hear any of the airplanes – parallel with the runways. Assistant and manager live on site and said she doesn't notice it at all.

Lake Nona Ariel – south end of airport

Don't get any complaints – not abnormally noisy. Hear it every now and again, but nothing that disturbs tenants.

Melbourne



Lakeside Glen Apartments – southwest side of airport

833-573-1698

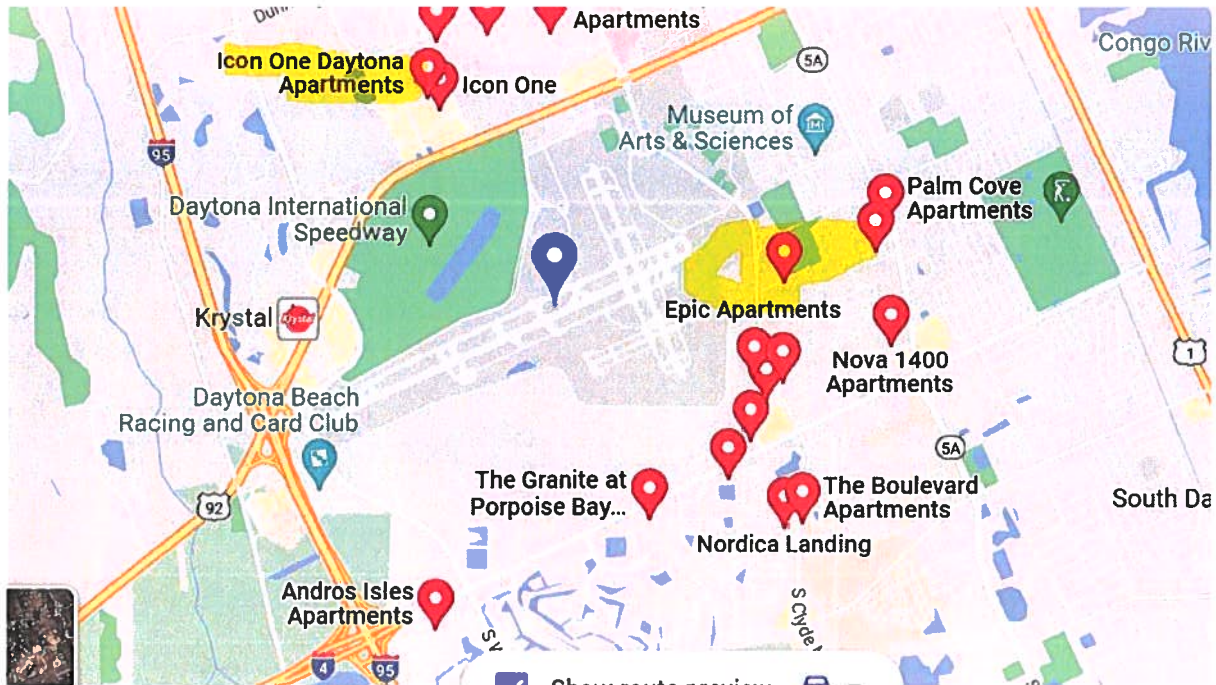
Don't get complaints – Susan has lived there for 3 months, and you can hear them outside, but she doesn't hear anything indoors. Has never had issues during the night and she considers herself a light sleeper.

Reserves of Melbourne – South of airport

321-593-0787

Don't get complaints. The planes don't fly overhead unless they're diverted. She lives there and never has issues.

Daytona Beach Int Airport

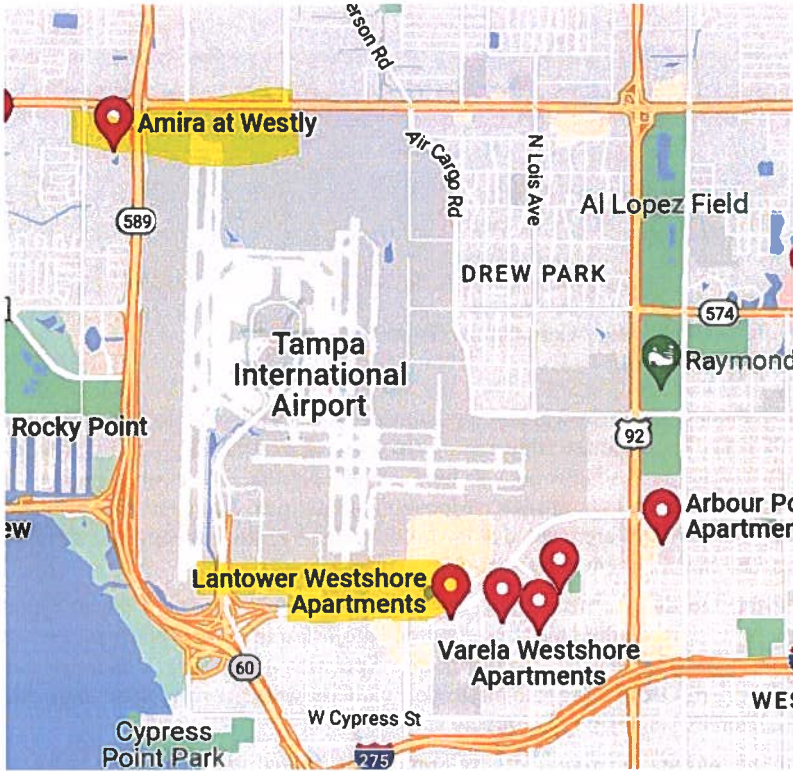


Epic Apartments – East side of airport

Kristen says they're by the airport and the racetrack – hears the racecars more than the planes. Only hear when jets taken off, and it's seldom. On this end the airport sold most of the strips to Embry Riddle, so smaller planes. No complaints from residents at all.

Tampa International Airport

Noise abatement department



Novus Westshore – Southeast (right next to Lantower)

813-694-5513

Haven't had any complaints – lives on site and has never heard anything from the airport.



City of PALM COAST

Utility Department

2 Utility Drive
Palm Coast, FL 32137
386-986-2360

February 6, 2023

Ken Atlee
Tidelands Investments, LLC

Re: Service Availability for Multi-Family / Commercial, Palm Coast Florida
City of Palm Coast, Flagler County

This letter confirms that City of Palm Coast is the water and wastewater service provider to the referenced property in Flagler County, Florida. Enclosed are copies of the system maps of the City's utility system showing existing water and wastewater mains in the area, as the City believes that they exist, for your use in project design. No representation is made as to the precise location of facilities. It is your responsibility to ensure that utility lines and other facilities are located at locations and in a sufficient condition to meet the requirements of your proposed development and the requirements of the City.

If a main extension is required, the design, permitting, and construction of the extension are your responsibility. Plan review by the City is required for all commercial projects and those projects involving a main extension. Construction must meet City Standards and Specifications. The Standards and Specifications Manual, with Standard Details, is available to you via City web-site or regular mail. All such matters must be memorialized by written city approvals.

When you are ready to proceed, provide all required City application forms, the annexation petition required by section 49-53 (e) of the City Code along with one copy of the FDEP Permit Applications (fax, or include with plan submittal.) The City will redline the Operating Utility information, and return it to you, for you to incorporate onto the Applications. Upon completion, provide the number of completed, signed/sealed original Applications required by FDEP, plus one original for the City's files.

Please note that all applicable fees must be paid to the City, and plans must be stamped "Authorized For Construction," before the FDEP permit applications will be returned for your submittal to FDEP. Upon plan approval, the City will conduct construction inspection. Also, legal documents as necessary to convey the new facilities to the City must be completed and approved by the City, and FDEP/HRS clearance must be received **prior to service** being provided. Sample legal documents will be provided to you by the City to assist you during this phase of the project. The City will implement the annexation petition in accordance with its terms.

If you have any questions please feel free to contact me at (386) 986-2355

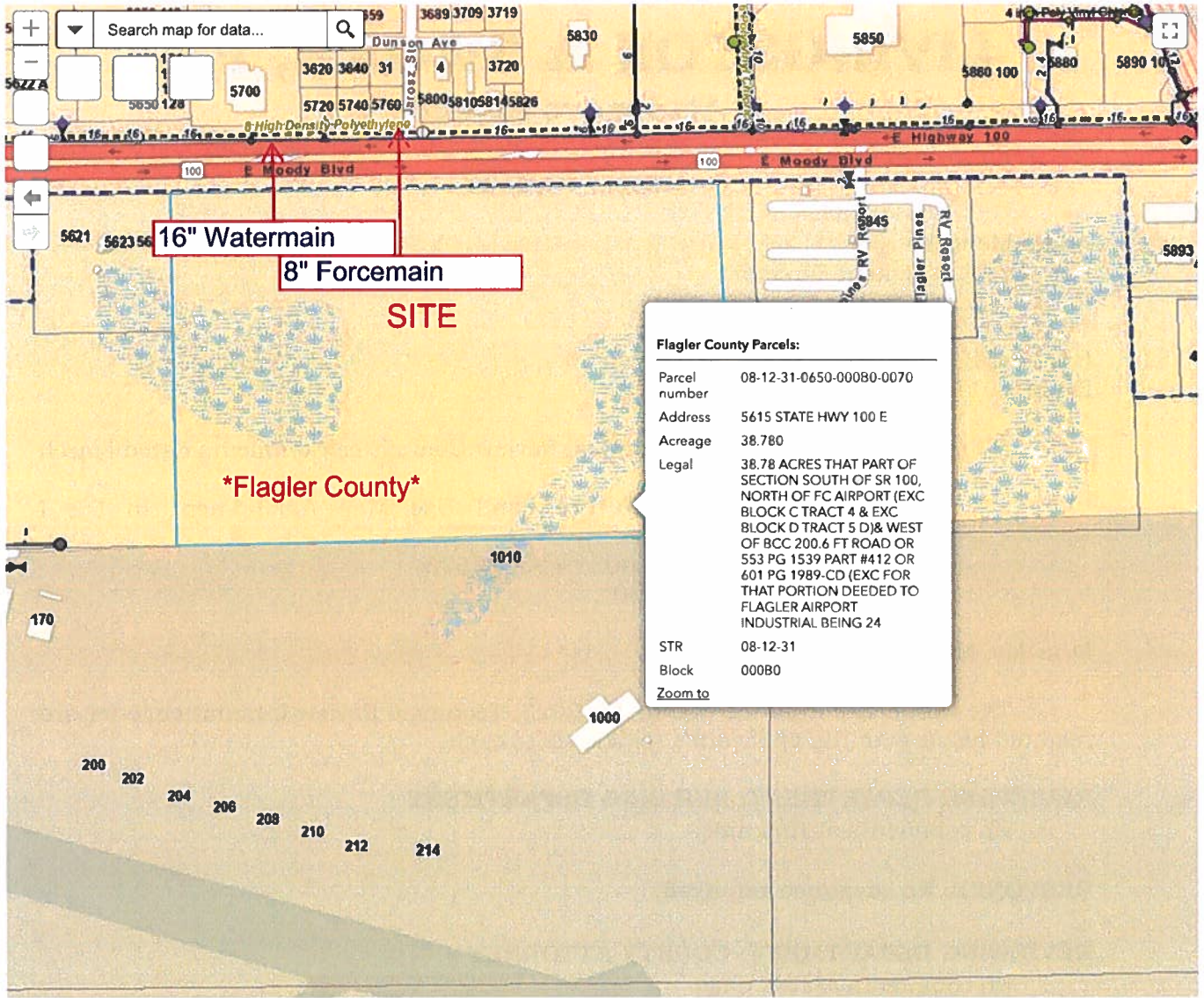
Sincerely,

Irma Velez
Utility Development Coordinator (ivelez@palmcoastgov.com)



please recycle

palmcoastgov.com



300ft
81.203 29.474 Degrees

LIVINGSTON & SWORD, P.A.

Attorneys At Law

March 23, 2023

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Responses to Technical Review Committee Comments dated March 13, 2023
Application for Future Land Use Map Amendment In the I (Industrial) District
Project #: 2022090031 / AR #3576
Application #: 3330

Dear Mr. Mengel:

The comments from the March 13, 2023, Technical Review Committee letter are restated below with the applicant's responses to each.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

RESPONSE: No response required.

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire rescue has no issues with this project.

RESPONSE: Thank you.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The proposed amendment to the parcel-specific limiting policy in the Future Land Use Element (Policy A.1.1.10(7)) should be revised to state that the residential component will be Residential: High Density Future Land Use.

RESPONSE: The proposed amendment to the parcel-specific limiting policy has been modified to reference the correct Future Land Use designation. I did not make any additional revisions to address the compatibility issues with the residential component of the project and the Flagler Executive Airport that we discussed at the Technical Review Committee meeting held on March 15, 2023. The provision in the proposed amendment that reads: "Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise and safe navigation have been followed" should be sufficient to address this concern. However, if the Planning Board determines at the April meeting that more is needed, I am sure the Applicant will be open to that discussion and appropriate modifications to the policy. This will also be true when the County Commission considers the application.

The revised proposed amendment to Policy A.1.1.10(7) is as follows:

FLUM Application #2747, as amended by Application #3330, Flagler Airport Industrial, LLC and Flagler Pines Properties, L.L.C., approximately 89.493 acres designated as Residential: High Density (28.317 acres) Industrial (54.05 32.25 acres) and Commercial High Intensity (35.443 28.926 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 2023 tax parcel numbers of the subject property are 08-12-31-0650-000B0-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050. Density on the Residential acreage shall not exceed 255 units. Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. No structure containing residential multi-family dwelling units shall be constructed less than 100' from the boundary with the Flagler Executive Airport. Natural and planted landscape buffers shall be utilized to ensure that there are no conflicts between multi-family residential uses and surrounding high intensity commercial and industrial uses.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

1. This property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for the development of multi-family development, which is not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

2. In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

3. The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighborhood residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.

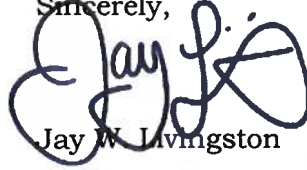
RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

4. The Flagler Executive Airport continues to grow and is getting busier. The airport is currently constructing 42 new T-hangars units, which will be completed in November 2023. We already have these T-hangar units spoken for as we have 147 people on our waiting list. There will be more construction of hangars in the near future to meet the unmet demand for hangar space.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

Contact me if you have any questions, comments or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay W. Livingston". The signature is stylized and cursive, with the first name "Jay" being the most prominent part.

Jay W. Livingston

Proposed amendment to Policy A.1.1.10(7) of the Future Land Use Element

FLUM Application #2747, as amended by Application #3330, Flagler Airport Industrial, LLC and Flagler Pines Properties, L.L.C., approximately 89.493 acres designated as Residential: High Density (28.317 acres) Industrial (54.05 32.25 acres) and Commercial High Intensity (35.443 28.926 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 2023 tax parcel numbers of the subject property are 08-12-31-0650-000B0-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050. Density on the Residential acreage shall not exceed 255 units. Residential development shall be multi-family and designed to ensure that safety standards pertaining to height, noise, and safe navigation have been followed. No structure containing residential multi-family dwelling units shall be constructed less than 100' from the boundary with the Flagler Executive Airport. Natural and planted landscape buffers shall be utilized to ensure that there are no conflicts between multi-family residential uses and surrounding high intensity commercial and industrial uses.

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building, 1769 East Moody Blvd.,
Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 11, 2023 at 6:00 PM

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members present: Timothy Connor, Heather Haywood, Mark Langello, and Fernando Melendez (Chair).

Members excused: Michael Boyd, Jack Corbett, and Anthony Lombardo.

Staff present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Growth Management Director; and Gina Lemon, Development Review Planner III.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: March 14, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langello

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

4. Legislative, not requiring disclosure of ex parte communication:
Application #3330 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL: HIGH INTENSITY (6.52+/- AC) AND INDUSTRIAL (21.80+/- AC) TO RESIDENTIAL: HIGH DENSITY (28.32+/- AC)** – request to amend the Future Land Use Map designation at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090031 (TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword, gave an overview of the proposed project. He explained that the proposed high density residential use. He explained the parcel specific limiting policy does exist in the Future

Land Use Element now and explained the proposed changes to the parcel specific limiting policy. Flagler Airport does not have a Part 150 sound study, Mr. Livingston engaged a Sound Engineer to perform a sound analysis to determine if we were going to be within the 65 decibel range.

Sound Engineer, Rob Lilkendey, of RML Acoustics, LLC, explained the process that took place to create the sound study. For noise impacts, the FAA uses a yearly day/night average sound level. This is a measure of all the sounds averaged over the 24 hour period. This is what the FAA uses to determine compatibility. Based on the weeks' worth of sound level it is compatible with the airport.

Steven Grigg, President of Republic Properties Corporation. He is a resident of St. Johns County and a licensed architect in the State of Florida. The setbacks on the south side will be about 115 feet and about 100 feet on the property line from west. The project will be located behind the commercial parcels adjacent to E. Moody Boulevard. There are 3-story 40-unit buildings. There are preserved wetlands. From their experience the freeway noise is a much bigger issue than runway noise.

Board Question:

Mark Langello questioned the height of the buildings. Thirteen feet per floor will be over forty feet for the third floor, will be lower than the trees. Mr. Langello also questioned the sound study, what was the height of the microphones.

Mr. Lilkendey responded 6 ½ feet. The pines are approximately 40'.

Mr. Langello questioned the methodology; the microphone was nestled down 6 ½ feet high. He went on with this disagreement to the methodology.

Mr. Lilkendey responded that the table there was 337 flights, that is 22 flights an hour. Mr. Lilkendey explained the propagation of sound for the Board Members.

Mr. Livingston explained the closest airport that has Part 150 sound study. The example was Ft. Lauderdale. Mr. Livingston explained that the locations of the buildings are outside the 65 decibel range.

Mr. Lilkendey explained that being 1000 feet way, then moving 50 feet away is not going to change the sound level much.

Mr. Livingston explained summed up the discussion on the sound with bugs and having been in the County for a very long-time bikes going on SR 100 are not going to be louder than the place sources. Insects with some of the road noise exceed the plane noise. We are in the middle, the sound has much less of an impact.

Heather Haywood questioned the educational facilities increase. How was that calculated?

Mr. Mengel used the generator based on housing type.

Heather Haywood questioned the staff with the student generator. Mr. Mengel responded that the generator is provided by the School District.

Mr. Livingston said the school district did a school impact fee study; the school district has a school generator factor. The student generation rates actually declined from the study that was provided in 2006 and two years ago.

Public Comments:

Roy Seiger, Airport Director of the Flagler Executive Airport commented the rezoning should not be approved. The property was rezoned in 2021 from AC (Agriculture) District to I (Industrial) District at Ordinance No. 2021-10, the felt that the Industrial District is compatible. The Flagler Executive Airport does have a perceived noise problem. The property is contiguous to the Flagler Executive Airport, is not compatible.

Public comments closed.

Board Discussion:

Timothy Conner commented on the need for more multifamily residential development. The location is not compatible. We've only heard from some experts, the experts say that noise is not incompatible. Mr. Conner then made a motion to approve the Future Land Use Designation.

Chair Melendez wanted to collect Board comments.

Mark Langello commented on traffic and the sound of the report. He did find some inconsistencies with the tables. He found that the commercial would produce less trips. He took classes in college on sound, he is a general contractor. Commented on removing Industrial space. He doesn't think this is a great use of the land.

Heather Haywood agreed that there is a great need for multifamily, however there is a need for the flow of the community.

Timothy Conner commented on the limited for industrial land use but commented that this land is not going to be used for industrial purposes. This is going to be a big box, but if you start putting together mixed use, residential and commercial in close proximity to each other then you have a place for the residents to shop and visit restaurants nearby. To simply do a commercial strip down Highway 100 is bad planning, not good planning. Multi family residential is good for the environment, particularly when you stack structures in multi-level buildings, you have more green space. This close to the Target Shopping Center, it is close to the Shopping Center at Airport Commons, you have restaurants and the school nearby and the gas station is on the corner.

Motion: The Planning and Development Board recommends to the Board of County Commissioner Approval of Application #3330, a Future Land Use Map

amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

**Motion by: Timothy Conner
Motion died for lack of second.**

Jay Livingston on rebuttal, this particular parcel is not going to be used as industrial. He went on to describe the lack of compatibility with industrial uses. There is a lot of industrial land within this area, but it is not being utilized as industrial. We have seen commercial development and residential development. There are apartments within Town Center, this is almost the same uses and zoning. The apartment projects are really nice. Mixing the multifamily locations with the commercial has been demonstrated to work; to find locations build multifamily without having to make everyone angry. This concept that this property will not be developed for industrial.

Mark Langello understood what Mr. Conner was talking about and mixing it up, but disagreed with the lack of industrial.

Motion: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3330, a Future Land Use Map amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is not consistent with the Flagler County Comprehensive Plan on two points: the land zoning that is here is more appropriate; and changing it to residential is not consistent.

For the record, Mr. Conner explained that this will never be used for industrial.

**Motion by: Mark Langello
Motion 2nd by: Heather Haywood
Vote: Motion carried with 3 ayes, Timothy Conner voted nay.**

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3331 – **REZONING FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT AND I (INDUSTRIAL) DISTRICT TO R-3B (MULTIFAMILY RESIDENTIAL) DISTRICT** – request for rezoning at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres.
Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090032 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword continued that

THE FLAGLER/PALM COAST NEWS-TRIBUNE P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Adam Mengel
Purchasing
Flagler County Board Of County Commissioners
1769 E Moody BLVD # 306
Bunnell FL 32110-6355

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who, on oath says that he/she is LEGAL COORDINATOR of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a Govt Public Notices in the Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

03/22/2023

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida each Wednesday and has been entered as second-class mail matter at the post office in said Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 03/22/2023

[Handwritten signature]

Legal Clerk
[Handwritten signature]
Notary, State of WI, County of Brown

317127
My commission expires

Publication Cost: \$45.02
Order No: 8586700 # of Copies:
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PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NOTICE OF FUTURE LAND USE MAP AMENDMENT APPLICATION #000 Pursuant to Section 163.3184, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt the following Ordinance affecting the area shown in the map below:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 28.37 ACRES, MORE OR LESS, LYING IN SECTION 6, TOWNSHIP 17 SOUTH, RANGE 31 EAST FROM INDUSTRIAL AND COMMERCIAL HIGH INTENSITY TO RESIDENTIAL HIGH DENSITY, PROVIDING FOR FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE.

Application #000 / Applicant: Jay W. Livingston, Esquire / Owner: Flagler Pine Properties, LLC Public hearing on the above-captioned matter will be held as follows:

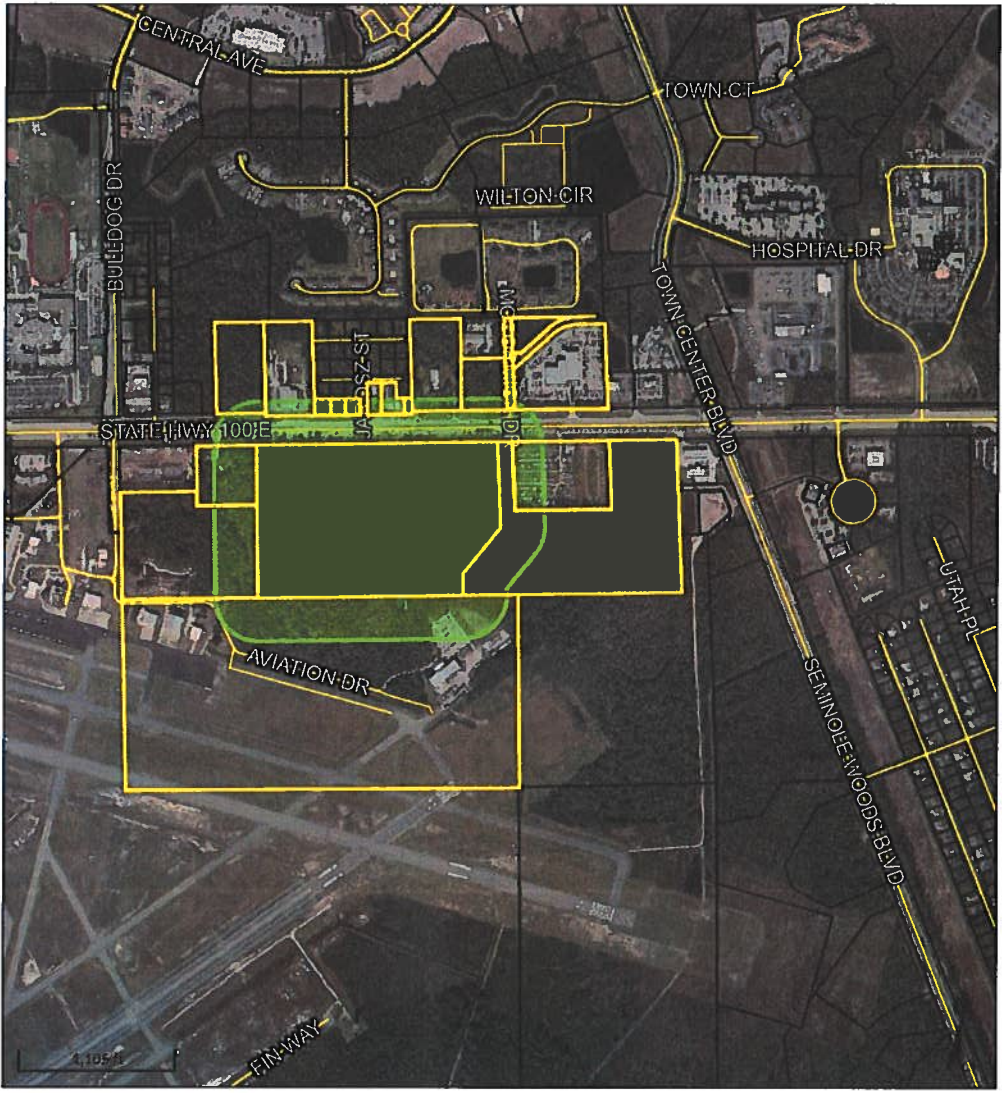
FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD - Recommendation to Board of County Commissioners on adoption - April 11, 2023 at 6:00 a.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110 FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS - Adoption Hearing - May 15, 2023 at 5:30 a.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110 For purposes of review of this amendment, the Board of County Commissioners will also be sitting in its capacity as the County's Local Planning Agency (LPA).

Information relating to this matter is available for inspection at the Planning and Zoning Department located at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida during the hours of 8:00 a.m. - 4:30 p.m. Monday through Friday. All interested parties may attend any and all of the public hearings or may express their opinion in writing to Adam Mengel, Growth Management Director, 1769 E. Moody Boulevard, Bldg 2, Bunnell, FL 32110 (386) 313-4009 Email: planningdept@flaglercounty.gov

PURSUANT TO SECTION 286.0105 OF FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE MEETINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

NTS86100 3/22/2023 11




KAITLYN FELTY
Notary Public
State of Wisconsin




Overview



Legend

-  Parcels
-  Roads
-  Streams and River

Date created: 3/15/2023
Last Data Uploaded: 3/15/2023 12:47:11 PM
Developed by  Schneider

App #3330
 Future Land Use Map Amendment

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
08-12-31-0650-000A0-0090	TLG LLC		5850 E HWY 100	PALM COAST, FL 32164
08-12-31-0650-000A0-0093	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-0650-000B0-0070	FLAGLER PINES PROPERTIES LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-0650-000B0-0071	FLAGLER AIRPORT INDUSTRIAL LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-0650-000B0-0073	FLAGLER COUNTY BOCC		1769 E MOODY BLVD	BUNNELL, FL 32110
08-12-31-0650-000B0-0090	TLG LLC		5850 E HWY 100	PALM COAST, FL 32164
08-12-31-0650-000B0-0091	TOWN CENTER COMMONS LLC		1912 NIGHTFALL DRIVE	NEPTUNE BEACH, FL 32266
08-12-31-0650-000B0-0110	MCCORMICK 100 LLC		24 PORT ECHO LANE	PALM COAST, FL 32164
08-12-31-0650-000B0-0111	CENTRAL BAPTIST CHURCH INC,THE		PO BOX 1607	BUNNELL, FL 32110
08-12-31-0650-000C0-0040	AIRPORT SHOPPES LLC		170 NW SPANISH RIVER BOULEVARD SUITE 101	BOCA RATON, FL 33431
08-12-31-0650-000C0-0070	FLAGLER COUNTY		1769 E MOODY BLVD BLDG 2 SUITE 302	BUNNELL, FL 32110
08-12-31-0650-000D0-0050	FLAGLER PINES PROPERTIES LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-6000-00010-0040	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00010-0050	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00010-0060	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00020-0010	ROSAMOND BARBARA A & RONALD F	KRUPA & JULIE A H&W JTWROS	508 MOODY LANE	FLAGLER BEACH, FL 32136
08-12-31-6000-00020-0020	SLS LAND HOLDINGS LLC		PO BOX 354122	PALM COAST, FL 32135
08-12-31-6000-00020-0040	SLS LAND HOLDINGS LLC		PO BOX 354122	PALM COAST, FL 32135

I hereby affirm mailed notice to each owner on 3/20/2023 for the Planning and Dev Bd meeting on 4/11/2023 at 6:00 pm and the BCC hearing on 5/15/2023 at 5:30 p.m.


 Gina Lemon, Development Review Planner III

**Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110**



**www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109**

March 20, 2023

**FLAGLER PINES PROPERTIES LLC
4 LAMBERT COVE
FLAGLER BEACH, FL 32136**

Re: Application #3330 – Small Scale Future Land Use Map Amendment from Mixed Use: Low Intensity to Residential: Low Density.

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Jay W. Livingston, Esquire on behalf of Flagler Pines Properties, LLC for an amendment to the Future Land Use Map by amending the designation of a total of 28.317 acres more or less, located at 5615 State Highway 100 E, lying in Section 8, Township 12 South, Range 31 East, being a portion of parcel number 08-12-31-0650-000B0-0070, from Commercial High Intensity and Industrial to Residential High Density.

You are hereby notified that public hearings will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – for recommendation to Board of County Commissioners on adoption – April 11, 2023 at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – Adoption Hearing – May 15, 2023, at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

**Andy Dance
District 1**

**Greg Hansen
District 2**

**David Sullivan
District 3**

**Leann Pennington
District 4**

**Donald O'Brien, Jr.
District 5**

For purposes of review of this amendment, the Board of County Commissioners will also be sitting in its capacity as the County's Local Planning Agency (LPA).

You are welcome to attend both hearings and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Gina Lemon".

Gina Lemon
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9d**

SUBJECT: QUASI-JUDICIAL – Application #3331 – Request to Rezone from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District located on the South side of State Road 100 East and North of the Flagler Executive Airport; Parcel Number: 08-12-31-0650-000B0-0070. 28.32+/- acres, 5615 State Highway 100 East. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esquire (Project # 2022090031).

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request is for rezoning of 28.32+/- acres – from the C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District – for development of a 255-unit apartment complex. The subject project area is 28.32+/- acres in size and is located at 5615 State Highway 100 East:



On September 27, 2022, the applicant submitted an application to rezone the subject property to R-3b (Multifamily Residential) District to establish a 255-unit apartment complex.

Development of the subject parcel as multifamily residential requires a Future Land Use Map amendment from Commercial: High Intensity and Industrial to Residential High Density. Based on 255-units on 28.32 acres, the resulting density equals 9 units per acre. The pending rezoning request – from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District – will ultimately be conditioned upon the companion Future Land Use Map amendment becoming effective for the subject parcel.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9d**

This application was reviewed by the Technical Review Committee (TRC) at its October 19, 2022 and March 15, 2023 regular meetings. The applicant has addressed the TRC comments; however, there were outstanding comments from the Airport Director related to the compatibility of the proposed multifamily project due to its proximity to the Flagler Executive Airport. The applicant has had a noise study completed showing that noise levels on the subject parcel are not at objectionable levels. The applicant respectfully disagrees that the proposed multifamily use next to the Airport is an incompatible use.

This request was reviewed by the Planning and Development Board at its April 11, 2023 regular meeting. The Board recommended denial, finding that the existing Future Land Use designation and zoning was more appropriate. Draft minutes from the Planning and Development Board meeting are attached.

As was mentioned at the Planning Board meeting, the extent of the average annual day noise estimation provided through the Day-Night Average Sound Level (DNL) metric creates anticipated noise contours emanating outward from the runways at the Airport, with residential land uses deemed to be incompatible at noise levels of 65 DNL or greater. While a 14 C.F.R. Part 150 noise study has not been completed at the Airport (and the Part 150 noise study is not warranted at this time), planning work related to the extent of the eventual runways and anticipated aircraft mix and flight traffic level indicates that the 65 DNL or greater noise contours will fall within the Airport property boundary or onto adjacent parcels that would be unaffected by aircraft-related noise. The parcel that is the subject of the rezoning request falls entirely outside of the 65 DNL contour. The Board received this information – along with the recognition that aircraft-related noise levels are subjective and do not observe identified noise contours, and ultimately resulting in citizen complaints – but did not specifically identify noise as a concern related to its recommendation to deny the rezoning request.

Public notice has been provided for this application according to Section 125.66, Florida Statutes, and Land Development Code (LDC) Section 2.07.00.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

Focus Area: Economic Vitality Objectives

- Goal 4 – Explore Affordable, Workforce and Attainable Housing Options
 - Objective EV 4.2: Develop a master plan for growth in collaboration with local municipalities.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9d**

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

Approve Application #3331, a rezoning from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District for 28.32+/- acres, finding that the proposed rezoning is consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code.

Deny Application #3331, a rezoning from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District for 28.32+/- acres, finding that the proposed rezoning is not consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code.

Continue the request to rezone on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision (and recommendation) on the rezoning request. Continuing the request will provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Ordinance
3. Application and supporting documents
4. TRC comments
5. Applicant response to TRC comments
6. Planning and Development Board April 11, 2023 draft meeting minutes (in part)
7. Public notice

**APPLICATION #3331
REZONING
FLAGLER PINES PROPERTIES, LLC
TECHNICAL STAFF REPORT**

Project: Rezone from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District

Application #/Project #: 3331/2022090031

Owners: Flagler Pines Properties, LLC

Applicant/Agent: Jay W. Livingston, Esquire

Parcel #: Part of 08-12-31-0650-000B0-0070

Address: 5615 State Highway 100 East

Parcel Size: 28.32+/- acres

Legal Description:

Part of Parcel #412 described in Official Records Book 601, Page 1989, Public Records of Flagler County, Florida, in Section 8, Township 12 South, Range 31 East.

Existing Zoning and Land Use Classification:

Zoning: C-2 (General Commercial and Shopping Center) District and I (Industrial) District

Land Use: Commercial High Intensity and Industrial

Future Land Use Map Classification/Zoning of Surrounding Land

North: Moody Boulevard/State Road 100/City of Palm Coast – Mixed Use/PSP (Public/Semipublic) District and COM-2 (Commercial) District;

East: Commercial High Intensity and Industrial; C-2 (General Commercial and Shopping Center) and I (Industrial) Districts

South: Flagler Executive Airport/Industrial/I (Industrial) District

West: Commercial High Intensity and Agriculture & Timberlands; C-2 (General Commercial and Shopping Center) and PUD (Planned Unit Development) Districts

Report in Brief

The applicant has proposed a rezoning to R-3b (Multifamily Residential) District to coincide with the Future Land Use Map amendment being considered under Application #3330. This rezoning to R-3b is contingent on the adoption of the Future Land Use Map amendment. A rezoning is necessary because the C-2 (General Commercial and

Shopping Center) and I (Industrial) zoning districts do not coincide with the Residential High Density Future Land Use designation requested through Application #3330.

This rezoning would change 21.80+/- acres of I (Industrial) zoning and 6.52+/- acres of C-2 (General Commercial and Shopping Center) zoning to R-3b (Multifamily residential) zoning. The R-3b zoning district requires public (or community) water and sewer facilities in order to meet the district's maximum density of nine (9) units per acre (LDC Sec. 3.03.09.02.D.2).

The subject parcel was part of a rezoning in 2008 (Application #2748, as approved through Ordinance No. 2008-36 recorded on March 18, 2009 at Official Records Book 1707, Page 1278, Public Records of Flagler County, Florida) which rezoned the total 89+/- acres jointly owned by Flagler Pines Properties, LLC, and Flagler Airport Industrial, LLC, from C-2 (General Commercial and Shopping Center) and AC (Agriculture) to PUD (Planned Unit Development). The PUD Development Agreement text was developed in concert with the City of Palm Coast staff in anticipation of a forthcoming annexation into the City due to the need for connection to City utilities. The PUD Development Agreement was to become effective upon:

- approval by the BOCC and satisfaction of the rezoning ordinance requirements;
- conveyance of the County Road [through the parcel connecting Highway 100 with the Airport] to the County (according to Subsection 5.(d).(1). Of this Development Agreement); and
- execution of this Development Agreement by all parties.

While the first and third conditions had arguably been satisfied, the second condition requiring conveyance of the County Road never occurred. In the end, the PUD expired after its three-year term.

The net effect of the PUD expiration was the reversion of the zoning back to its pre-rezoning designations of C-2 and AC. The owners opted to rezone the portion designated as Industrial Future Land Use as I (Industrial) zoning district to achieve consistency between the Future Land Use and zoning designations. In late 2021, the Board approved Ordinance No. 2021-10 (Application #3271), rezoning a 40.06+/- acre portion of parcels 08-12-31-0650-000B0-0070 (owned by Flagler Pines Properties, LLC) and 08-12-31-0650-000B0-0071 (owned by Flagler Airport Industrial, LLC) from AC (Agriculture) to I (Industrial). The major portion of Parcel No. 08-12-31-0650-000B0-0071 which was rezoned to I (Industrial) is now under development as a BJ's Wholesale Club; the major portion in Parcel No. 08-12-31-0650-000B0-0070 is the subject parcel for this rezoning request, with the subject area of the rezoning mostly designated as I (Industrial) to the south adjacent to the Airport and the remainder to the north designated as C-2 (General Commercial and Shopping Center) along the Highway 100 frontage. While the I

(Industrial) zoning district permits a range of non-residential uses, development for multifamily housing is not a permitted use. Moreover, while recent changes to Florida Statutes permit affordable housing to locate within lands zoned for commercial or industrial uses, the intended use of the subject parcel is not for affordable housing.

Standards for Review

LDC Section 3.07.05, *Rezoning - action by the Planning and Development Board and Board of County Commissioners*. The Flagler County Planning and Development Board may recommend and the Flagler County Commission may enact an ordinance amending the zoning classification of the subject parcel. The adopted Flagler County Land Development Code lacks specific standards for review of a rezoning request; however, generally a request should be consistent with the adopted Comprehensive Plan and the following suggested standards:

- A. For all rezoning requests, the requested zoning designation must be consistent with the Future Land Use designation of the parcel as depicted on the adopted Future Land Use Map and as described in the Future Land Use Element of the adopted Flagler County Comprehensive Plan.

The Future Land Use Map amendment is required to become effective before the R-3b zoning takes effect. The R-3b zoning corresponds to the Residential High Density Future Land Use and would provide for the proposed multifamily apartment development. Multifamily residential development of the subject parcel is not permitted until the Future Land Use and zoning are in place.

- B. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

The applicant's submittal demonstrates that initial concurrency will be satisfied at the time of the impacts of development occurring. The ultimate determination of concurrency will be made at the time of final site development plan approval, in this case (because the parcel size is greater than five acres) when the site development plan is approved by the Planning and Development Board.

The development standards of the R-3b are intended to ensure overall consistency with the goals, objectives, and policies of the Comprehensive Plan. The site development plan will be required to be consistent with the dimensional requirements of the R-3b zoning district.

- C. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning

district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services.

Area development is principally commercial in nature based on market demand and parcel frontage along Moody Boulevard/State Road 100. The proximity of this project to the Flagler Executive Airport was discussed as part of the Technical Review Committee (TRC) comments, with County staff recognizing the proposed multifamily residential development as creating potential noise conflicts due to ongoing complaints received from single-family neighborhoods adjacent to the Airport in Palm Coast. As a multifamily project, renters will be prompted to leave after lease expiration if noise levels are objectionable, as opposed to single-family ownership.

Section 333.03, Florida Statutes, requires the adoption of airport zoning regulations for development contiguous to public-use general aviation airports. The cities and the county have not adopted airport zoning regulations; however, the Airport has completed an FAA-approved noise study establishing noise contours that are wholly located within the limits of the Airport. These noise contours serve to limit uses within the contours. The subject parcel is entirely outside of the noise contour and is therefore not subject to any additional Airport-related restrictions as to use as prescribed by Florida Statute or through FAA regulations. To supplement the Airport's noise study, the applicant provided a noise study demonstrating that background noise on the subject parcel with ongoing air operations did not create noise levels that were objectionable.

The owner contends – through the applicant – that the existing I (Industrial) zoning would not develop with an industrial-type use adjacent to the Airport (despite the County's 2021 rezoning through Ordinance No. 2021-10 to I (Industrial) to coincide with the parcel's Industrial Future Land Use designation). The proposal to develop commercial parcels across the frontage of the parcel along Moody Boulevard arguably creates adjacent employment and services for the multifamily residential project. This development will be dependent upon the provision of potable water (as provided by the City of Palm Coast) and sanitary sewer (also through the City of Palm Coast). Because of the utility requirement, this project will likely be required to annex into the City limits as a condition of the provision of City utilities consistent with current City policies.

- D. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation,

water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Through the County's adoption of impact fees, the requested rezoning to R-3b will not impact or exceed the fiscal capacity of Flagler County to provide services. The timing of the pending annexation will not materially affect the impact fees paid for this project, and project impacts will straddle both jurisdictions regardless of whether the project annexes or not. The relative scarcity of multifamily housing has a benefit to the County as a whole in the provision of a diverse range of housing types. Depending on the rents, this project will have a net fiscal benefit. This project is not intended to provide workforce or affordable housing through any subsidized or rent-controlled program. Rents will be based on prevailing market rental rates.

- E. The requested zoning shall not be approved if any of the proposed permitted uses or activities result in a public nuisance.

The proposed permitted uses and activities within the R-3b district will not result in a public nuisance. These uses are of a nature similar to those in other multifamily residential developments within the area.

- F. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.

The applicant's traffic study – provided as part of Application #3330 for the Future Land Use amendment – demonstrates that while additional traffic will occur due to the development of vacant property, these impacts represent a decrease in the trip generation rate as compared to what would have resulted from the commercial and industrial development that would have been permitted under the existing Future Land Use designations and zoning districts. The current Future Land Use designation has a parcel-specific limiting policy limiting the daily trips to 17,166 daily trips and 1,613 peak hour trips, with a proposed amendment to limit the apartment units to not exceed 255.

Overall, the requested rezoning to the R-3b zoning district provides the certainty of the use and development of the parcel, and is consistent with development in the vicinity.

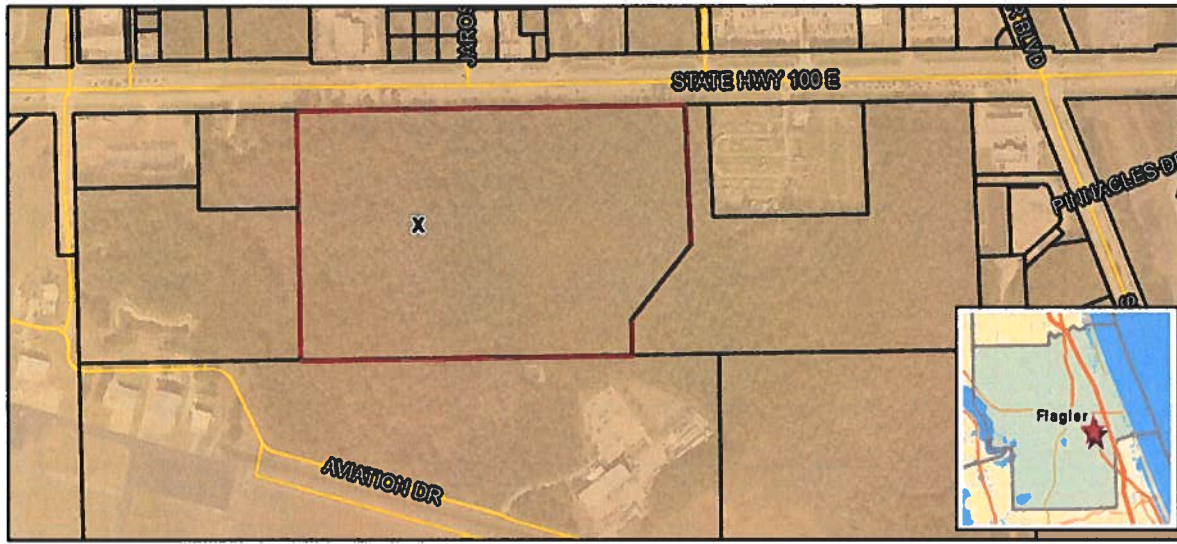
Future Land Use Map



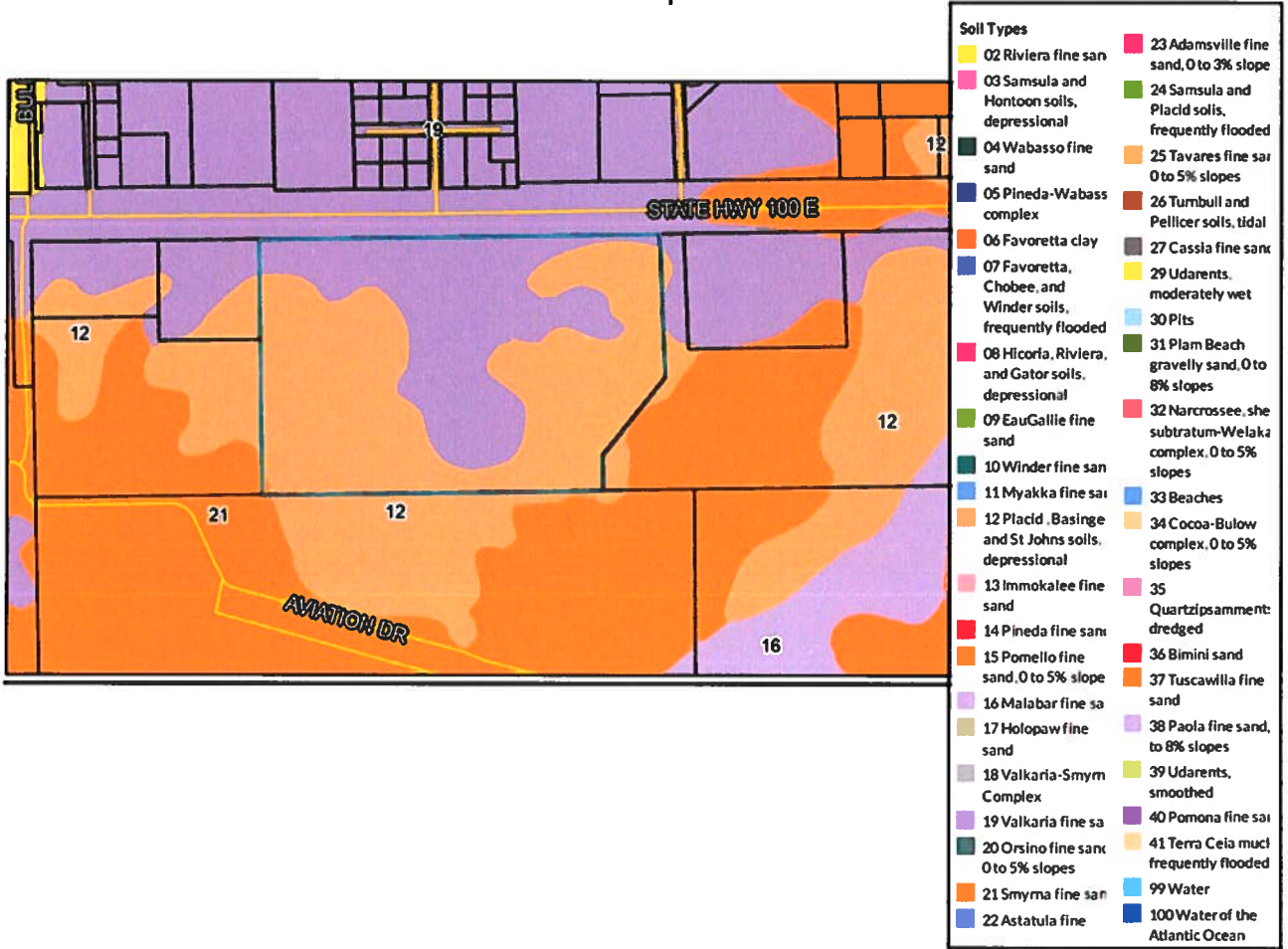
Zoning Map



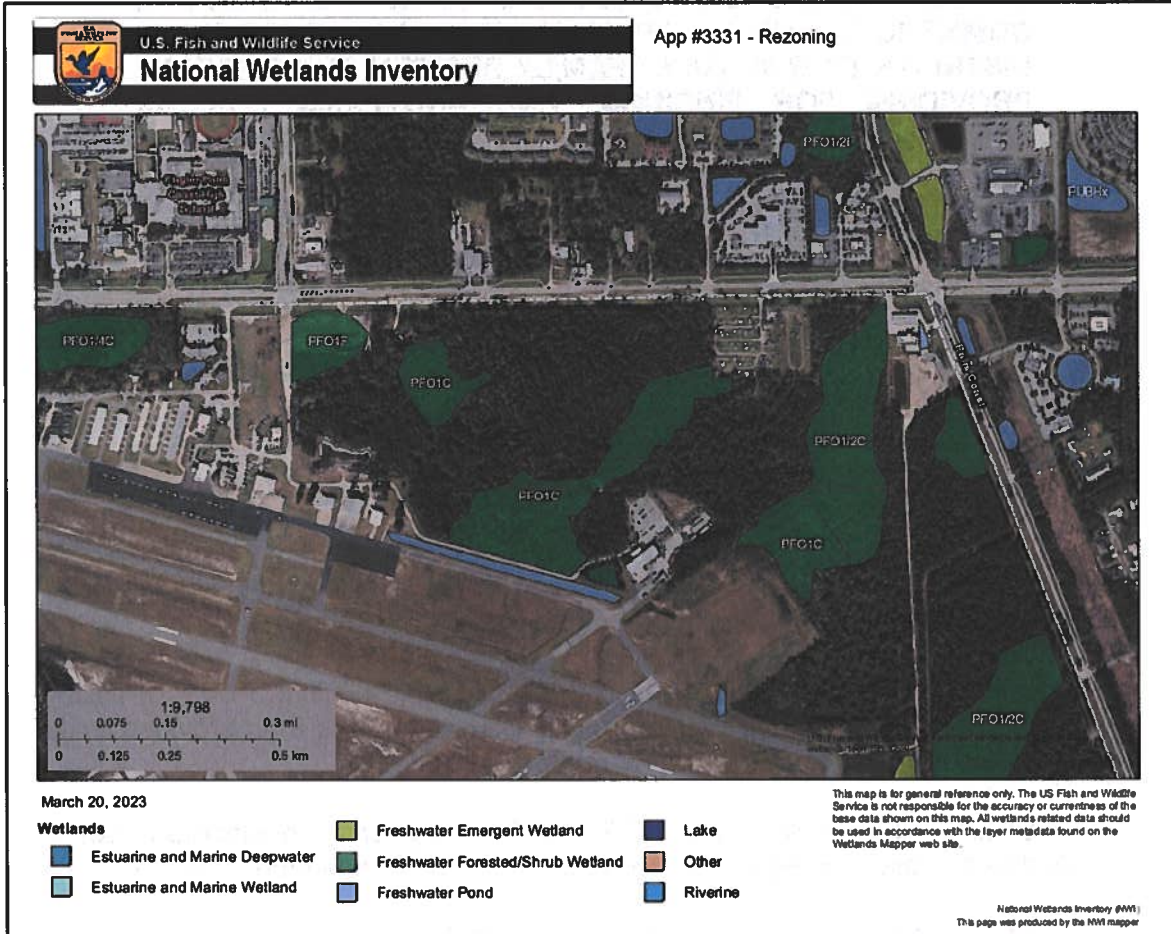
Flood Zone



Soils Map



National Wetlands Inventory Mapper



ORDINANCE NO. 2023 – ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 28.32 ACRES, MORE OR LESS, BEING PART OF PARCEL NUMBER: 08-12-31-0650-000B0-0070; FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) AND I (INDUSTRIAL) DISTRICTS TO R-3B (MULTIFAMILY RESIDENTIAL) DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Flagler Pines Properties, LLC, is the owner of Parcel Number: 08-12-31-0650-000B0-0070 (hereafter referred to as the "owner", with "developer" used interchangeably), with the area of the rezoning totaling 28.32 acres, more or less, in size as more particularly described in Exhibit "A" attached hereto and made a part hereof (hereafter the "subject parcel"); and

WHEREAS, the owner of the subject parcel is seeking the approval of this Ordinance rezoning the subject property from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) zoning district; and

WHEREAS, the subject parcel is designated as Residential High Density on the 2010-2035 Flagler County Future Land Use Map; and

WHEREAS, a Future Land Use Parcel Specific Limiting Policy at Policy A.1.1.10(7) of the 2010-2035 Flagler County Comprehensive Plan provides limits on daily trips and maximum number of units; and

WHEREAS, on April 11, 2023, the Planning and Development Board conducted a public hearing on this request and voted to recommend denial; and

WHEREAS, on May 15, 2023, the Flagler County Board of County Commissioners held a public hearing on this request and voted to approve the rezoning; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. FINDINGS

A. The above Recitals are incorporated herein as Findings of Fact.

Section 2. REZONING

- A. The subject parcel containing 28.32 acres, more or less, and legally described in Exhibit "A" attached hereto and made a part hereof is hereby rezoned from 6.52+/- acres of C-2 (General Commercial and Shopping Center) and 21.80+/- acres of I (Industrial) Districts to 28.32+/- acres of R-3b (Multifamily Residential) District.
- B. The Flagler County Official Zoning Map shall be amended to reflect this rezoning.

Section 3. EFFECTIVE DATE

- A. This Ordinance shall take effect upon the recording of this Ordinance in the Public Records of Flagler County, Florida.

The recording of this Ordinance shall not occur prior to the effective date of the concurrent Future Land Use amendment related to, and which is a prerequisite for, this rezoning ordinance. Due to statutory requirements, the concurrent Future Land Use amendment shall become effective (31) thirty-one days following its adoption, unless the Future Land Use amendment is timely challenged, in which case the concurrent Future Land Use amendment shall not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.

- B. If the concurrent Future Land Use amendment ordinance is not challenged, this Ordinance shall be recorded within forty-five (45) days following the date of adoption of this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 15TH DAY OF MAY, 2023.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Gregory L. Hansen, Chair

ATTEST:

Approved as to Form:

By: _____
Tom Bexley, Clerk of the Circuit Court and Comptroller

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.03 14:42:09 -04'00'
Sean Moylan, Deputy County Attorney

EXHIBIT "A"
Legal Description

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY S 89°09'05" W A DISTANCE OF 1223.50' FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINES 02°27'01" E A DISTANCE OF 275.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 02°27'01" E A DISTANCE OF 318.57 FEET; THENCE S 38°32'07" W A DISTANCE OF 410.00 FEET; THENCE S 00°50'03" E A DISTANCE OF 150.01 FEET; THENCE S 89°09'52" W A DISTANCE OF 1414.74 FEET; THENCE N 00°50'55" W A DISTANCE OF 750.02 FEET; THENCE N 89°09'05" E A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 28.32 ACRES MORE OF LESS.

EXHIBIT "A"
Legal Description

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CONTAINING 28.32 ACRES MORE OF LESS.



APPLICATION FOR REZONING

FLAGLER COUNTY, FLORIDA
 1769 E. Moody Boulevard, Suite 105
 Bunnell, FL 32110
 Telephone: (386) 313-4009 Fax: (386) 313-4109

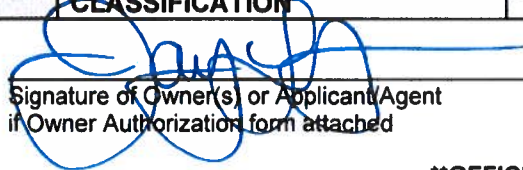
Application/Project #: 3331 / 2022090032

PROPERTY OWNER(S)	Name(s):	Flagler Pines Properties LLC	
	Mailing Address:	4 Lambert Cove	
	City: Flagler Beach	State: FL	Zip: 32136
	Telephone Number	(386) 793-4740	

APPLICANT/ AGENT	Name(s):	Jay W. Livingston, Esq. / Livingston & Sword, P.A.		
	Mailing Address:	391 Palm Coast Parkway SW #1		
	City: Palm Coast	State: FL	Zip: 32137	
	Telephone Number	(386) 439-2945	Fax Number	(866) 896-5573
	Email Address	jay.livingston314@protonmail.ch		

SUBJECT PROPERTY	SITE LOCATION (street address):	5615 State Hwy 100 E		
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	38.78 ACRES THAT PART OF SECTION SOUT		
	Parcel # (tax ID #):	08-12-31-0650-000B0-0070		
	Parcel Size:	28.317 acres		
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

ZONING	PRESENT Zoning Classification:	C-2 / Industrial
	Present Future Land Use Designation:	Industrial
	PROPOSED ZONING CLASSIFICATION	R-3B


 Signature of Owner(s) or Applicant/Agent
 if Owner Authorization form attached

9/26/2022
 Date

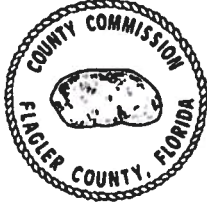
****OFFICIAL USE ONLY****
 PLANNING BOARD RECOMMENDATION/ACTION: _____
 APPROVED { }
 *APPROVED WITH CONDITIONS { }
 DENIED { }

Signature of Chairman: _____
 Date: _____ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION: _____
 APPROVED { }
 *APPROVED WITH CONDITIONS { }
 DENIED { }

Signature of Chairman: _____
 Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 05/08



Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # 3331 / 2022090032

Jay W. Livingston of Livingston & Sword, P.A., is hereby authorized TO ACT ON BEHALF OF Flagler Pines Properties LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for rezoning

(ALL PERSONS WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

Handwritten signature of James E. Gardner, Jr.

By:

Signature of Owner

James E. Gardner, Jr. / Managing Member

Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:

Telephone Number (incl. area code)

4 Lambert Cove

(386) 793-4740

Mailing Address

Flagler Beach FL 32136

City State Zip

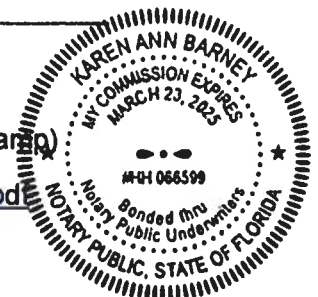
STATE OF Florida

COUNTY OF Flagler

The foregoing was acknowledged before me this 5 day of April 2022 by James E. Gardner Jr and who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

Handwritten signature of Karen Ann Barney, Notary Public

(Notary Stamp)



http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf

Revised 5/08

→ PREPARED BY AND RETURN TO:
Michael D. Chimento, Esquire
Chimento & Associates, P.A.
4 Old Kings Road North
Palm Coast, Florida 32137
Attn: Kelly DeVore

Property Appraisers Parcel
Identification Numbers
081231-0650-00080-0070

WARRANTY DEED

THIS INDENTURE, Made this 18 day of January, 2006, **Florida Landmark Communities, Inc.**, a Florida corporation, successor by merger to **Palm Coast Holdings, Inc.**, 1 Corporate Drive, Suite 3A, Palm Coast, FL 32137-4715, hereinafter called the Grantor, to **Flagler Pines Properties, L.L.C.**, a Florida limited liability company, whose post office address is 5 Montilla Place, Palm Coast, FL 32137, hereinafter called the Grantee:

WITNESSETH, That said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Flagler County, Florida, to-wit:

See attached Exhibit "A"

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO taxes for the year 2006 and subsequent years; Assessments or Owner Association, Covenants, Restrictions, Easements, Reservations and Limitations of Record, if any.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

IN WITNESS WHEREOF, the Grantor has signed sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Florida Landmark Communities, Inc., a Florida corporation, successor by merger to Palm Coast Holdings, Inc.

By: William I. Livingston
William I. Livingston, Division President

Eileen L. Linchan
Witness Name: Eileen L. Linchan

Danielle M. Dahl
Witness Name: Danielle M. Dahl

(Corporate Seal)

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me this 18 day of January, 2006 by William I. Livingston, Division President of Florida Landmark Communities, Inc., a Florida corporation, on behalf of the corporation. He/she [X] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]



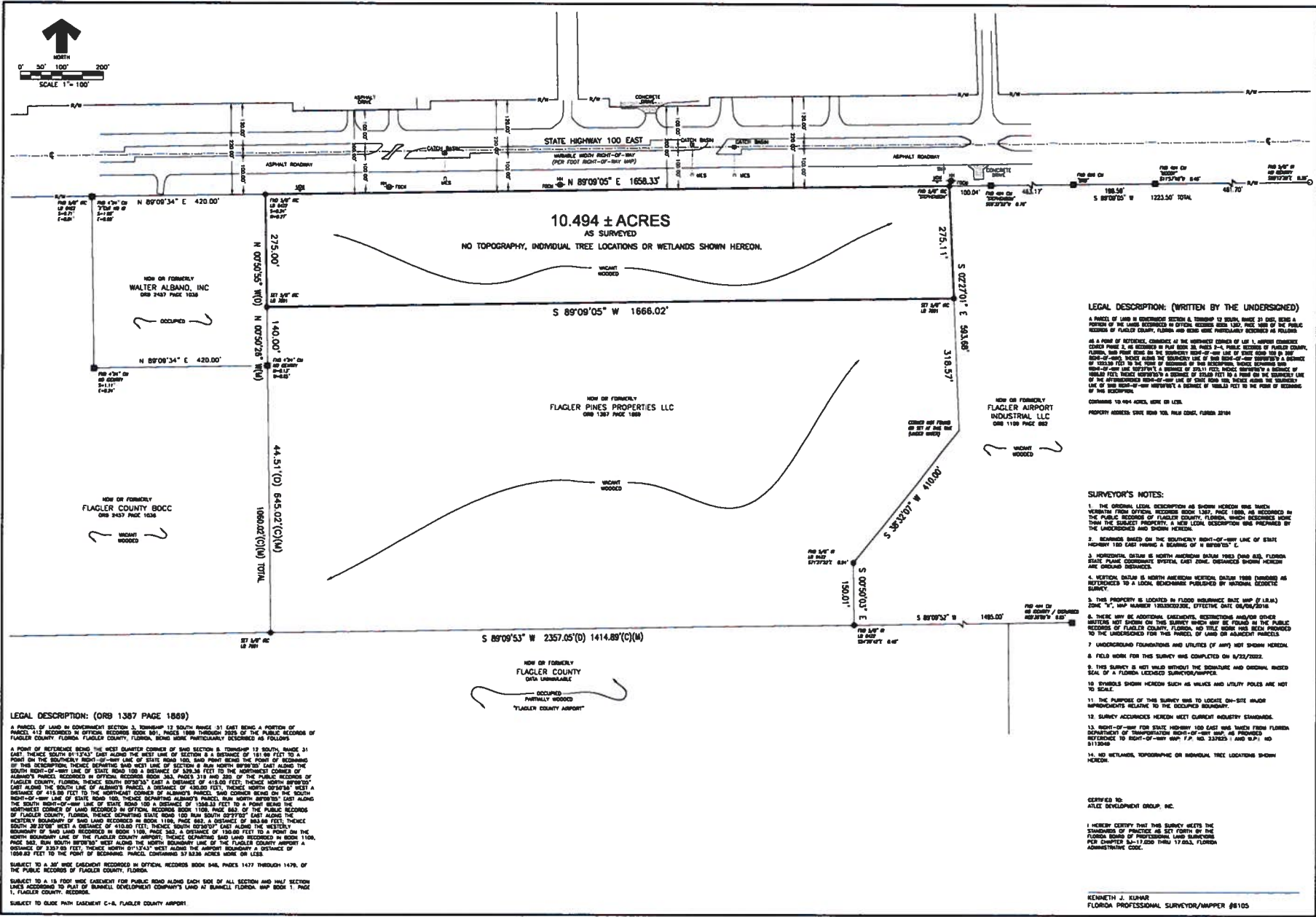
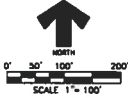
DANIELLE M. DAHL
MY COMMISSION # 00 471402
EXPIRES: January 13, 2010
Bonded Thru Budget Notary Services

Danielle M. Dahl
Notary Public

Printed Name: Danielle M. Dahl

My Commission Expires: _____

Unofficial Document



10.494 ± ACRES AS SURVEYED
NO TOPOGRAPHY, INDIVIDUAL TREE LOCATIONS OR WETLANDS SHOWN HEREON.

LEGAL DESCRIPTION: (WRITTEN BY THE UNDERSIGNED)

A PARCEL OF LAND IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1367, PAGE 1868 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS...

SURVEYOR'S NOTES:

- 1. THE ORIGINAL LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN FROM THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH DESCRIBED THE PARCEL AS BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1367, PAGE 1868 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. THE ORIGINAL LEGAL DESCRIPTION WAS PREPARED BY THE UNDERSIGNED AND SHOWN HEREON.
- 2. BEARINGS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 100 EAST WERE A BEARING OF N 89°09'53" E.
- 3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83). FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
- 4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) AS REFERENCED TO A LOCAL BENCHMARK PUBLISHED BY NATIONAL GEODETIC SURVEY.

LEGAL DESCRIPTION: (ORB 1367 PAGE 1868)
A PARCEL OF LAND IN SECTION 31, TOWNSHIP 12 SOUTH, RANGE 31 EAST BEING A PORTION OF PARCEL 413 RECORDED IN OFFICIAL RECORDS BOOK 941, PAGES 1888 THROUGH 1893 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS...

BOUNDARY SURVEY
KUHAR SURVEYING & MAPPING, LLC
1501 ROCKWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-477-0022 WWW.KUHARSURVING.COM
PROJECT NO: K22009
DRAWING REFERENCE NO: K22009-HDR-022-010
REVISION NO/DATE
ORIGINAL ISSUE DATE: 10/7/2022
SHEET 1 of 1

LIVINGSTON & SWORD, P.A.

Attorneys At Law

September 27, 2022

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Application for Rezoning
Flagler Pines Properties LLC

Dear Mr. Mengel:


I am submitting an application for rezoning to rezone the property described in the accompanying application from C-2 and Industrial to R-3B. The subject property is 28.317 acres and is part of a larger parent tract that is 38.811 acres and located south of SR 100 and north of the Flagler County Executive Airport. An accompanying application to amend the Future Land Use Map land ("FLUM") use designation for the 28.317 acres from Commercial – High Intensity and Industrial to Residential: High Density is being submitted simultaneously with the rezoning application.

The parent tract is currently designated Commercial – High Intensity (17.01 AC) and Industrial (21.80 AC) on the FLUM. The two applications propose to amend the entire 21.80 AC presently designated Industrial to Residential: High Density on the FLUM and R-3B on the official zoning map. In addition, 6.517 AC of the property that is presently designated Commercial – High Intensity on the FLUM and C-2 on the official zoning map is also proposed to be rezoned to R-3B. The remaining 10.494 AC fronting SR 100 will remain unchanged as Commercial – High Intensity on the FLUM and C-2 on the official zoning map.

The proposed FLUM map change and rezoning will allow the 28.317 AC to be used for multi-family development. This will allow a mixed-use project to provide a complimentary mix of uses as this portion of the SR 100 corridor develops. In addition, the changes from Commercial – High Intensity and Industrial to Residential: High Density on the FLUM and from C-2 and Industrial to R-3B on the official zoning map will significantly reduce the traffic impacts from development of the property. This will alleviate concerns about the traffic impacts to SR 100 that will be caused by the proposed development of the properties immediately to the east and west of the subject property.

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

I look forward to working with you and your staff on these applications. Please contact me if you have any questions, comments or require additional information.

Sincerely,

Jay W. Livingston

LIVINGSTON & SWORD, P.A.

Attorneys At Law

September 27, 2022

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Title Opinion Letter
Flagler Pines Properties LLC

Dear Mr. Mengel:

I have examined the title with respect to the property described in **EXHIBIT "A"** (the "Property"). Based on my examination of the title, it is my opinion that as of the date of this letter title to the Property is vested in **Flagler Pines Properties, LLC, a Florida Limited Liability Company, by virtue of that certain Warranty Deed dated January 18, 2006, and recorded January 31, 2006, in Official Records Book 1387, Page 1869** of the Public Records of Flagler County, Florida, subject to the following matters:

1. Glide area easements as contained in that instrument recorded in Official Records Book 30, Page 454 of the Public Records of Flagler County, Florida.
2. Deed of Easement to Southern Bell Telephone and Telegraph Company recorded in Official Records Book 483, Page 1384 of the Public Records of Flagler County, Florida.
3. Restrictions, covenants, and conditions as set forth in those instruments recorded in Official Records Book 602, Page 118, and Amendment recorded in Official Records Book 813, Page 447; as affected by that Partial Release recorded in Official Records Book 1109, Page 658 of the Public Records of Flagler County, Florida.
4. Ordinance No. 2008-36 recorded in Official Records Book 1707, Page 1278 of the Public Records of Flagler County, Florida.
5. Flagler County Resolution 2008-83 recorded in Official Records Book 1704, Page 1935 and re-recorded in Official Records Book 1705, Page 687 of the Public Records of Flagler County, Florida.
6. Mortgage in favor of Colonial Bank recorded in Official Records Book 914, Page 86; as affected by that Notice of Future Advance, and Mortgage and Note Modification Agreement recorded in Official Records Book 1389, Page 262; as affected by that Mortgage and Note Extension and Modification Agreement recorded in Official Records Book 1708, Page 1286; as affected by that Notice of

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

Future Advance, and Mortgage and Note Modification Agreement recorded in Official Records Book 1716, Page 186; as affected by that Mortgage and Note Extension Agreement recorded in Official Records Book 1818, Page 1005; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 1835, Page 1141; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 1912, Page 1605; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2099, Page 305; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2257, Page 818; as affected by that Mortgage and Note Spreading Agreement recorded in Official Records Book 2370, Page 1227; as affected by that Mortgage and Note Modification and Extension Agreement recorded in Official Records Book 2513, Page 753, which Mortgage is now held by Intracoastal Bank, by virtue of Assignment(s) of Mortgage recorded in Official Records Book 1713, Page 1428, all of the Public Records of Flagler County, Florida.

7. Collateral Assignment of Rents, Leases and Profits from Flagler Pines Properties, LLC to Colonial Bank in Official Records Book 914, Page 110, which Mortgage is now held by Intracoastal Bank, by virtue of Assignment of Notes and Mortgage Loan Documents recorded in Official Records Book 1713, Page 1428, of the Public Records of Flagler County, Florida.
8. Subject to taxes for 2022 and subsequent years.

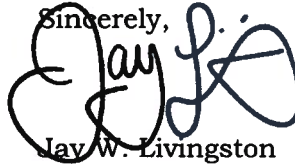
Sincerely,

Jay W. Livingston

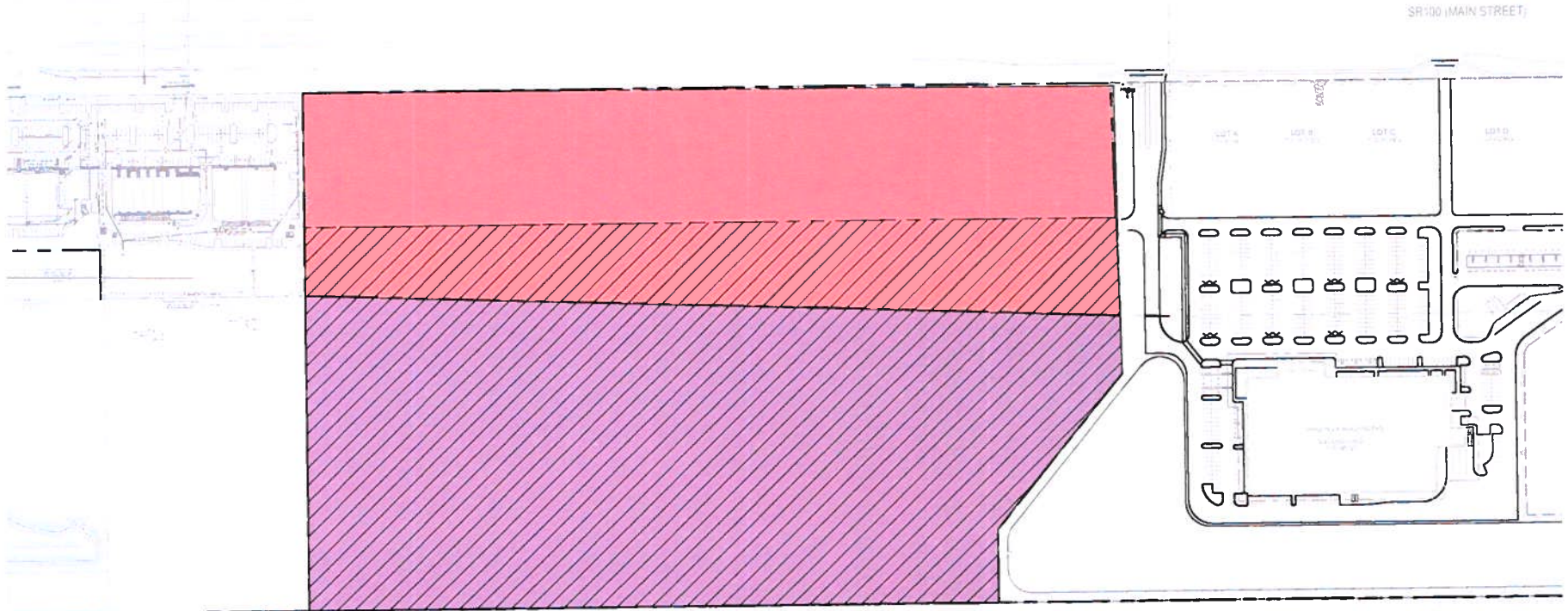
EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF TH PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID RIGHT-OF-WAY S 89°09'05" W A DISTANCE OF 1223.50' FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S 02°27'01" E A DISTANCE OF 275.11 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 02°27'01" E A DISTANCE OF 318.57 FEET; THENCE S 38°32'07" W A DISTANCE OF 410.00 FEET; THENCE S 00°50'03" E A DISTANCE OF 150.01 FEET; THENCE S 89°09'52" W A DISTANCE OF 1414.74 FEET; THENCE N 00°50'55" W A DISTANCE OF 750.02 FEET; THENCE N 89°09'05" E A DISTANCE OF 1666.02 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.]

CONTAINING 28.317 ACRES MOR OF LESS



- EXISTING COMMERCIAL ZONING (APPROX. 17.01 AC.)
- EXISTING INDUSTRIAL ZONING (APPROX. 21.80 AC.)
- PROPOSED RESIDENTIAL ZONING (28.317 AC.)

A

ALAN ENGINEERING
CONSULTING
CONSULTING ENGINEERS
CERTIFICATE NO. 125479
ORANGE BLVD., SUITE 100
ORLANDO, FL 32837
TEL: (407) 917-1111
FAX: (407) 917-1107

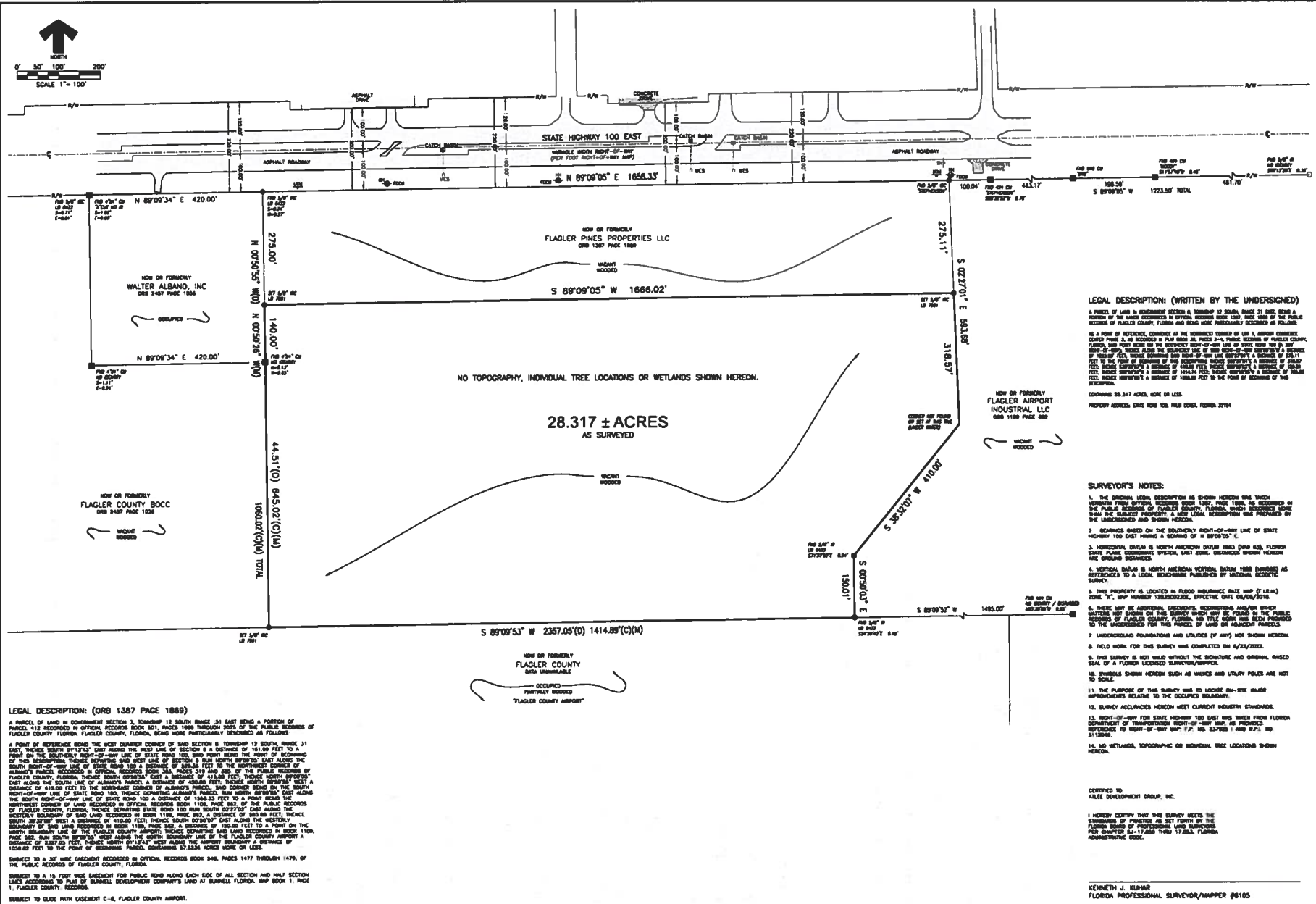
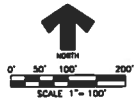
**GARDNER PROPERTY
FLAGLER COUNTY
CONCEPTUAL LAYOUT**

NO.	DATE	REVISION	BY

DESIGNER	DATE	SCALE	AS NOTED
CHECKED	FILE	PROJECT	
DRAWN BY			



**SHEET
C001**



LEGAL DESCRIPTION: (WRITTEN BY THE UNDERSIGNED)

A PARCEL OF LAND IN GOVERNMENT SECTION 31, TOWNSHIP 13 SOUTH, RANGE 31 EAST BEING A PORTION OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 1183, PAGE 1868 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A PART OF OFFICIAL CORNER OF THE WEST QUARTER CORNER OF SAID SECTION 31, A POINT OF REFERENCE BEING THE WEST QUARTER CORNER OF SAID SECTION 31, A PUBLIC SURVEY BEING MADE FROM SAID POINT OF REFERENCE TO THE POINT OF BEGINNING OF SAID PARCEL, THE BEARING AND DISTANCE OF SAID PARCEL IS AS FOLLOWS: BEARING AND DISTANCE OF SAID PARCEL IS AS FOLLOWS: BEARING AND DISTANCE OF SAID PARCEL IS AS FOLLOWS:

SURVEYOR'S NOTES:

1. THE ORIGINAL LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN FROM THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEARING AND DISTANCE OF SAID PARCEL IS AS FOLLOWS: BEARING AND DISTANCE OF SAID PARCEL IS AS FOLLOWS:
2. EXISTING RECORDS OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 100 EAST BEING A BEARING OF N 89°09'05" E.
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) AS REFERENCED TO A LOCAL BENCHMARK PUBLISHED BY NATIONAL GEODETIC SURVEY.
5. THIS PROPERTY IS LOCATED IN FLOOD HAZARDANCE BASE MAP (FIRM) ZONE X-C, MAP NUMBER 130200020E, EFFECTIVE DATE 04/09/05.
6. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SURVEY WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SO THE BOUNDARY HAS BEEN PLACED TO THE UNDERSIGNED FOR THIS PARCEL OF LAND OR ADJACENT PARCELS.
7. UNDERGROUND FOUNDATIONS AND UTILITIES (IF ANY) NOT SHOWN HEREON.
8. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 4/22/2022.
9. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL GROUND SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER.
10. SYMBOLS SHOWN HEREON SUCH AS WALLS AND UTILITY PIPES ARE NOT TO SCALE.
11. THE PURPOSE OF THIS SURVEY WAS TO LOCATE ON-SITE MAJOR IMPROVEMENTS RELATIVE TO THE OCCUPIED BOUNDARY.
12. SURVEY ACCURACIES HEREON MEET CURRENT INDUSTRY STANDARDS.
13. RIGHT-OF-WAY FOR STATE HIGHWAY 100 EAST WAS NORTH FROM FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED TO RIGHT-OF-WAY MAP 7-7, NO. 237529 (1980) AND 7-7, NO. 311208.
14. NO WETLANDS, TOPOGRAPHIC OR INDIVIDUAL TREE LOCATIONS SHOWN HEREON.

CERTIFIED BY:
ATLEE DEVELOPMENT GROUP, INC.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE REQUIREMENTS OF THE FLORIDA SURVEYING AND MAPPING ACT AND THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND ENGINEERS AS SET FORTH IN THE FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #8105

KUHAR SURVEYING & MAPPING, LLC
1501 ROCKWOOD AVENUE, SUITE 202, HOLLY HILL, FLORIDA 32117
Phone: 386-472-0002 WWW.KUHARSURVEYING.COM
© 2022 KUHAR SURVEYING & MAPPING, LLC
LB 7891

NO.	DATE	DESCRIPTION

BOUNDARY SURVEY
STATE HIGHWAY 100 EAST, PALM COAST, FLORIDA 32164
PREPARED FOR: ATLEE DEVELOPMENT GROUP, INC.

PROJECT NO.	220008
DRAWING REFERENCE NO.	022008-NORIS-MEETING
REVISION NO/DATE	
ORIGINAL ISSUE DATE	10/7/2022
SHEET	1 OF 1



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
FLAGLER PINES PROPERTIES, LLC

Filing Information

Document Number	L03000009490
FEI/EIN Number	06-1683330
Date Filed	03/17/2003
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	06/06/2014
Event Effective Date	NONE

Principal Address

4 LAMBERT COVE
FLAGLER BEACH, FL 32136

Changed: 06/06/2014

Mailing Address

4 LAMBERT COVE
FLAGLER BEACH, FL 32136

Changed: 06/06/2014

Registered Agent Name & Address

GARDNER, JAMES E, JR.
4 LAMBERT COVE
FLAGLER BEACH, FL 32136

Address Changed: 06/06/2014

Authorized Person(s) Detail

Name & Address

Title MGRM

GARDNER, JAMES JR
 4 LAMBERT COVE
 FLAGLER BEACH, FL 32136

Annual Reports

Report Year	Filed Date
2020	03/17/2020
2021	05/18/2021
2022	01/31/2022

Document Images

01/31/2022 -- ANNUAL REPORT	View image in PDF format
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03/17/2020 -- ANNUAL REPORT	View image in PDF format
04/04/2019 -- ANNUAL REPORT	View image in PDF format
04/11/2018 -- ANNUAL REPORT	View image in PDF format
05/16/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
04/17/2015 -- ANNUAL REPORT	View image in PDF format
06/06/2014 -- LC Amendment	View image in PDF format
04/08/2014 -- ANNUAL REPORT	View image in PDF format
04/09/2013 -- ANNUAL REPORT	View image in PDF format
04/24/2012 -- ANNUAL REPORT	View image in PDF format
04/12/2011 -- ANNUAL REPORT	View image in PDF format
04/26/2010 -- ANNUAL REPORT	View image in PDF format
04/28/2009 -- ANNUAL REPORT	View image in PDF format
06/04/2008 -- ANNUAL REPORT	View image in PDF format
06/13/2007 -- ANNUAL REPORT	View image in PDF format
04/07/2006 -- ANNUAL REPORT	View image in PDF format
02/14/2005 -- ANNUAL REPORT	View image in PDF format
04/05/2004 -- ANNUAL REPORT	View image in PDF format
03/17/2003 -- Florida Limited Liabilites	View image in PDF format

2022 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L03000009490

Entity Name: FLAGLER PINES PROPERTIES, LLC

Current Principal Place of Business:

4 LAMBERT COVE
FLAGLER BEACH, FL 32136

Current Mailing Address:

4 LAMBERT COVE
FLAGLER BEACH, FL 32136

FEI Number: 06-1683330

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

GARDNER, JAMES E JR.
4 LAMBERT COVE
FLAGLER BEACH, FL 32136 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGRM
Name GARDNER, JAMES JR
Address 4 LAMBERT COVE
City-State-Zip: FLAGLER BEACH FL 32136

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JAMES E GARDNER, II

MANAGING MEMBER

01/31/2022

Electronic Signature of Signing Authorized Person(s) Detail

Date

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 10 / 19 / 2022

**REZONING FROM I (INDUSTRIAL) DISTRICT TO
R-3B (MULTI-FAMILY RESIDENTIAL) DISTRICT**

**APPLICANT: JAY LIVINGSTON, ESQUIRE
OWNER: FLAGLER PINES PROPERTIES, LLC**

Distribution date: October 14, 2022

Project #: 2022090032 / AR #3577

Application #: 3331

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. Comments pending at this time.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

It would be my recommendation not to approve the rezoning the property described in Application 3331/2022090032 from C-2 and Industrial to R-3B based on the following reasons:

- a) This property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for the development of multi-family development, which is not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.
- b) In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.
- c) The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighboring residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.
2. Considerations for development at this site:
 - a. Traffic Impact analysis, scope, /existing background traffic
 - b. FDOT access
 - c. Cross access from the east and the west.
 - d. Stormwater management.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire Rescue has no Issue with the rezoning project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The density for the R-3B (Multifamily Residential) District is 9 units per acre. Based on the 28.317 acres the maximum allowable units for this proposed development will be 255 units. The zoning district requires public or community water and sewer facilities. The affordable multifamily density bonus (to 10 units per acre) is awarded provided the following criteria are met:
 - a) Definitions:
 - Affordable multifamily unit:* A multifamily unit which is available to a household earning one hundred (100) percent or less of the county's median income, adjusted for family size, which can be rented or purchased in the market without spending more than thirty (30) percent of its income.

 - Land use restriction agreement:* A deed restriction which establishes the responsibilities of the developer and his successors.

 - Low income household:* A household in the county which earns less than eighty (80) percent of the county's median income, adjusted for family size.

 - Moderate income household:* A household in the county which earns eighty (80) to one hundred (100) percent of the county's median income, adjusted for family size.
 - b) At least ten (10) percent of the project's units must be designated as affordable multifamily units for low and moderate income households. A maximum of thirty (30) percent of the project's units may be designated as affordable housing for low income households and a maximum of thirty (30) percent of the project's units may be designated for moderate income households. A minimum of forty (40) percent of the units must remain market rate units.
 - c) The maximum percentages listed above for low to moderate income units may not be exceeded for a minimum of a fifteen-year period. To insure compliance with this provision, the property owner shall execute a land use restriction agreement with the county, which specifies the low to moderate income occupancy requirements for the property, including the number of rental units which will be subject to affordability provisions, the rent limits, the income limits proposed, and the affordability period. The land use restriction agreement shall require the developer and his successors to submit an annual report to the county for the purpose of monitoring compliance with the agreement.
2. Provide letter from utility provider for provision of water and sewer services.
3. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan. Provide supporting statement that the requested FLUM is consistent the Flagler County Comprehensive Plan and the goals, objectives and policies.
4. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar

public facilities. Provide supporting statement that the rezoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide.

5. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services. Please offer statements on how the proposed rezoning is compatible with adjacent and surrounding land uses.
6. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists. Provide supporting statements that the proposed zoning will not have an unreasonable impact on the contiguous and surrounding area, the proposed traffic and will not result in unreasonable danger to the safety of the pedestrians and bicyclists.

FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 10 / 19 / 2022

REZONING FROM I (INDUSTRIAL) DISTRICT TO
R-3B (MULTI-FAMILY RESIDENTIAL) DISTRICT

APPLICANT: JAY LIVINGSTON, ESQUIRE
OWNER: FLAGLER PINES PROPERTIES, LLC

Distribution date: October 14, 2022

Project #: 2022090032 / AR #3577

Application #: 3331

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. Comments pending at this time.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

It would be my recommendation not to approve the rezoning the property described in Application 3331/2022090032 from C-2 and Industrial to R-3B based on the following reasons:

- a) This property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for the development of multi-family development, which is not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.
- b) In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.
- c) The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighboring residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.
2. Considerations for development at this site:
 - a. Traffic Impact analysis, scope, /existing background traffic
 - b. FDOT access
 - c. Cross access from the east and the west.
 - d. Stormwater management.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire Rescue has no Issue with the rezoning project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The density for the R-3B (Multifamily Residential) District is 9 units per acre. Based on the 28.317 acres the maximum allowable units for this proposed development will be 255 units. The zoning district requires public or community water and sewer facilities. The affordable multifamily density bonus (to 10 units per acre) is awarded provided the following criteria are met:

a) Definitions:

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Land use restriction agreement: A deed restriction which establishes the responsibilities of the developer and his successors.

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c) The maximum percentages listed above for low to moderate income units may not be exceeded for a minimum of a fifteen-year period. To insure compliance with this provision, the property owner shall execute a land use restriction agreement with the county, which specifies the low to moderate income occupancy requirements for the property, including the number of rental units which will be subject to affordability provisions, the rent limits, the income limits proposed, and the affordability period. The land use restriction agreement shall require the developer and his successors to submit an annual report to the county for the purpose of monitoring compliance with the agreement.

2. Provide letter from utility provider for provision of water and sewer services.

3. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan. Provide supporting statement that the requested FLUM is consistent the Flagler County Comprehensive Plan and the goals, objectives and policies.

4. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar

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5. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services. Please offer statements on how the proposed rezoning is compatible with adjacent and surrounding land uses.
6. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists. Provide supporting statements that the proposed zoning will not have an unreasonable impact on the contiguous and surrounding area, the proposed traffic and will not result in unreasonable danger to the safety of the pedestrians and bicyclists.

LIVINGSTON & SWORD, P.A.

Attorneys At Law

February 7, 2023

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Responses to Technical Review Committee Comments dated
October 19, 2022
Application for Rezoning from I (Industrial) to R-3B (Multi-Family
Residential) District
Project #: 2022090032 / AR #3577
Application #: 3331

Dear Mr. Mengel:

The comments from the October 14, 2022, Technical Review Committee letter are restated below with the applicant's responses to each. In addition, the following materials are being submitted in support of the above application and the responses below:

- Airport Noise Study – Flagler County Executive Airport Gardner SR 100 Site Palm Coast, Florida, prepared by RML Acoustics, LLC dated December 10, 2022.
- Survey of airport noise issues at various airports throughout the state of Florida that have adjacent multi-family uses.
- Traffic Memorandum – Flagler Airport 100 Property. This contains the trip generation factors used to determine the applicant's responses below.
- Revised conceptual plans for the project. Details have been added to two of the plans to show the distance of the proposed multi-family buildings closest to the Flagler Executive Airport from both the nearest runway as well as from the shared boundary line with the airport.
- Utility Availability Letter from the City of Palm Coast Utility Department

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

RESPONSE: No response required.

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. Comments pending at this time

RESPONSE: No response required.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

It would be my recommendation not to approve the rezoning the property described in Application 3331/2022090032 from C-2 and Industrial to R-3B based on the following reasons:

- a) The property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for development of multi-family development, which is not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.

RESPONSE: The applicant has filed two applications to support the proposed mixed-use project consisting of multi-family and commercial uses. The first application proposed to amend Flagler County's Future Land Use Map to Residential: High Density for the portion of the property proposed for multi-family use. The frontage along SR 100 will remain within the Commercial: High Intensity land use designation on the County's Future Land Use Map. In addition, the applicant is agreeable to a project specific limiting policy that will ensure the development proceeds as depicted in the updated conceptual plan. This change to the Future Land Use Map will make the proposed project compatible with the County's Comprehensive Plan.

The second application requests a change to the zoning district on the portion of the property where multi-family development is proposed from C-2 and Industrial to R-3B. If both applications are approved by the County Commission, then the proposed mixed-use project will be consistent with the County's Comprehensive Plan and in compliance with the Land Development Code's zoning district regulations.

The applicant respectfully disagrees that the proposed multi-family use next to the airport is not a compatible use. The applicant had an Airport Noise Study for the Flagler Executive Airport prepared by RML Acoustics, LLC. A copy of this report is being submitted with this response letter. As noted in the executive summary of the report, using two locations close to the shared boundary with the airport demonstrated that sounds attributable to "just plane-related events was between 42 and 52 dBA...which are well below the FAA's DNL criterion of 65 dBA...". Based on this analysis RML Acoustics concludes in its report that "[b]ased on the sound levels measured on the project site for seven consecutive days, including days with over 300 plane-related events, and using FAA criteria for land use compatibility, the proposed residential land use on the project site...is

compatible with the Airport...". In addition to the noise study the applicant performed a survey of residents within residential projects located adjacent to the Sarasota International Airport, the Orlando International Airport, the Melbourne Orlando International Airport, the Daytona Beach International Airport, and the Tampa International Airport. A copy of this survey is also being submitted with this response letter. The overwhelming response from this survey was that noise was not a problem with the residents in these projects.

- b) In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.

RESPONSE: The applicant is proposing a mixed-use project, which includes 9.736 acres of commercial frontage parcels. At the applicable Floor Area Ratio this would allow for up to 169,640 square feet of commercial development. This along with the existing vacant commercial and industrial land surrounding the Airport and in the immediate area, including Airport Commerce Center (Plat Book 36, Page 88) and the approximately 180 vacant upland acres along Fin Way on the south side of the airport property is more than sufficient to meet all of the County's needs for commercial and industrial development now and in the future. The 9.736 acres will provide opportunities for commercial development for long-term job creation. Therefore, the proposed project is not inconsistent with Economic Vitality Objectives EV 2.1 and EV 2.4.

While commercial development and job creation is a critically important priority for the long-term health and wellbeing of the County these goals must be balanced with the impacts created by this type of development. The recently approved Cornerstone at Seminole Woods ("Cornerstone") development immediately adjacent to the east of the proposed project has raised concerns about the level of service and capacity of SR 100 and the surrounding road network. Utilizing all of the acreage on the subject parcel for high intensity industrial and commercial development up to the permitted 17,166 trips per day permitted by the County's Comprehensive Plan, coupled with continued growth in the Town Centre Development, and additional commercial land adjacent to the Airport to the west, will result in a substantial and likely unsustainable growth in traffic along SR 100.

Cornerstone is anticipated to generate 8,084 trips per day. At its maximum buildout potential, the 255 multi-family residential units will generate 1,718 gross trips per day with the commercial frontage parcels generating up to 6,278 gross trips per day. This does not include reductions for pass by-trips and internal capture. Therefore, worst case scenario the proposed project will generate 7,996 additional daily trips although the actual trip generation is anticipated to be much

lower as noted in the Traffic Memorandum dated September 8, 2022, prepared by Traffic Planning and Design, Inc.

Finally, multi-family development is not inconsistent with the County's economic development goals. In fact, not only does multifamily development result in economic growth at the construction stage but after it is completed continues to contribute to the local economy through the spending power of its residents, services needed to maintain the facility and, most importantly, by ensuring there is housing available to workers that will be needed for the commercial and industrial development the County wants to attract¹. Without a diverse housing base and available housing in proximity to areas targeted for economic development the County will not be able to attract the commercial and industrial users that are critical to the success of the strategic plan.

- c) The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighboring residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.

RESPONSE: This is not supported by the competent substantial evidence submitted in support of the applications for FLUM amendment and rezoning. See above as well as the Airport Noise Study and survey of noise complaints in residential projects next to airports throughout the State of Florida submitted with this response letter. Noise complaints from other areas of the County are not necessarily relevant or comparable to proposed development on the subject property.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.

RESPONSE: No response required.

2. Considerations for development at this site:
- a. Traffic impact analysis, scope, /existing background traffic
 - b. FDOT access
 - c. Cross access from the east and the west.
 - d. Stormwater management.

¹ "Renters spend more of their income locally than home-owners," Fuller points out. "These renter households generate a lot of jobs that ordinarily wouldn't be associated with the apartment -industry."

https://www.multifamilyexecutive.com/property-management/apartment-trends/measuring-the-economic-impact-of-apartment-communities_o#:~:text=Multifamily%20construction%20contributed%20%2442.5%20billion%20to%20the%20%20C2%ADnational,economic%20contribution%20nearly%2021%20times%20greater%20than%20construction.

RESPONSE: Duly noted.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire Rescue has no Issue with the rezoning project.

RESPONSE: No response required.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The density for the R-3b (Multifamily Residential) District is 9 units per acre. Based on the 28.317 acres the maximum allowable units for this proposed development will be 255 units. The zoning district requires public or community water and sewer facilities. The affordable multifamily density bonus (to 10 units per acre) is awarded provided the following criteria are met:

a) Definitions:

Affordable multifamily unit: A multifamily unit which is available to a household earning one hundred (100) percent or less of the county's median income, adjusted for family size, which can be rented or purchased in the market without spending more than thirty (30) percent of its income.

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- b) At least ten (10) percent of the project's units must be designated as affordable multifamily units for low and moderately income households. A maximum of thirty (30) percent of the project's units may be designated as affordable housing for low income households and a maximum of thirty (30) percent of the project's units may be designated for moderate income households. A minimum of forty (40) percent of the units must remain market rate units.
- c) The maximum percentages listed above for low to moderate income units may not be exceeded for a minimum of a fifteen-year period. To insure compliance

with this provision, the property owner shall execute a land use restriction agreement with the county, which specifies the low to moderate income occupancy requirements for the property, including the number of rental units which will be subject to affordability provisions, the rent limits, the income limits proposed, and the affordability period. The land use restriction agreement shall require the developer and his successors to submit an annual report to the county for the purpose of monitoring compliance with the agreement.

RESPONSE: The developer will no longer be pursuing affordable housing units for the proposed development. The maximum number of units in the revised conceptual plan is 255.

2. Provide letter from utility provider for provision of water and sewer services.

RESPONSE: A utility availability letter from the City of Palm Coast Utility Department is being submitted with this response letter.

3. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan. Provide supporting statement that the requested FLUM is consistent the Flagler County Comprehensive Plan and the goals, objectives and policies.

RESPONSE: An accompanying application for Future Land Use Map ("FLUM") amendment accompanies this application for rezoning. The proposed amendment to the FLUM will need to be approved for the proposed rezoning to be consistent with the Flagler County Comprehensive Plan. Assuming that application is approved the application for rezoning is consistent with the following goals, objectives and policies of the Flagler County Comprehensive Plan:

- **Policy A.1.1.10(7) – The project at buildout will not exceed the 17,166 daily trips and 1,613 peak hour trips, inclusive of previously allocated trip for adjacent projects, permitted on the relevant parcels of which the subject property is a part.**
- **Policy A.1.2.2 – The concurrent FLUM amendment and rezoning applications will allow the proposed project to be considered as a whole by the Planning and Zoning Department and the Board of County Commission.**
- **Objective A.1.5 – The proposed project is an infill project with both commercial and high-density residential components. This furthers the objective of limiting urban sprawl.**
- **Policy A.1.5.5(1) – The mixed-use nature of the overall development incorporating both high intensity commercial and high-density residential uses will further avoid urban sprawl and ensure that single-use development in excess of demonstrated need will not occur.**
- **Policy A.1.5.6 – The proposed project will utilize shared access with the project to the east, which will be signalized.**

- **Policy A.1.6.2 – The multi-family residential component of the development, as restricted by the proposed project specific limiting policy included with the application for FLUM amendment, will be designed with sufficient buffers and distances that will ensure there is no encroachment by or conflicts with incompatible land uses. Also see, Policy A.1.6.5.**
 - **Objective A.2.6 – The proposed amendment to permit a mixed-use development consisting of multi-family and commercial components will ensure both economic opportunity and diversity. Multi-family residential uses near the airport and adjacent to High Intensity Commercial uses will help provide housing for the workforce that will serve the new economic development in the area. It will in turn reduce the traffic impacts that are unavoidable with intense commercial development.**
 - **Policy A.2.6.1 – The Airport Noise Study demonstrations that the proposed FLUM amendment to Residential will not be incompatible with the operations at the Flagler Executive Airport.**
4. The requesting zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Provide supporting statement that the rezoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide.

RESPONSE: The requested zoning is a downzoning request from the current zoning of Industrial. The only impacts that are not being decreased by the addition of multi-family residential use is to educational facilities and library services. The developer will be required to determine if there is available school capacity for the proposed project at the time of site plan approval. If the Flagler County School District determines that there is not sufficient capacity of student stations to serve the proposed development, then the developer will enter into a proportionate fair share mitigation agreement to provide a financial contribution towards additional student stations. In addition to the proportionate fair share contribution, the developer will be required to pay educational facilities impact fees that exceed its total prop share contribution.

The County is not the water and sewer provider in the immediate area. The availability letter issued by the City of Palm Coast's utility department demonstrates that there is capacity to serve the development. Any additional upgrades or expansions of the City of Palm Coast's utility systems to serve the development will be handled at the time the developer negotiations its Contribution In Aid of Construction Utility Agreement with the City.

In addition to educational facilities, the project will also ensure there is no adverse financial impact on Flagler County by paying all applicable impact fees that will

be due for the project. At the current impact fee rates, if the project is developed with the maximum 255 multi-family dwelling units it will contribute the following amounts in impact fees (not including impact fees for the commercial frontage):

- **Fire Rescue - \$66,810**
- **EMS - \$8,160**
- **Law Enforcement - \$28,305**
- **Libraries - \$35,445**
- **Parks & Rec - \$31,110**
- **Transportation - \$176,205**

In addition to the direct development fees that will be paid to Flagler County as part of the development process, the multi-family portion of the project will also significantly add to the tax base. As an example, the Integra Woods apartment complex consists of 310 units and had an assessed value in 2022 of \$32,700,000 and an annual tax bill of \$587,730.73. As a comparison, the Target store located at the corner of SR 100 and Belle Terre Parkway has an assessed value in 2022 of \$9,582,309 and an annual tax bill of \$258,209.01. Therefore, the project will not have a negative fiscal impact on Flagler County. In fact, once developed it will significantly add to the County's tax base.

5. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services. Please offer statements on how the proposed rezoning is compatible with adjacent and surrounding land uses.

RESPONSE: The requested zoning change is not incompatible with the airport. The Airport Noise Study demonstrates that noise will be less than the minimum required by FAA regulations. The proposed limiting policy that is part of the FLUM amendment application will ensure appropriate buffering between the Airport and the multifamily uses and surrounding properties. None of the other factors mentioned in this comment are relevant. It has already been demonstrated in the above that the proposal will reduce traffic. The City of Palm Coast has confirmed that it will be the water and sewer utility provider and has capacity to serve the proposed project.

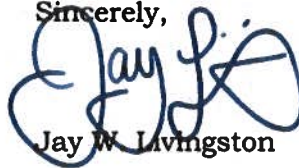
6. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.

Provide supporting statements that the proposed zoning will not have an unreasonable impact on the contiguous and surrounding area, the proposed traffic and will not result in unreasonable danger to the safety of the pedestrians and bicyclists.

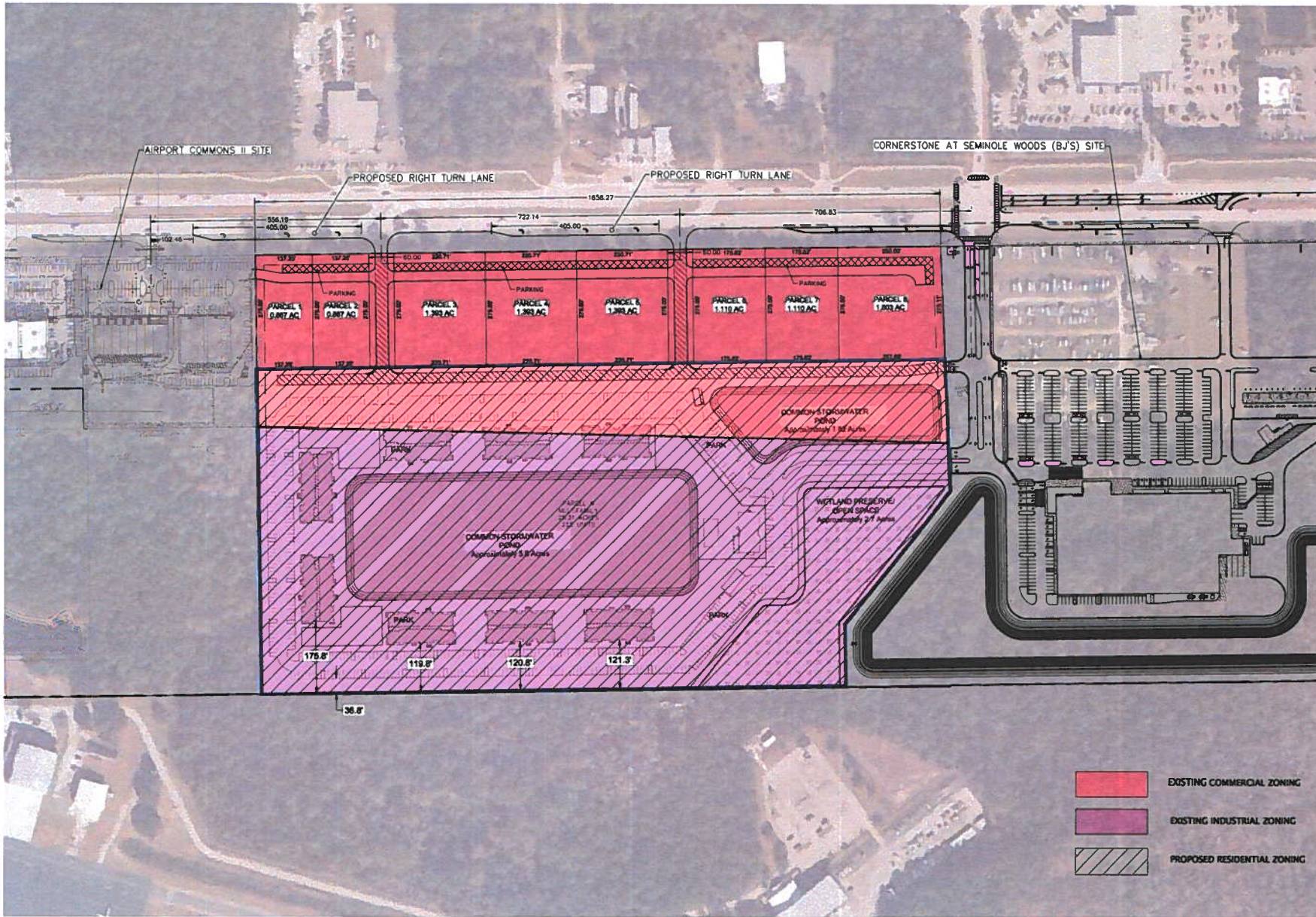
RESPONSE: As noted above, the proposed rezoning will result in a significant reduction in traffic impacts from what would otherwise be generated by the present Industrial Future Land Use and I (Industrial) zoning. This will also reduce conditions that may result in unreasonable danger to the safety of pedestrians and bicyclists in the immediate and surrounding areas. Appropriate multi-modal improvements will be implemented during the site planning process to ensure safe pedestrian ingress and egress from the site.

Contact me if you have any questions, comments or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay Livingston", with a stylized flourish at the end.

Jay W. Livingston



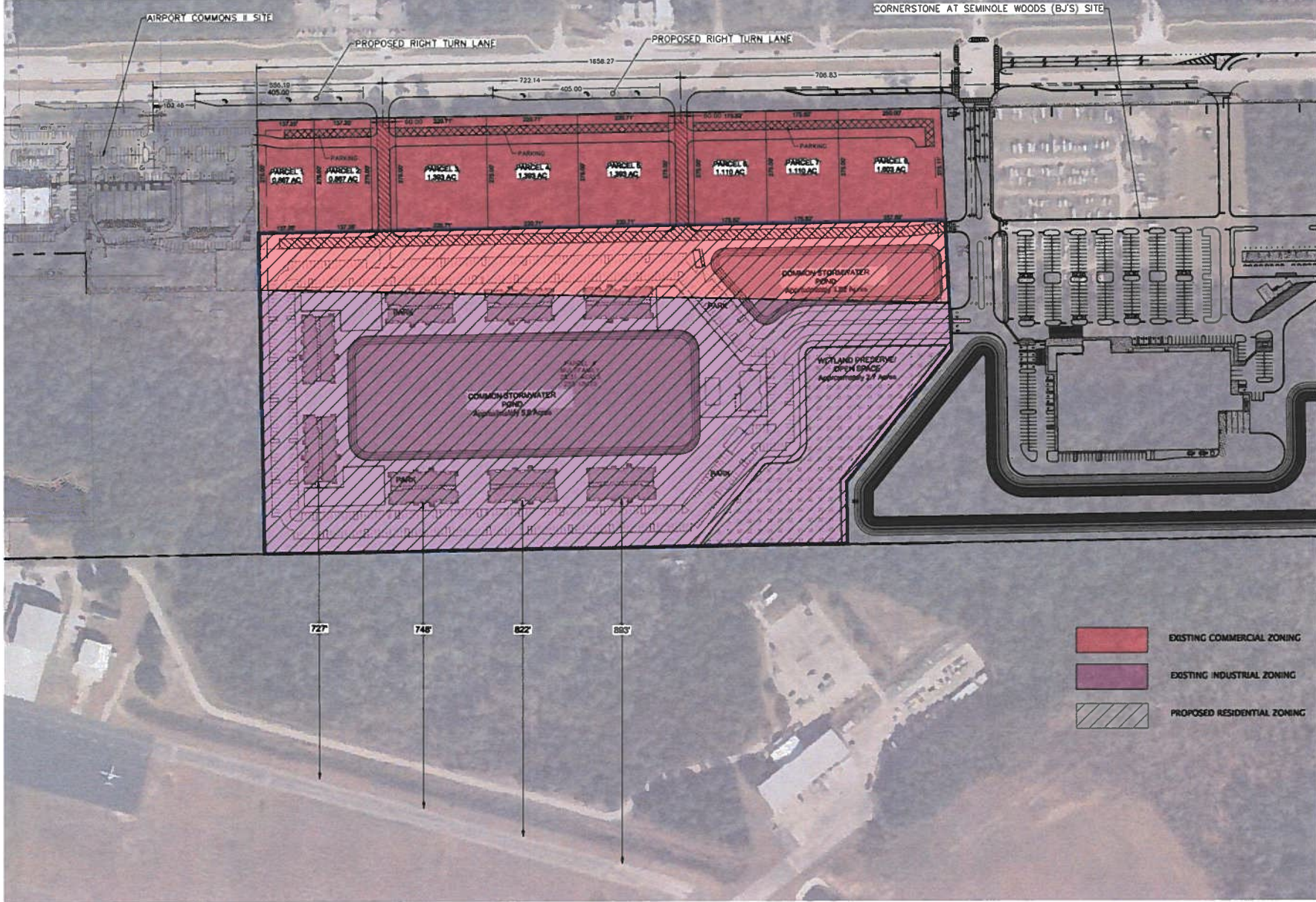
ALAN ENGINEERING GROUP, INC.
 CERTIFICATE NO. 28479
 113
 113
 113

**FLAGLER AIRPORT 100 COMMERCIAL
 FLAGLER COUNTY
 REZONING EXHIBIT**

NO.	DATE	REVISION

DESIGNED BY	DATE	SCALE
DRAWN BY	1/1/20	AS NOTED
CHECKED BY	2/1/20	PROJECT
NO.	113.1	

- EXISTING COMMERCIAL ZONING
- EXISTING INDUSTRIAL ZONING
- PROPOSED RESIDENTIAL ZONING



ALAN ENGINEERING GROUP, INC.
 CONSULTING ENGINEERS
 880 AIRPORT BLVD. SUITE 113
 FLAGLER COUNTY, FL 32114
 TEL: (386) 875-7949
 FAX: (386) 875-3827



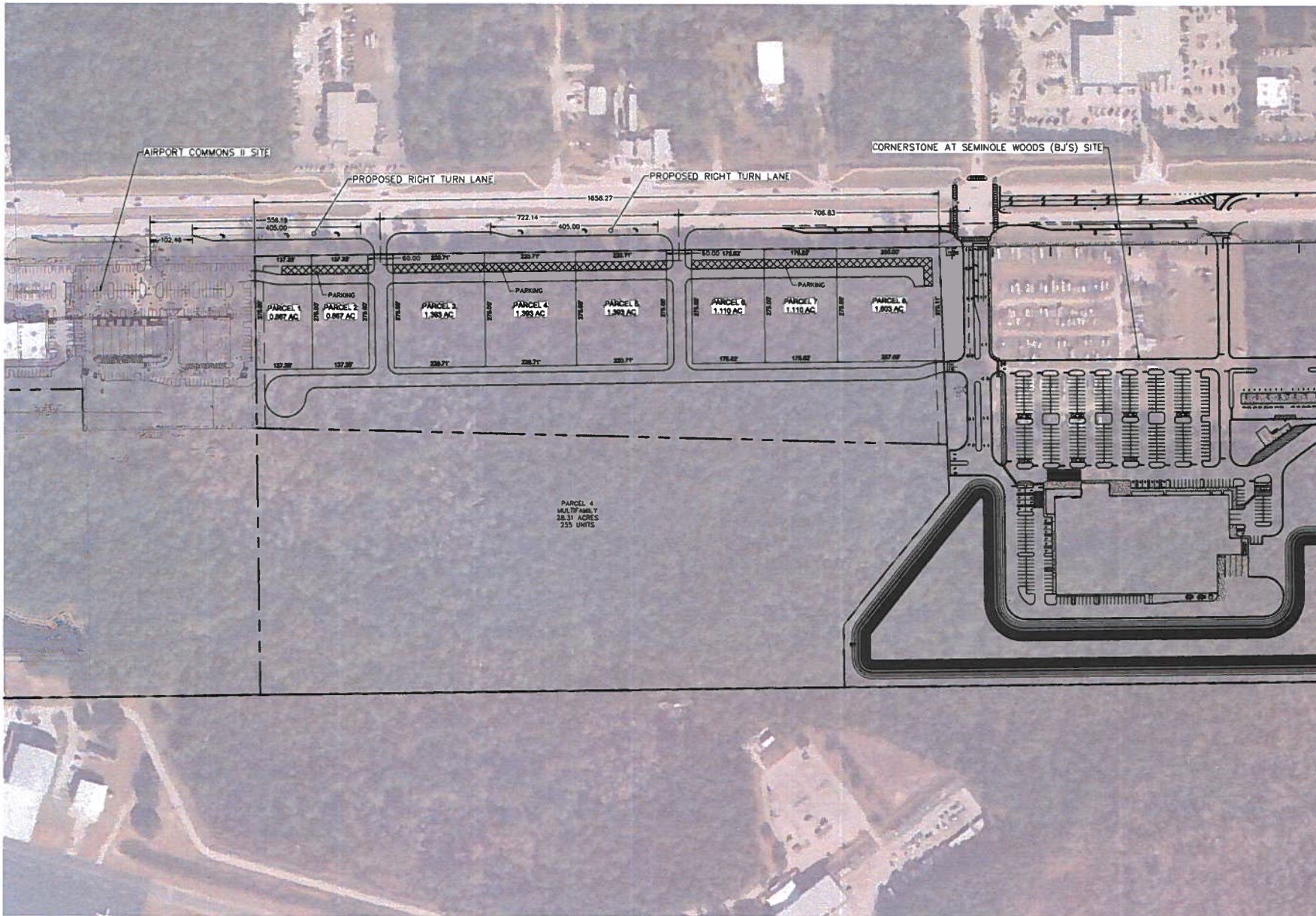
FLAGLER AIRPORT 100 COMMERCIAL
 FLAGLER COUNTY
 AIRPORT RUNWAY

NO.	DATE	DESCRIPTION	BY

DATE	1/10/21	SCALE	AS SHOWN
REV	211-1	PROJECT	1111-1
DESCRIPTION	CON	DESIGNED BY	



SHEET
C001



PARCEL 4
MULTIFAMILY
28.31 ACRES
235 UNITS

A
ALAN ENGINEERING
GROUP, INC.
CERTIFICATE NO. 026478
ISSUED 08/11/11
EXPIRES 08/11/16
FLA. REG. NO. 115

**FLAGLER AIRPORT 100 COMMERCIAL
FLAGLER COUNTY
ANNEXATION EXHIBIT**

NO.	DATE	REVISION

DATE	1/17/07
FILE	2113-5
PROJECT	2113-5
SCALE	AS SHOWN
DESIGNED BY	
CHECKED BY	
DATE	



**SHEET
C001**



**TRAFFIC MEMORANDUM
FLAGLER AIRPORT 100 PROPERTY**

The Flagler 100 property consists of 38.811 acres located on SR 100 west of Seminole Woods Parkway in front of the Flagler Executive Airport. It is proposed that this site be subdivided into commercial development along the SR 100 frontage on the north and multifamily residential recreational on the south. The residential development will occupy 28 acres and require a future land use amendment and rezoning to develop 280 apartment units (10 units per acre). The current zoning of the property is industrial which allows for general commercial development with a building coverage of 35 percent. This would equate a retail commercial development of 426,888 square feet (28 x 43,560 x 0.35).

Trip Generation

The trip generation of the 28 acres under the existing and proposed zoning categories was calculated with the use of data from the 11th Edition of the Institute of Transportation Engineers (ITE) Manual. The calculation is summarized in Table 1 and the trip generation worksheets are attached.

**Table 1
Trip Generation Summary**

ITE Code	Land Use	Size	Daily		A.M. Peak Hour				P.M. Peak Hour			
			Rate	Trips	Rate	Enter	Exit	Total	Rate	Enter	Exit	Total
Existing Land Use/Zoning												
820	Retail Commercial (Shopping Center >150 KSF)	426.88	37.01	15,799	0.84	223	136	359	3.40	696	755	1,451
Pass by- trips (Retail 19%)				3,002	--	42	26	68	--	132	144	276
New Net Trips				12,797	--	181	110	291	--	564	611	1,175
Proposed Land Use/Rezoning												
220	Multi-family Residential	280 DU	6.74	1,887	0.40	27	85	112	0.51	90	53	143
Trip Increase (+)/Decrease (-) Due to Land Use Change/Rezone				-10,910	--	-154	-25	-179	--	-474	-558	-1,032

**TPD#5723
September 8, 2022**

Trip Generation Comparison

As can be seen in **Table 1**, the site's trip generation under the existing land use/zoning is far greater than the trip generation under the proposed land use/rezoning. The proposed change in land use and rezoning will result 10,910 less daily trips, 179 less AM peak hour trips and 1,032 less PM peak hour trips to be added to the area roadways.

Conclusions

The proposed land use amendment will result in a substantial reduction in the site's trip generation. There will be less daily and AM/PM peak hour trips added to the area roadways resulting in improved Levels of Service.

Trip Generation Worksheets

Shopping Center (>150k) (820)

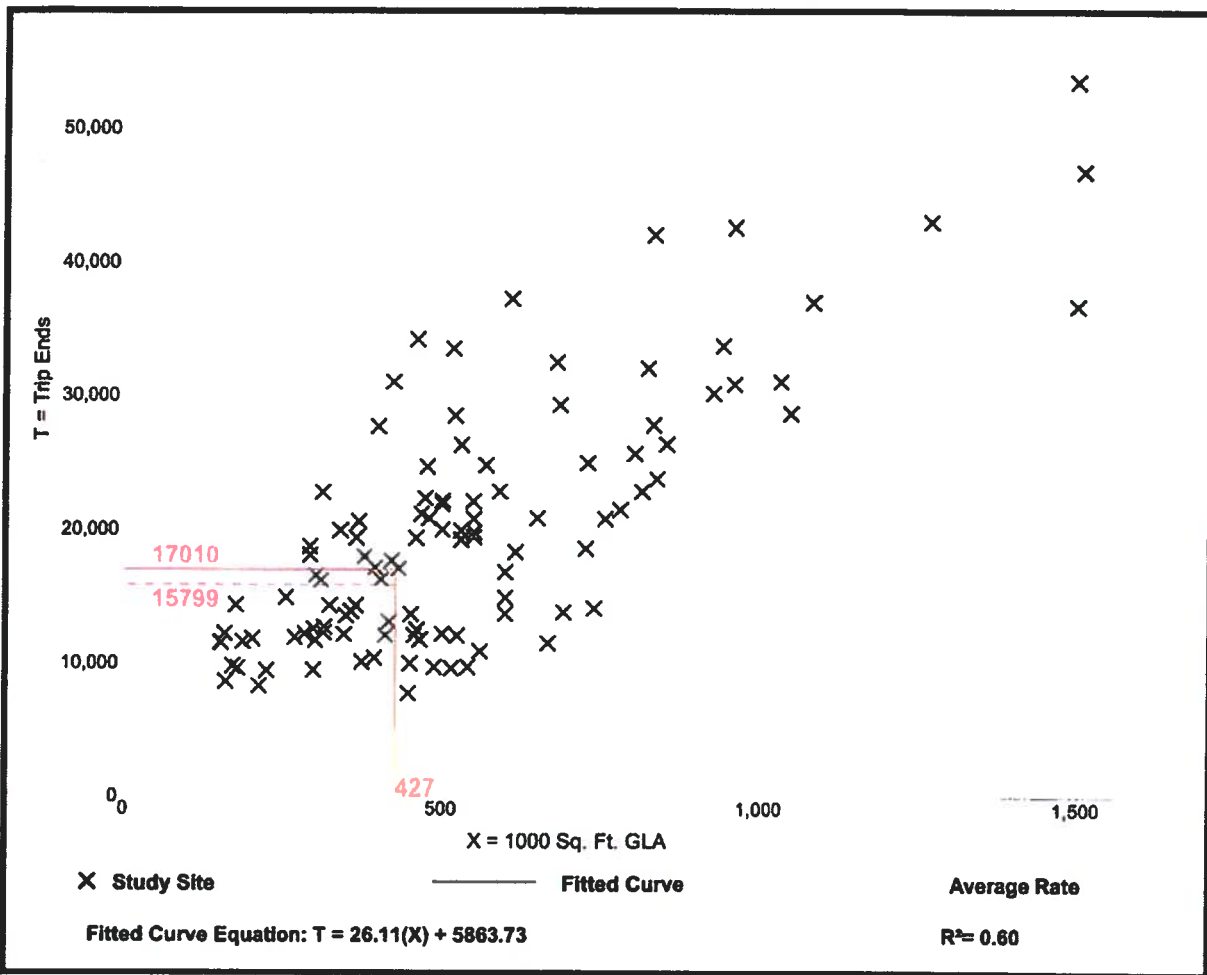
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 108
Avg. 1000 Sq. Ft. GLA: 538
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



Shopping Center (>150k) (820)

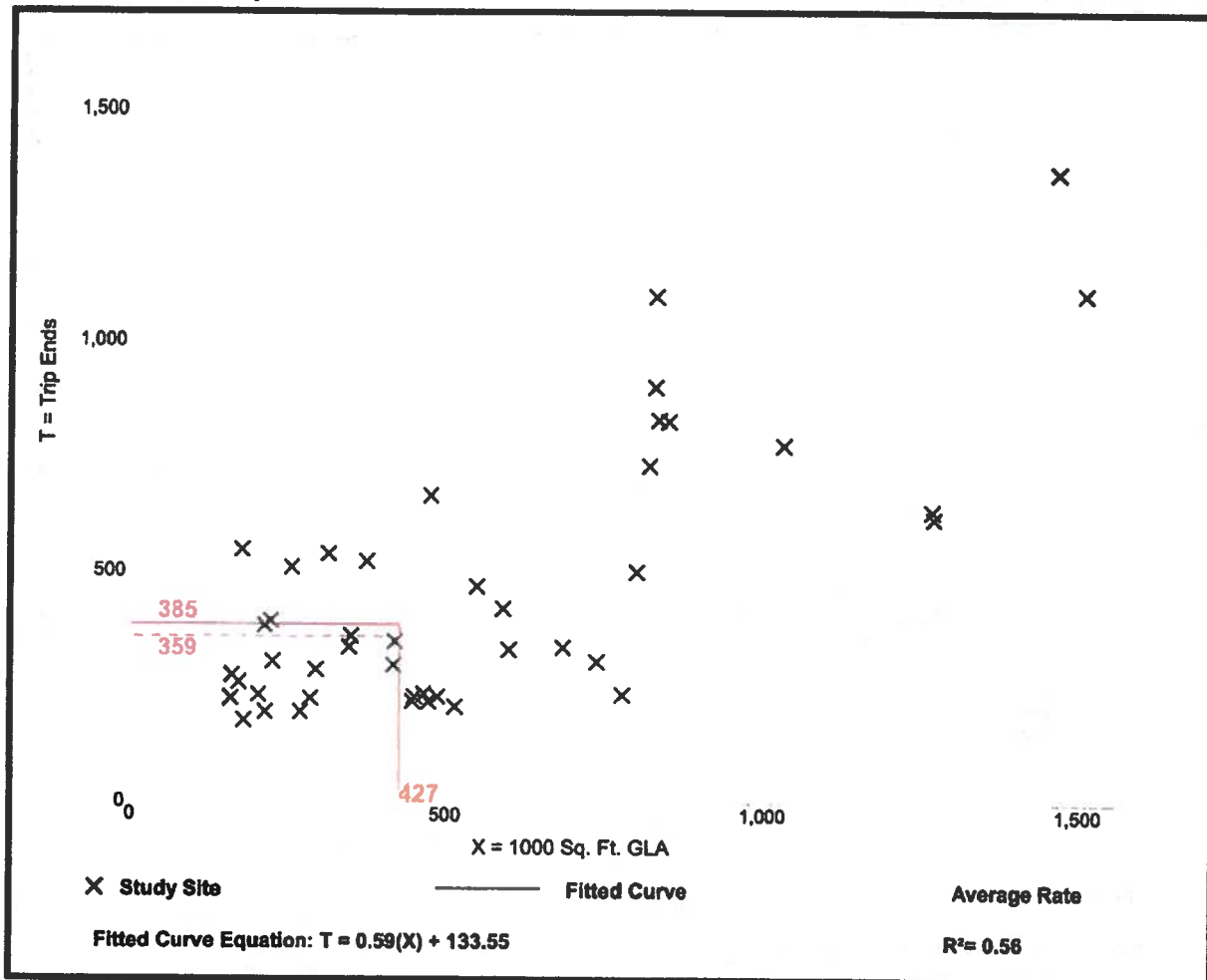
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 44
 Avg. 1000 Sq. Ft. GLA: 546
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



Shopping Center (>150k) (820)

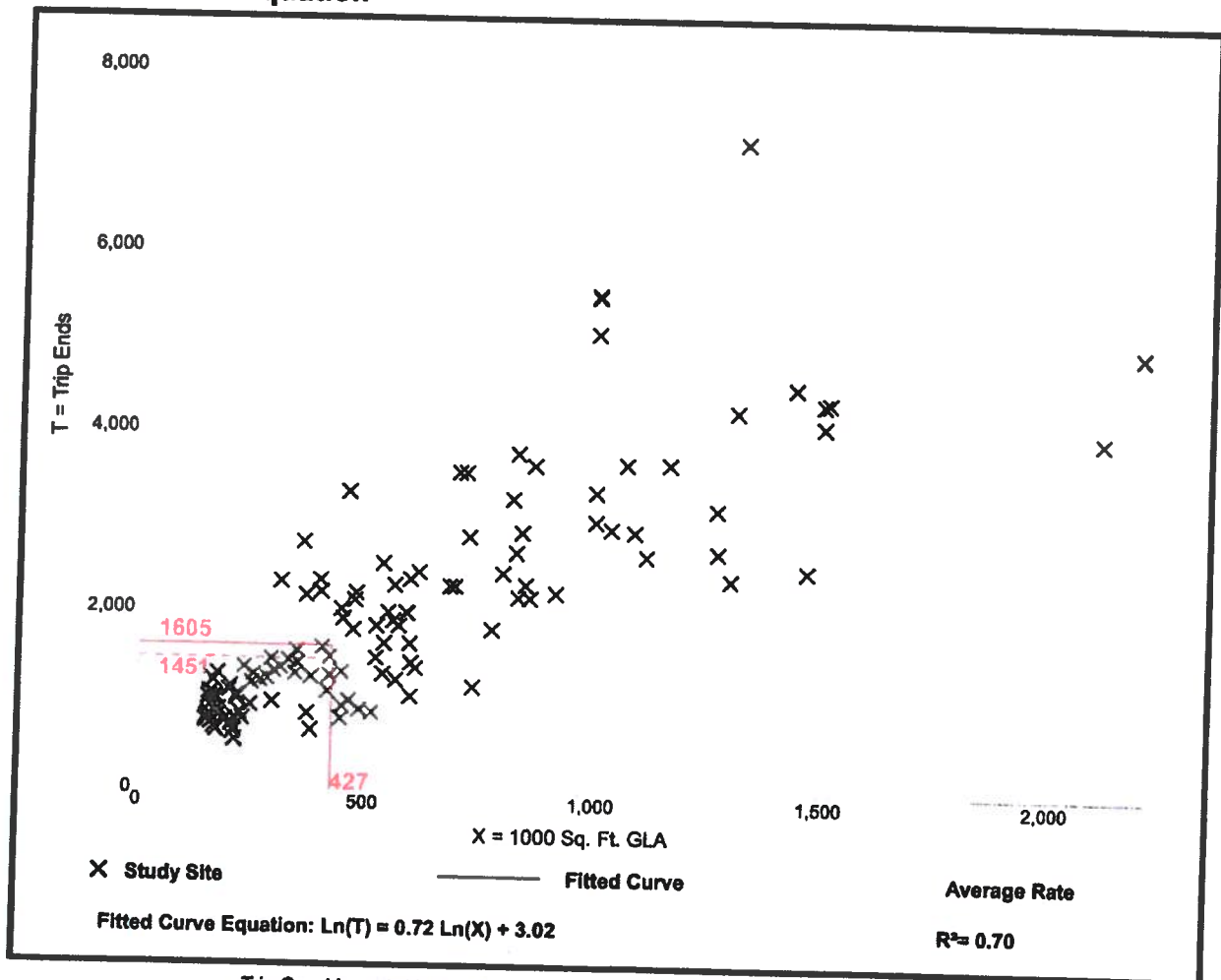
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 126
 Avg. 1000 Sq. Ft. GLA: 581
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation



Vehicle Pass-By Rates by Land Use

Source: ITE Trip Generation Manual , 11th Edition

Land Use Code	820								
Land Use	Shopping Center (> 150k)								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	8 Sites with GLA between 150 and 300k				16 Sites with GLA between 300 and 900k				
Average Pass-By Rate	29% for Sites with GLA between 150 and 300k				19% for Sites with GLA between 300 and 900k				
	Pass-By Characteristics for Individual Sites								
GLA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
213	Florida	1990	312	28	31	41	72	—	33
225	Illinois	1994	264	35	32	33	65	1970	24
227.9	Kentucky	1993	—	34	35	31	66	—	34
235	Kentucky	1993	211	35	29	36	65	2593	2
255	Iowa	1994	222	23	38	39	77	3706	24
256	Connecticut	1994	208	27	51	22	73	3422	24
293	Illinois	1994	282	24	70	6	76	4606	13
294	Pennsylvania	1994	213	24	48	18	76	4055	24
350	Massachusetts	1994	224	18	45	37	82	2112	24
361	Virginia	1994	315	17	54	29	83	2034	24
375	North Carolina	1994	214	29	48	23	71	2053	24
413	Texas	1994	228	28	51	21	72	589	24
418	Maryland	1994	281	20	50	30	80	5610	24
450	California	1994	321	23	49	28	77	2787	24
476	Washington	1994	234	25	53	22	75	3427	24
488	Texas	1994	257	12	75	13	88	1094	13
560	Virginia	1994	437	19	49	32	81	3051	24
581	Colorado	1994	296	18	53	29	82	2939	24
598	Colorado	1994	205	17	55	28	83	3840	24
633	Texas	1994	257	10	64	26	90	—	24

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

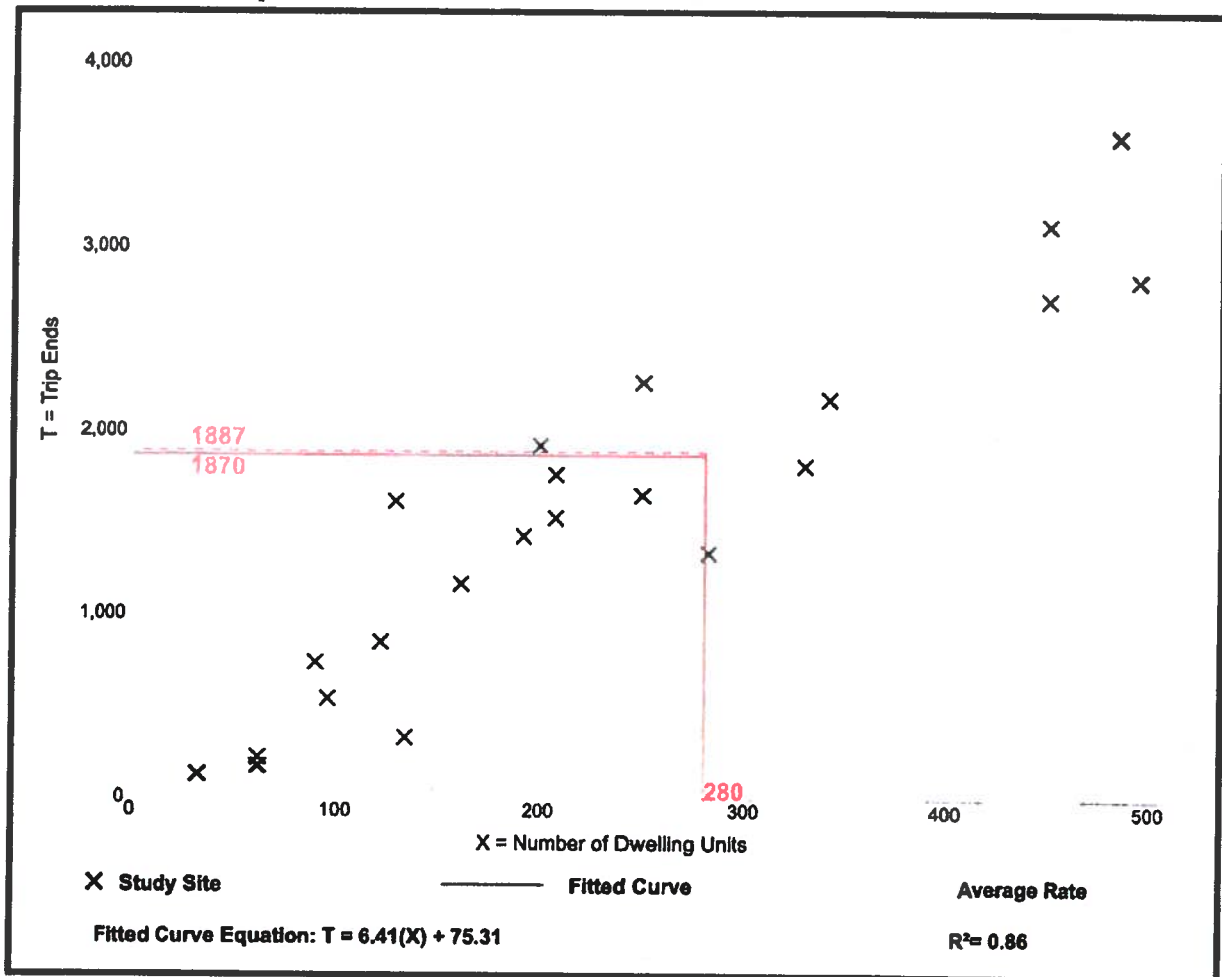
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

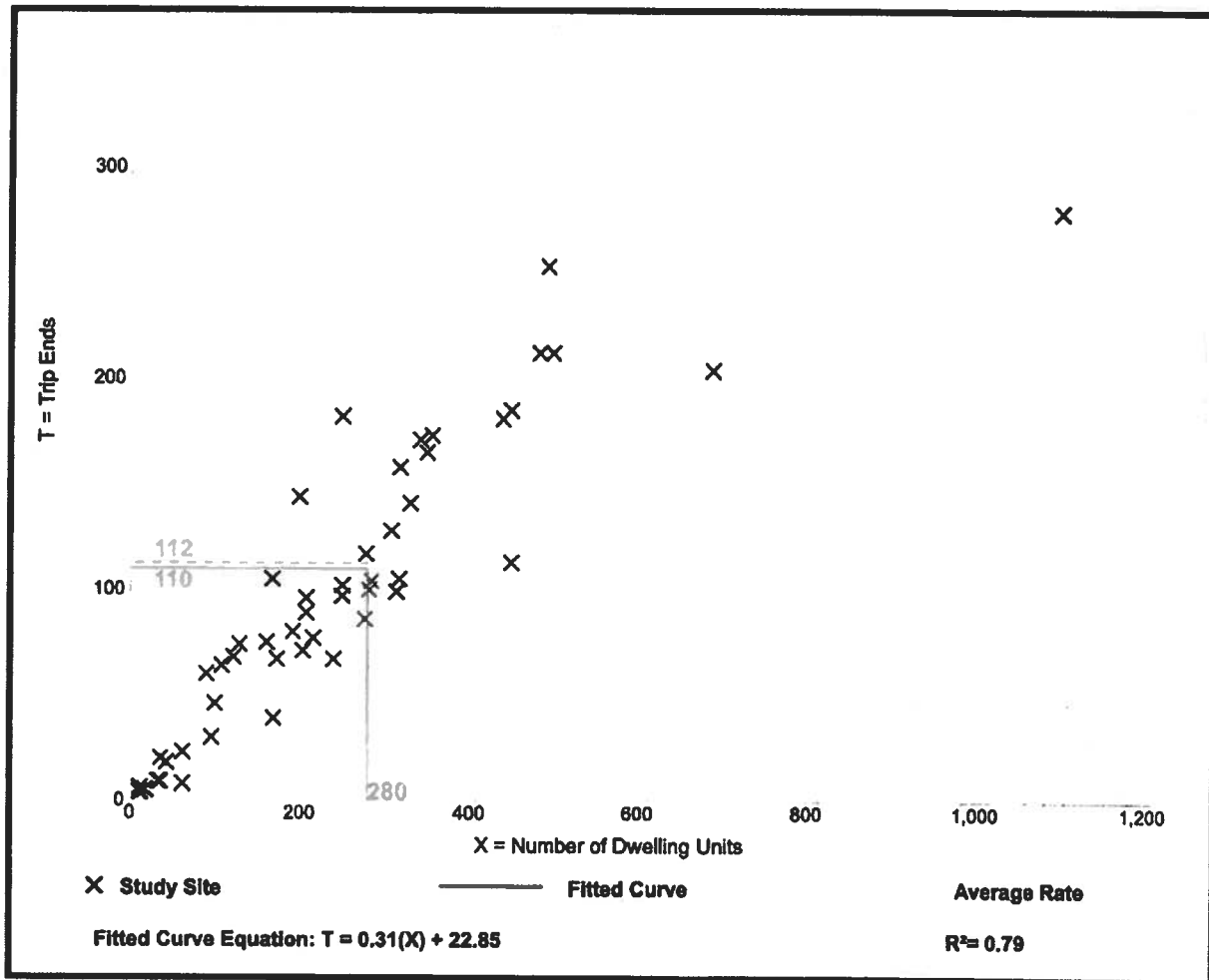
Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 49
 Avg. Num. of Dwelling Units: 249
 Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

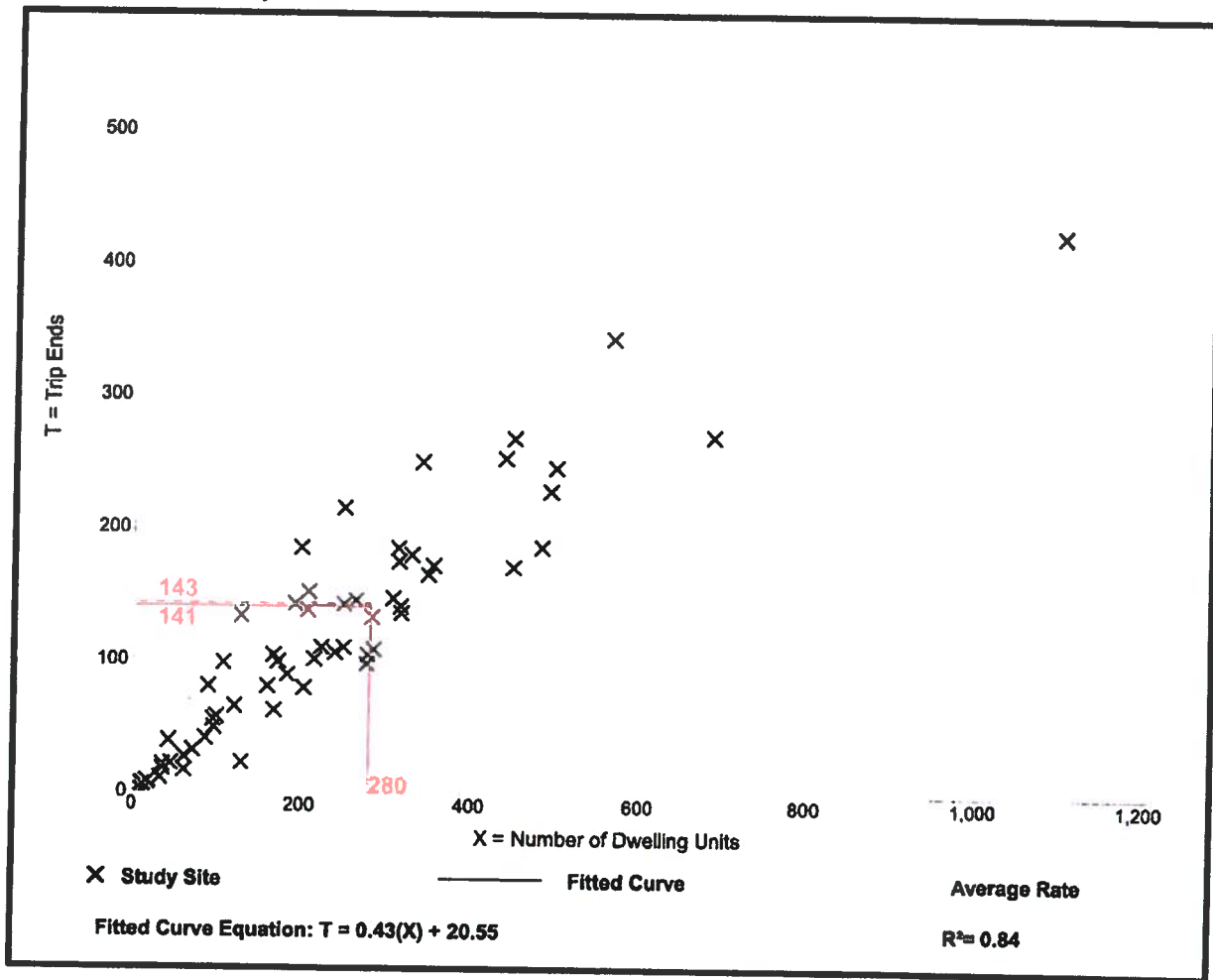
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation





AIRPORT NOISE STUDY

**Flagler Executive Airport
Gardner SR 100 Site
Palm Coast, Florida**

for:

**Tidelands Investments, LLC
5851 Timuquana Road #301
Jacksonville, Florida 32210**

Prepared by:

A handwritten signature in black ink, appearing to read "Robert M. Lilkendey". The signature is written in a cursive style and is positioned above a horizontal line.

**Robert M. Lilkendey, Principal Consultant
RML Acoustics, LLC
14688 NW 150th Lane
Alachua, Florida 32615
www.rmlacoustics.com**

December 10, 2022

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I. INTRODUCTION

This report contains the results of a study of noise levels from the Flagler Executive Airport (hereinafter “Airport”) on the Gardner SR 100 site adjacent to the Airport runway in Palm Coast, Florida. The purpose of the study was to document the daily sound levels on site for seven days at the approximate location of proposed residential structures nearest the runway on the east and west ends of the site and to compare the results to a Day-Night Level (DNL) of 65 dBA, which, when reported as a yearly daily average sound level due to aircraft activity, is the level below which the Federal Aviation Administration considers residential developments compatible with airports.

II. BACKGROUND

The project site consists of one parcel of vacant land that is bounded by the Airport property on the south side and Highway 100 on the north side. The proposed future development of the project site consists of eight apartment buildings and a clubhouse surrounding a 3.7 acre pond, as shown in a mark-up of the Wetland Delineation Assessment exhibit in Figure 1. Due to the proximity of the project to the Airport, a site noise study was conducted to document the sound levels at approximate worst-case locations on site (Locations SE and SW in Figure 1) where the apartment buildings nearest the airport runway on each end of the site would be constructed.

III. EXECUTIVE SUMMARY

1. The Federal Aviation Administration (FAA) uses the Day-Night Sound Level (DNL, also L_{dn}) as the preferred descriptor for evaluating aircraft noise impacts and land use compatibility. Per Part 150, *Airport Noise Compatibility Planning*, of the Code of Federal Regulations (CFR), a residential land use is compatible with aircraft noise at a yearly DNL less than 65 dBA.
2. Sound levels from all noise sources measured for seven consecutive days, from Sunday, November 27, 2022, through Saturday, December 3, 2022, at location SE were between 55 and 59 dBA and at location SW were between 54 and 58 dBA. These values include the contribution of non-airport related noise sources, including traffic noise from Highway 100 and insect noise, but are still below a DNL of 65 dBA by at least 6 to 7 dBA and as much as 10 to 11 dBA.
3. An analysis of the measured and recorded sounds on site showed that the DNL attributable to just plane-related events was between 42 and 52 dBA at location SE and between 44 and 50 dBA at location SW, which are well below the FAA’s DNL criterion of 65 dBA. For each day of measurements and at each location, the calculated contribution of sounds from the plane-related events to the overall DNL was 0 to 1 dBA.
4. Based on the sound levels measured on the project site for seven consecutive days, including days with over 300 plane-related events, and using FAA criteria for land use compatibility, the proposed residential land use on the project site as described in Section II, *Background*, is compatible with the Airport, and would remain so in the future, provided the airport does not expand to include larger/louder airplanes or significantly increase the nighttime (10 pm to 7 am) air traffic beyond the current average of two planes per day flown between 10 pm and 7 am.

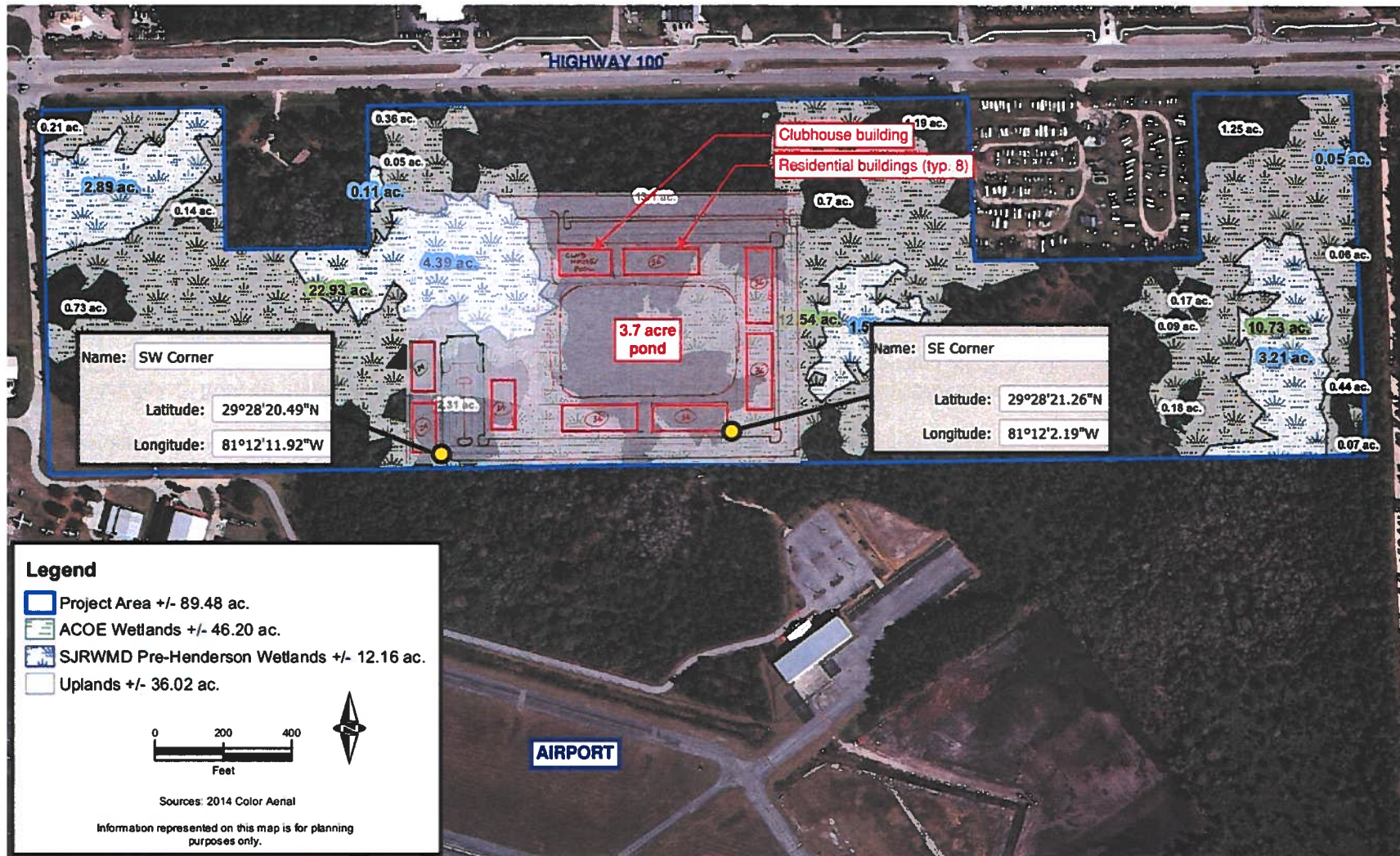


Figure 1. Aerial and conceptual site plan showing the proposed project site, Airport property to the south, Highway 100 to the north, and noise monitoring locations SE and SW, including their GPS coordinates.

IV. NOISE IMPACT CRITERIA

The purpose of the study was to evaluate the compatibility of the proposed residential development with the nearby Airport from a noise impact standpoint. The FAA uses the Day-Night Sound Level (DNL, also L_{dn}) as the preferred descriptor for evaluating aircraft noise impacts and land use compatibility. The DNL is a 24-hour measure that accounts for the moment-to-moment fluctuations in A-weighted sound levels due to all sound sources for 24 hours, combined. It includes a 10-dB penalty for all sounds occurring between 10 pm and 7 am. It is our understanding that an FAA Part 150 Noise Study, which would result in the development of noise contours for the areas surrounding the Airport, does not exist. Per Part 150, *Airport Noise Compatibility Planning*, of the Code of Federal Regulations (CFR), a residential land use is compatible if the yearly DNL values from the Airport are less than 65 dBA. This is the criterion used in this report to evaluate the compatibility of the proposed residential land use for the project site with the existing Airport.

V. NOISE STUDY METHOD

Overall Method

The overall method for the Noise Study included the following elements.

1. Install two long-term noise monitoring stations on site to log the daily DNL values and to record individual aircraft flyovers and other events that exceeded specific sound levels for post-measurement analysis and identification of events.
2. Using the event data, calculate the contribution of the airport related sounds to the overall DNL.
3. Compare the results with the FAA criterion of a DNL less than 65 dBA.

Sound Level Measurement Times, Locations and Equipment

Noise monitoring stations were installed on site to measure sound levels and record events at two sites, labeled as SE and SW, at the locations shown in Figure 1, from 12 am on Sunday, November 27, 2022, through 12 am on Sunday, December 4, 2022. At location SW, the noise monitoring station ran out of power at 11:25 PM on Saturday, December 3, 2022. The final 35 minutes of ambient noise was estimated to derive the DNL for that day. Since there are no planes flying between 11:25 pm and midnight, the ambient sound levels for the first 25 minutes of the 11 pm hour were used for the last 35 minutes of the 11 pm hour, resulting in no change.

Location SE (See Figure 1) – Location SE was in the approximate location of the southeastern most residential structure currently proposed for the property, approximately 1,000 ft south of Highway 100 and 1,440 ft north of the center of Runway 29, as shown in Figure 2. The constant sound of equipment associated with the cell phone tower just southwest of this location, and insect noise at night, established a baseline sound level of 46 to

50 dBA at all times. Distant traffic sounds on Highway 100, including occasional emergency vehicle sirens and motorcycles, could also be heard at this location. Planes taking off and landing at the airport were audible above the background sound level, with a range of instantaneous maximum (LAFmax) sound levels typically in the 60 to 70 dBA range, with only a few events per day in the 75 to 82 dBA range. For reference, a typical riding mower measured at 150 ft has an LAFmax of 65 to 70 dBA.

Location SW (see Figure 1) – Location SW was in the approximate location of the southwestern most residential structures currently proposed for the property, approximately 1,075 ft south of Highway 100 and 1,120 ft north of the center of Runway 29, as shown in Figure 2. Typical ambient sound levels (without planes) at this location were in the 39 to 42 dBA range from approximately 6 am to 6 pm and 49 to 50 dBA range from 6 pm to 6 am (due to insect noise). Distant traffic sounds on Highway 100, including occasional emergency vehicle sirens and motorcycles, could be heard at this location. Planes taking off and landing at the airport were audible above the background sound level, with a range of instantaneous maximum (LAFmax) sound levels typically in the 60 to 70 dBA range, with only a few events per day in the 75 to 83 dBA range.

Sound level measurements were made with Larson Davis 831 Sound Level Meters installed in noise monitoring stations at locations SE (Serial No. 2660) and SW (Serial No. 2520). The meters meet ANSI Standard S1.4 requirements for Type 1 exponential-averaging sound level meters and ANSI Standard S1.43 requirements for Type 1 integrating-averaging sound level meters. The microphones and pre-amplifiers were mounted atop tripods with Larson Davis model EPS2116 Environmental Protection Shrouds (windscreen and bird spike) affixed to the top, at a height of approximately 6 ft above the ground and connected to the sound level meters via extension cables. The meters were installed in weather-proof environmental cases. The meters were calibrated with a Larson Davis CAL200 pistonphone (Serial No. 10472) before the measurements began and were within 0.1 dB of calibration at the completion of the measurements. Calibration certificates for the sound level meters and calibrator are included in Appendix C. The meters were set to calculate the daily DNL and to measure the sound exposure levels (SEL) and record the sounds of all events exceeding 57 dBA for more than 4 seconds at each location. The SELs of plane-related events were used to calculate the DNLs from plane-related events for each day. Figures 3 contain photographs of the noise monitoring stations installed at locations SE and SW.

Definitions:

Decibel: The unit of sound level, expressed as dB.

A-weighted sound level: A sound level to which an A-weighted filter has been applied. The A-weighted filter reduces the value of low frequency sounds from the overall weighted sound level calculation to simulate the way humans perceived the loudness of sounds of low to moderate level.

DNL: The Day-Night Sound Level, a 24-hour measure that accounts for the moment-to-moment fluctuations in A-weighted sound levels due to all sound sources for 24 hours, combined. It includes a 10-dB penalty for all sounds occurring between 10 pm and 7 am. Expressed as dB but is actually dBA.

LAeq: The A-weighted equivalent continuous sound level, expressed in dBA. The equivalent continuous sound level is the level of a steady sound that has the same integrated energy level as the measured fluctuating sound over the same time period. Abbreviated as Leq if dBA is given.

Maximum Sound Level (Lmax): The maximum sound level that occurs during a measurement period when measured using either a Slow (LSmax) or Fast (LFmax) time constant on the sound level meter, expressed in dB. For A-weighted sound levels measured with a Fast time constant, LAFmax is used.

SEL: The SEL is the sound exposure level, in decibels, and represents the total amount of sound energy from an event measured at a specific location, condensed into a one-second LAeq.



Figure 2. Aerial view of project site and airport showing the distances between to the center of Runway 29 and Highway 100 from Locations SE and SW.



Figure 3. Photographs of the noise monitoring stations at location SE (left) and SW (right).

VI. SOUND LEVEL MEASUREMENT RESULTS AND COMPARISON WITH FAA CRITERION

Table 1 contains a summary of the DNL values measured at locations SE and SW from Sunday, November 27, 2022, through Saturday, December 3, 2022. Also included in the table is the DNL calculated for just plane related events, the DNL from all sources other than the planes, the contribution of plane-related event sounds to the overall DNL and the total number of plane-related events (includes taxiing and other events, not just takeoffs, landings and flyovers) that exceeded 57 dBA for at least 4 seconds, as well as the number of plane-related events that occurred during the nighttime (10 pm to 7 am).

Table 1. Summary of DNLs measured on site.

Date	DNL from all Sources (in dBA)		DNL from Plane-Related Events Only (in dBA)		DNL from Non-Plane Sources (in dBA)		Contribution of Plane-Related Events to Overall DNL (in dBA)		# of Plane-Related Events above Threshold Level (# of nighttime events)	
	SE	SW	SE	SW	SE	SW	SE	SW	SE	SW
Sun., November 27, 2022	59	58	47	44	59	58	0	0	37 (1)	61 (1)
Mon., November 28, 2022	55	56	42	48	55	55	0	1	64 (1)	237 (1)
Tues., November 29, 2022	57	56	53	49	56	55	1	1	337 (2)	319 (2)
Wed., November 30, 2022	55	54	46	45	55	53	0	1	93 (1)	82 (0)
Thur., December 1, 2022	57	56	51	48	56	55	1	1	225 (2)	188 (3)
Fri., December 2, 2022	57	56	50	50	56	55	1	1	251 (1)	243 (4)
Sat., December 3, 2022	57	54	52	47	55	53	0	1	325 (5)	275 (2)
7-Day Average	57	56	49	47	56	55	0.4	0.9	190 (2)	200 (2)

The table shows that the DNLs from all sources measured at Locations SE and SW for each day were well below 65 dBA and therefore, if the same holds true for the entire year, compatible with the FAA criterion of less than 65 dBA. More importantly, the calculated DNLs attributable to just plane-related events were between 42 and 53 dBA at location SW and between 44 and 50 dBA at location SE and adding no more than 1 dBA to the daily DNLs. This means that if the other ambient noise sources contributing to the background noise, such as insect noise at night and traffic noise during the day, the DNLs due to the Airport would be below the FAA threshold of 65 dBA by at least 12 dB at location SE and 15 dB at location SW if the days in which the sound levels were measured are representative of typical days.

The DNL with the greatest value due to only plane-related events was 53 dBA. This occurred on Tuesday, November 29, 2022, a day when there were over 337 plane-related events. With nearly all plane-related events occurring between 7 am and 10 pm, that is an average of 22 events per hour, or one event nearly every 3 minutes, so this likely represents a near maximum condition for the airport as it currently exists. For the LDN of 53 dBA to increase to 65 dBA due to additional air traffic using the same mix of planes during the daytime hours would require the number of planes in one day to increase to over 3,500, or one event every 15 seconds, which is not possible.

Finally, the table shows that there was an average of only two plane-related events per day that occurred during nighttime hours from 10 pm to 7 am. In most instances, these events occurred between 10 pm and midnight or between 6 am and 7 am.

VII. CONCLUSION

Based on the sound levels measured on the project site for seven consecutive days, and using FAA criteria for land use compatibility, the proposed residential land use on the project site as described in Section II, *Background*, is compatible with the Airport, and would likely remain so in the future, provided the airport does not expand to include larger/louder commercial airplanes or does not significantly increase the nighttime (10 pm to 7 am) air traffic beyond the current average of two planes per day flown between 10 pm and 7 am.

APPENDIX A

EQUIPMENT CALIBRATION CERTIFICATES

Calibration Certificate

Certificate Number 2022007061

Customer:
RML Acoustics LLC

Model Number CAL200
Serial Number 10472
Test Results Pass
Initial Condition Adjusted
Description Larson Davis CAL200 Acoustic Calibrator

Procedure Number D0001.8386
Technician Scott Montgomery
Calibration Date 3 Jun 2022
Calibration Due
Temperature 23 °C ± 0.3 °C
Humidity 32 %RH ± 3 %RH
Static Pressure 100.8 kPa ± 1 kPa

Evaluation Method The data is acquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

This report may not be reproduced, except in full, unless permission for the publication of an approved abstract is obtained in writing from the organization issuing this report.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	08/06/2021	08/06/2022	001021
Larson Davis Model 2900 Real Time Analyzer	03/31/2022	03/31/2023	001051
Microphone Calibration System	02/23/2022	02/23/2023	005446
1/2" Preamplifier	08/26/2021	08/26/2022	006506
Larson Davis 1/2" Preamplifier 7-pin LEMO	08/09/2021	08/09/2022	006507
1/2 inch Microphone - RI - 200V	09/23/2021	09/23/2022	006511
Hart Scientific 2626-H Temperature Probe	02/04/2021	08/04/2022	006767
Pressure Sensor	03/15/2022	12/14/2022	PCB0087008

LARSON DAVIS - A PCB PIEZOTRONICS DIV.
1681 West 820 North
Provo, UT 84601, United States
716-684-0001



LARSON DAVIS
A PCB DIVISION

Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
114	101.1	114.00	113.80	114.20	0.14	Pass
94	100.8	94.01	93.80	94.20	0.15	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
114	101.1	1,000.10	993.00	1,007.00	0.20	Pass
94	100.8	1,000.12	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
114	101.1	0.47	0.00	2.00	0.25 ‡	Pass
94	100.8	0.45	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0	108.0	-0.02	-0.25	0.25	0.04 ‡	Pass
101.3	101.3	0.00	-0.25	0.25	0.04 ‡	Pass
92.0	91.9	0.02	-0.25	0.25	0.04 ‡	Pass
83.0	83.1	0.02	-0.25	0.25	0.04 ‡	Pass
74.0	73.8	0.01	-0.25	0.25	0.04 ‡	Pass
65.0	65.2	-0.03	-0.25	0.25	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	108.0	-0.01	-7.00	7.00	0.20 ‡	Pass
101.3	101.3	0.00	-7.00	7.00	0.20 ‡	Pass
92.0	91.9	0.00	-7.00	7.00	0.20 ‡	Pass
83.0	83.1	0.00	-7.00	7.00	0.20 ‡	Pass
74.0	73.8	0.00	-7.00	7.00	0.20 ‡	Pass
65.0	65.2	0.00	-7.00	7.00	0.20 ‡	Pass

-- End of measurement results--



Total Harmonic Distortion + Noise (THD+N) Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
108.0	108.0	0.49	0.00	2.00	0.25 ‡	Pass
101.3	101.3	0.48	0.00	2.00	0.25 ‡	Pass
92.0	91.9	0.44	0.00	2.00	0.25 ‡	Pass
83.0	83.1	0.42	0.00	2.00	0.25 ‡	Pass
74.0	73.8	0.40	0.00	2.00	0.25 ‡	Pass
65.0	65.2	0.40	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Signatory: Scott Montgomery

LARSON DAVIS - A PCB PIEZOTRONICS DIV.
 1681 West 820 North
 Provo, UT 84601, United States
 716-684-0001



Initial Assessment

Certificate Number 2022007060

Customer:
RML Acoustics LLC

Model Number CAL200
Serial Number 10472
Test Results Pass
Initial Condition As Received
Description Larson Davis CAL200 Acoustic Calibrator

Procedure Number D0001.8386
Technician Scott Montgomery
Calibration Date 3 Jun 2022
Calibration Due
Temperature 23 °C ± 0.3 °C
Humidity 32 %RH ± 3 %RH
Static Pressure 101.2 kPa ± 1 kPa

Evaluation Method The data is acquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
 IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017. Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Standards Used

Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	08/06/2021	08/06/2022	001021
Larson Davis Model 2900 Real Time Analyzer	03/31/2022	03/31/2023	001051
Microphone Calibration System	02/23/2022	02/23/2023	005446
1/2" Preamplifier	08/26/2021	08/26/2022	006506
Larson Davis 1/2" Preamplifier 7-pin LEMO	08/09/2021	08/09/2022	006507
1/2 inch Microphone - RI - 200V	09/23/2021	09/23/2022	006511
Hart Scientific 2626-H Temperature Probe	02/04/2021	08/04/2022	006767
Pressure Sensor	03/15/2022	12/14/2022	PCB0087008

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LARSON DAVIS
 A PCB DIVISION

Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
114	101.3	114.10	113.80	114.20	0.14	Pass
94	101.2	94.11	93.80	94.20	0.15	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
114	101.3	1,000.09	993.00	1,007.00	0.20	Pass
94	101.2	1,000.10	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
114	101.3	0.47	0.00	2.00	0.25 ‡	Pass
94	101.2	0.45	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0	108.0	-0.02	-0.25	0.25	0.04 ‡	Pass
101.3	101.3	0.00	-0.25	0.25	0.04 ‡	Pass
92.0	91.9	0.02	-0.25	0.25	0.04 ‡	Pass
83.0	83.1	0.02	-0.25	0.25	0.04 ‡	Pass
74.0	73.8	0.01	-0.25	0.25	0.04 ‡	Pass
65.0	65.2	-0.03	-0.25	0.25	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 23 °C, 32 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	108.0	-0.01	-7.00	7.00	0.20 ‡	Pass
101.3	101.3	0.00	-7.00	7.00	0.20 ‡	Pass
92.0	91.9	0.00	-7.00	7.00	0.20 ‡	Pass
83.0	83.1	0.00	-7.00	7.00	0.20 ‡	Pass
74.0	73.8	0.00	-7.00	7.00	0.20 ‡	Pass
65.0	65.2	0.00	-7.00	7.00	0.20 ‡	Pass

-- End of measurement results--



Calibration Certificate

Certificate Number 2021006997

Customer:

RML Acoustics LLC
14688 Northwest 150th Lane
Alachua, FL 32615, United States

Model Number 831
Serial Number 0002520
Test Results Pass
Initial Condition AS RECEIVED same as shipped
Description Larson Davis Model 831
Class 1 Sound Level Meter
Firmware Revision: 2.403

Procedure Number D0001.8384
Technician Jason Grace
Calibration Date 11 Jun 2021
Calibration Due 11 Jun 2023
Temperature 23.69 °C ± 0.25 °C
Humidity 51 %RH ± 2.0 %RH
Static Pressure 86.33 kPa ± 0.13 kPa

Evaluation Method

Tested with:

Larson Davis PRM831. S/N 019157
PCB 377A02. S/N 52585
Larson Davis CAL200. S/N 6768
Larson Davis CAL291. S/N 0203

Data reported in dB re 20 µPa.

Compliance Standards

Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1
IEC 60804:2000 Type 1
IEC 61252:2002
IEC 61260:2001 Class 1
IEC 61672:2013 Class 1

ANSI S1.4-2014 Class 1
ANSI S1.4 (R2006) Type 1
ANSI S1.11 (R2009) Class 1
ANSI S1.25 (R2007)
ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.

Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

This report may not be reproduced, except in full, unless permission for the publication of an approved abstract is obtained in writing from the organization issuing this report.

Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev O, 2016-09-19

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to

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Certificate Number 2021006997

1/2" adaptor is used with the preamplifier.

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2016-02-24 certificate number DE-15-M-PTB-0056.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used			
Description	Cal Date	Cal Due	Cal Standard
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2021-05-24	2022-05-24	0000354
SRS DS360 Ultra Low Distortion Generator	2021-03-09	2022-03-09	006311
Hart Scientific 2626-H Temperature Probe	2021-02-04	2022-08-04	006767
1/2 inch Microphone - P - 0V	2021-03-12	2022-03-12	007081
Larson Davis CAL291 Residual Intensity Calibrator	2020-10-28	2021-10-28	007287
Larson Davis Model 831	2020-09-22	2021-09-22	007507
Larson Davis CAL200 Acoustic Calibrator	2021-04-12	2022-04-12	007784

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	113.97	113.80	114.20	0.14	Pass

As Received Level: 114.27
Adjusted Level: 113.97

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.27	-0.20	-1.20	0.80	0.23	Pass
1000	0.12	0.00	-0.70	0.70	0.23	Pass
8000	-2.16	-3.00	-5.50	-1.50	0.32	Pass

-- End of measurement results--

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Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	43.41

-- End of measurement results--

-- End of Report--

Signatory: Jason Grace

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Calibration Certificate

Certificate Number 2022006936

Customer:

RML Acoustics LLC

Model Number 831
Serial Number 0002660
Test Results Pass
Initial Condition Inoperable
Description Larson Davis Model 831
Class 1 Sound Level Meter
Firmware Revision: 2.403

Procedure Number D0001.8384
Technician Jacob Cannon
Calibration Date 1 Jun 2022
Calibration Due
Temperature 23.48 °C ± 0.25 °C
Humidity 50.1 %RH ± 2.0 %RH
Static Pressure 86.2 kPa ± 0.13 kPa

Evaluation Method *Tested with:* **Data reported in dB re 20 µPa.**

Larson Davis CAL291. S/N 0108
Larson Davis CAL200. S/N 9079
Larson Davis PRM831. S/N 019105
PCB 377B02. S/N 166046

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8378:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.11 (R2009) Class 1
IEC 61260:2001 Class 1	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.

Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

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Correction data from Larson Davis Model 831 Sound Level Meter Manual, I831.01 Rev O, 2016-09-19

For 1/4" microphones, the Larson Davis ADP024 1/4" to 1/2" adaptor is used with the calibrators and the Larson Davis ADP043 1/4" to 1/2" adaptor is used with the preamplifier.

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Certificate Number 2022006936

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa; Reference Range: 0 dB gain

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 successfully completed by Physikalisch-Technische Bundesanstalt (PTB) on 2016-02-24 certificate number DE-15-M-PTB-0056.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. As evidence was publicly available, from an independent testing organization responsible for approving the results of pattern-evaluation tests performed in accordance with IEC 61672-2:2013 / ANSI/ASA S1.4-2014/Part 2, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1; the sound level meter submitted for testing conforms to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used			
Description	Cal Date	Cal Due	Cal Standard
Larson Davis CAL291 Residual Intensity Calibrator	2021-09-10	2022-09-10	001250
Hart Scientific 2626-H Temperature Probe	2021-02-04	2022-08-04	006767
Larson Davis CAL200 Acoustic Calibrator	2021-07-21	2022-07-21	007027
Larson Davis Model 831	2022-02-21	2023-02-21	007182
PCB 377A13 1/2 inch Prepolarized Pressure Microphone	2022-03-02	2023-03-02	007185
SRS DS360 Ultra Low Distortion Generator	2022-03-29	2023-03-29	007635
Larson Davis 1/2" Preamplifier for Model 831 Type 1	2021-09-28	2022-09-28	PCB0004783

Acoustic Calibration

Measured according to IEC 61672-3:2013 10 and ANSI S1.4-2014 Part 3: 10

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
1000 Hz	114.00	113.80	114.20	0.14	Pass

Adjusted Level: 114.00
As Received Level: 113.96

-- End of measurement results--

Loaded Circuit Sensitivity

Measurement	Test Result [dB re 1 V / Pa]	Lower Limit [dB re 1 V / Pa]	Upper Limit [dB re 1 V / Pa]	Expanded Uncertainty [dB]	Result
1000 Hz	-27.29	-27.84	-24.74	0.14	Pass

-- End of measurement results--

Acoustic Signal Tests, C-weighting

Measured according to IEC 61672-3:2013 12 and ANSI S1.4-2014 Part 3: 12 using a comparison coupler with Unit Under Test (UUT) and reference SLM using slow time-weighted sound level for compliance to IEC 61672-1:2013 5.5; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Expected [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
125	-0.22	-0.20	-1.20	0.80	0.23	Pass
1000	0.12	0.00	-0.70	0.70	0.23	Pass
8000	-2.42	-3.00	-5.50	-1.50	0.32	Pass

-- End of measurement results--

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Self-generated Noise

Measured according to IEC 61672-3:2013 11.1 and ANSI S1.4-2014 Part 3: 11.1

Measurement	Test Result [dB]
A-weighted, 20 dB gain	40.54

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon



Sarasota Int Airport:

I spoke with Mike in their noise complaint department. He said departures and arrivals are from the Southeast. That area is getting the most noise and is the bulk of where their complaints come from. Arrivals aren't as loud as departures.

Holiday Inn 941-355-9000

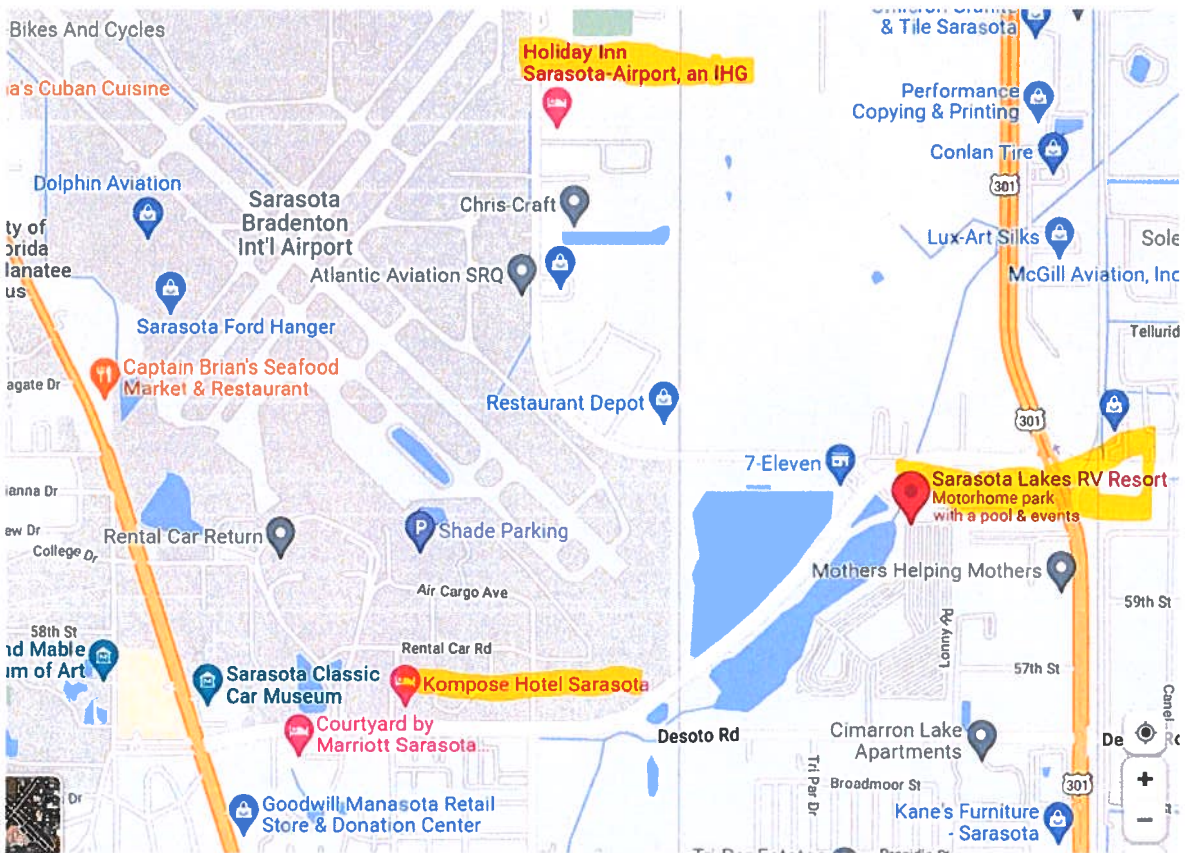
They don't have any noise complaints. They are on the other side of the airport and have private jets, so can't really hear it.

Kompose Hotel – 941-330-1160

They said they never get noise complaints; can't hear the planes at all.

Sarasota Lakes RV Resort – 941-355-8585

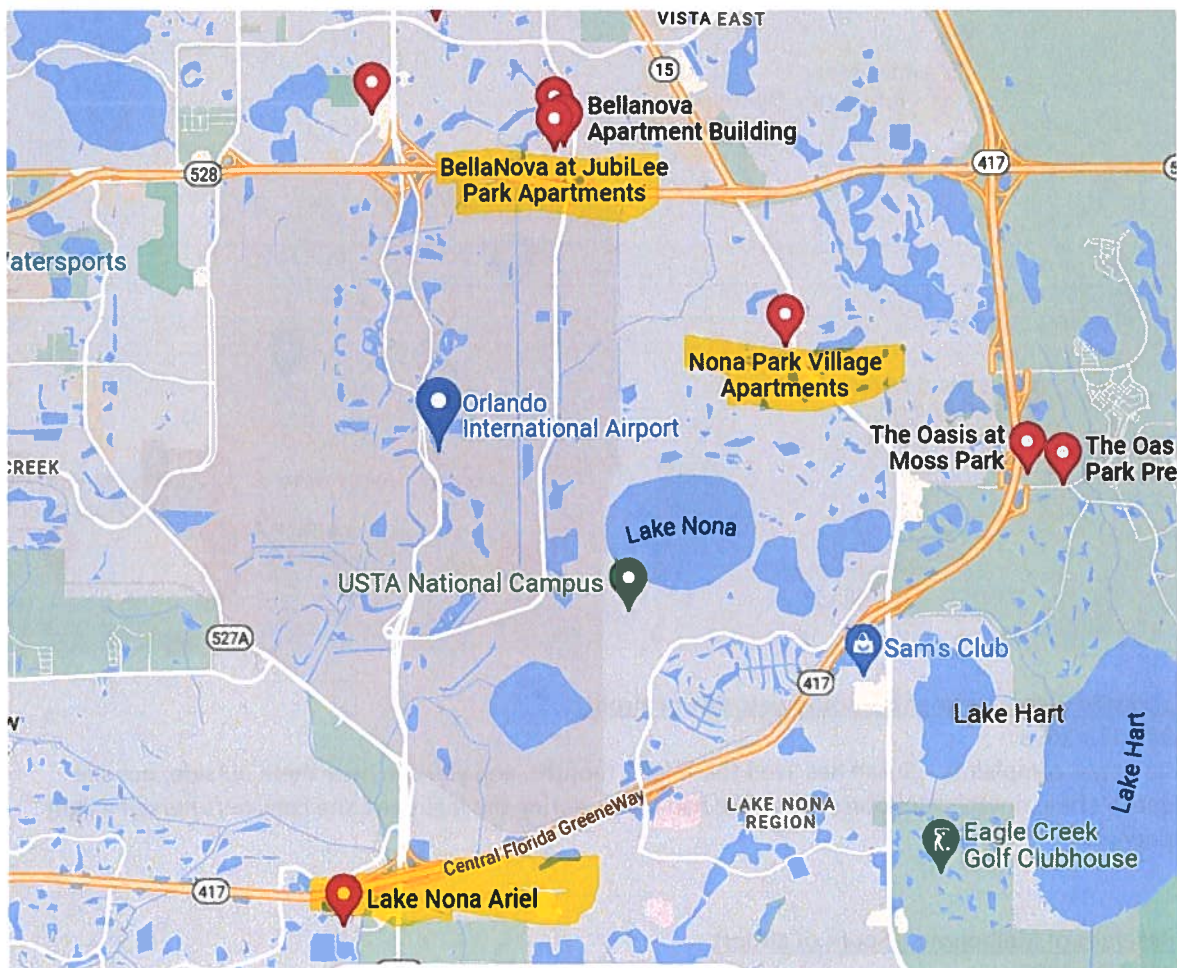
Yes, you can hear the airplanes and they do get noise complaints.



Orlando International Airport

[Noise Brochure for Orlando Int Airport – Frequently asked questions and map of noise levels surround airport](#)

Orlando International Airport Customer Service Line:
Noise officer line – 407-825-2674



Nona Park Village – northeast side

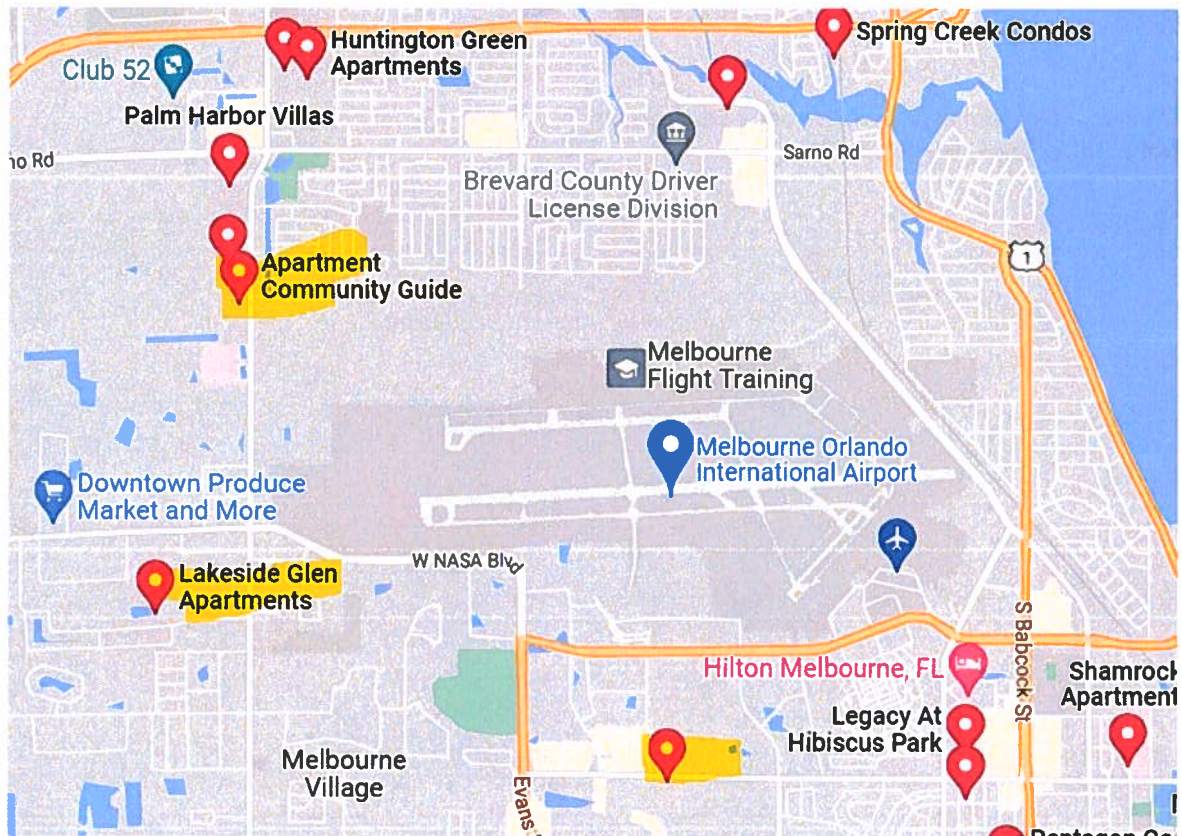
407-888-1028

Don't really hear any of the airplanes – parallel with the runways. Assistant and manager live on site and said she doesn't notice it at all.

Lake Nona Ariel – south end of airport

Don't get any complaints – not abnormally noisy. Hear it every now and again, but nothing that disturbs tenants.

Melbourne



Lakeside Glen Apartments – southwest side of airport

833-573-1698

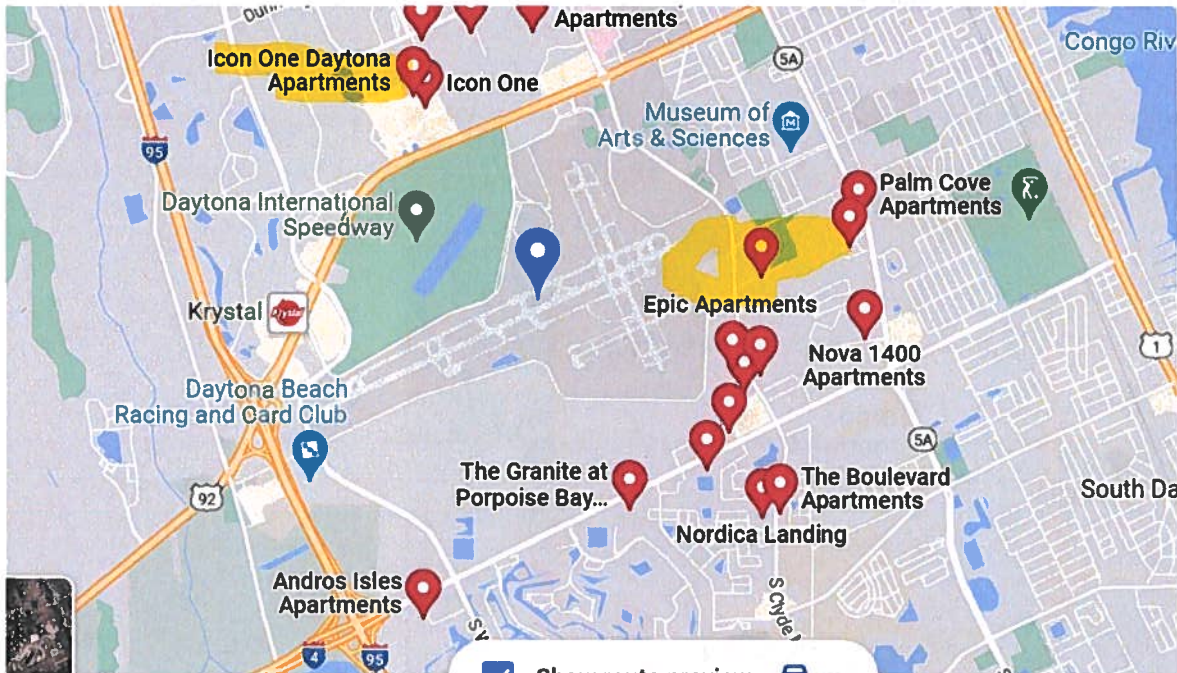
Don't get complaints – Susan has lived there for 3 months, and you can hear them outside, but she doesn't hear anything indoors. Has never had issues during the night and she considers herself a light sleeper.

Reserves of Melbourne – South of airport

321-593-0787

Don't get complaints. The planes don't fly overhead unless they're diverted. She lives there and never has issues.

Daytona Beach Int Airport

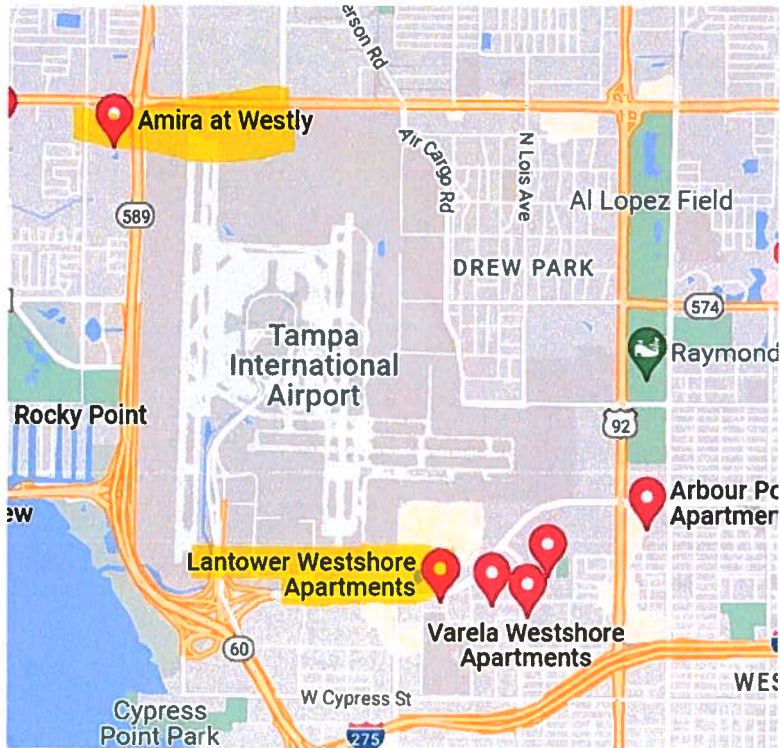


Epic Apartments – East side of airport

Kristen says they're by the airport and the racetrack – hears the racecars more than the planes. Only hear when jets taken off, and it's seldom. On this end the airport sold most of the strips to Embry Riddle, so smaller planes. No complaints from residents at all.

Tampa International Airport

[Noise abatement department](#)



Novus Westshore – Southeast (right next to Lantower)

813-694-5513

Haven't had any complaints – lives on site and has never heard anything from the airport.



City of PALM COAST

Utility Department

2 Utility Drive
Palm Coast, FL 32137
386-986-2360

February 6, 2023

Ken Atlee
Tidelands Investments, LLC

Re: Service Availability for Multi-Family / Commercial, Palm Coast Florida
City of Palm Coast, Flagler County

This letter confirms that City of Palm Coast is the water and wastewater service provider to the referenced property in Flagler County, Florida. Enclosed are copies of the system maps of the City's utility system showing existing water and wastewater mains in the area, as the City believes that they exist, for your use in project design. No representation is made as to the precise location of facilities. It is your responsibility to ensure that utility lines and other facilities are located at locations and in a sufficient condition to meet the requirements of your proposed development and the requirements of the City.

If a main extension is required, the design, permitting, and construction of the extension are your responsibility. Plan review by the City is required for all commercial projects and those projects involving a main extension. Construction must meet City Standards and Specifications. The Standards and Specifications Manual, with Standard Details, is available to you via City web-site or regular mail. All such matters must be memorialized by written city approvals.

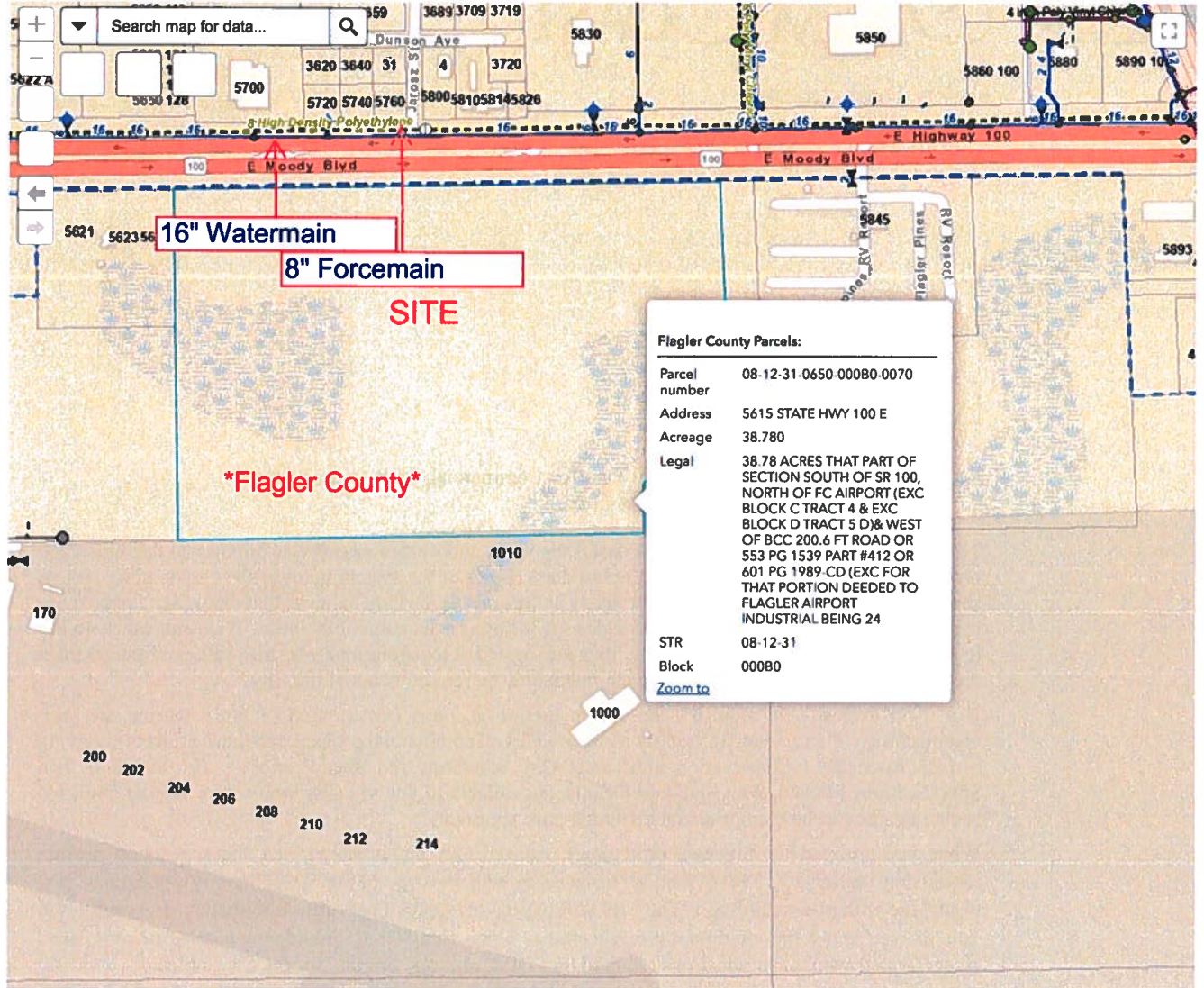
When you are ready to proceed, provide all required City application forms, the annexation petition required by section 49-53 (e) of the City Code along with one copy of the FDEP Permit Applications (fax, or include with plan submittal.) The City will redline the Operating Utility information, and return it to you, for you to incorporate onto the Applications. Upon completion, provide the number of completed, signed/sealed original Applications required by FDEP, plus one original for the City's files.

Please note that all applicable fees must be paid to the City, and plans must be stamped "Authorized For Construction," before the FDEP permit applications will be returned for your submittal to FDEP. Upon plan approval, the City will conduct construction inspection. Also, legal documents as necessary to convey the new facilities to the City must be completed and approved by the City, and FDEP/HRS clearance must be received **prior to service** being provided. Sample legal documents will be provided to you by the City to assist you during this phase of the project. The City will implement the annexation petition in accordance with its terms.

If you have any questions please feel free to contact me at (386) 986-2355

Sincerely,

Irma Velez
Utility Development Coordinator (ivelez@palmcoastgov.com)



300ft
81.203 29.474 Degrees

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LIVINGSTON & SWORD, P.A.

Attorneys At Law

March 23, 2023

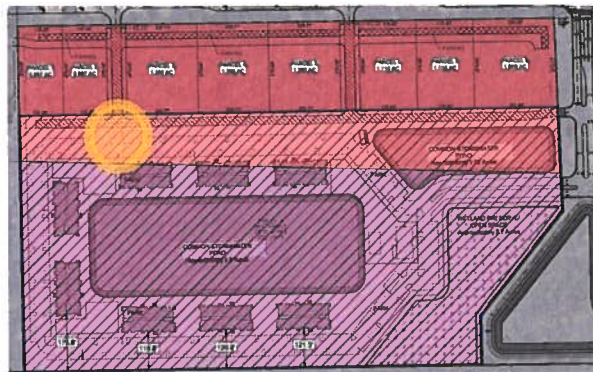
Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Responses to Technical Review Committee Comments dated March 13, 2023
Application for Rezoning from I (Industrial) to R-3B (Multi-Family Residential) District
Project #: 2022090032 / AR #3577
Application #: 3331

Dear Mr. Mengel:

The comments from the March 13, 2023, Technical Review Committee letter are restated below with the applicant's responses to each.

In addition, at the Technical Review Committee meeting held on March 15, 2023, a question was asked about secondary access to the multi-family portion of the proposed project. As discussed, there is a secondary emergency only access point proposed from the multi-family parking area to the roadway that will run behind the commercial parcels fronting SR 100, as highlighted in the following detail from the rezoning exhibit:



391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

We will prepare an updated graphic making this access point clearer for our presentation at the April Planning Board meeting. I will forward you a copy as soon as it is received.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

RESPONSE: No response required.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No objection or comments.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. Fire Rescue has no Issue with the rezoning project.

RESPONSE: Thank you.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. No comments at this time.

RESPONSE: No response required.

REVIEWING DEPARTMENT: FLAGLER EXECUTIVE AIRPORT

1. This property is contiguous the Flagler Executive Airport. The rezoning of the property would allow for the development of multi-family development, which is

not a compatible land use for the airport. This property was rezoned in 2021, under Ordinance No. 2021-10 from AC (Agriculture) district to I (Industrial) district, which is a compatible land use as a developer could construct warehouse facilities or other types of commercial/industrial uses that could benefit from the proximity to the airport and I-95.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

1. In addition to the incompatible land use, this request is not aligned with the recently approved Flagler County Strategic Plan outlined under Economic Vitality Objectives EV 2.1 and EV 2.4. Flagler County does not have an abundance of large plots of land to be utilized for commercial and industrial development. By approving this rezoning, it would further diminish the availability of large plots of land for commercial/industrial uses. Residential construction is a short-term job creator, while commercial/industrial is long-term.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

2. The Flagler Executive Airport has a perceived aircraft noise issue, which is continuously brought to the attention of the Airport Director. The addition of a multi-family development could potentially lead to over 600 new residents bordering the third busiest General Aviation airport in Florida. It would be inevitable that these new residents would complain about the aircraft noise as the neighboring residents do now. I see no reason to exacerbate this issue when there are many other areas in Flagler County where a multi-family development would be better suited.

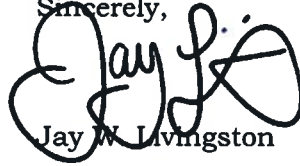
RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

3. The Flagler Executive Airport continues to grow and is getting busier. The airport is currently constructing 42 new T-hangar units, which will be completed in November 2023. We already have these T-hangar units spoken for as we have 147 people on our waiting list. There will be more construction of hangars in the near future to meet the unmet demand for hangar space.

RESPONSE: This comment was already addressed in the Applicant's response letter dated February 7, 2023.

Contact me if you have any questions, comments or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Livingston". The signature is stylized with large, overlapping loops and a prominent "L" at the end.

Jay W. Livingston

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING**

Flagler County Government Services Building, 1769 East Moody Blvd.,
Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 11, 2023 at 6:00 PM

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members present: Timothy Connor, Heather Haywood, Mark Langelo, and Fernando Melendez (Chair).

Members excused: Michael Boyd, Jack Corbett, and Anthony Lombardo.

Staff present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Growth Management Director; and Gina Lemon, Development Review Planner III.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: March 14, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langelo

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

4. Legislative, not requiring disclosure of ex parte communication:
Application #3330 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL: HIGH INTENSITY (6.52+/- AC) AND INDUSTRIAL (21.80+/- AC) TO RESIDENTIAL: HIGH DENSITY (28.32+/- AC)** – request to amend the Future Land Use Map designation at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090031 (TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword, gave an overview of the proposed project. He explained that the proposed high density residential use. He explained the parcel specific limiting policy does exist in the Future

amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

**Motion by: Timothy Conner
Motion died for lack of second.**

Jay Livingston on rebuttal, this particular parcel is not going to be used as industrial. He went on to describe the lack of compatibility with industrial uses. There is a lot of industrial land within this area, but it is not being utilized as industrial. We have seen commercial development and residential development. There are apartments within Town Center, this is almost the same uses and zoning. The apartment projects are really nice. Mixing the multifamily locations with the commercial has been demonstrated to work; to find locations build multifamily without having to make everyone angry. This concept that this property will not be developed for industrial.

Mark Langello understood what Mr. Conner was talking about and mixing it up, but disagreed with the lack of industrial.

Motion: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3330, a Future Land Use Map amendment (for Parcel # 08-12- 31-0650-000B0-0070) totaling 28.32+/- acres from Commercial High Intensity and Industrial to Residential High Density, finding that the amendment is not consistent with the Flagler County Comprehensive Plan on two points: the land zoning that is here is more appropriate; and changing it to residential is not consistent.

For the record, Mr. Conner explained that this will never be used for industrial.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried with 3 ayes, Timothy Conner voted nay.

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3331 – **REZONING FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT AND I (INDUSTRIAL) DISTRICT TO R-3B (MULTIFAMILY RESIDENTIAL) DISTRICT** – request for rezoning at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres.
Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090032 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword continued that

the property will be annexed to the City of Palm Coast. The presentation was relative to both items.

Board Questions:

Mark Langello asked if the City of Palm Coast has been talked to about this project.

Mr. Livingston commented that this will be a mixed use area.

Mark Langello questioned if the part or the whole would be annexed.

Mr. Livingston responded that they would take the whole, because you do not want to create an enclave.

Public Comments:

No public comment.

Mr. Moylan explained that the Board is a recommending body, therefore make a motion based on the merits of the project.

Motion: The Planning and Development Board recommends to the Board of County Commissioners denial of Application #3331, a rezoning from C-2 (General Commercial and Shopping Center) and I (Industrial) Districts to R-3b (Multifamily Residential) District for 28.32+/- acres, finding that the proposed rezoning is inconsistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code and compatibility to the surrounding area.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried 3 ayes, Timothy Conner voted nay.

6. Quasi-judicial requiring disclosure of ex parte communication:

Application #3345 – SPECIAL EXCEPTION IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for a Special Exception for a Roadside Vendor for art and food trucks at 2751 Moody Boulevard. Parcel Number 11-12-31-0650-000C0-0050; 9+/- acres. Owner: Robert Mott and John Mott/Applicant: Amber Embers.

Project #2023020040

(TRC, PDB)

Mark Langello disclosed that he had a conversation with the applicant, stopped the conversation and said will discuss in the proper setting.

Staff Presentation: Mr. Mengel presented the staff report.

Mark Langello, questioned the signage, up at the street to advertise their overall project. Not limiting the tent signage.

THE FLAGLER/PALM COAST
NEWS-TRIBUNE P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Adam Mengel
Purchasing
Flagler County Board Of County Commissioners
1769 E Moody BLVD # 306
Bunnell FL 32110-6355

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who, on oath says that he/she is LEGAL COORDINATOR of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a Govt Public Notices in the Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

03/22/2023

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida each Wednesday and has been entered as second-class mail matter at the post office in said Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 03/22/2023

[Handwritten Signature]

Legal Clerk
[Handwritten Signature]

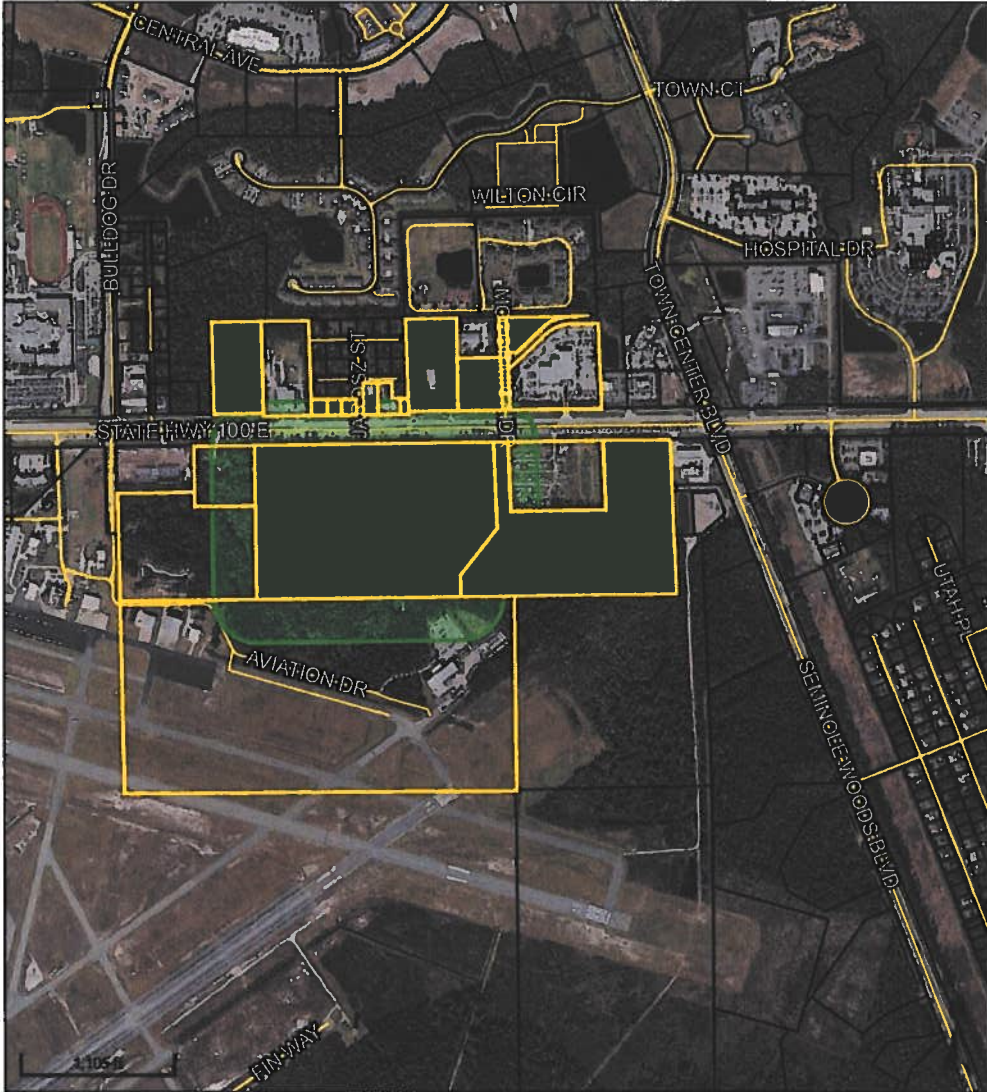
Notary, State of WI, County of Brown
[Handwritten Signature]

My commission expires
Publication Cost: \$42.72
Order No: 8586731 # of Copies: 1
Customer No: 465546
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

NOTICE OF REZONING
Pursuant to Section 227.08, Flagler County Land Development Code, and Chapter 125, Florida Statutes, the Flagler County Board of County Commissioners hereby provides notice of consideration of Application #2023 submitted by Applicant Jay W. Livingston, Esq., on behalf of property owner, Flagler Pine Properties, LLC, and possible adoption of an Ordinance filed similar to:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 28.37 ACRES, MORE OR LESS, LOCATED SOUTH OF STATE ROAD 140 EAST, BEING A PORTION OF PARCEL NUMBER 05-15-3-065-0000-000, FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT AND I (INDUSTRIAL) DISTRICT TO R-15 (MULTIFAMILY RESIDENTIAL) DISTRICT; PROVIDING FOR FINDINGS AND PROVIDING FOR AN EFFECTIVE DATE.
Public hearings on the above-captioned matter will be held as follows:
PLANNING AND DEVELOPMENT BOARD - April 11, 2023 at 6:00 a.m. or as soon thereafter as possible in the Flagler County Government Service Building, Board Chambers, 1769 E. Moody Boulevard, Bunnell, Florida.
The Planning and Development Board recommendation will be presented to the Board of County Commissioners for their decision; the Board of County Commissioners hearing will be held as follows:
BOARD OF COUNTY COMMISSIONERS - May 15, 2023 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Service Building, Board Chambers, 1769 E. Moody Boulevard, Bunnell, Florida.
All interested persons are urged to attend these public hearings and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-6229 or write to: Flagler County Planning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planning@flaglercounty.gov. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Bldg. 2, Bunnell, Florida 32110.
IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE MEETING.
NT000231 20230323 11

KAITLYN FELTY
Notary Public
State of Wisconsin




Overview



Legend

-  Parcels
-  Roads
-  Streams and River

Date created: 3/15/2023
Last Data Uploaded: 3/15/2023 12:47:11 PM
Developed by  Schneider

App #3331
Rezoning

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
08-12-31-0650-000A0-0090	TLG LLC		5850 E HWY 100	PALM COAST, FL 32164
08-12-31-0650-000A0-0093	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-0650-000B0-0070	FLAGLER PINES PROPERTIES LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-0650-000B0-0071	FLAGLER AIRPORT INDUSTRIAL LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-0650-000B0-0073	FLAGLER COUNTY BOCC		1769 E MOODY BLVD	BUNNELL, FL 32110
08-12-31-0650-000B0-0090	TLG LLC		5850 E HWY 100	PALM COAST, FL 32164
08-12-31-0650-000B0-0091	TOWN CENTER COMMONS LLC		1912 NIGHTFALL DRIVE	NEPTUNE BEACH, FL 32266
08-12-31-0650-000B0-0110	MCCORMICK 100 LLC		24 PORT ECHO LANE	PALM COAST, FL 32164
08-12-31-0650-000B0-0111	CENTRAL BAPTIST CHURCH INC,THE		PO BOX 1607	BUNNELL, FL 32110
08-12-31-0650-000C0-0040	AIRPORT SHOPPES LLC		170 NW SPANISH RIVER BOULEVARD SUITE 101	BOCA RATON, FL 33431
08-12-31-0650-000C0-0070	FLAGLER COUNTY		1769 E MOODY BLVD BLDG 2 SUITE 302	BUNNELL, FL 32110
08-12-31-0650-000D0-0050	FLAGLER PINES PROPERTIES LLC		4 LAMBERT COVE	FLAGLER BEACH, FL 32136
08-12-31-6000-00010-0040	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00010-0050	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00010-0060	CITY OF PALM COAST		160 LAKE AVENUE	PALM COAST, FL 32164
08-12-31-6000-00020-0010	ROSAMOND BARBARA A & RONALD F	KRUPA & JULIE A H&W JTWROS	508 MOODY LANE	FLAGLER BEACH, FL 32136
08-12-31-6000-00020-0020	SLS LAND HOLDINGS LLC		PO BOX 354122	PALM COAST, FL 32135
08-12-31-6000-00020-0040	SLS LAND HOLDINGS LLC		PO BOX 354122	PALM COAST, FL 32135

I hereby affirm mailed notice to each owner on 3 / 20 /2023 for the Planning and Dev Bd meeting on 4 /11 /2023 at 6:00 pm and the BCC hearing on 5/15/2023 at 5:30 pm.


Gina Lemon, Development Review Planner III

Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109

March 20, 2023

FLAGLER PINES PROPERTIES LLC
4 LAMBERT COVE
FLAGLER BEACH, FL 32136

Re: Application #3331 – Rezoning from C-2 (General Commercial and Shopping Center) District and I (Industrial) District to R-3B (Multifamily Residential) District

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Jay W. Livingston, Esquire for as agent for property owner Flagler Pines Properties, LLC for a rezoning of the property from C-2 (General Commercial and Shopping Center) District and I (Industrial) District to R-3B (Multifamily Residential) District parcel size of 28.317 acres more or less being a portion parcel number 08-12-31-0650-000B0-0070.

You are hereby notified that public hearings will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – for recommendation to Board of County Commissioners on – April 11, 2023, at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – May 15, 2023, at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110 for final decision.

Andy Dance
District 1

Greg Hansen
District 2

David Sullivan
District 3

Leann Pennington
District 4

Donald O'Brien, Jr.
District 5

You are welcome to attend both hearings and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Gina Lemon".

Gina Lemon
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



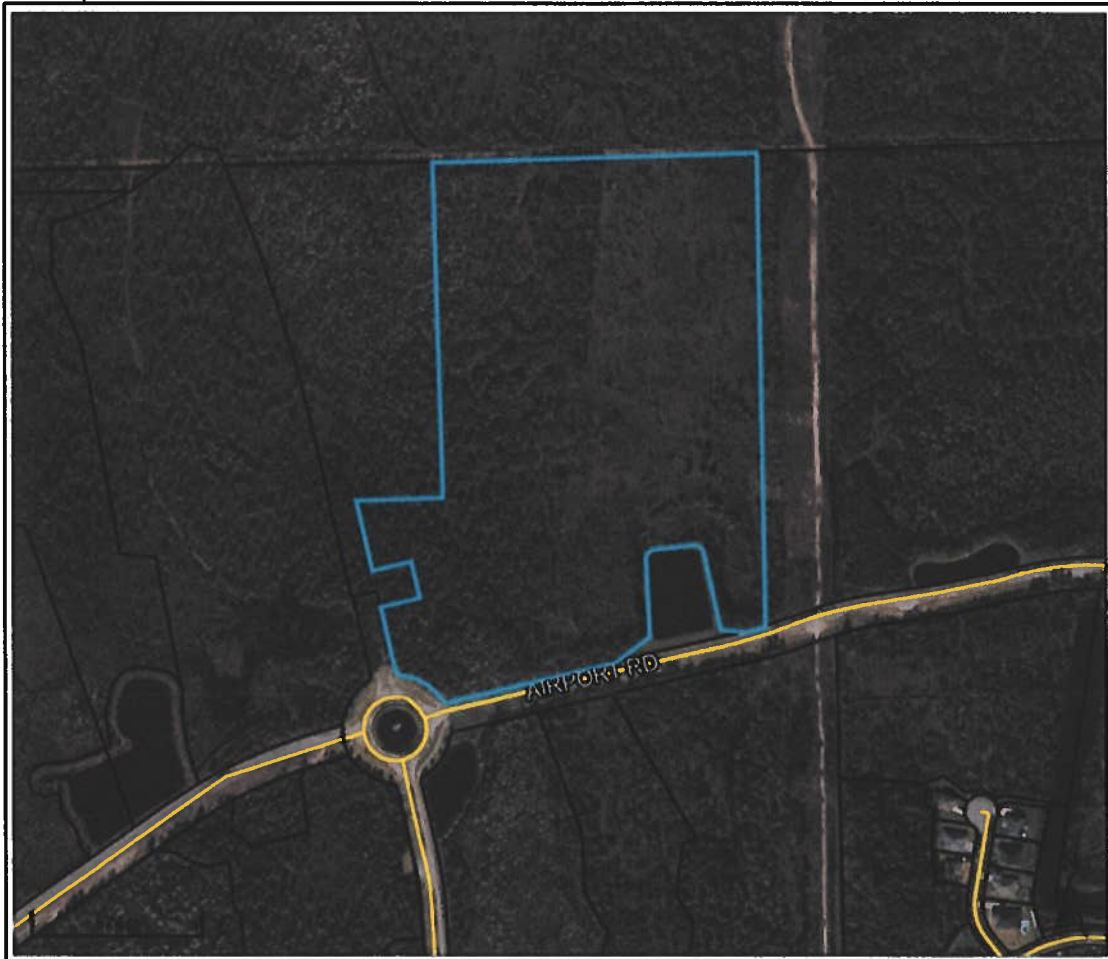
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9e**

SUBJECT: LEGISLATIVE – Adoption of an Ordinance Establishing the Ormond Station Community Development District.

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request is legislative in nature and does not require disclosure of ex parte communication. Pursuant to the requirements of Chapter 190, Florida Statutes, D.R. Horton, Inc., has filed a petition to establish the Ormond Station Community Development District (CDD).

Location Map:



The requested CDD district is a financing mechanism wherein future operation and maintenance of the CDD-owned facilities and infrastructure (i.e., water, sewer, roads, parks, mitigation, and security) will be funded through assessments levied against all the properties benefitted by and located within the CDD. The CDD will be structured to be financially independent and will not require any additional subsidies from Flagler County or the State of Florida. Florida Statutes requires a public hearing on the petitioned request and adoption of an ordinance establishing the CDD once the Flagler County Board of County Commissioners determines that the six statutory criteria outlined herein have been satisfied.

Public notice has been provided for this ordinance according to Chapter 190 and Section 125.66, Florida Statutes.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.
 - Objective EG 2.4: Establish joint strategies to identify and address needs through leveraging of local resources.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

RECOMMENDATION: Staff recommends that the Board of County Commissioners adopt the ordinance establishing the Ormond Station Community Development District.

ATTACHMENTS:

1. Technical Staff Report
2. Ordinance
3. Petition to Establish the Ormond Station CDD
4. Legal Advertisement

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
TECHNICAL STAFF REPORT
CREATION OF ORMOND STATION CDD

On April 3, 2023, D.R. Horton, Inc., a Florida Foreign Profit Corporation, petitioned Flagler County to establish the Ormond Station Community Development District (“CDD”). The Petition is filed in accordance with the uniform procedures for establishing a community development district pursuant to Section 190.005(2), Florida Statutes. The statute authorizes counties to establish a community development district as an independent special district to finance, construct, operate, and maintain basic infrastructure for a compact and contiguous area of land within unincorporated Flagler County.

The vicinity map depicted on the cover memo preceding this Technical Staff Report shows the 39.83+/- acre site located in southeast Flagler County, north of Airport Road, and east of the northerly extension of Hunter’s Ridge Boulevard. The Ormond Station CDD is initially proposed to fund infrastructure to support the land use program of the Groveside at Ormond Station subdivision (and formerly known as Celedine PUD) as approved by the Board at its April 17, 2023 regular meeting. This plat consists of 99 single-family detached residential lots. As provided in the Petition, it is anticipated that the District boundaries will be amended in the future for two additional “takedowns” of property for an additional 1,040 dwelling units.

The initial estimate of the costs to provide the capital facilities and infrastructure for the Ormond Station CDD is \$4,431,460. To fund this construction program, the District may issue special assessment or other revenue bonds. The balance of any capital facilities or infrastructure not funded by the District will be funded by the developer through sources that include, but are not limited to, equity financing, conventional bank financing, or short-term bond debt issued by the CDD.

The assessment is levied by the CDD and is in addition to all applicable ad valorem taxes that are levied by Flagler County. The CDD will be structured financially to be independent as intended by the Florida Legislature and will not require any additional subsidies from Flagler County or the State of Florida. The CDD will take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance improvements undertaken by the CDD. Such disclosure will be in accordance with Section 190.009, Florida Statutes, and will be provided to all existing and prospective residents of the CDD.

In accordance with Section 190.012(1), Florida Statutes, the CDD will be empowered to construct, manage, and finance the following community infrastructure and service improvements:

1. Roadways
2. Stormwater management
3. Potable Water
4. Wastewater
5. Irrigation
6. Hardscaping and landscaping
7. Amenities
8. Conservation areas
9. Offsite improvements

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate, and maintain community-wide infrastructure in large, planned community developments. As stated in Section 190.002, Florida Statutes, the Legislature found that “...an independent district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state’s planning, management, and financing needs for delivery of capital

infrastructure in order to service projected growth without overburdening other governments and their taxpayers.” A CDD is not a substitute for the local general purpose government unit: i.e., the City or County in which the CDD lies.

It is a financing mechanism; it is not empowered to adopt a comprehensive plan, building code, or land development code, or regulate land use, zoning, or land development. A CDD lacks the powers of permitting, zoning, police, and many other authorities possessed by general purpose governments. Future operation and maintenance of CDD-owned facilities and infrastructure will be funded through maintenance assessments levied against all benefitted properties within the CDD.

The CDD will be managed by District Supervisors selected by qualified electors within the boundaries of the CDD. The applicant has designated the following five persons to serve as the initial members of the Board of Supervisors of the CDD until such time that an election can be held to establish the Board of Supervisors: Matthew Stolz, Sydney Kendrick, John Valantasis, Lou Avelli, and Sam Macias. The county and its citizens are not involved in the management or financial responsibilities of the CDD. The petitioner has provided deeds documenting that 100 percent of the real property included within the CDD boundaries is in their control, as required by Chapter 190, Florida Statutes. The developer will incur substantial costs if the proposed CDD is approved. These costs can be attributed to the planning and creation of the CDD, management and technical assistance, construction of infrastructure, and operation and maintenance associated with that infrastructure. As an independent special district, the governing body of the CDD establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose government entity whose boundaries include the CDD. The CDD landowners within the CDD control the entity which provides services and levies the funds to pay for them. County-owned property is independent of the CDD jurisdiction.

The creation of the CDD will require the County to review the CDD’s budget when submitted for informational purposes each year. Creation of the CDD does not impact the ad valorem taxing authority of the County, and the County does not incur any obligation for the debt payments of the CDD, pursuant to the provisions of Section 190.002(3), Florida Statutes. Approval of the CDD provides that the development pays for itself as it occurs and, therefore, furthers the concurrency requirement of the Comprehensive Plan.

The proposed CDD has been reviewed by County staff. County staff verified the CDD’s consistency with plans previously approved by Flagler County, considered financial information in the individual categories, and found the petition is in order.

A CDD is an independent special-purpose local government taxing district authorized by Chapter 190, Florida Statutes (the Uniform Community Development District Act of 1980, Section 190.002(1)a., Florida Statutes). The Uniform Community Development District Act requires a public hearing on the petitioned request. Pursuant to Florida Statutes, the petition is required to contain eight elements, and this petition complies as follows:

1. A metes and bounds description of the external boundaries of the CDD which is Exhibit “A” to the attached ordinance;
2. The written consent of all owners of real property within the proposed CDD has been provided;
3. The designation of the initial members of the Board of Supervisors is listed in the attached ordinance;
4. The proposed name of the CDD is the Ormond Station Community Development District;

5. A map of the CDD shows current major trunk water mains, sewer interceptors and outfalls, if any, and stormwater management system on the attached graphic submitted by the petitioner at Exhibit 3 to the Petition;
6. Based on available data, the petitioner proposed a timetable for construction of the district services and estimated costs for constructing the infrastructure and other proposed services within the CDD as previously discussed in this report. These estimates shall be submitted in good faith as part of the petition to establish the CDD, but shall not be binding and may be subject to change;
7. A designation of future general distribution, location and extent of public and private uses of land proposed for the CDD by the future land use plan of the local government comprehensive plan is shown in the petition submitted by the petitioner; and
8. A statement of estimated regulatory costs in accordance with the requirements of Section of 120.541, Florida Statutes, which the petitioner has prepared and is attached. The petitioner concludes that, once the proposed CDD is established:

“Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the County. In accordance with Florida law, debts of the District are strictly the District’s own responsibility.”

Chapter 190, Florida Statutes, established six criteria that a petition must meet to merit approval for the establishment of a CDD. The six requirements include:

1. That all statements contained within the petition have been found to be true and correct.
2. That the creation of the CDD is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the effective local government comprehensive plan.
3. That the land area within the proposed CDD is of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functional, interrelated community.
4. That the creation of the CDD is the best alternative available for delivering the community development services and facilities to the area that will be served by the CDD.
5. That the proposed services and facilities to be provided by the CDD are not incompatible with the capacity and uses of existing local and regional community development district services and facilities.
6. That the area proposed to be included in the CDD is amenable to separate special district government. Property owners within the CDD have indicated concurrence with the application filed to establish the CDD.

County staff have reviewed the petition to establish the Ormond Station Community Development District and find that the preceding six requirements have been met.

ORDINANCE NO. 2023 - ____

AN ORDINANCE OF THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA, ESTABLISHING THE ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT LOCATED WITHIN THE BOUNDARIES OF FLAGLER COUNTY, FLORIDA AND CONTAINING APPROXIMATELY 39.83 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc., a Texas Profit Corporation authorized to conduct business in the State of Florida, has petitioned the County Commission of Flagler County, Florida, a political subdivision of the State of Florida, (“Commission”) to establish the ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT (“District”); and

WHEREAS, the Commission, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete and meets the requirements of Section 190.005, Florida Statutes, and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the local comprehensive plan of Flagler County, Florida, or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The area that will be served by the District is amenable to separate special-district government.

WHEREAS, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable general-purpose government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA that:

SECTION ONE: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION TWO: ESTABLISHMENT OF THE ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT

The Ormond Station Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS

The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- | | |
|-------------------------------------------------------------|-------------------------------------------------------------|
| 1. Matthew Stolz
10192 Dowden Rd.
Orlando, FL 32832 | 2. Sydney Kendrick
10192 Dowden Rd.
Orlando, FL 32832 |
| 3. John Valantasis
10192 Dowden Rd.
Orlando, FL 32832 | 4. Lou Avelli
10192 Dowden Rd.
Orlando, FL 32832 |
| 5. Sam Macias
10192 Dowden Rd.
Orlando, FL 32832 | |

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the "Ormond Station Community Development District."

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Ormond Station Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local law.

SECTION SIX: CONSENT TO SPECIAL POWERS

Upon the effective date of this Ordinance, the Ormond Station Community Development District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law.

The Commission hereby consents to the exercise by the Board of Supervisors of the District of special powers set forth in Section 190.012(2)(a) and 190.012(2)(d), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, as well as facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol

cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

SECTION SEVEN: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Flagler County, Florida or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION EIGHT: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the County Commission of Flagler County, Florida, this 15th day of May 2023.

Attest:

**Flagler County Board of County
Commissioners**

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Gregory L. Hansen, Chair

Approved as to Form:

Sean S. Moylan Digitally signed by Sean S. Moylan
Date: 2023.05.03 11:52:08 -04'00'

Sean S. Moylan, Deputy County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SECTION 22 RUN NORTH 01°17'59" WEST A DISTANCE OF 5262.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 RUN NORTH 88°15'41" EAST A DISTANCE OF 2473.29 FEET TO THE NORTHWEST CORNER OF CONSERVATION TRACT "A", RECORDED IN OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE NORTHWEST CORNER OF TRACT "B", RECORDED IN OFFICIAL RECORDS BOOK 2706, PAGE 145 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID CONSERVATION TRACT, THE NORTH LINE OF SAID SECTION 22, AND THE NORTH LINE OF SAID TRACT "B" CONTINUE NORTH 88°15'41" EAST A DISTANCE OF 1048.02 FEET TO THE INTERSECTION OF SAID NORTH LINE OF SECTION 22 AND THE WEST LINE OF THAT CERTAIN 236.00 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1319, PAGE 1953 AND DEED BOOK 38, PAGE 50 BOTH BEING RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE AND THE EAST LINE OF SAID TRACT "B" RUN SOUTH 01°00'05" EAST A DISTANCE OF 1521.83 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTHERLY RIGHT-OF-WAY OF AIRPORT ROAD (A 100.00 FOOT WIDE PRIVATE RIGHT-OF-WAY) PER MAP BOOK 37, PAGES 38-39 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT OF INTERSECTION ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 02°40'58", AND A CHORD DISTANCE OF 65.55 FEET WHICH BEARS SOUTH 74°35'44" WEST; THENCE ALONG ARC OF SAID CURVE, SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF AFORESAID TRACT "B" RUN FOR A LENGTH OF 65.56 FEET TO THE SOUTHEAST CORNER OF TRACT 5 (DRAINAGE EASEMENT) PER SAID RIGHT-OF-WAY MAP BOOK AND OFFICIAL RECORDS BOOK 1730, PAGE 1056 AS RECORDED IN THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA, AND A POINT OF NON-TANGENCY WITH A LINE; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID TRACT 5 (DRAINAGE EASEMENT) AND SAID SOUTH LINE OF TRACT "B" RUN THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: (1) NORTH 84°20'38" WEST A DISTANCE OF 82.69 FEET; (2) THENCE NORTH 12°19'05" WEST A DISTANCE OF 254.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 84°28'08", AND A CHORD DISTANCE OF 40.33 FEET WHICH BEARS NORTH 54°33'04" WEST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.23 TO A POINT OF

TANGENCY WITH A LINE; (4) THENCE ALONG SAID TANGENT LINE RUN SOUTH 83°12'57" WEST A DISTANCE OF 125.15 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 85°47'29", AND A CHORD DISTANCE OF 40.84 WHICH BEARS SOUTH 40°19'20" WEST; (5) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.92 FEET TO A POINT OF TANGENCY WITH A LINE; (6) THENCE ALONG SAID TANGENT LINE RUN SOUTH 02°34'18" EAST A DISTANCE OF 249.48 FEET; (7) THENCE RUN SOUTH 53°07'43" WEST A DISTANCE OF 138.20 FEET TO AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD AND AFORESAID SOUTH LINE OF TRACT "B"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF TRACT "B" RUN SOUTH 76°55'49" WEST A DISTANCE OF 554.87 FEET TO THE SOUTH-MOST CORNER OF CONSERVATION TRACT "B", RECORDED IN AFORESAID OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE BEGINNING OF A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°58'32", AND A CHORD DISTANCE OF 27.95 FEET WHICH BEARS NORTH 69°04'55" EAST; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CONSERVATION TRACT "B", SOUTH LINE OF AFORESAID TRACT "B", AND AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 29.66 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 49°00'36", AND A CHORD DISTANCE OF 145.17 FEET WHICH BEARS SOUTH 59°35'57" EAST; (2) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 149.69 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 71°02'04", AND A CHORD DISTANCE OF 29.05 FEET WHICH BEARS SOUTH 48°35'13" EAST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 30.99 FEET TO A POINT OF TANGENCY WITH A LINE AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HUNTER'S RIDGE BOULEVARD PER AFORESAID MAP BOOK 37, PAGES 38-39; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND AFORESAID SOUTHWESTERLY LINE OF CONSERVATION TRACT "B", AND SAID SOUTH LINE OF TRACT "B" RUN NORTH 13°04'11" WEST A DISTANCE OF 205.77 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID TRACT "B" RUN NORTH 76°55'49" EAST A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF AFORESAID CONSERVATION TRACT "A"; THENCE ALONG THE WEST LINE OF SAID CONSERVATION TRACT "A" AND SAID WEST LINE OF TRACT "B" RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) NORTH 13°04'11" WEST A DISTANCE OF 120.00 FEET; (2) THENCE RUN SOUTH 76°55'49" A DISTANCE OF 130.00 FEET; (3) THENCE RUN NORTH 13°04'11" WEST A DISTANCE OF 231.38 FEET; (4) THENCE RUN NORTH 88°15'41" EAST A DISTANCE OF 281.00 FEET; (5) THENCE RUN NORTH 01°44'19" WEST A DISTANCE OF 1076.91 FEET RETURNING TO THE POINT OF BEGINNING. CONTAINING 1,735,215 SQUARE FEET OR 39.835 ACRES, MORE OR LESS.

PETITION TO ESTABLISH
ORMOND STATION
COMMUNITY DEVELOPMENT
DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No. 155527
Jere.Earlywine@KutakRock.com
KUTAK ROCK, LLP
407 W. College Ave.
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

BEFORE THE BOARD OF COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, D.R. Horton, Inc. ("Petitioner"), hereby petitions the Board of County Commissioners of Flagler County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

1. **Location and Size.** The proposed District is located entirely within Flagler County, Florida, and covers approximately 39.83 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located north of, and adjacent to, Airport Road and west of the Flagler County/Volusia County boundary. The sketch and metes and bounds descriptions of the external boundary of the proposed District are set forth in **Exhibit 2**. It is anticipated that the District's boundaries will be amended in the future to include two additional "takedowns" of property that are planned for 1,040 homes.

2. **Excluded Parcels.** There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. **Landowner Consents.** Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes. Consent to the establishment of a community development district is contained in **Exhibit 3**.

4. **Initial Board Members.** The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are Matthew Stolz, Sydney Kendrick, John Valantasis, Lou Avelli, Sam Macias. All of the listed persons are residents of the state of Florida and citizens of the United States of America.

5. **Name.** The proposed name of the District is the Ormond Station Community Development District.

6. **Major Water and Wastewater Facilities.** **Exhibit 4** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. **District Facilities and Services.** **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed from 2023 to 2024 (future phases are expected to be completed prior to 2028). Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Existing and Future Land Uses. The existing use of the lands within the proposed District is vacant. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the Flagler Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs (“**SERC**”) prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agents. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine, Esq., as its authorized agent. See **Exhibit 8** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 155527
Jere.Earlywine@KutakRock.com
KUTAK ROCK, LLP
407 W. College Ave.
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

11. This petition to establish the Ormond Station Community Development District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Flagler Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the proposed District will prevent the general body of taxpayers in Flagler County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Flagler County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

[CONTINUED ON NEXT PAGE]

d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 6th day of March, 2023.

KUTAK ROCK, LLP

A handwritten signature in blue ink, appearing to read "Jere Earlywine", is written over a horizontal line.

Jere Earlywine

Florida Bar No. 155527

Jere.Earlywine@KutakRock.com

KUTAK ROCK, LLP

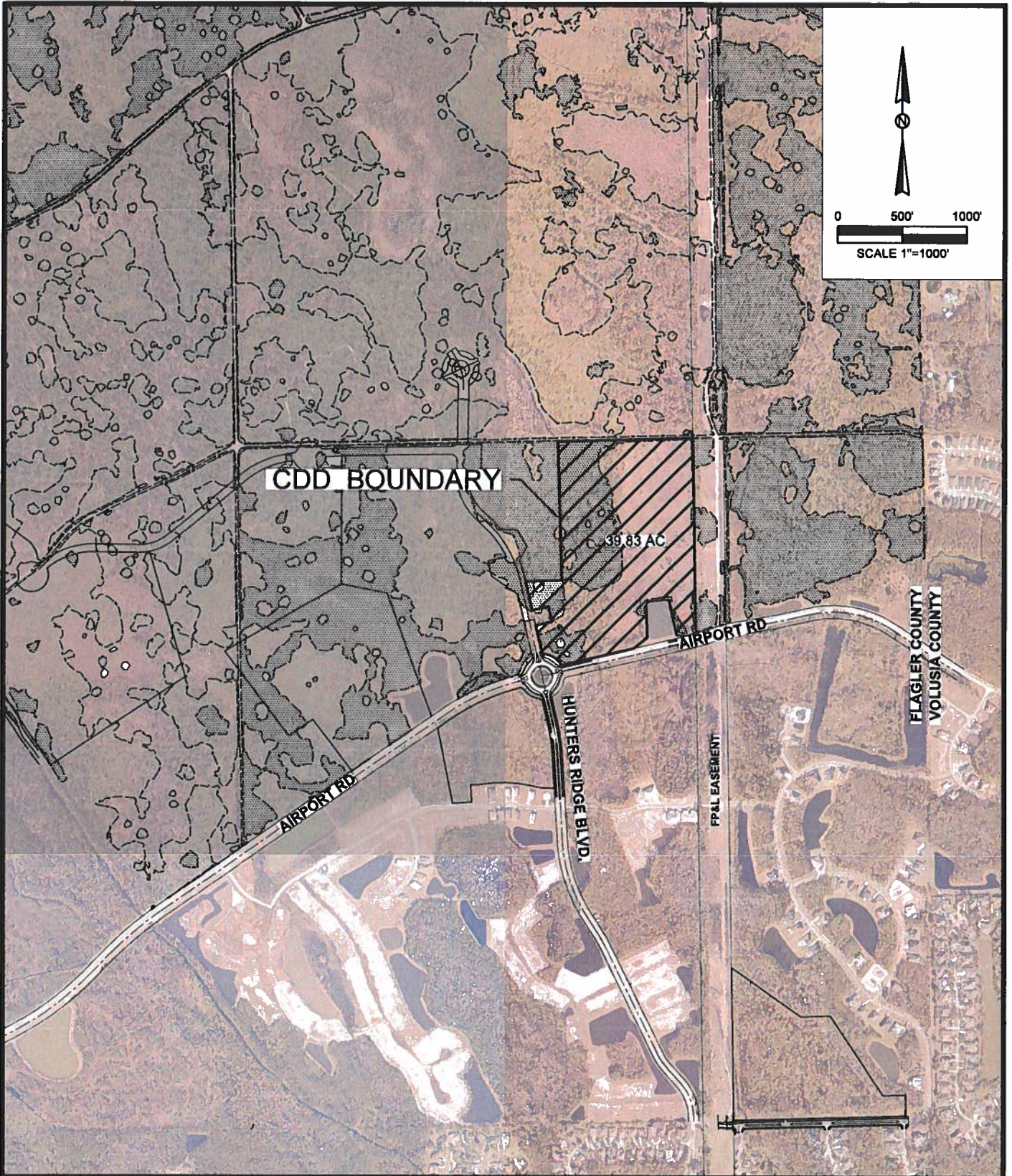

407 W. College Ave.

Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1

MADDEN
 MOORHEAD & STOKES, LLC
 CIVIL ENGINEERS

431 E. HORATIO AVE, SUITE 260 MAITLAND, FL 32751 (407) 629-8330
 CERTIFICATE OF AUTHORIZATION NO. CA-0007723

JOB NUMBER:	23003
SEC: 22 TWP: 14S RNG: 31E	
DRAWN BY:	JFV
APPROVED BY:	DAR
DATE:	02/02/2023
SCALE:	1" = 1000'

ORMOND STATION CDD	
MAP OF DISTRICT BOUNDARY	

EXHIBIT 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SECTION 22 RUN NORTH 01°17'59" WEST A DISTANCE OF 5262.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 RUN NORTH 88°15'41" EAST A DISTANCE OF 2473.29 FEET TO THE NORTHWEST CORNER OF CONSERVATION TRACT "A", RECORDED IN OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE NORTHWEST CORNER OF TRACT "B", RECORDED IN OFFICIAL RECORDS BOOK 2706, PAGE 145 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID CONSERVATION TRACT, THE NORTH LINE OF SAID SECTION 22, AND THE NORTH LINE OF SAID TRACT "B" CONTINUE NORTH 88°15'41" EAST A DISTANCE OF 1048.02 FEET TO THE INTERSECTION OF SAID NORTH LINE OF SECTION 22 AND THE WEST LINE OF THAT CERTAIN 236.00 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1319, PAGE 1953 AND DEED BOOK 38, PAGE 50 BOTH BEING RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE AND THE EAST LINE OF SAID TRACT "B" RUN SOUTH 01°00'05" EAST A DISTANCE OF 1521.83 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTHERLY RIGHT-OF-WAY OF AIRPORT ROAD (A 100.00 FOOT WIDE PRIVATE RIGHT-OF-WAY) PER MAP BOOK 37, PAGES 38-39 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT OF INTERSECTION ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 02°40'58", AND A CHORD DISTANCE OF 65.55 FEET WHICH BEARS SOUTH 74°35'44" WEST; THENCE ALONG ARC OF SAID CURVE, SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF AFORESAID TRACT "B" RUN FOR A LENGTH OF 65.56 FEET TO THE SOUTHEAST CORNER OF TRACT 5 (DRAINAGE EASEMENT) PER SAID RIGHT-OF-WAY MAP BOOK AND OFFICIAL RECORDS BOOK 1730, PAGE 1056 AS RECORDED IN THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA, AND A POINT OF NON-TANGENCY WITH A LINE; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID TRACT 5 (DRAINAGE EASEMENT) AND SAID SOUTH LINE OF TRACT "B" RUN THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: (1) NORTH 84°20'38" WEST A DISTANCE OF 82.69 FEET; (2) THENCE NORTH 12°19'05" WEST A DISTANCE OF 254.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 84°28'08", AND A CHORD DISTANCE OF 40.33 FEET WHICH BEARS NORTH 54°33'04" WEST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.23 TO A POINT OF TANGENCY WITH A LINE; (4) THENCE ALONG SAID TANGENT LINE RUN SOUTH 83°12'57" WEST A DISTANCE OF 125.15 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 85°47'29", AND A CHORD DISTANCE OF 40.84 WHICH BEARS SOUTH 40°19'20" WEST; (5) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.92 FEET TO A POINT OF TANGENCY WITH A LINE; (6) THENCE ALONG SAID TANGENT LINE RUN SOUTH 02°34'18" EAST A DISTANCE OF 249.48 FEET; (7) THENCE RUN SOUTH 53°07'43" WEST A DISTANCE OF 138.20 FEET TO AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD AND AFORESAID SOUTH LINE OF TRACT "B"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF TRACT "B" RUN SOUTH 76°55'49" WEST A DISTANCE OF 554.87 FEET TO THE SOUTH-MOST CORNER OF CONSERVATION TRACT "B", RECORDED IN AFORESAID OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE BEGINNING OF A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°58'32", AND A CHORD DISTANCE OF 27.95 FEET WHICH BEARS NORTH 69°04'55" EAST; 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THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID TRACT "B" RUN NORTH 76°55'49" EAST A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF AFORESAID CONSERVATION TRACT "A"; THENCE ALONG THE WEST LINE OF SAID CONSERVATION TRACT "A" AND SAID WEST LINE OF TRACT "B" RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) NORTH 13°04'11" WEST A DISTANCE OF 120.00 FEET; (2) THENCE RUN SOUTH 76°55'49" A DISTANCE OF 130.00 FEET; (3) THENCE RUN NORTH 13°04'11" WEST A DISTANCE OF 231.38 FEET; (4) THENCE RUN NORTH 88°15'41" EAST A DISTANCE OF 281.00 FEET; (5) THENCE RUN NORTH 01°44'19" WEST A DISTANCE OF 1076.91 FEET RETURNING TO THE POINT OF BEGINNING. CONTAINING 1,735,215 SQUARE FEET OR 39.835 ACRES, MORE OR LESS.



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS

431 E. HORATIO AVE, SUITE 260 MAITLAND, FL 32751 (407) 629-8330
 CERTIFICATE OF AUTHORIZATION NO. CA-0007723

JOB NUMBER:	23003
SEC: 22 TWP: 14S RNG: 31E	
DRAWN BY:	JFV
APPROVED BY:	DAR
DATE:	02/02/2023
SCALE:	NONE

ORMOND STATION CDD	
LEGAL DESCRIPTION	

EXHIBIT 3

**Consent of Landowner
to the Establishment of a Community Development District
[Proposed Ormond Station Community Development District]**

The undersigned is the owner of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District. The undersigned also consents to having D.R. Horton, Inc., as a contract purchaser of the Property, petition the Flagler County Board of County Commissioners for establishment of the Community Development District, and to authorizing Jere Earlywine of Kutak Rock, LLP to serve as an agent of the Petitioner for this purpose.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[SIGNATURE PAGE TO FOLLOW]

Executed this 14th day of February, 2023.

Witnessed:

ADJ HUNTERS RIDGE, LLC

[Signature]
Print Name: Ethan Bullock

[Signature]
BY: ANAND JOBALIA
ITS: MANAGER

[Signature]
Print Name: Thomas R. Mehegan

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of February, 2023, by ANAND JOBALIA, MANAGER of ADJ HUNTERS RIDGE, LLC, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.

[Signature]
NOTARY PUBLIC, STATE OF Florida
Name: Felicia Fonseca



(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Legal Description

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SECTION 22 RUN NORTH 01°17'59" WEST A DISTANCE OF 5262.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 RUN NORTH 88°15'41" EAST A DISTANCE OF 2473.29 FEET TO THE NORTHWEST CORNER OF CONSERVATION TRACT "A", RECORDED IN OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE NORTHWEST CORNER OF TRACT "B", RECORDED IN OFFICIAL RECORDS BOOK 2706, PAGE 145 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID CONSERVATION TRACT, THE NORTH LINE OF SAID SECTION 22, AND THE NORTH LINE OF SAID TRACT "B" CONTINUE NORTH 88°15'41" EAST A DISTANCE OF 1048.02 FEET TO THE INTERSECTION OF SAID NORTH LINE OF SECTION 22 AND THE WEST LINE OF THAT CERTAIN 236.00 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1319, PAGE 1953 AND DEED BOOK 38, PAGE 50 BOTH BEING RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE AND THE EAST LINE OF SAID TRACT "B" RUN SOUTH 01°00'05" EAST A DISTANCE OF 1521.83 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTHERLY RIGHT-OF-WAY OF AIRPORT ROAD (A 100.00 FOOT WIDE PRIVATE RIGHT-OF-WAY) PER MAP BOOK 37, PAGES 38-39 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT OF INTERSECTION ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 02°40'58", AND A CHORD DISTANCE OF 65.55 FEET WHICH BEARS SOUTH 74°35'44" WEST; THENCE ALONG ARC OF SAID CURVE, SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF AFORESAID TRACT "B" RUN FOR A LENGTH OF 65.56 FEET TO THE SOUTHEAST CORNER OF TRACT 5 (DRAINAGE EASEMENT) PER SAID RIGHT-OF-WAY MAP BOOK AND OFFICIAL RECORDS BOOK 1730, PAGE 1056 AS RECORDED IN THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA, AND A POINT OF NON-TANGENCY WITH A LINE; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID TRACT 5 (DRAINAGE EASEMENT) AND SAID SOUTH LINE OF TRACT "B" RUN THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: (1) NORTH 84°20'38" WEST A DISTANCE OF 82.69 FEET; (2) THENCE NORTH 12°19'05" WEST A DISTANCE OF 254.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 84°28'08", AND A CHORD DISTANCE OF 40.33 FEET WHICH BEARS NORTH 54°33'04" WEST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.23 TO A POINT OF TANGENCY WITH A LINE; (4) THENCE ALONG SAID TANGENT LINE RUN SOUTH 83°12'57" WEST A DISTANCE OF 125.15 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 85°47'29", AND A CHORD DISTANCE OF 40.84 WHICH BEARS SOUTH 40°19'20" WEST; (5) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.92 FEET TO A POINT OF TANGENCY WITH A LINE; (6) THENCE ALONG SAID TANGENT LINE RUN SOUTH 02°34'18" EAST A DISTANCE OF 249.48 FEET; (7) THENCE RUN SOUTH 53°07'43" WEST A DISTANCE OF 138.20 FEET TO AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD AND AFORESAID SOUTH LINE OF TRACT "B"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF TRACT "B" RUN SOUTH 76°55'49" WEST A DISTANCE OF 554.87 FEET TO THE SOUTH-MOST CORNER OF CONSERVATION TRACT "B", RECORDED IN AFORESAID OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE BEGINNING OF A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°58'32", AND A CHORD DISTANCE OF 27.95 FEET WHICH BEARS NORTH 69°04'55" EAST; 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CIVIL ENGINEERS

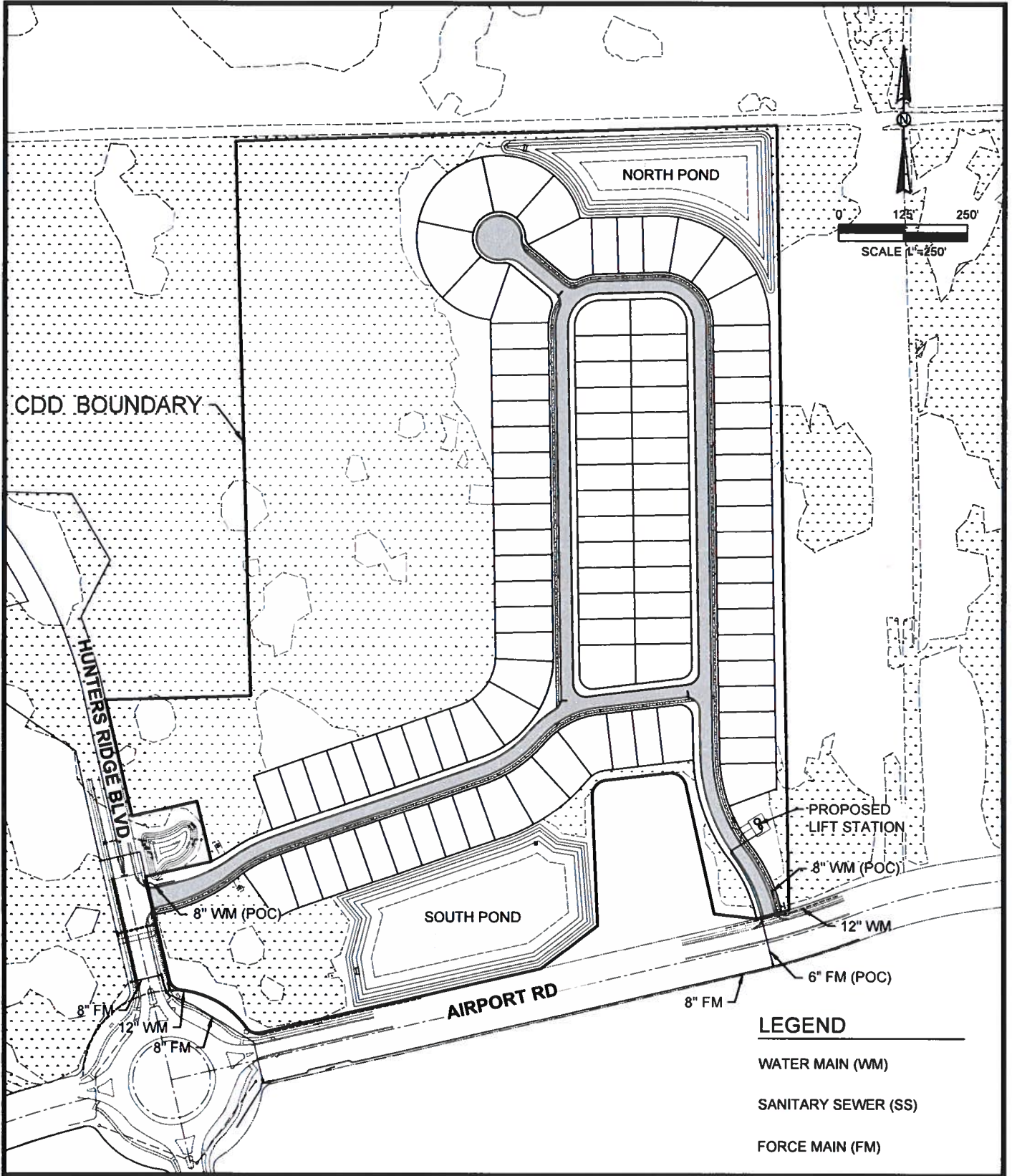
431 E. HORATIO AVE, SUITE 260 MAITLAND, FL 32751 (407) 629-8330
 CERTIFICATE OF AUTHORIZATION NO. CA-0007723

JOB NUMBER:	23003
SEC: 22 TWP: 14S RNG: 31E	
DRAWN BY:	JFV
APPROVED BY:	DAR
DATE:	02/02/2023
SCALE:	NONE

ORMOND STATION CDD

**LEGAL
 DESCRIPTION**

EXHIBIT 4



LEGEND

- WATER MAIN (WM)
- SANITARY SEWER (SS)
- FORCE MAIN (FM)



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DRAWN BY:	JFV
APPROVED BY:	DAR
DATE:	02/02/2023
SCALE:	1" = 250'

ORMOND STATION CDD

**EXISTING UTILITY
 MAP**

EXHIBIT 5

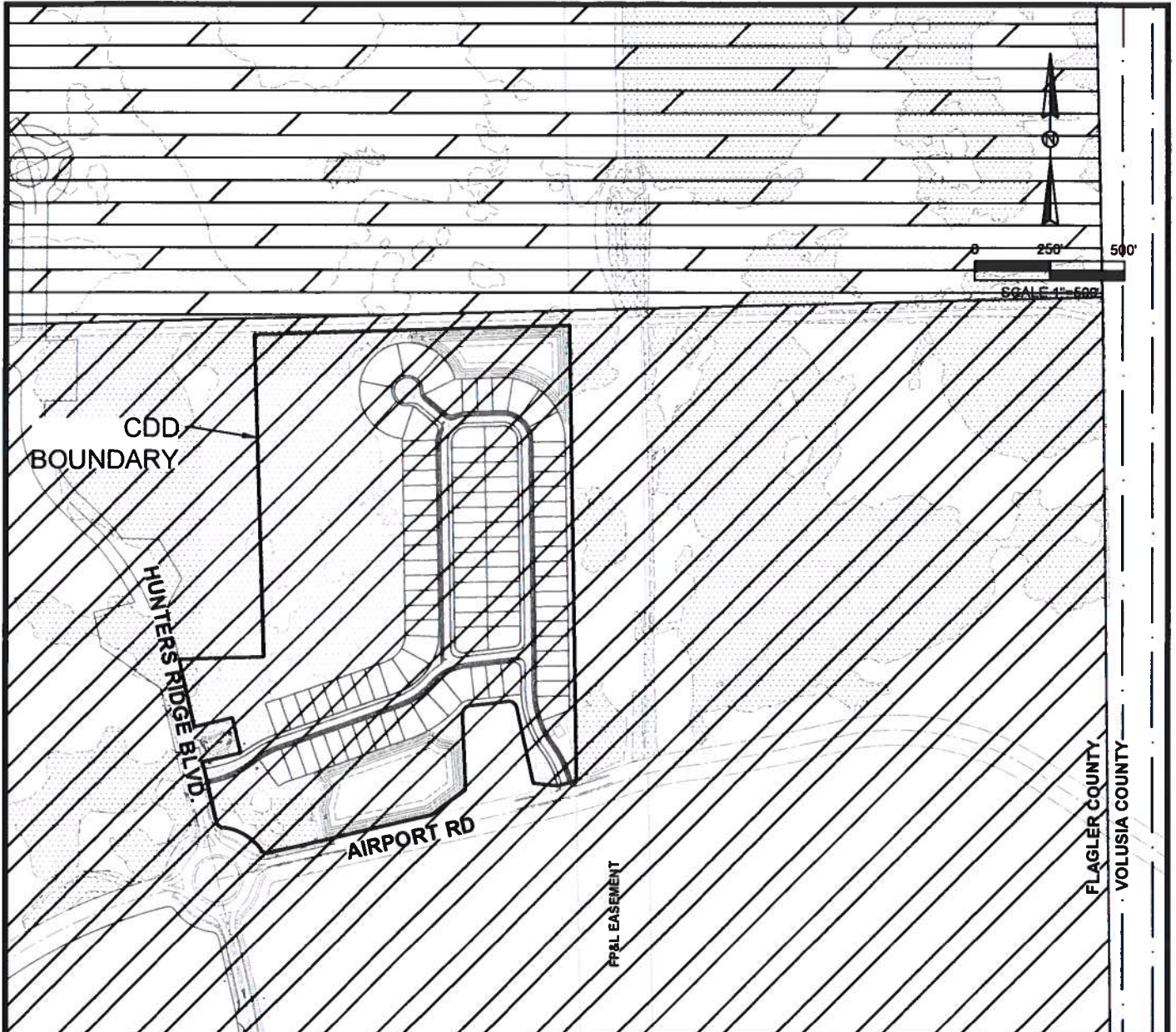
COST ESTIMATE

Improvement	Estimated Cost**	Financing / Construction Entity*	Final Owner / Maintenance Entity*
Stormwater Management System	\$ 874,000	CDD	CDD
Roadways	673,200	CDD	County
Storm Drainage (within ROW)	475,200	CDD	County
Potable Water	356,400	CDD	City of Ormond Beach
Sanitary Sewer	726,300	CDD	City of Ormond Beach
Reclaimed Water	247,500	CDD	City of Ormond Beach
Undergrounding of Conduit	30,000	CDD	CDD
Landscaping, Irrigation and Sod for Ponds	198,000	CDD	CDD
Hardscaping	250,000	CDD	CDD
Conservation Areas	0	CDD	CDD
Offsite Roadways and Utilities	0	N/A	N/A
Professional Services	198,000	N/A	N/A
Contingency	402,860	N/A	N/A
TOTAL	\$ 4,431,460		

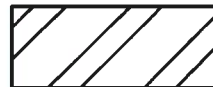
*Alternatively, the Developer may elect to privately finance any of the improvements and transfer the improvements to a homeowners' association for ownership and maintenance purpose.

**All costs are estimates only and may vary by the time of construction.

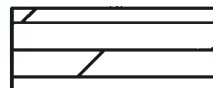
EXHIBIT 6



LEGEND



MUL (MIXED USE: LOW INTENSITY)



AG-TIMBER (AGRICULTURE & TIMBERLANDS)



INCORPORATED



MADDEN
MOORHEAD & STOKES, LLC
CIVIL ENGINEERS

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DRAWN BY:	JFV
APPROVED BY:	DAR
DATE:	02/02/2023
SCALE:	1" = 500'

ORMOND STATION CDD

**FUTURE LAND USE
 MAP**

EXHIBIT 7

ORMOND STATION
COMMUNITY DEVELOPMENT DISTRICT

Statement
of
Estimated Regulatory Costs

February 15, 2023



Provided by

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Phone: 561-571-0010
Fax: 561-571-0013
Website: www.whassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Ormond Station Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 39.835 +/- acres of land located within Flagler County, Florida (the "County") and is projected to contain approximately 99 residential dwelling units, which will make up the Ormond Station development ("Project"). The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing the District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of the Ormond Station Community Development District

The District is designed to provide public infrastructure, services, and facilities, along with operation and maintenance of the same, to a master planned residential development currently anticipated to contain a total of approximately 99 residential dwelling units. Tables 1 and 2 under Section 5.0 detail the improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the city or county in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Ormond Station.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

- (a) An economic analysis showing whether the rule directly or indirectly:
 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the

implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Flagler County, according to Census 2020, has a population of 115,378; therefore, it is not defined as a small county for the purposes of this requirement.)

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

- 2.0 An economic analysis showing whether the ordinance directly or indirectly:**
- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
 - 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
 - 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance establishing the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 39.835 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 99 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private

sector employment, and private sector investments.

2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

When assessing the question of whether the establishment of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will ensure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The establishment of the District will not increase any regulatory costs of the State by virtue that the District will be one of many already existing similar districts within the State. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the County to offset any expenses that the County may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the enhanced service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, amenity operation and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five-year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will

be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of CDD debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District nor can the District debt be a debt of the County or the State.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) Flagler County and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. Flagler County, Florida

The County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the County. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the County as a result of this development will be incurred whether the infrastructure is financed through the District or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 39.835 +/- acre master planned residential development currently anticipated to contain a total of approximately 99 residential dwelling

units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 347 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.

The County is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the result of adopting the ordinance is the establishment of an independent local special purpose government, there will be no significant enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of Flagler County. Therefore, the County (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The costs to various state entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those state agencies that will receive and process the District's reports are minimal because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

Flagler County, Florida

The proposed land for the District is located within Flagler County, Florida and consists of less than 2,500 acres. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for governmental entities.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. A CDD is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government, including the County. By Florida law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$4,431,460. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

Table 1
ORMOND STATION
COMMUNITY DEVELOPMENT DISTRICT
Proposed Facilities and Services

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Stormwater Management Systems	CDD	CDD	CDD
Roadways	CDD	County	County
Storm Drainage (within ROW)	CDD	County	County
Potable Water	CDD	City of Ormond Beach	City of Ormond Beach
Sanitary Sewer	CDD	City of Ormond Beach	City of Ormond Beach
Reclaimed Water	CDD	City of Ormond Beach	City of Ormond Beach
Undergrounding of Conduit	CDD	CDD	CDD
Landscaping, Irrigation and Sod for Ponds	CDD	CDD	CDD
Hardscaping	CDD	CDD	CDD
Conservation Areas	CDD	CDD	CDD

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, County or its dependent districts, or County management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

Table 2
ORMOND STATION
COMMUNITY DEVELOPMENT DISTRICT
Estimated Costs of Construction

CATEGORY	COST
Stormwater Management Systems	\$874,000
Roadways	\$673,200
Storm Drainage (within ROW)	\$475,200
Potable Water	\$356,400
Sanitary Sewer	\$726,300
Reclaimed Water	\$247,500
Undergrounding of Conduit	\$30,000
Landscaping, Irrigation and Sod for Ponds	\$198,000
Hardscaping	\$250,000
Professional Services	\$198,000
Contingency	\$402,860
Total	\$4,431,460

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as counties, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of local governance which is specifically established to provide CDD landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Flagler County has a population of 115,378 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" county according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Ormond Station development will not produce any marginal effects that would be different from those that would have occurred if the Ormond Station development was developed without a community development district established by the County.

7.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

In relation to the question of whether the proposed Ormond Station Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the County could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the Ormond Station development. First, unlike a CDD, this alternative would require the County to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the Ormond Station development is a significant and expensive undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other City responsibilities. By contrast, if the County were to establish and administer a dependent special district, then the residents and landowners of the Ormond Station development would take their grievances and desires to the County Commission meetings.

Third, any debt of an independent CDD is strictly that CDD's responsibility. While it may be technically true that the debt of a County-established, dependent special district is not strictly the County's responsibility, any financial problems that a dependent special district may have may reflect on the County. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low-cost financing from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Ormond Station Community Development District.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUTE CITATION	DATE
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1 - Statement of Financial Interest	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the county after financing

EXHIBIT 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Kutak Rock LLP to act as agent for Petitioner, D.R. Horton, Inc., with regard to any and all matters pertaining to the Petition to Establish the Ormond Station Community Development District before the Board of County Commissioners of Flagler County, Florida and pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, Section 190.156(1), Florida Statutes. This authorization shall remain in effect until revoked in writing.

Witnessed:

D.R. HORTON, INC.

[Signature]
Print Name: Alexander Leach-Huisa

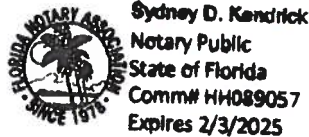
[Signature]
Print Name: Christine Hurst

[Signature]
By: Matthew Stolz
Its: Asst. Sec.

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st day of March, 2023, by Matt Stolz, as Asst. Sec of DR Horton, on its behalf. He is personally known to me or produced _____ as identification.

[Signature]
Notary Public, State of Florida



NOTICE OF ADOPTION OF AN ORDINANCE CREATING THE ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT

Attachment 4

Pursuant to Section 190.005(1)(d), Florida Statutes, the Flagler County Board of County Commissioners hereby provide notice of consideration of a petition submitted by D.R. Horton, Inc., seeking the creation of the Ormond Station Community Development District and possible adoption of the following Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ESTABLISHING THE ORMOND STATION COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

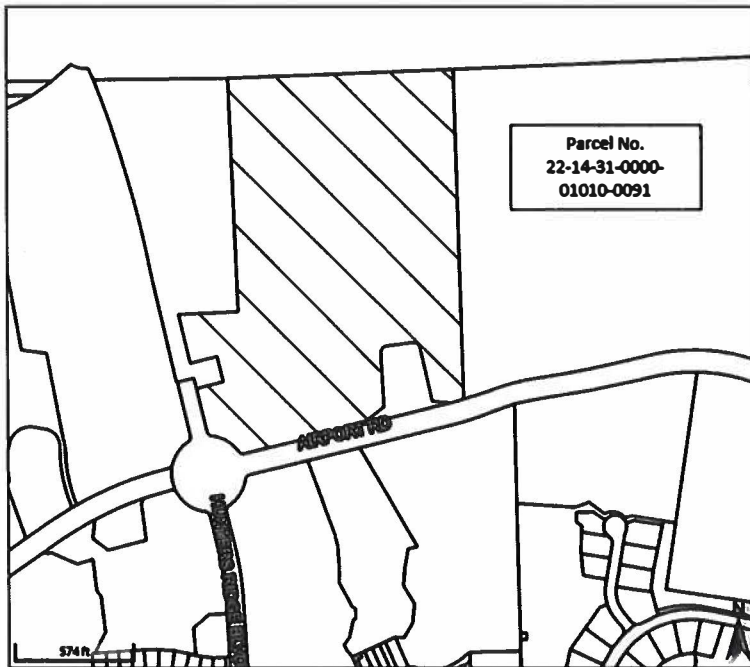
The proposed District is located entirely within Flagler County, Florida and covers approximately 39.83 acres of land, more or less. The site is generally located north of, and adjacent to, Airport Road and west of the Flagler County/Volusia County border.

Public hearing on the above-captioned matter will be held as follows:

BOARD OF COUNTY COMMISSIONERS – Monday, May 15, 2023 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Bunnell, Florida.

All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planningdept@flaglercounty.gov. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE MEETING.



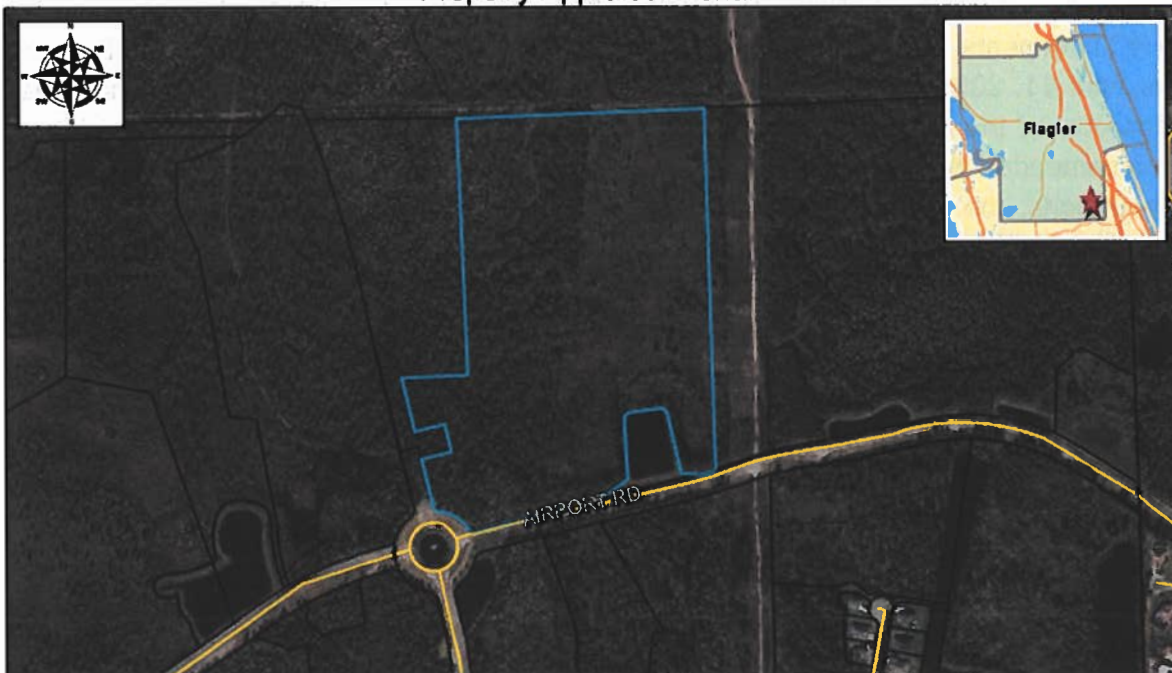
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9f**

SUBJECT: QUASI-JUDICIAL – Application #3346 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Groveside Model Homes. Parcel Number 22-14-31-0000-01010-0110; 39.81+/- acres. Owner: ADJ Hunters Ridge, LLC; Applicant: D. R. Horton (Project #2023020047).

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies North of Airport Road northeast of the roundabout:

Property Appraiser Aerial



The applicant on behalf of the owner filed an application and related documents with the County on February 10, 2023. This request seeks approval of a Planned Unit Development (PUD) Site Development Plan (SDP) for two model homes developed as a temporary sales center within the Groveside Subdivision Plat. Groveside is formerly known as the Celedine PUD.

As proposed, the model home and temporary sales center site will consist of three lots (lots 18, 19, and 20). The Celedine PUD Development Agreement (adopted through Ordinance No. 2017-06) allows for model homes to be permitted following final plat approval. A maximum of five lots may be used for model homes and a maximum of three model homes may be used as temporary sales centers. The Groveside at Ormond

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9f**

Station final subdivision plat was approved by the Board of County Commissioners at its April 17, 2023 regular meeting.

This PUD Site Development Plan application provides for the development of a temporary sales center on lots 18, 19, and 20, specifically providing for the development of an improved parking lot on Lot 18 to coincide with the model home development occurring on Lots 19 and 20. When the temporary sales center discontinues its use, the temporary improvements to all three lots will be removed and the lots will be developed as single-family residences.

The application for the PUD Site Development Plan was discussed by the Technical Review Committee on March 15, 2023. The applicant has satisfactorily addressed the TRC comments. This request was reviewed by the Planning and Development Board at its April 11, 2023. The Planning and Development Board unanimously recommended approval of the request. In its motion recommending approval, the Board additionally recommended that: a timeframe be added for the sales center that would possibly include extensions; the lots no longer used as a sales center must return to a single-family dwelling; and the parking lot is removed and the lot restored. However, staff was reluctant at the Board meeting to advise the Board that additional conditions – beyond those listed in the Celedine PUD Development Agreement, as adopted through Ordinance No. 2017-06 – could be added.

BCC review authority: Section 3.04.03, LDC, requires that the Board of County Commissioners review and approve, modify or deny PUD Site Development Plans following consideration of the Planning and Development Board's recommendations and the factual data presented during the public hearing in support of the request.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9f**

OPTIONS FOR THE BOARD: The Board of County Commissioners may:
Approve the PUD Site Development Plan for a temporary sale center.
Deny the PUD Site Development Plan for a temporary sales center.
Continue the PUD Site Development Plan for a temporary sales center to a time and date certain.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Proposed PUD Site Development Plan for Groveside Model Homes
3. Application and supporting documents
4. TRC review comments
5. Planning and Development Board 4-11-2023 regular meeting draft minutes (in part)
6. Public notice

**APPLICATION #3346
PUD SITE DEVELOPMENT PLAN FOR
GROVESIDE AT ORMOND STATION SUBDIVISION PLAT MODEL HOMES
TECHNICAL STAFF REPORT**

LDC Section 3.04.03 provides for minimum PUD Site Development Plan submittal requirements.

PUD Site Development Plan Specific Review

The Celedine PUD agreement provides for model homes within the Celedine PUD. The proposed model homes and parking will be located on three lots within the Groveside at Ormond Station subdivision plat. The specific requirements for the PUD Site Development Plan are listed in subsection 3.04.03.B of the Land Development Code. The PUD Site Development Plan meets the County's requirements.

DRI Obligations

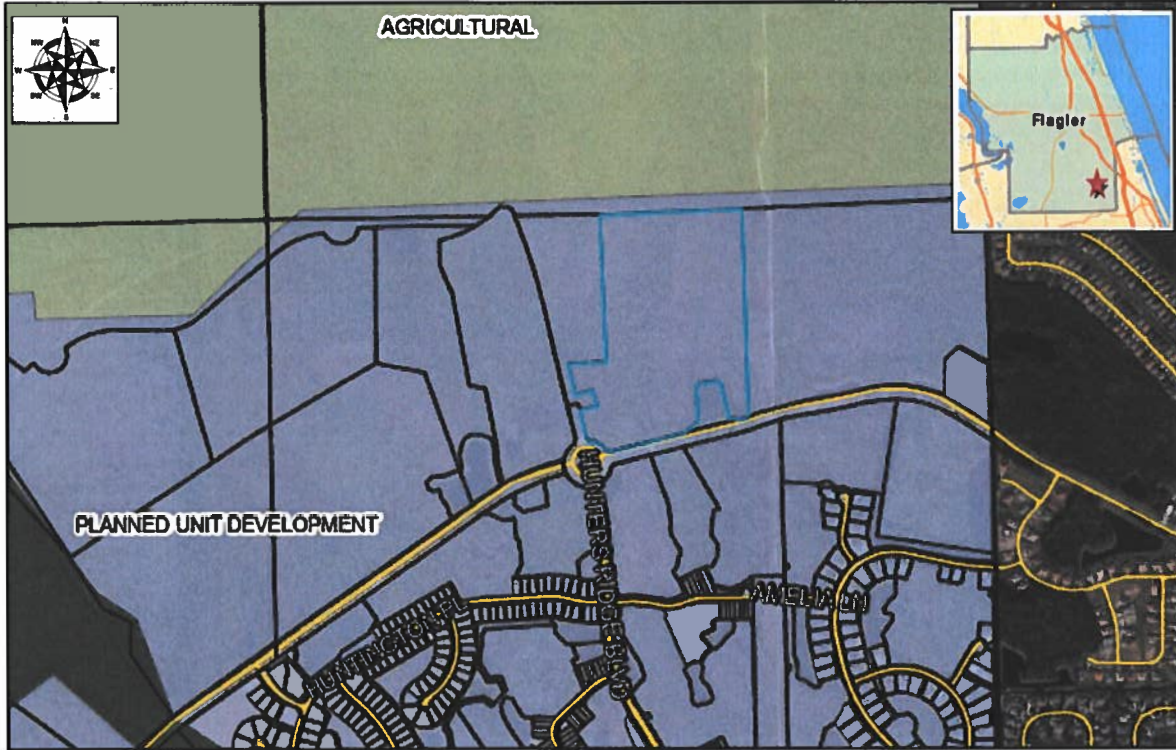
There are no outstanding DRI obligations related to the Celedine PUD and Groveside at Ormond Station subdivision plat.

The Map H for Hunter's Ridge DRI identifies this area for single family residential development.

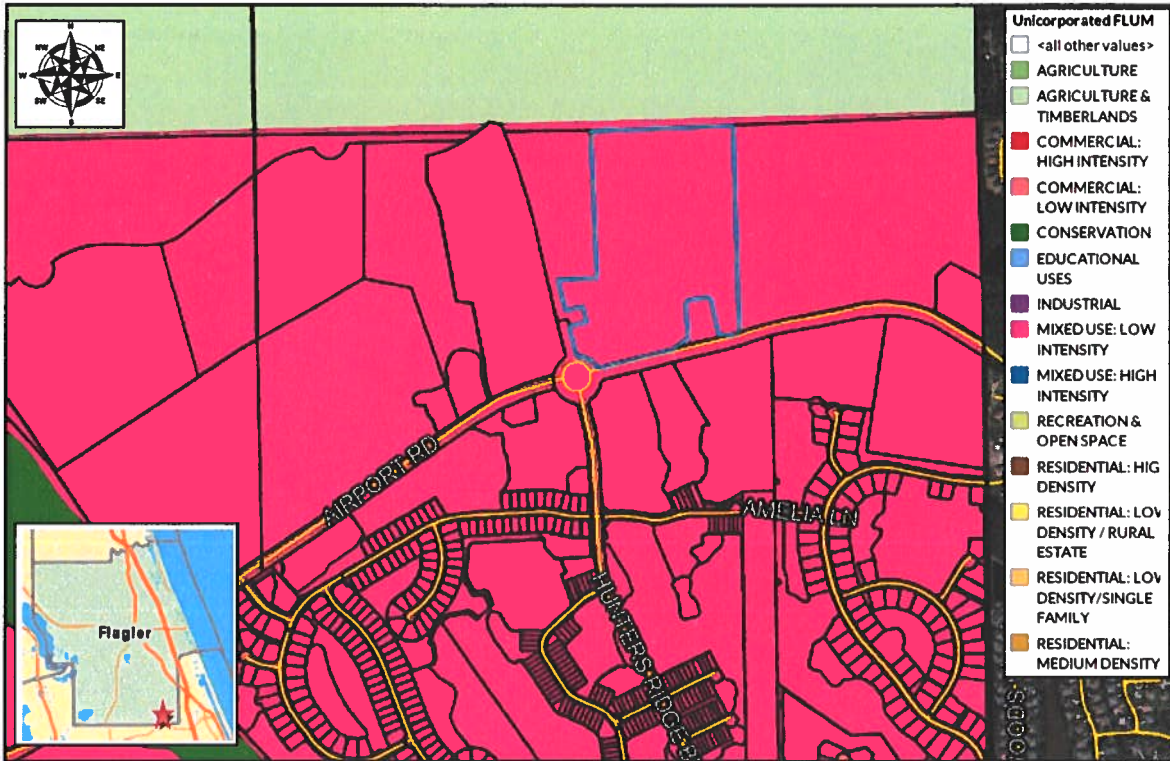
Adoption of Specific Development Standards

The model homes within the Celedine PUD have provided parking on one lot and are utilizing two lots as model homes with one of the homes to be used as a sales center. Permitting of model homes is allowed within the Celedine PUD, after final plat. There are five lots that may be used for model homes with a maximum of three model homes to be used as temporary sales centers.

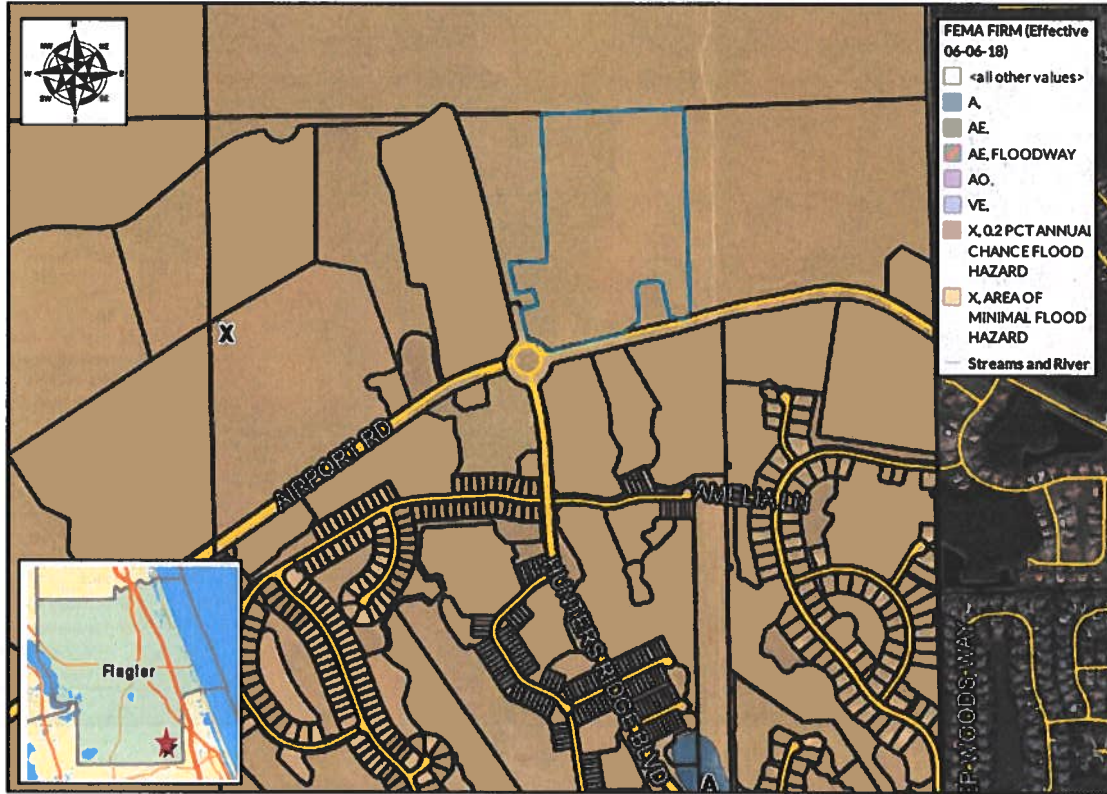
Official Zoning Map



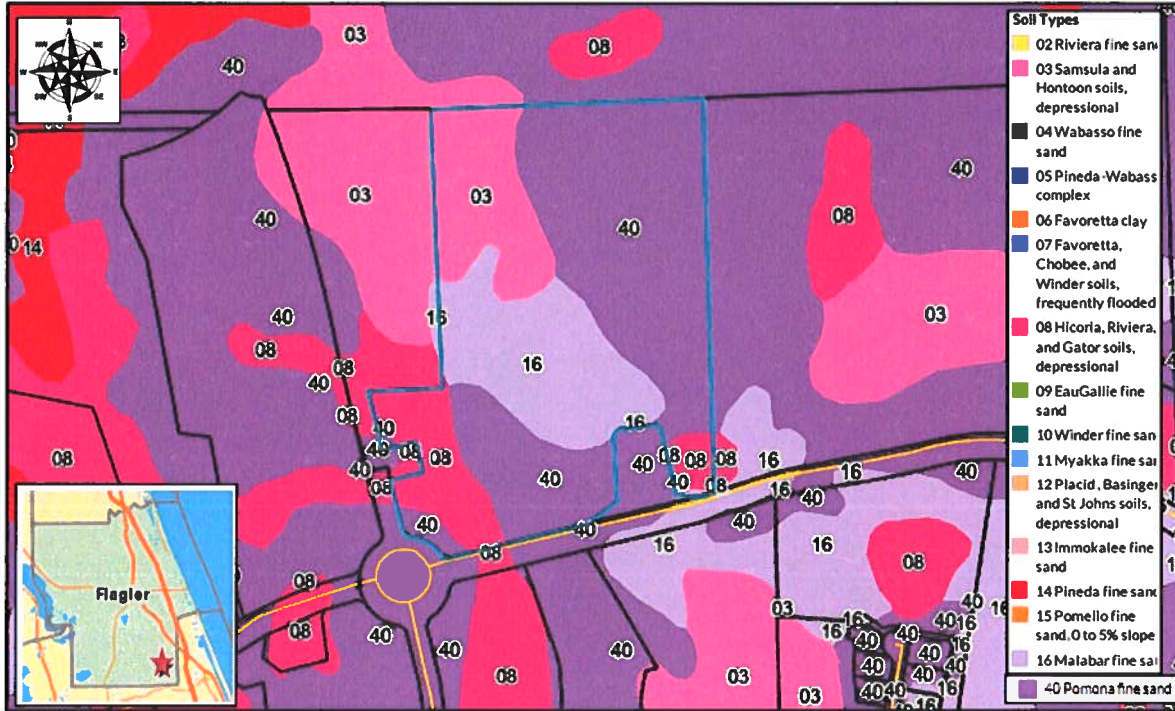
Future Land Use Map



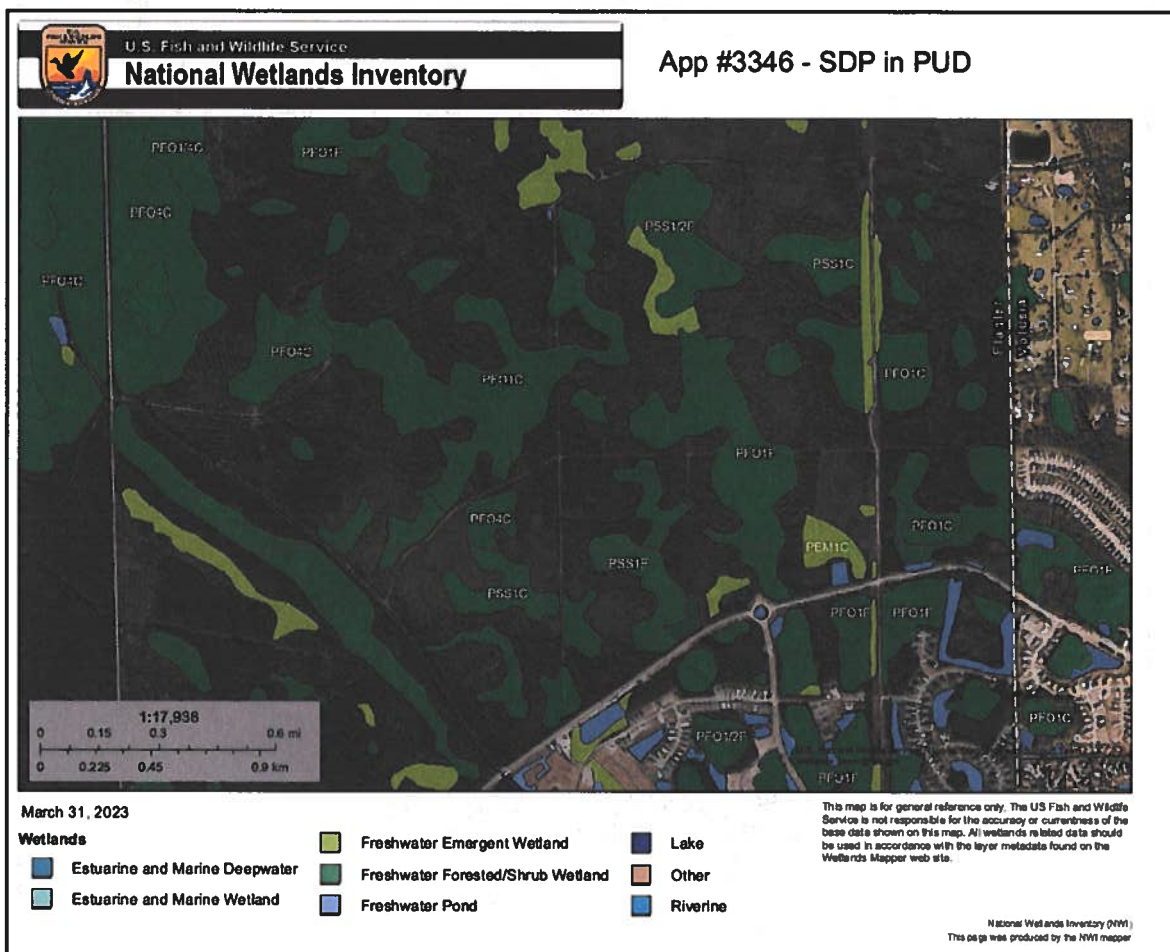
Flood Zone Map



Soils Map



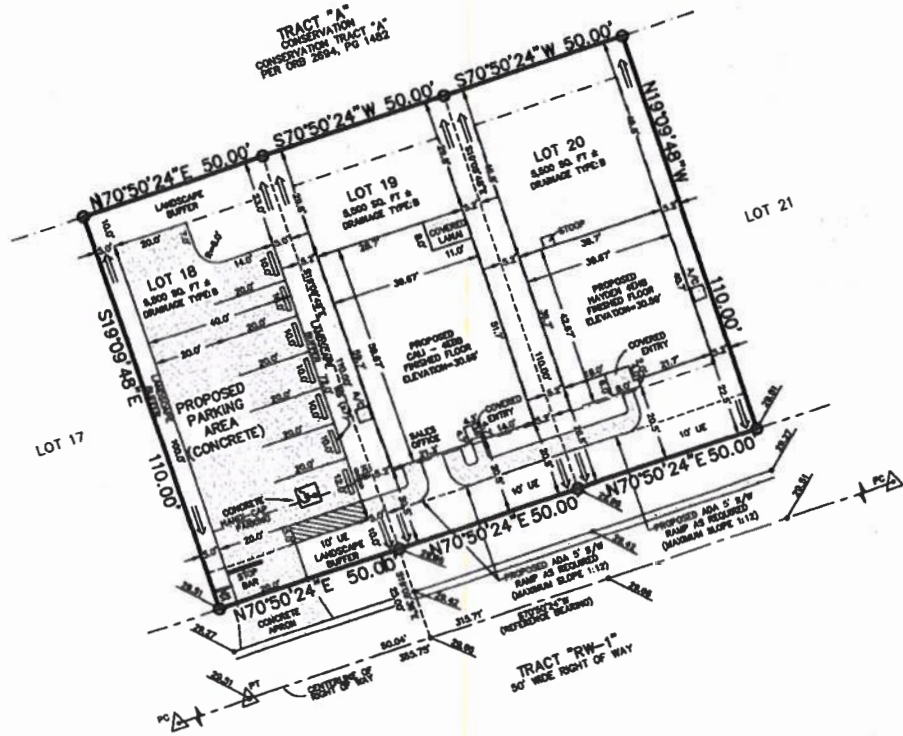
Wetlands Map



PLOT PLAN/MODEL COMPOSITE

DESCRIPTION: (UNRECORDED)
 LOTS 18-20, GROVESIDE AT ORMOND STATION
 AS RECORDED IN PLAT BOOK -----, PAGES ----- IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

THIS PLOT PLAN IS BASED ON A PLAT THAT HAS NOT BEEN RECORDED BY FLAGLER COUNTY, FLORIDA.



PREPARED FOR:
D R HORTON
America's Builder

BUILDING SETBACKS
 FRONT: 20'
 REAR: 10'
 SIDE: 5'

NOTES:
 1. PROPOSED ELEVATIONS SHOWN HEREON ARE BASED ON THE APPROVED ENGINEERING PLANS PREPARED BY ALANN ENGINEERING GROUP, INC.
 2. ELEVATIONS PROVIDED BY CLIENTS.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED HOUSE. REFER TO HOUSE PLAN AND OPTION LIST FOR CONSTRUCTION. ALL BUILDING SET BACK LINES SHOWN HEREON IS PER DATA FURNISHED BY CLIENT AND IS FOR INFORMATIONAL PURPOSES ONLY.

**THIS IS NOT A SURVEY
 THIS IS A PLOT PLAN ONLY**

FLOOD NOTE:
 I HAVE EXAMINED THE F.E.M.A. MAP NO. F0128030404E, DATED 08/09/2018, AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:
 BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF TRACT RW-1 RIGHT OF WAY BEING SURVEYED PER PLAT.

(FIELD DATE)	REVISED:
SCALE: 1" = 30 FEET	
APPROVED BY: EOT	
JOB NO. 220232 LOT 18-20	CLIENT COMM. 01/28/2023 &
DRAWN BY: A	ADD PARKING 01/24/2023 &
	MODEL COMP 01/13/2023 &

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 Planning & Zoning Dept.

LEGEND:

---	BUILDING SETBACK LINE	PCP	PERMANENT CONTROL POINT
---	SENTINEL	CS	TYPICAL CONCRETE SLAB
---	RIGHT OF WAY LINE	PP	PER PLAT
---	PROPOSED ELEVATION	CB	CALCULATED
---	PROPOSED DRAINAGE FLOW	PB	PLAT BOOK
---	CONCRETE	POS	PAGES
---	SEWER/STORM	POS	SQ. FT. SQUARE FEET
---	HANDICAP SIGN	F.E.M.A.	FEDERAL EMERGENCY MANAGEMENT AGENCY
---	WHEEL STOP	F.I.M.A.	FLOOD INSURANCE RATE MAP
---	STOP SIGN	N.A.D. 83	NORTH AMERICAN VERTICAL DATUM
---	RADIUS POINT	DR	DRAINAGE & UTILITY EASEMENT
---	POINT OF REVERSE CURVATURE	DE	DRAINAGE EASEMENT
		UE	UTILITY EASEMENT
		PI	POINT OF INTERSECTION
		PC	POINT OF CURVATURE
		PT	POINT OF TANGENCY

ASM
AMERICAN SURVEYING & MAPPING, INC.
NDDS NATIONAL DUE DILIGENCE SERVICES
 221 Circle Drive, Wauson, FL 32751
 407-426-7929
 americansurveying.com

SURVEYOR'S NOTES:
 1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 3. NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Digital y signed by E
 Glenn Turner
 Date 2023.02.01
 12.32.57 05'00"

E. GLENN TURNER PSM# 5643



APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN A PUD

1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3346 / 2023020047

PROPERTY OWNER(S)	Name(s):	ADJ Hunter's Ridge LLC		
	Mailing Address:	444 Seabreeze Blvd. Suite 805		
	City: Daytona Beach	State: Florida	Zip: 32118	
	Telephone Number	386-310-4948	Fax Number	

APPLICANT /AGENT	Name(s):	D.R. Horton		
	Mailing Address:	10192 Dowden Road		
	City: Orlando	State: Florida	Zip: 32832	
	Telephone Number	407-335-9525	Fax Number	
	Email Address:	sdkendrick1@drhorton.com		

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SUBJECT PROPERTY	SITE LOCATION (street address):	Hunter's Ridge (Celedine) Airport Road		
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>	North of Airport Road (Hunter's Ridge Celedine)		
	Parcel # (tax ID #):	See attachment 22-14-31-0000-01010-0091		
	Parcel Size:	39.83		
	Current Zoning Classification:	Planned Unit Development		
	Current Future Land Use Designation:	Low/Medium Density		
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

Flagler County
Planning & Zoning Dept.

PURPOSE OF SUBMISSION / PROJECT DATA: Model homes/parking lot site plan
submittal for Groveside (fka Celedine) located in Hunter's Ridge. The proposed model homes/parking
lot will be built on lot 18 (parking lot) & lots 19-20 (model homes).

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date: 1/23/23

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED {
*APPROVED WITH CONDITIONS {
DENIED }

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

APPROVED {
*APPROVED WITH CONDITIONS {
DENIED }

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.

D·R·HORTON DHI
LISTED
NYSE
America's Builder

LAND DEPARTMENT
10192 DOWDEN ROAD
ORLANDO, FL 32832
(407) 850-5200 Fax: (407) 850-5305

February 9, 2023

Anna Lemon
Development Review Planner
Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Gunnell, FL 32110

Re: **Ormond Station fka Hunter's Ridge
Site Development Plan Review in a PUD Applications:**

- Groveside fka Celedine
- Gardenside Phase 1 fka Iris Phase 1

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Flagler County
Planning & Zoning Dept.

Attached you will find the Site Development Plan Review in a PUD Applications and supporting documents for the first two phases (Groveside fka Celedine & Gardenside Phase 1 fka Iris Phase 1) of Ormond Station fka Hunter's Ridge.

The attachments include the following:

- Two Site Development Plan Review Applications
- Two Owner's Authorization for Applicant/Agent
- D.R.Horton, Inc. Certificate of Secretary for Matthew Stolz
- Two checks each in the amount of \$1,115
- Two sets of (10) plans (site & landscaping plans) for the Technical Review Committee that is due upon submittal of the application

Thank you for your consideration and please do not hesitate to contact me with any questions at (407) 335-9525.



Sydney D. Kendrick
Forward Planner, D.R. Horton, Inc.



Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # _____

D. R. Horton, Inc. _____, is hereby authorized TO ACT ON BEHALF OF Anand Jobalia, ADJ Hunter's Ridge LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for Site Development Plan Review in a PUD.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: [Signature]
Signature of Owner

Anand Jobalia - Manager
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:

Telephone Number (incl. area code)

444 Seabreeze Boulevard
Mailing Address

386-310-4948

Daytona Beach Florida 32118
City State Zip



STATE OF Florida
COUNTY OF Volusia

The foregoing was acknowledged before me this 10th day of January, 2023 by Anand Jobalia and _____ who is/are personally known to me or who has produced _____ as identification, and who (did) / (did not) take an oath.

[Signature]
Signature of Notary Public

(Notary Stamp)

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Flagler County
Planning & Zoning Dept.

CERTIFICATE OF SECRETARY

RECEIVED

FEB 10 2023

**Flagler County
Planning & Zoning Dept.**

The undersigned hereby certifies as follows:

1. He is a duly elected, qualified and acting Secretary of D.R. Horton, Inc., a Delaware corporation (the "Company"), is familiar with the facts herein certified and is duly authorized to certify the same.

2. The following is a true, correct and complete copy of resolutions related to the subject matter as adopted by the Consent of Executive Committee of the Board of Directors of the Company dated October 31, 2022 (the "Resolutions"). The Resolutions have not been amended, rescinded or modified and remain in full force and effect as of the date hereof.

Election of Assistant Secretary

RESOLVED, that Matt Stolz is hereby elected to the office of Assistant Secretary of the Company (the "Assistant Secretary") in the Company's Orlando East Division (the "Division"), to serve until the next annual meeting of the directors of the Company and until his successor is duly elected and qualified or until his earlier death, resignation or removal.

RESOLVED FURTHER, that the Assistant Secretary is hereby authorized, in the Division and in the name and on behalf of (A) the Company, (B) any partnership of which the Company is a general partner, manager or agent, and (C) any limited liability company of which the Company is a member, manager or agent (collectively the "Entities"), to execute and deliver (i) signage contracts, advertising agreements, applications, consulting agreement, homeowner association documents, independent contractor and subcontractor agreements and similar or equivalent agreements, documents or instruments, and (ii) CC&Rs, FHA and VA documents, FNMA documents, maps, permits, vendor contracts, agreements and other documents and instruments for the subdivision, development and/or improvement of real property.

IN WITNESS WHEREOF, the undersigned has signed on the 9th day of November, 2022.



Thomas B. Montañó
Secretary

Groveside fka Celedine

Parcel IDs:

- 15-14-31-0000-01010-0000
- 16-14-31-0000-01010-0000
- 21-14-31-0000-01010-0000
- 21-14-31-0000-01010-0020
- 21-14-31-0000-01010-0030
- 22-14-31-0000-01010-0070
- 22-14-31-0000-01010-0080
- 22-14-31-0000-01010-0090
- 22-14-31-0000-01010-0130.

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FEB 10 2023

**Flagler County
Planning & Zoning Dept.**

RECEIVED

FEB 10 2023

**Flagler County
Planning & Zoning Dept.**

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SECTION 22 RUN NORTH 01°17'59" WEST A DISTANCE OF 5262.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22 RUN NORTH 88°15'41" EAST A DISTANCE OF 2473.29 FEET TO THE NORTHWEST CORNER OF CONSERVATION TRACT "A", RECORDED IN OFFICIAL RECORDS BOOK 2694, PAGE 1482 AND THE NORTHWEST CORNER OF TRACT "B", RECORDED IN OFFICIAL RECORDS BOOK 2706, PAGE 145 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID CONSERVATION TRACT, THE NORTH LINE OF SAID SECTION 22, AND THE NORTH LINE OF SAID TRACT "B" CONTINUE NORTH 88°15'41" EAST A DISTANCE OF 1048.02 FEET TO THE INTERSECTION OF SAID NORTH LINE OF SECTION 22 AND THE WEST LINE OF THAT CERTAIN 236.00 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1319, PAGE 1953 AND DEED BOOK 38, PAGE 50 BOTH BEING RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE AND THE EAST LINE OF SAID TRACT "B" RUN SOUTH 01°00'05" EAST A DISTANCE OF 1521.83 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE NORTHERLY RIGHT-OF-WAY OF AIRPORT ROAD (A 100.00 FOOT WIDE PRIVATE RIGHT-OF-WAY) PER MAP BOOK 37, PAGES 38-39 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT OF INTERSECTION ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1400.00 FEET, A CENTRAL ANGLE OF 02°40'58", AND A CHORD DISTANCE OF 65.55 FEET WHICH BEARS SOUTH 74°35'44" WEST; THENCE ALONG ARC OF SAID CURVE, SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF AFORESAID TRACT "B" RUN FOR A LENGTH OF 65.56 FEET TO THE SOUTHEAST CORNER OF TRACT 5 (DRAINAGE EASEMENT) PER SAID RIGHT-OF-WAY MAP BOOK AND OFFICIAL RECORDS BOOK 1730, PAGE 1056 AS RECORDED IN THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA, AND A POINT OF NON-TANGENCY WITH A LINE; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID TRACT 5 (DRAINAGE EASEMENT) AND SAID SOUTH LINE OF TRACT "B" RUN THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: (1) NORTH 84°20'38" WEST A DISTANCE OF 82.69 FEET; (2) THENCE NORTH 12°19'05" WEST A DISTANCE OF 254.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 84°28'08", AND A CHORD DISTANCE OF 40.33 FEET WHICH BEARS NORTH 54°33'04" WEST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.23 TO A POINT OF TANGENCY WITH A LINE; (4) THENCE ALONG SAID TANGENT LINE RUN SOUTH 83°12'57" WEST A DISTANCE OF 125.15 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 85°47'29", AND A CHORD DISTANCE OF 40.84 WHICH BEARS SOUTH 40°19'20" WEST; (5) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 44.92 FEET TO A POINT OF TANGENCY WITH A LINE; (6) THENCE ALONG SAID TANGENT LINE RUN SOUTH 02°34'18" EAST A DISTANCE OF 249.48 FEET; (7) THENCE RUN SOUTH 53°07'43" WEST A DISTANCE OF 138.20 FEET TO AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD AND AFORESAID SOUTH LINE OF TRACT "B"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF TRACT "B" RUN SOUTH 76°55'49" WEST A DISTANCE OF 554.87 FEET TO THE SOUTH-MOST CORNER OF CONSERVATION TRACT "B", RECORDED IN AFORESAID OFFICIAL

RECORDS BOOK 2694, PAGE 1482 AND THE BEGINNING OF A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°58'32", AND A CHORD DISTANCE OF 27.95 FEET WHICH BEARS NORTH 69°04'55" EAST; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CONSERVATION TRACT "B", SOUTH LINE OF AFORESAID TRACT "B", AND AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 29.66 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 49°00'36", AND A CHORD DISTANCE OF 145.17 FEET WHICH BEARS SOUTH 59°35'57" EAST; (2) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 149.69 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 71°02'04", AND A CHORD DISTANCE OF 29.05 FEET WHICH BEARS SOUTH 48°35'13" EAST; (3) THENCE ALONG THE ARC OF SAID CURVE RUN A LENGTH OF 30.99 FEET TO A POINT OF TANGENCY WITH A LINE AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HUNTER'S RIDGE BOULEVARD PER AFORESAID MAP BOOK 37, PAGES 38-39; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND AFORESAID SOUTHWESTERLY LINE OF CONSERVATION TRACT "B", AND SAID SOUTH LINE OF TRACT "B" RUN NORTH 13°04'11" WEST A DISTANCE OF 205.77 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID TRACT "B" RUN NORTH 76°55'49" EAST A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF AFORESAID CONSERVATION TRACT "A"; THENCE ALONG THE WEST LINE OF SAID CONSERVATION TRACT "A" AND SAID WEST LINE OF TRACT "B" RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) NORTH 13°04'11" WEST A DISTANCE OF 120.00 FEET; (2) THENCE RUN SOUTH 76°55'49" A DISTANCE OF 130.00 FEET; (3) THENCE RUN NORTH 13°04'11" WEST A DISTANCE OF 231.38 FEET; (4) THENCE RUN NORTH 88°15'41" EAST A DISTANCE OF 281.00 FEET; (5) THENCE RUN NORTH 01°44'19" WEST A DISTANCE OF 1076.91 FEET RETURNING TO THE POINT OF BEGINNING.

CONTAINING 1,735,215 SQUARE FEET OR 39.835 ACRES, MORE OR LESS.

FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 3 / 15 / 2023

SITE PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT

APPLICANT: D. R. HORTON / OWNER: ADJ HUNTER'S RIDGE, LLC

Distribution date: March 10, 2023

Project #: 2023020047

Application #: 3346

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. The Development Agreement speaks of model homes and sales offices but does not talk about parking areas on lots.
2. Does the impervious area on the parking lot meet the permitted impervious per lot.
3. No grading is shown on the lots for the homes or parking. Actual survey work and grading plans will be required for these lots.
4. Since the proposed is not the same as what was approved in the PUD Agreement, is a modification of the PUD Agreement to address the proposed improvements warranted.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No comments or objections providing water and/or wastewater service is not supplied by well and/or onsite septic system.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. No issues at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Sec. 2.I. of Ordinance No. 2017-06 provides for the use of up to five of the lots for model home purposes to be permitted following final plat approval, with up to three of the model homes used as temporary sales centers.
2. It is not recommended to locate the 45-gallon Southern Live Oaks in the ten (10) foot Utility Easement at the front.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING**

Flagler County Government Services Building, 1769 East Moody Blvd.,
Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 11, 2023 at 6:00 PM

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members present: Timothy Connor, Heather Haywood, Mark Langelo, and Fernando Melendez (Chair).

Members excused: Michael Boyd, Jack Corbett, and Anthony Lombardo.

Staff present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Growth Management Director; and Gina Lemon, Development Review Planner III.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: March 14, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langelo

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

4. Legislative, not requiring disclosure of ex parte communication:
Application #3330 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL: HIGH INTENSITY (6.52+/- AC) AND INDUSTRIAL (21.80+/- AC) TO RESIDENTIAL: HIGH DENSITY (28.32+/- AC)** – request to amend the Future Land Use Map designation at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090031 (TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword, gave an overview of the proposed project. He explained that the proposed high density residential use. He explained the parcel specific limiting policy does exist in the Future

board” sign adjacent to their vendor space or food truck/trailer – but not placed within a vehicular access way or in a required off-street parking space – while the roadside vendor is onsite and open for business. A single, two-sided sign no larger than 32 square feet in sign area and with an overall sign height not to exceed six feet may be permitted by the applicant on the subject parcel and identifying “The Cosmic Landing” and the hours of operation, to be located generally within the location as depicted on the Site Plan. No signs may be placed within the right-of-way of State Road 100/Moody Boulevard.

13. Days and hours of operation of the roadside vendors shall be limited to 11 a.m. to dusk daily, with set-up to begin no earlier than 9 a.m.
14. The use of amplified speakers on, or situated in association with, any vendor space or any food truck/trailer shall be limited to no more than 80 dBA while operating at the property as measured at the parcel line of the subject parcel.
15. All vendors and food trucks/trailers shall be required to obtain and maintain on an ongoing basis any Business Tax Receipt and/or agency permit or authorization, including but not limited to issuance of a County Business Tax Receipt by the Flagler County Tax Collector, the Department of Agriculture and Consumer Services, the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, and the Health Department, as applicable.
16. All vendors and food trucks/trailers shall not have permanent connections to onsite utilities.
17. Driveway connection to State Road 100/Moody Boulevard will be subject to permit/approval from the Florida Department of Transportation (FDOT), and will be subject to FDOT access requirements on an ongoing basis for the duration of the use.

Motion by: Heather Haywood

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

7. Quasi-judicial requiring disclosure of ex parte communication:
Application #3346 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan Review in a PUD for model homes and parking in the proposed Groveside at Ormond Station Subdivision (f/k/a Celedine). Parcel number 22-14-31-0000-01010-0091; 39.81+/- acres. Owner: ADJ Hunters Ridge, LLC/Applicant: D. R. Horton.
Project #2023020047 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Sydney Kendrick, D. R. Horton, no presentation available for questions.

Board Questions:

Mark Langello asked about time limit on the model homes and temporary sales center.

Public Comments:

Jennifer Liddell of 46 Huntington Place, spoke on concerns timing, environmental impact studies, wetland mitigation, negative impact to the wildlife.

Sidney Kendrick explained that the speaker's comments were not related to this application. Her comments are more related to the subdivision.

Public comments closed.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan in addition that a timeframe for the sales center that would possibly have extensions, the lots no longer used as a sales center must return to a single-family dwelling and the parking lot removed and the lot restored.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried unanimously.

8. Quasi-judicial requiring disclosure of ex parte communication:
Application #3347 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan Review in a PUD for model homes and parking in the proposed Gardenside Subdivision (f/k/a Iris). Parcel numbers 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC/Applicant: D. R. Horton.

Project #2023020048

(TRC, PDB, BCC)

No Board disclosures.

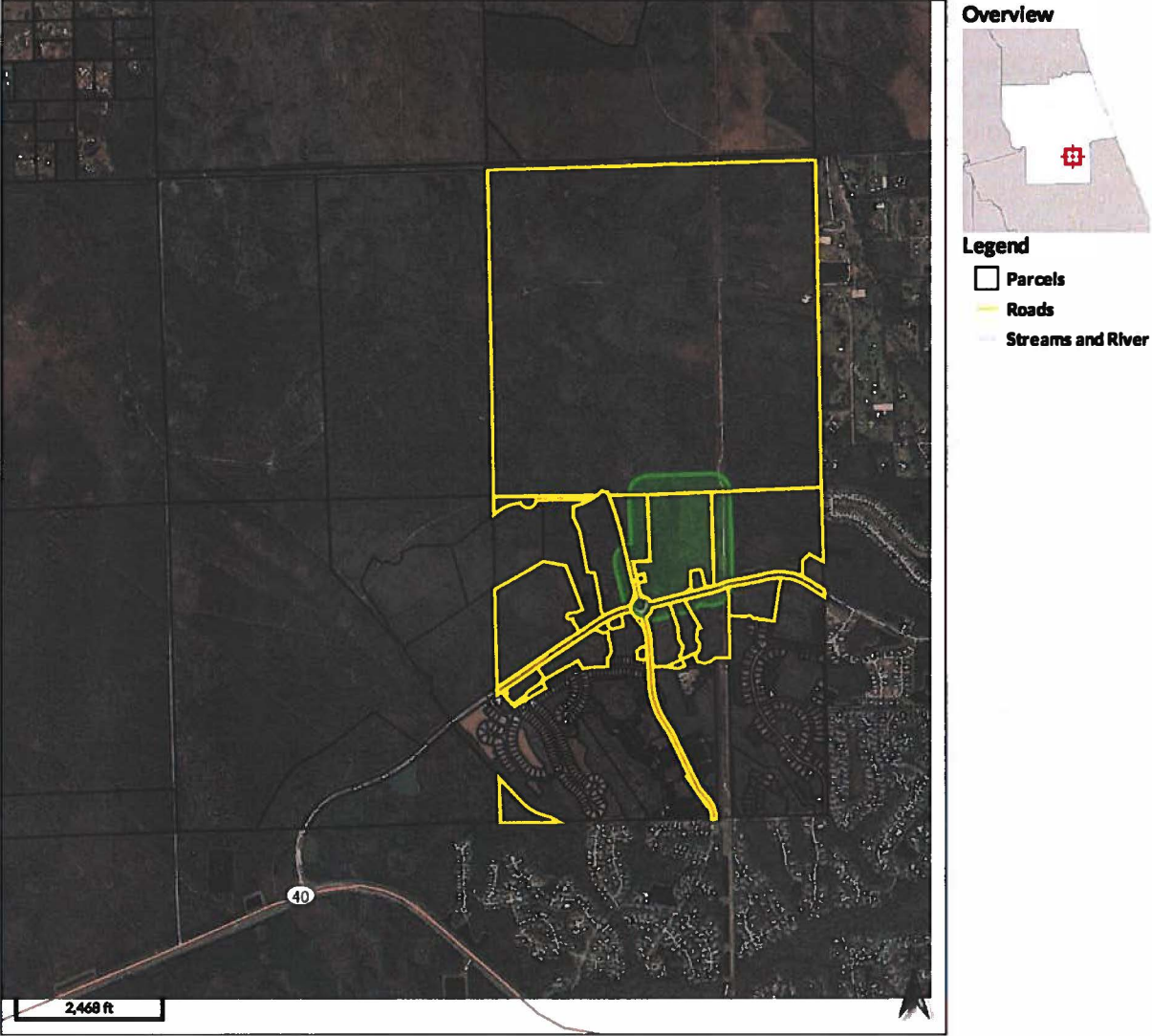
Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Sydney Kendrick, D. R. Horton no presentation, available for questions.

Public Comments:

Will Rourk, 8 Shear Water Trail, questions how many lot will be developed and the widening of Airport Road.

qPublic.net™ Flagler County, FL Property Appraisers Office



Date created: 3/16/2023
Last Data Uploaded: 3/16/2023 8:17:39 AM
Developed by  Schneider

App #3346
Site Development Plan in a PUD

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
22-14-31-0000-01010-0140	U S CAPITAL ALLIANCE LLC		880 AIRPORT RD SUITE 113	ORMOND BEACH, FL 32174
22-14-31-0000-01010-0110	PRESTON COURT II LLC		1590 TROY AVENUE	BROOKLYN, NY 11234
22-14-31-0000-01010-0130	US CAPITAL ALLIANCE LLC		880 AIRPORT ROAD SUITE 113	ORMOND BEACH, FL 32174
22-14-31-0000-01010-0090	US CAPITAL ALLIANCE LLC		880 AIRPORT ROAD SUITE 113	ORMOND BEACH, FL 32174
22-14-31-0000-01010-0081	ACE AND LUNA II LLC		660 VIRGINIA PARK	LAGUNA BEACH, CA 92651
15-14-31-0000-01010-0000	US CAPITAL ALLIANCE LLC		880 AIRPORT ROAD SUITE 113	ORMOND BEACH, FL 32174
22-14-31-0000-01010-00C0	HUNTERS RIDGE HOMEOWNERS ASSOCIATION OF EAST FLORIDA INC		100 SHADOW CROSSINGS BOULEVARD	ORMOND BEACH, FL 32174
22-14-31-0251-00000-0010	HUNTERS RIDGE RESIDENTIAL GOLF	PROP & HUNTERS RIDGE GOLF CO & HUNTERS RIDGE TIMBER CO	1 BEAGLES RST	ORMOND BEACH, FL 32174
22-14-31-0000-01010-0091	ADJ HUNTERS RIDGE LLC		444 SEABREEZE BLVD SUITE 805	DAYTONA BEACH, FL 32118

I hereby affirm mailed notice to each owner on 3/20 /2023 for the Planning and Dev Bd meeting on 4 /11 /2023 at 6:00 pm and BCC hearing on 5/15/2023 at 5:30 pm.


Gina Lemon, Development Review Planner III

**Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110**



**www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109**

March 20, 2023

U S CAPITAL ALLIANCE LLC
880 AIRPORT RD SUITE 113
ORMOND BEACH, FL 32174

Re: Application #3346 – Site Development Plan Review in a PUD (Planned Unit Development) - Parcel Number: 22-14 -31-0000-01010-0091

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, Flagler County Planning Department in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request by D. R. Horton on behalf of owner ADJ Hunter's Ridge, LLC for a Site Development Plan Review in a PUD (Planned Unit Development) District on approximately 39.83 acres for two proposed Model Homes and Parking Lot, on 3 proposed lots within the proposed plat of Groveside at Ormond Station, single-family detached subdivision, within the Hunter's Ridge Development of Regional Impact.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

Planning and Development Board hearing on Tuesday, April 11, 2023 at 6:00 p.m.

The Planning and Development Board recommendation will be presented to the Board of County Commissioners for final decision; the Board of County Commissioners hearing will be held on Monday, May 15, 2023 at 5:30 p.m.

**Andy Dance
District 1**

**Greg Hansen
District 2**

**David Sullivan
District 3**

**Leann Pennington
District 4**

**Donald O'Brien, Jr.
District 5**

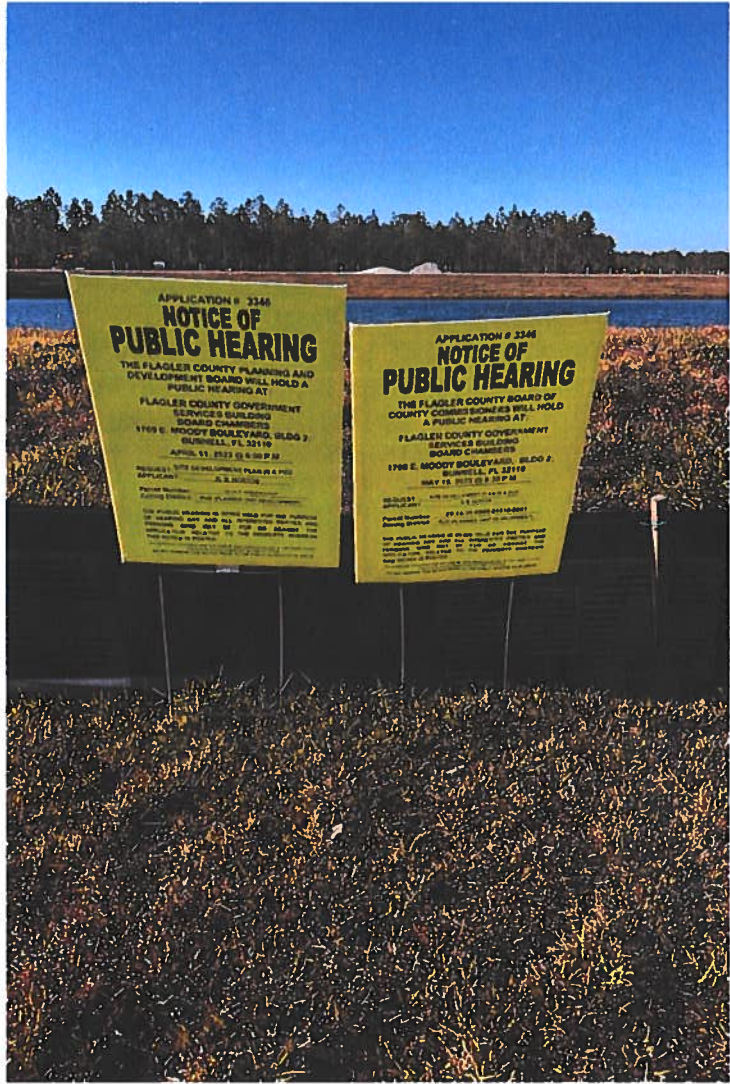
You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Gina Lemon".

Gina Lemon
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



APPLICATION # 3346
NOTICE OF PUBLIC HEARING
THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1708 E. MOODY BOULEVARD, BLDG 2 SEASIDE, FL 32180
APRIL 11, 2017 AT 6:30 P.M.
REGULATORY DEVELOPMENT BOARD # 4 PDU
APPLICANT: J.E. HARRIS
Project location: 1708 E. MOODY BOULEVARD, SEASIDE, FL 32180
Public Hearing: 1708 E. MOODY BOULEVARD, SEASIDE, FL 32180
FOR PUBLIC HEARING TO BE HELD AT THE REGULAR MEETING OF THE BOARD AND TO RECEIVE COMMENTS AND INPUT FROM THE PUBLIC, THE PUBLIC HEARING WILL BE HELD AT THE LOCATION AND TIME LISTED ABOVE.

APPLICATION # 3348
NOTICE OF PUBLIC HEARING
THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING AT
FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
1708 E. MOODY BOULEVARD, BLDG 2 SEASIDE, FL 32180
MAY 15, 2017 AT 6:30 P.M.
REGULATORY DEVELOPMENT BOARD # 4 PDU
APPLICANT: J.E. HARRIS
Project location: 1708 E. MOODY BOULEVARD, SEASIDE, FL 32180
Public Hearing: 1708 E. MOODY BOULEVARD, SEASIDE, FL 32180
FOR PUBLIC HEARING TO BE HELD AT THE REGULAR MEETING OF THE BOARD AND TO RECEIVE COMMENTS AND INPUT FROM THE PUBLIC, THE PUBLIC HEARING WILL BE HELD AT THE LOCATION AND TIME LISTED ABOVE.

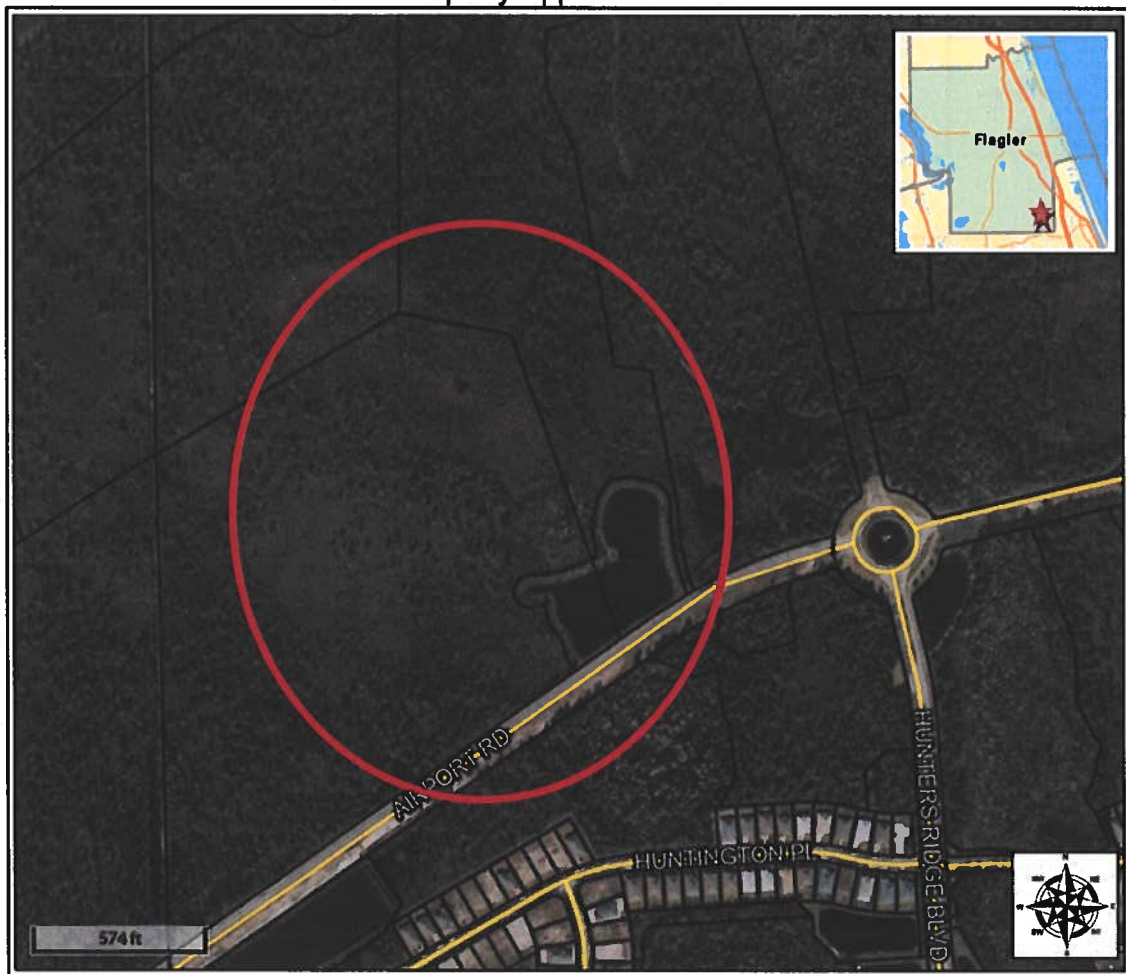
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9g**

SUBJECT: QUASI-JUDICIAL – Application #3347 – Request for Approval of a PUD (Planned Unit Development) Site Development Plan for Gardenside Model Home. Parcel Numbers: 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC; Applicant: D. R. Horton (Project #2023020048).

DATE OF MEETING: May 15, 2023

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies North of Airport Road northwest of the roundabout:

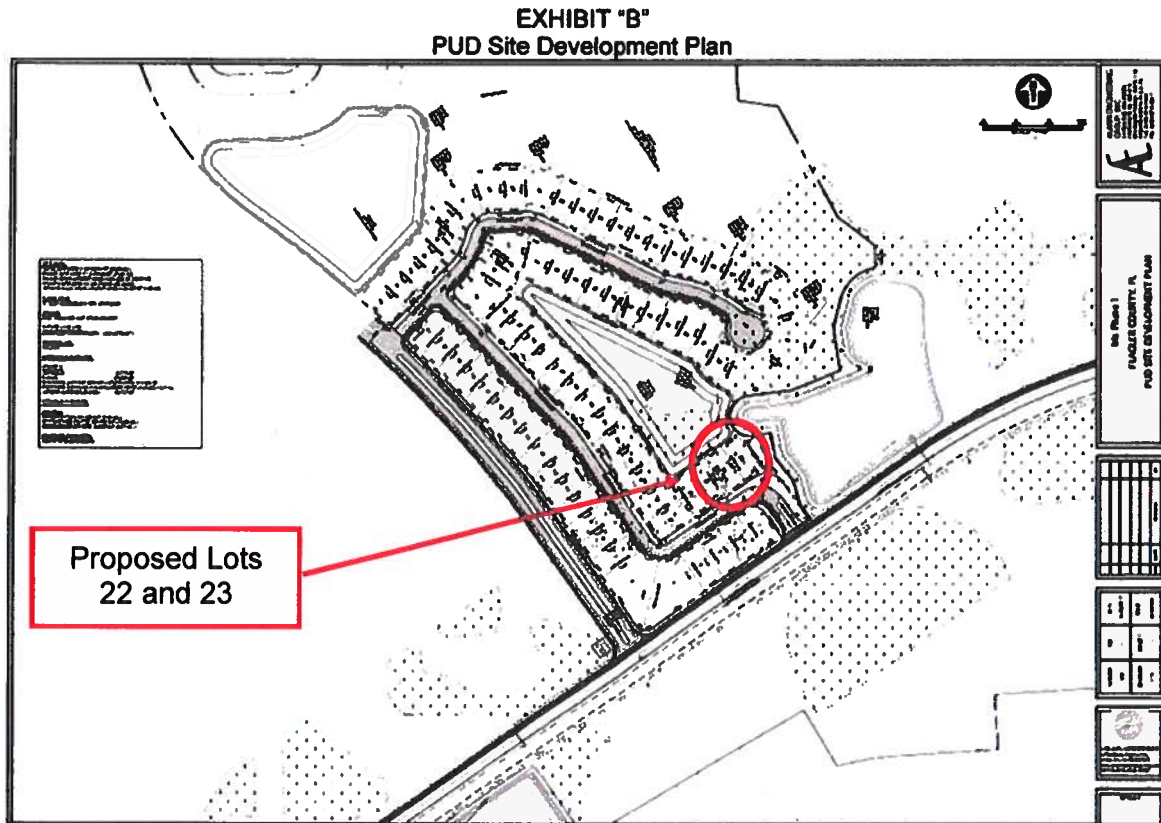
Property Appraiser Aerial



The applicant on behalf of the owner filed an application and related documents with the County on February 10, 2023. This request seeks approval of a Planned Unit

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9g**

Development (PUD) Site Development Plan (SDP) for a model home and temporary sales center within the Gardenside Subdivision Plat. Gardenside is formerly known as the Iris PUD. The PUD Site Development Plan (Exhibit "B" to Ordinance No. 2018-02) depicts the limits of Iris as:



As proposed, the model home and temporary sales center site in Gardenside will consist of two lots (lots 22 and 23). The Iris PUD Development Agreement (adopted through Ordinance No. 2018-02) allows for model homes to be permitted following final plat approval. A maximum of five lots may be used for model homes and a maximum of three homes model homes may be used as temporary sales centers. The Gardenside Plat has not yet been submitted for final plat approval.

This PUD Site Development Plan application provides for the development of a temporary sales center on lots 22 and 23, specifically providing for the development of an improved parking lot on Lot 23 to coincide with the model home development occurring on Lot 22. When the temporary sales center discontinues its use, the temporary improvements to both lots will be removed and the lots will be developed as single-family residences.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9g**

The application for the PUD Site Development Plan was discussed by the Technical Review Committee on March 15, 2023. The applicant has satisfactorily addressed the TRC comments. This request was reviewed by the Planning and Development Board at its April 11, 2023. The Planning and Development Board unanimously recommended approval of the request. In its motion recommending approval, the Board additionally recommended that: a timeframe be added for the sales center that would possibly include extensions; the lots no longer used as a sales center must return to a single-family dwelling; and the parking lot is removed and the lot restored. However, staff was reluctant at the Board meeting to advise the Board that additional conditions – beyond those listed in the Iris PUD Development Agreement, as adopted through Ordinance No. 2018-02 – could be added.

BCC review authority: Section 3.04.03, LDC, requires that the Board of County Commissioners review and approve, modify or deny PUD Site Development Plans following consideration of the Planning and Development Board's recommendations and the factual data presented during the public hearing in support of the request.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

STRATEGIC PLAN:

Focus Area: Effective Government

- Goal 2 – Build & Maintain Relationships to Support Effective & Efficient Government
 - Objective EG 2.3: Establish compatible policies, procedures, and other means to operate across county and municipal boundaries.

DEPARTMENT CONTACT: Growth Management, Adam Mengel, 386-313-4065

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

Approve the PUD Site Development Plan for a temporary sales center.

Deny the PUD Site Development Plan for a temporary sales center.

Continue the PUD Site Development Plan for a temporary sales center to a time and date certain.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Proposed PUD Site Development Plan for Gardenside Model Home

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9g**

3. Application and supporting documents
4. TRC review comments
5. Planning and Development Board 4-11-2023 regular meeting draft minutes (in part)
6. Public notice

**APPLICATION #3347
PUD SITE DEVELOPMENT PLAN FOR
GARDENSIDE SUBDIVISION PLAT MODEL HOME
TECHNICAL STAFF REPORT**

LDC Section 3.04.03 provides for minimum PUD Site Development Plan submittal requirements.

PUD Site Development Plan Specific Review

The Iris PUD agreement provides for model homes within the PUD. The proposed model home and parking will be located on two lots within the Gardenside subdivision plat. The specific requirements for the PUD Site Development Plan are listed in subsection 3.04.03.B of the Land Development Code. The PUD Site Development Plan meets the County's requirements.

DRI Obligations

There are no outstanding DRI obligations related to the Iris PUD and Gardenside subdivision plat.

The Map H for Hunter's Ridge DRI identifies this area for single-family residential development.

Adoption of Specific Development Standards

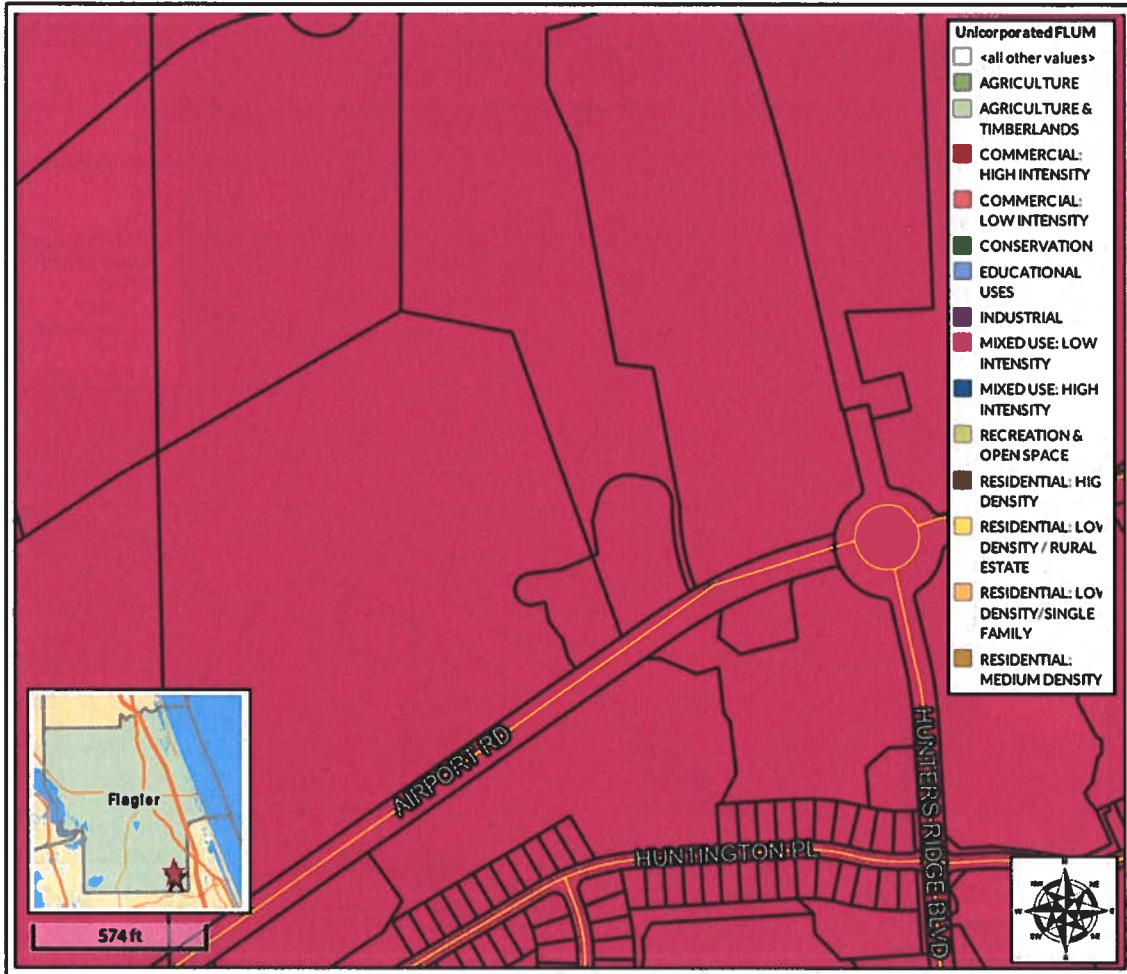
The temporary sales center within the Iris PUD is utilizing two lots for a model home and parking to be utilized as a temporary sales center. This is allowed within the Iris PUD.

The model home within the Iris PUD has provided parking on one lot and is utilizing one lots as a model home, also to be used as a sales center. Permitting of model homes is allowed within the Iris PUD, after final plat. There are five lots that may be used for model homes with a maximum of three model homes to be used as temporary sales centers.

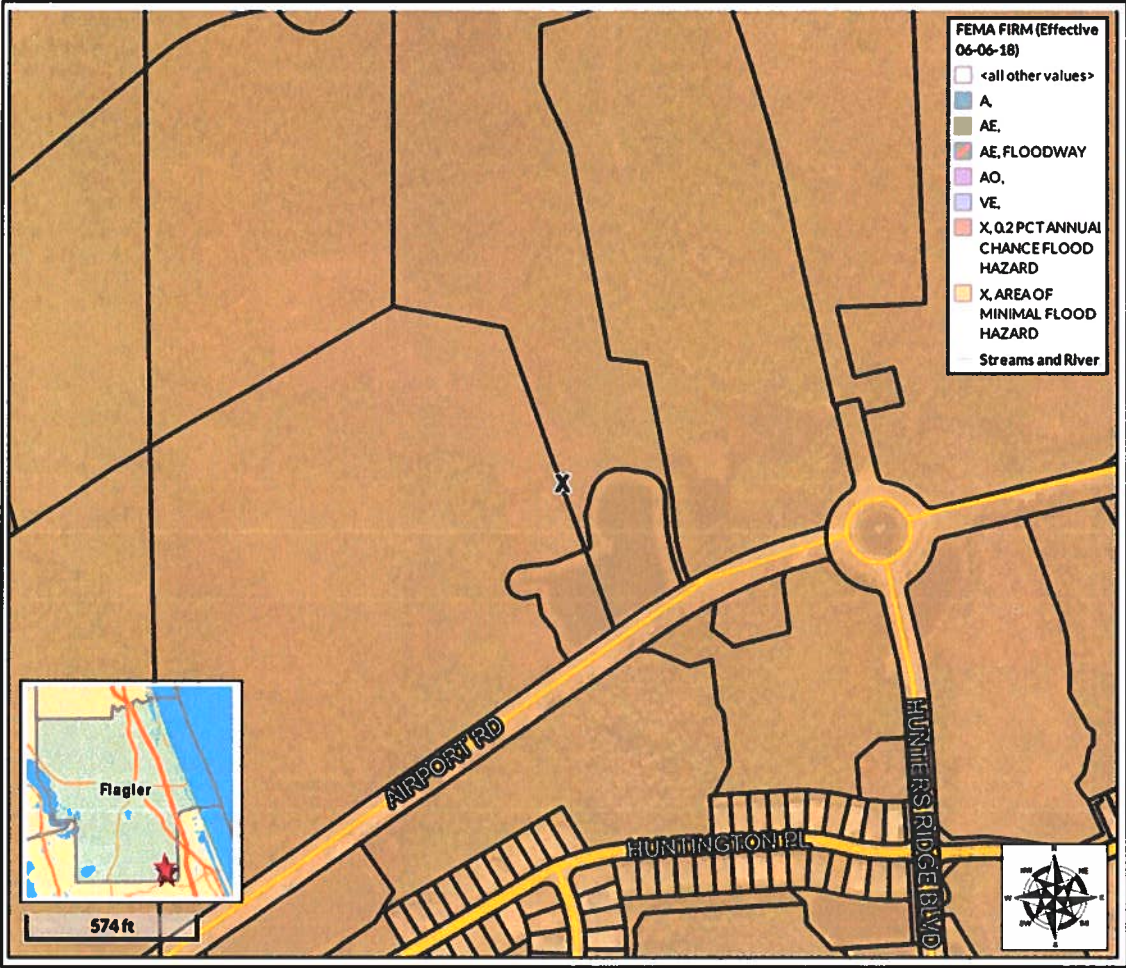
Official Zoning Map



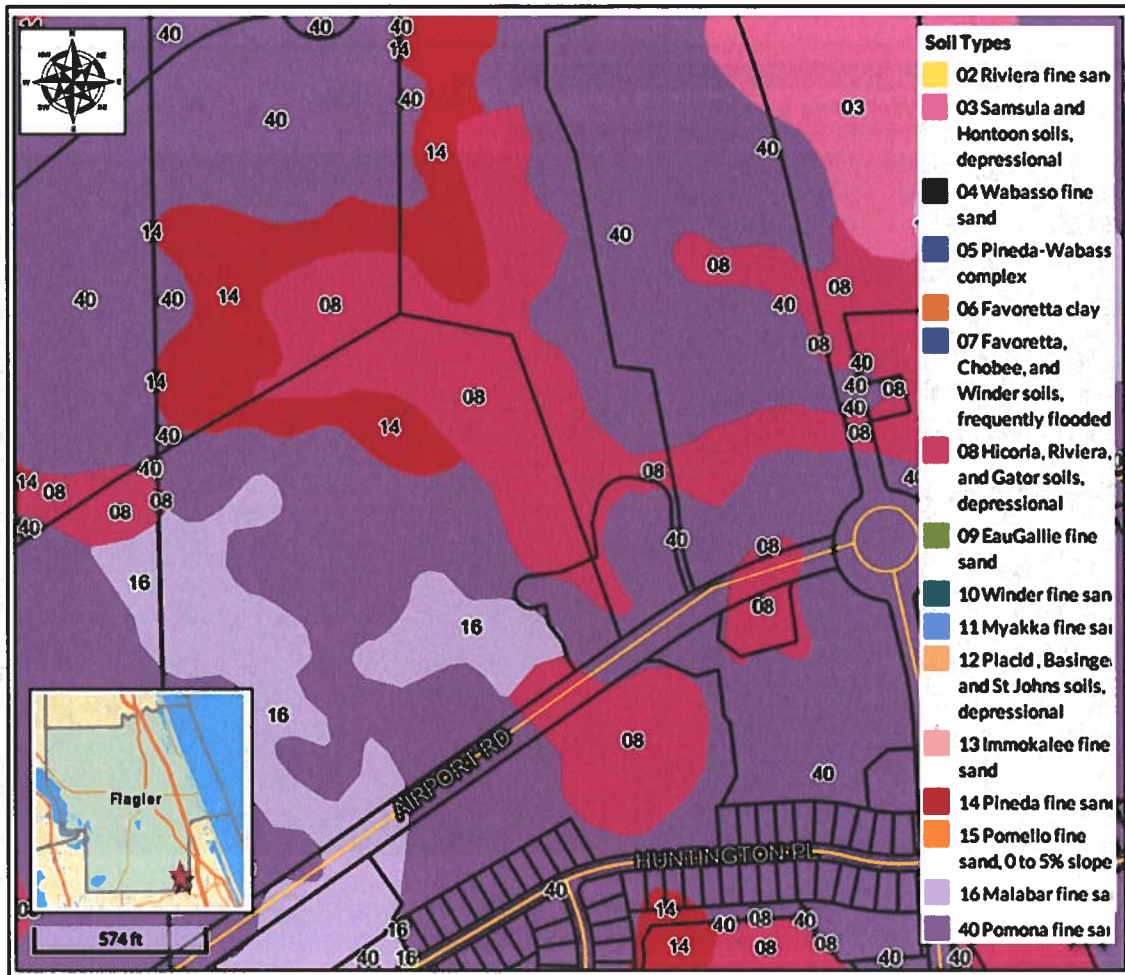
Future Land Use Map



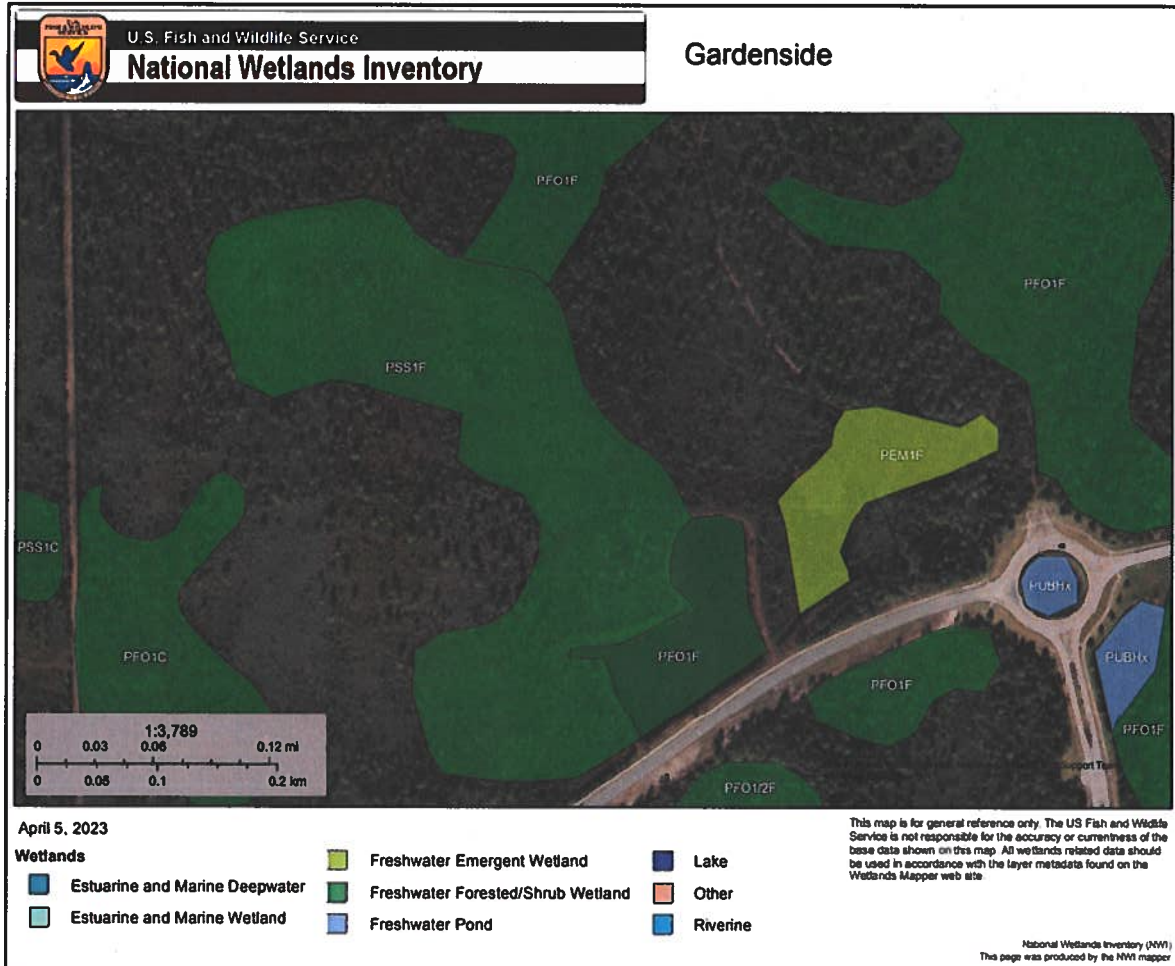
Flood Zone Map



Soils Map



Wetlands Map



PLOT PLAN/MODEL COMPOSITE

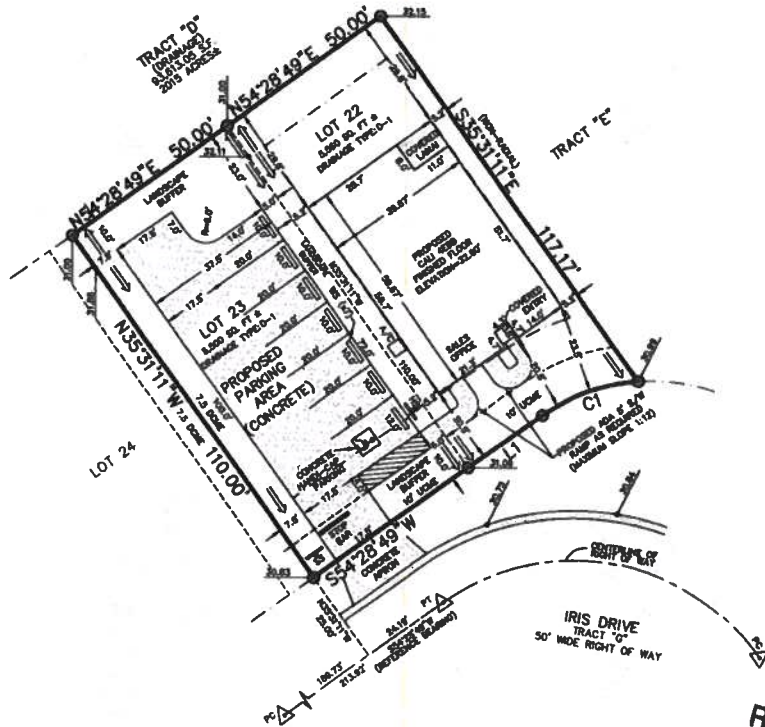
DESCRIPTION: (UNRECORDED)

LOTS 22-23, IRIS AT HUNTER'S RIDGE
AS RECORDED IN PLAT BOOK ----, PAGES ---- IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

THIS PLOT PLAN IS BASED ON A PLAT THAT HAS NOT BEEN RECORDED BY FLAGLER COUNTY, FLORIDA.

Line Table		
Line #	Direction	Length
L1	N64°28'49"E	24.11'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	27.12'	50.00'	31°04'22"	N70°01'00"E	28.79'



PARKING LOT
DRIVE AISLE
PER CLIENT

PREPARED FOR:
D-R HORTON
America's Builder

BUILDING SETBACKS
FRONT: 20'
REAR: 10'
SIDE: 5'

- NOTES:**
- PROPOSED ELEVATIONS SHOWN HEREON ARE BASED ON THE APPROVED ENGINEERING PLANS PREPARED BY ALANN ENGINEERING GROUP, INC.
 - ELEVATIONS PROVIDED BY CLIENT.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED HOUSE. REFER TO HOUSE PLAN AND OPTION LIST FOR CONSTRUCTION. ALL BUILDING SET BACK LINES SHOWN HEREON IS PER DATA FURNISHED BY CLIENT AND IS FOR INFORMATIONAL PURPOSES ONLY.

**THIS IS NOT A SURVEY
THIS IS A PLOT PLAN ONLY**

FLOOD NOTE:
I HAVE EXAMINED THE F.I.R.M. MAP NO. FM203800348E, DATED 06/09/2014, AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X-1. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:
BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF IRIS DRIVE BEING N53°28'44"E, PER PLAT.

(FIELD DATE)	REVISED:
SCALE: 1" = 30 FEET	
APPROVED BY: EGT	
JOB NO. 220437 LOT 22-23	CLIENT COMM. 01/28/2023 JL
DRAWN BY: JL	ADD PARKING 01/17/2023 JL
	PARKING LOT 01/17/2023 JL

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Flagler County
Planning & Zoning Dept.

LEGEND:

- | | | | |
|-----|------------------------|----------|--------------------------------------------|
| --- | BUILDING SETBACK LINE | PCP | PERMANENT CONTROL POINT |
| --- | CENTERLINE | TYP | TYPICAL |
| --- | RIGHT OF WAY LINE | CS | CONCRETE SLAB |
| --- | PROPOSED ELEVATION | CP | PER PLAT |
| --- | PROPOSED DRAINAGE FLOW | CL | CALCULATED |
| --- | CONCRETE | PL | PLAT BOOK |
| --- | A/C | PS | PAGES |
| --- | S/W | SQ. FT. | SQUARE FEET |
| --- | PC | F.E.M.A. | FEDERAL EMERGENCY MANAGEMENT AGENCY |
| --- | PT | F.I.R.M. | FLOOD INSURANCE RATE MAP |
| --- | PRC | NAD83 | NORTH AMERICAN VERTICAL DATUM |
| --- | HS | D&U | DRAINAGE & UTILITY EASEMENT |
| --- | SS | DE | DRAINAGE EASEMENT |
| --- | | UE | UTILITY EASEMENT |
| --- | | UCM | UTILITY CONSTRUCTION MAINTENANCE EASEMENT |
| --- | | DCM | DRAINAGE CONSTRUCTION MAINTENANCE EASEMENT |
| --- | | SS | STOP SIGN |

ASM
AMERICAN SURVEYING & MAPPING, INC.
NDDS NATIONAL DUE DILIGENCE SERVICES
A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.
221 Circle Drive, Maitland, FL 32751
407-426-7979
american@surveyingandmapping.com

SURVEYOR NOTES:

- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Digitally signed by E
Glenn Turner
Date: 2023.02.01
09:54:06 -05'00'

E. GLENN TURNER PSM# 5843 DATE

DATE: February 6, 2023
 JOB NUMBER: Lots 22-23
 DRAWN BY: Kasey DeJa
 CHECKED BY: Heather Wolf

REVISIONS: NONE

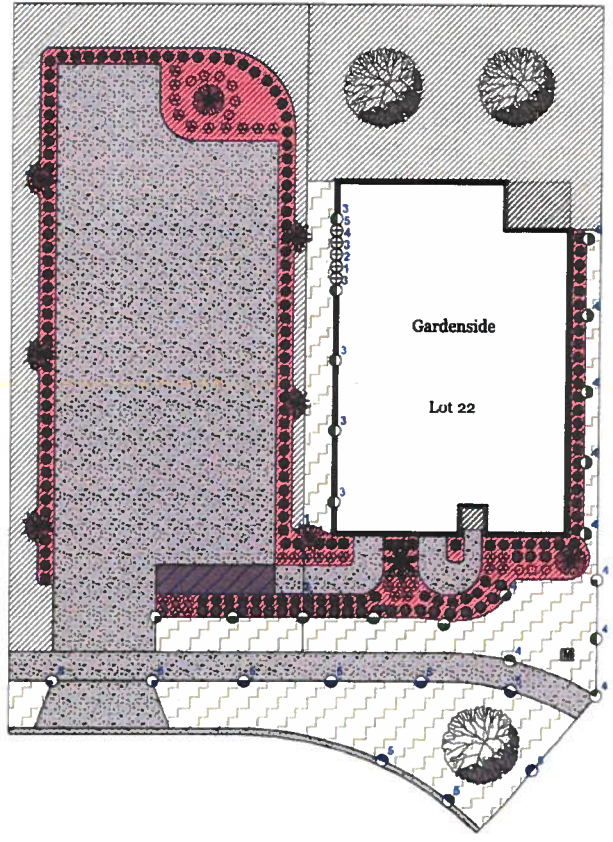
SCALE: 1" = 25'

SHEET: 1 of 1

PROJECT:
 DR Horton
 Gardenside
 Model Center
 Lots 22-23

SHEET DESCRIPTION:
 Landscape & Irrigation Layout

Wolf's Irrigation and Landscaping
 4275 Albritton Rd
 Saint Cloud, FL 34772
 (407) 857-4818
 office@wolfslandscaping.com



Irrigation

Quantity	Symbol	Description	Pressure	Flow	Notes
Sprinklers					
1	⊙	Main Head 104 - PEX-AL-104-104-CV 100 psi		0.79 gpm @ 100'	
17	⊙	Main Head 104 - PEX-AL-104-104-CV 100 psi		0.39 gpm @ 100'	
17	⊙	Main Head 104 - PEX-AL-104-104-CV 100 psi		0.39 gpm @ 100'	
17	⊙	Main Head 104 - PEX-AL-104-104-CV 100 psi		0.39 gpm @ 100'	
Manifold/Pumps					
1					
Control Valves					
1	⊖	Hunter PVC-101-40			
Drip Tapping					
1000 R		Hunter PDL-10-18			

Landscape

Quantity	Symbol	Description
Annuals/Perennials		
25	•	Flax Lily 1 Gallon
Shrubs Under 4 Feet		
8	⊙	Arbuticola, Variegated 7 gallon
34	⊙	Croton 7 Gallon
26	⊙	Loropetalum 7 Gallon
8	⊙	Podocarpus 7 Gallon
143	⊙	Viburnum, Sweet 7 Gallon

Trees

8	⊙	Crape Myrtle 30 gallon
2	⊙	Japanese Strawberry 30 gallon
3	⊙	Oak, Southern Live 45 gallon
1	⊙	Robellni 5'-6' Single

Landscape Accessories

2591.61 SqFt	▨	Berlin (unirrigated)
18.89 Yd ³	▨	Pine Bark Mulch
1988.15 SqFt	▨	St. Augustine/Florlam (irrigated)

Sprinkler Zone Data

Zone #	Total Area	Total Flow	Prncip. Rate
3	945.2 SqFt	4.94 gpm	0.26 in/hr
4	780.87 SqFt	4.68 gpm	0.59 in/hr
5	968.38 SqFt	6.31 gpm	0.63 in/hr

Drip Zone Data

Zone #	Total Area	Total Flow	Prncip. Rate
1	915.61 SqFt	182.4 gph	0.26 in/hr
2	800.11 SqFt	166.4 gph	0.26 in/hr

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 FEB 10 2023
 Flagler County
 Planning & Zoning Dept.



APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN A PUD

1789 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3347 / 2023020048

PROPERTY OWNER(S)	Name(s):	US Capital Alliance, LLC		
	Mailing Address:	111 Coleman Blvd. Suite 1200		
	City: Mount Pleasant	State: South Carolina	Zip: 29464	
	Telephone Number	732-850-8318	Fax Number	

APPLICANT /AGENT	Name(s):	D.R. Horton		
	Mailing Address:	10192 Dowden Road		
	City: Orlando	State: Florida	Zip: 32832	
	Telephone Number	407-335-9525	Fax Number	
	Email Address:	sdkendrick1@drhorton.com		

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Planning & Zoning Dept.

SUBJECT PROPERTY	SITE LOCATION (street address):	Hunter's Ridge (Iris) Airport Road		
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>	North of Airport Road (Iris)		
	Parcel # (tax ID #):	See attachment 22-14-31-0000-01010-0070 / 0080 / 0130		
	Parcel Size:	27.894		
	Current Zoning Classification:	Planned Unit Development		
	Current Future Land Use Designation:	Low/Medium Density		
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

PURPOSE OF SUBMISSION / PROJECT DATA: Model home/parking lot site plan

submittal for Gardenside (fka Iris) located in Hunter's Ridge. The proposed model home/parking lot will be built on lot 22 (model home) & lot 23 (parking lot).

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date 1/23/23

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.



LAND DEPARTMENT
10192 DOWDEN ROAD
ORLANDO, FL 32832
(407) 850-5200 Fax: (407) 850-5305

February 9, 2023

Cina Lemon
Development Review Planner
Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg 2
Gunnell, FL 32110

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FEB 10 2023

Flagler County
Planning & Zoning Dept.

Re: Ormond Station fka Hunter's Ridge
Site Development Plan Review in a PUD Applications:
• Groveside fka Celedine
• Gardenside Phase 1 fka Iris Phase 1

Attached you will the Site Development Plan Review in a PUD Applications and supporting documents for the first two phases (Groveside fka Celedine & Gardenside Phase 1 fka Iris Phase 1) of Ormond Station fka Hunter's Ridge.

The attachments include the following:

- Two Site Development Plan Review Applications
- Two Owner's Authorization for Applicant/Agent
- D.R.Horton, Inc. Certificate of Secretary for Matthew Stolz
- Two checks each in the amount of \$1,115
- Two sets of (10) plans (site & landscaping plans) for the Technical Review Committee that is due upon submittal of the application

Thank you for your consideration and please do not hesitate to contact me with any questions at (407) 335-9525.

Sydney D. Kendrick
Forward Planner, D.R. Horton, Inc.

RECEIVED

FEB 10 2023

Flagler County
Planning & Zoning Dept.

CERTIFICATE OF SECRETARY

The undersigned hereby certifies as follows:

1. He is a duly elected, qualified and acting Secretary of D.R. Horton, Inc. - Jacksonville, a Delaware corporation (*the "Company"*), is familiar with the facts herein certified and is duly authorized to certify the same.


2. The following is a true, correct and complete copy of resolutions related to the subject matter as adopted by the Consent of Sole Director of the Company dated October 31, 2022 (*the "Resolutions"*). The Resolutions have not been amended, rescinded or modified and remain in full force and effect as of the date hereof.

Election of Assistant Secretary

RESOLVED, that Matt Stolz is hereby elected to the office of Assistant Secretary of the Company (*the "Assistant Secretary"*) in the Company's Orlando East Division (*the "Division"*), to serve until the next annual meeting of the directors of the Company and until his successor is duly elected and qualified or until his earlier death, resignation or removal.

RESOLVED FURTHER, that the Assistant Secretary is hereby authorized, in the Division and in the name and on behalf of (A) the Company, (B) any partnership of which the Company is a general partner, manager or agent, and (C) any limited liability company of which the Company is a member, manager or agent (*collectively the "Entities"*), to execute and deliver (i) signage contracts, advertising agreements, applications, consulting agreement, homeowner association documents, independent contractor and subcontractor agreements and similar or equivalent agreements, documents or instruments, and (ii) CC&Rs, FHA and VA documents, FNMA documents, maps, permits, vendor contracts, agreements and other documents and instruments for the subdivision, development and/or improvement of real property.

IN WITNESS WHEREOF, the undersigned has signed on the 9th day of November, 2022.



Thomas B. Montañó
Secretary



Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

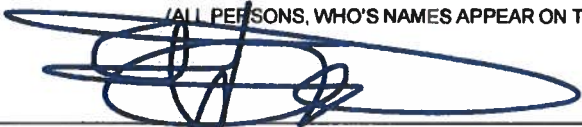
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # 3347/2023020048

D. R. Horton, Inc. _____, is hereby authorized TO ACT ON BEHALF
OF Glen Fishman, US Capital Alliance, LLC _____, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for Site Development Plan Review in a PUD _____.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: 

Signature of Owner

Glen Fishman

Printed Name of Owner / Title (if owner is corporation or partnership)

RECEIVED
FEB 10 2023
Flagler County
Planning & Zoning Dept.

Signature of Owner

Printed Name of Owner

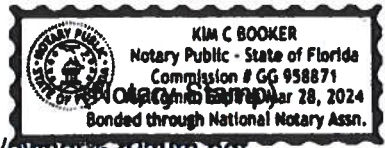
Address of Owner: _____ Telephone Number (incl. area code) _____
111 Coleman Boulevard, Suite 400 _____ 732-850-8318 _____
Mailing Address
Mount Pleasant South Carolina 29464
City State Zip

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was acknowledged before me this 12 day of January,
20 23 by Glen Fishman _____ and _____
who is/are personally known to me or who has produced _____
as identification, and who (did) / (did not) take an oath.



Signature of Notary Public



<http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf>

Gardenside fka Iris

Parcel IDs:

- 15-14-31-0000-01010-0000
- 16-14-31-0000-01010-0000
- 21-14-31-0000-01010-0000
- 21-14-31-0000-01010-0020
- 21-14-31-0000-01010-0030
- 22-14-31-0000-01010-0070
- 22-14-31-0000-01010-0080
- 22-14-31-0000-01010-0090
- 22-14-31-0000-01010-0130.

RECEIVED

FEB 10 2023

**Flagler County
Planning & Zoning Dept.**

RECEIVED

FEB 10 2023

Flagler County
Planning & Zoning Dept.

DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTIONS 21 & 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 22, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 21, THENCE SOUTH 1°08'50" EAST, ALONG THE WEST LINE OF SAID SECTION 22 AND ALONG THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 1244.71 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE WEST LINE OF SAID SECTION 22 AND THE EAST LINE OF SAID SECTION 21, NORTH 87°57'48" EAST, A DISTANCE OF 36.36 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 210.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 65°01'49" EAST, 163.66 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°52'03", AN ARC LENGTH OF 168.11 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 65°16'01" EAST, 19.67 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°19'57", AN ARC LENGTH OF 20.22 FEET TO THE END OF SAID CURVE; THENCE NORTH 88°26'13" EAST, A DISTANCE OF 122.30 FEET; THENCE NORTH 79°47'28" EAST, A DISTANCE OF 818.86 FEET; THENCE SOUTH 2°52'51" EAST, A DISTANCE OF 132.06 FEET; THENCE SOUTH 81°35'20" EAST, A DISTANCE OF 97.94 FEET; THENCE SOUTH 28°07'37" EAST, A DISTANCE OF 308.12 FEET; THENCE SOUTH 52°37'35" EAST, A DISTANCE OF 114.25 FEET; THENCE SOUTH 0°00'01" EAST, A DISTANCE OF 54.82 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 48°16'31" WEST, 112.62 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°32'35", AN ARC LENGTH OF 119.63 FEET TO THE END OF SAID CURVE; THENCE SOUTH 14°00'13" WEST, A DISTANCE OF 72.69 FEET; THENCE SOUTH 8°34'52" EAST, A DISTANCE OF 106.86 FEET; THENCE SOUTH 67°22'46" WEST, A DISTANCE OF 125.21 FEET; THENCE SOUTH 82°46'06" WEST, A DISTANCE OF 105.68 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 50.64 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 10°03'20" EAST, 101.14 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 185°59'33", AN ARC LENGTH OF 164.39 FEET TO THE END OF SAID CURVE; THENCE NORTH 76°56'54" EAST, A DISTANCE OF 37.65 FEET; THENCE SOUTH 9°38'51" EAST, A DISTANCE OF 62.54 FEET; THENCE SOUTH 38°38'34" EAST, A DISTANCE OF 71.65 FEET; THENCE SOUTH 15°39'37" EAST, A DISTANCE OF 59.54 FEET; THENCE SOUTH 34°50'47" EAST, A DISTANCE OF 43.67 FEET TO THE NORTH RIGHT OF WAY LINE OF AIRPORT ROAD (HAVING A RIGHT OF WAY WIDTH OF 100 FEET, AS SHOWN ON THE PLAT OF AIRPORT ROAD EXTENSION, AS SHOWN ON THE PLAT THEREOF, AS RECORDED IN MAP BOOK 38, PAGES 55 AND 56, OF THE PUBLIC RECORDS OF SAID COUNTY); THENCE SOUTH 55°10'17" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 466.36 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, NORTH 34°50'46" WEST, A DISTANCE OF 32.00 FEET; THENCE SOUTH 55°09'14" WEST, A DISTANCE OF 32.00 FEET; THENCE NORTH 34°50'46" WEST, A DISTANCE OF 433.13 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3425.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 46°30'55" WEST, 941.80 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°48'19", AN ARC LENGTH OF 944.79 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 742.50 FEET AND BEING SUBTENDED

BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 39°59'44" WEST, 385.44 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°05'15", AN ARC LENGTH OF 389.90 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 210.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 59°34'13" EAST, 225.84 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°03'28", AN ARC LENGTH OF 238.45 FEET TO THE END OF SAID CURVE; THENCE NORTH 87°57'48" EAST, A DISTANCE OF 96.49 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 27.894 ACRES, MORE OR LESS.

FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS
MEETING DATE: 3 / 15 / 2023
SITE PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT
APPLICANT: D. R. HORTON / OWNER: US Capital Alliance, LLC

Distribution date: March 10, 2023

Project #: 2023020048

Application #: 3347

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. The Development Agreement speaks of model homes and sales offices but does not address parking areas on lots.
2. Does the impervious area on the parking lot meet the permitted impervious per lot.
3. No grading is shown on the lot for the home or parking. Actual survey work and grading plans will be required for these lots.
4. Since the proposed is not the same as what was approved in the PUD Agreement, is a modification of the PUD Agreement to address the proposed improvements warranted.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. No comments or objections providing water and/or wastewater service is not supplied by well and/or onsite septic system.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. No issues with this project.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Sec. 2.I. of Ordinance No. 2018-02 provides for the use of up to five of the lots for model home purposes to be permitted following final plat approval, with up to three of the model homes used as temporary sales centers.
2. It is not recommended that the 45-gallon Southern Live Oak to be located within the utility easement at the front.

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building, 1769 East Moody Blvd.,
Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, April 11, 2023 at 6:00 PM

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members present: Timothy Connor, Heather Haywood, Mark Langello, and Fernando Melendez (Chair).

Members excused: Michael Boyd, Jack Corbett, and Anthony Lombardo.

Staff present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Growth Management Director; and Gina Lemon, Development Review Planner III.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: March 14, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langello

Motion 2nd by: Timothy Conner

Vote: Motion carried unanimously.

4. Legislative, not requiring disclosure of ex parte communication:
Application #3330 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM COMMERCIAL: HIGH INTENSITY (6.52+/- AC) AND INDUSTRIAL (21.80+/- AC) TO RESIDENTIAL: HIGH DENSITY (28.32+/- AC)** – request to amend the Future Land Use Map designation at 5615 State Road 100 East. Parcel Number 08-12-31-0650-000B0-0070; 28.32+/- acres. Owner: Flagler Pines Properties, LLC/Applicant: Jay W. Livingston, Esq.
Project #2022090031 *(TRC, PDB, BCC)*

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Jay Livingston, Esquire, Livingston and Sword, gave an overview of the proposed project. He explained that the proposed high density residential use. He explained the parcel specific limiting policy does exist in the Future

Applicant Presentation: Sydney Kendrick, D. R. Horton, no presentation available for questions.

Board Questions:

Mark Langello asked about time limit on the model homes and temporary sales center.

Public Comments:

Jennifer Liddell of 46 Huntington Place, spoke on concerns timing, environmental impact studies, wetland mitigation, negative impact to the wildlife.

Sidney Kendrick explained that the speaker's comments were not related to this application. Her comments are more related to the subdivision.

Public comments closed.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan in addition that a timeframe for the sales center that would possibly have extensions, the lots no longer used as a sales center must return to a single-family dwelling and the parking lot removed and the lot restored.

Motion by: Mark Langello

Motion 2nd by: Heather Haywood

Vote: Motion carried unanimously.

8. Quasi-judicial requiring disclosure of ex parte communication:
Application #3347 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan Review in a PUD for model homes and parking in the proposed Gardenside Subdivision (f/k/a Iris). Parcel numbers 21-14-31-0000-01010-0000; 21-14-31-0000-01010-0030; 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and 22-14-31-0000-01010-0130; 60.06+/- acres. Owner: US Capital Alliance, LLC/Applicant: D. R. Horton.
Project #2023020048 (TRC, PDB, BCC)

No Board disclosures.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Sydney Kendrick, D. R. Horton no presentation, available for questions.

Public Comments:

Will Rourk, 8 Shear Water Trail, questions how many lot will be developed and the widening of Airport Road.

Barbara Roark, 8 Shear Water Trail, questioned what will happen with the Fire Department and the schools.

Public comments closed.

Mr. Mengel explained the development of regional impact for the Hunter's Ridge and the development yet to come.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan in addition that a timeframe for the sales center that would possibly have extensions, the lots no longer used as a sales center must return to a single-family dwelling and the parking lot removed and the lot restored.

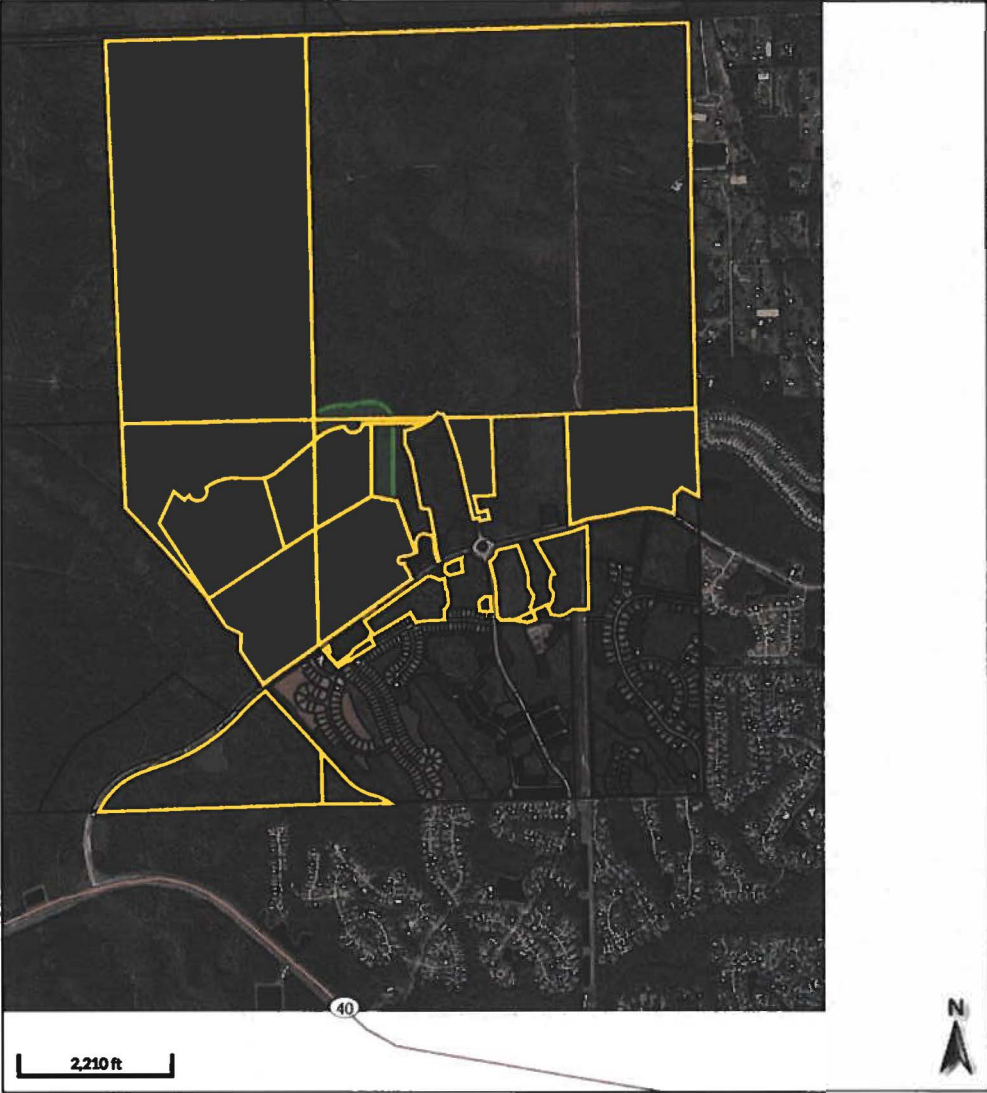
Motion by: Mark Langelo

Motion 2nd by: Heather Haywood

Vote: Motion carried unanimously.

9. Staff Comments.
None
10. Board Comments.
None
11. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.
No public comments.
12. Adjournment:
Motion to adjourn Motion by: Mark Langelo
Meeting adjourned at 9:03 p.m.

qPublic.net™ Flagler County, FL Property Appraisers Office



- Legend**
- Parcels
 - Roads
 - Streams and River




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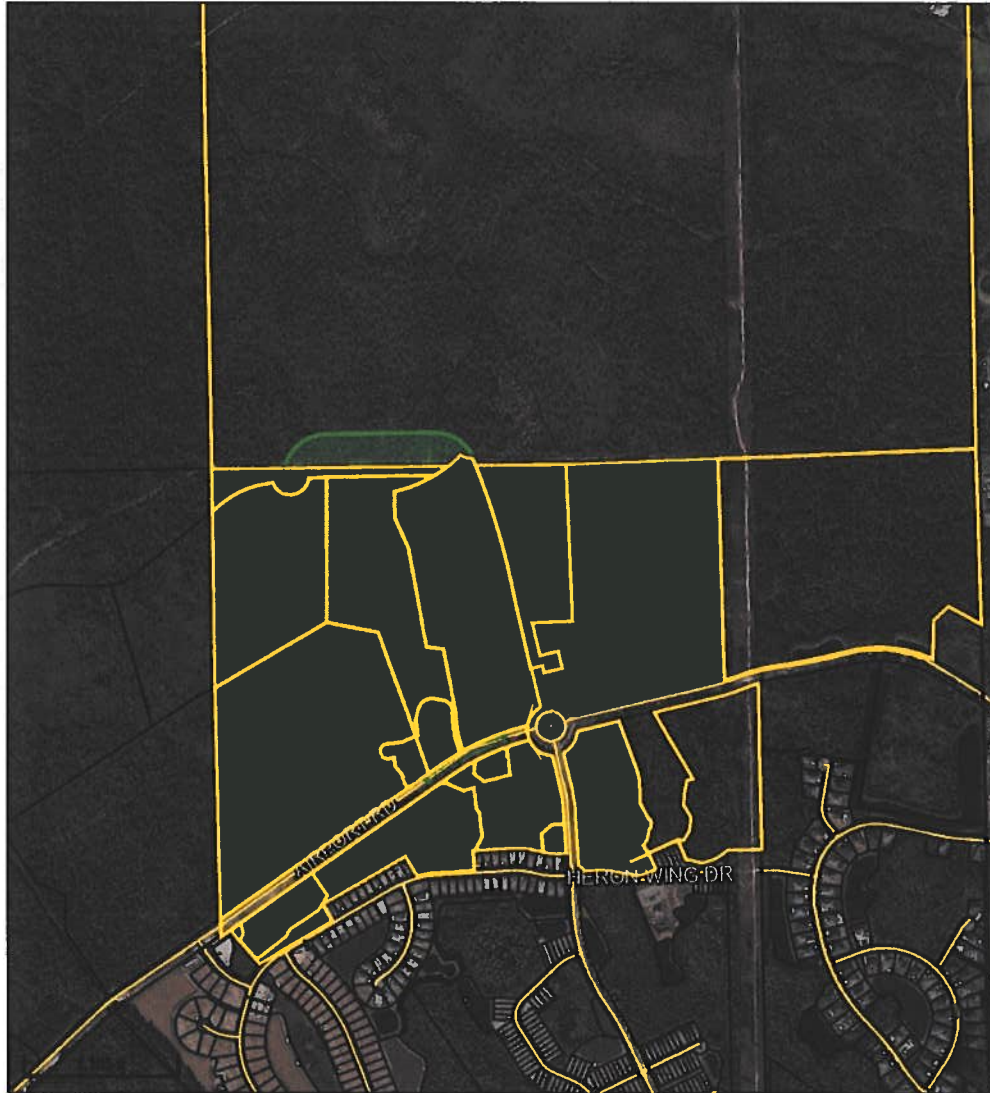
Overview



Legend

-  Parcels
-  Roads
-  Streams and River

Date created: 3/15/2023
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Overview



Legend

-  Parcels
-  Roads
-  Streams and River

Date created: 3/15/2023
Last Data Uploaded: 3/15/2023 12:47:11 PM

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Volusia County Parcels

412140000089	WRIGHT LESLIE LE Life Estate	2461 LIPIZZAN TRAIL	ORMOND BEACH, FL 32174
412314000620	DOWD MARK D AND NICOLE M DOWD	83 PERGOLA PL	ORMOND BEACH, FL 32174
412314000003	HUNTERS RIDGE HOMEOWNERS ASSOC OF EAST FLORIDA INC	P O BOX 353261	PALM COAST, FL 32135
412309000003	HUNTERS RIDGE HOA OF EAST FL INC	100 SHADOW CROSSINGS BLVD	ORMOND BEACH, FL 32174
412314000002	HUNTERS RIDGE HOMEOWNERS ASSOC OF EAST FLORIDA INC	P O BOX 353261	PALM COAST, FL 32135
4123140001370	HOWARD JAMES III	86 PERGOLA PL	ORMOND BEACH, FL 32174
4123140000610	FISCHETTI JAMES AND PRAIRIE	87 PERGOLA PL	ORMOND BEACH, FL 32174
4123140000600	RIVERA RAFAEL JR VANESSA LOPEZ-RIVERA	89 PERGOLA PL	ORMOND BEACH, FL 32174
4123140000001	HUNTERS RIDGE HOMEOWNERS ASSOC OF EAST FLORIDA INC	P O BOX 353261	PALM COAST, FL 32135
412314000590	DILLS LAUREN	91 PERGOLA PL	ORMOND BEACH, FL 32174
412314000580	BRITTO KELLY JEAN	93 PERGOLA PL	ORMOND BEACH, FL 32174
412314000570	DURGAN JASON	405 OAKRIDGE RD	ORMOND BEACH, FL 32174
412314000560	PROPERTY OWNER	97 PERGOLA PL	ORMOND BEACH, FL 32174
412314000550	PERA NICHOLAS C AND MARYANN BERES	99 PERGOLA PL	ORMOND BEACH, FL 32174
4123140001360	MANN KARA	P O BOX 730643	ORMOND BEACH, FL 32173
412314000540	BRATCHER AMANDA AND AUSTIN YELVINGTON	101 PERGOLA PL	ORMOND BEACH, FL 32174
412314000530	WEST DAVID AND MELISSA	103 PERGOLA PL	ORMOND BEACH, FL 32174
4123140000002	HUNTERS RIDGE HOMEOWNERS ASSOC OF EAST FLORIDA INC	P O BOX 353261	PALM COAST, FL 32135
4123090000001	HUNTERS RIDGE HOA OF EAST FL INC	100 SHADOW CROSSINGS BLVD	ORMOND BEACH, FL 32174
4127020000002	HUNTERS RIDGE HOA OF EAST FL INC	100 SHADOW CROSSINGS BLVD	ORMOND BEACH, FL 32174
4128010000002	HUNTERS RIDGE HOA OF EAST FL INC	100 SHADOW CROSSINGS BLVD	ORMOND BEACH, FL 32174


 Gina Lemon, Development Review Planner III

**Growth Management Department
Planning & Development
1769 E. Moody Blvd, Bldg. 2
Bunnell, FL 32110**



**www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109**

March 20, 2023

**US CAPITAL ALLIANCE LLC
880 AIRPORT ROAD SUITE 113
ORMOND BEACH, FL 32174**

Re: Application #3347 – Site Development Plan Review in a PUD (Planned Unit Development) - Parcel Number: 22-14-31-0000-01010-0070; 22-14-31-0000-01010-0080; and a portion of 22-14-31-0000-01010-0130.

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, Flagler County Planning Department in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request by D. R. Horton on behalf of owner US Capital Alliance, LLC for a Site Development Plan Review in a PUD (Planned Unit Development) District on approximately 27.894 acres for one proposed Model Homes and Parking Lot, on 2 proposed lots within the proposed plat of Gardenside, a single-family detached subdivision, within the Hunter's Ridge Development of Regional Impact.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

Planning and Development Board hearing on Tuesday, April 11, 2023 at 6:00 p.m.

The Planning and Development Board recommendation will be presented to the Board of County Commissioners for final decision; the Board of County Commissioners hearing will be held on Monday, May 15, 2023 at 5:30 p.m.

**Andy Dance
District 1**

**Greg Hansen
District 2**

**David Sullivan
District 3**

**Leann Pennington
District 4**

**Donald O'Brien, Jr.
District 5**

You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Gina Lemon".

Gina Lemon
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

APPLICATION # 3347
NOTICE OF PUBLIC HEARING
 THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING AT:
 FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
 1769 E. MOODY BOULEVARD, BLDG 2, BUNNELL, FL 32110
 MAY 13, 2023 @ 3:30 P.M.

REQUEST APPLICANT: WISCONSIN WILLOW PLANT & POND
 G. R. JORDAN

Parcel Number: 22 34 31 0000 0100 0010 0000 00 00

Zoning District: PLU PLANNED UNIT DEVELOPMENT

THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES WHO PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY AND AT THIS NOTICE IS PROVIDED.

APPLICATION # 3347
NOTICE OF PUBLIC HEARING
 THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:
 FLAGLER COUNTY GOVERNMENT SERVICES BUILDING BOARD CHAMBERS
 1769 E. MOODY BOULEVARD, BLDG 2, BUNNELL, FL 32110
 APRIL 11, 2023 @ 6:00 P.M.

REQUEST: SITE DEVELOPMENT PLAN FOR A PLU
 APPLICANT: G. R. JORDAN

Parcel Number: 22 34 31 0000 0100 0010 0000 00 00

Zoning District: PLU PLANNED UNIT DEVELOPMENT

THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES WHO PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION RELATIVE TO THE PROPERTY AND AT THIS NOTICE IS PROVIDED.

