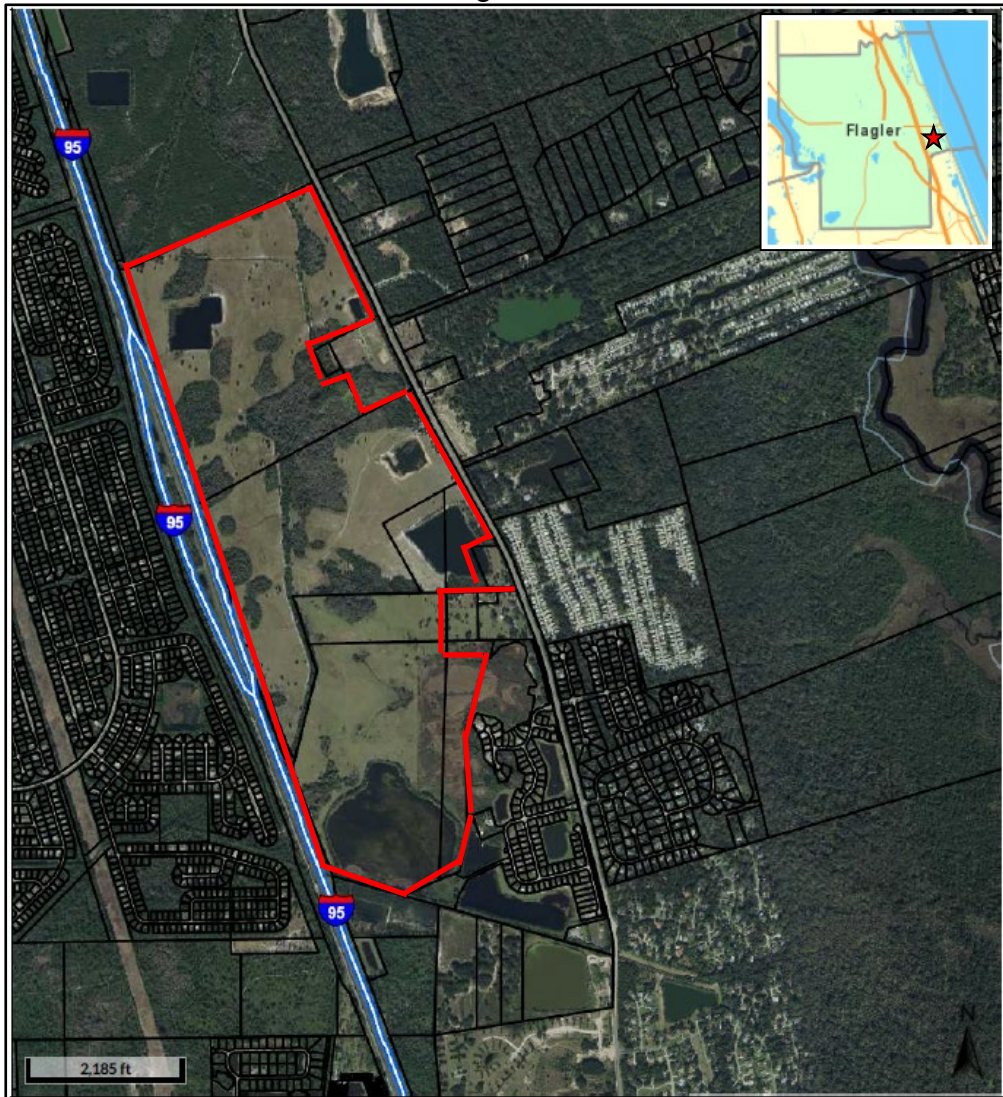


**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING / AGENDA ITEM #6**

SUBJECT: **QUASI-JUDICIAL** – Application #3270 – Request to Rezone from AC (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) District for the Eagle Lakes PUD located between Old Kings Road South and Interstate 95, between State Road 100 East and Old Dixie Highway; Parcel Numbers: 22-12-31-0000-01010-0011; 26-12-31-0000-01010-0010; 27-12-31-0000-01010-0000; 27-12-31-0000-01010-0030; 27-12-31-0000-01020-0010; 34-12-31-0650-000D0-0080; and 35-12-31-0000-02010-0040; 594+/- acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esquire. (Project #RZNE-000514-2021).

DATE OF MEETING: February 8, 2022

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request is for rezoning and amendment of the Eagle Lakes PUD in the PUD (Planned Unit Development) District for development of a 1,218 lot project in multiple phases. The subject project area is 594+/- acres in size and is located on the West side of Old Kings Road South:



On September 9, 2021, the applicant submitted an application to rezone and amend the Eagle Lakes PUD. The rezoning was needed to incorporate a parcel at the North end of the Eagle Lakes project into the overall Eagle Lakes PUD. This parcel – Parcel # 22-12-31-0000-01010-0011 – had been anticipated to be included within the overall development at a later date, but until now had not been the subject of a rezoning application. Together with the rezoning of the North parcel – referred to in the applicant's submittal as the Northern Lands – the applicant is seeking the amendment of the approved Eagle Lakes PUD as it pertains to the remainder of the Eagle Lakes project, what the County has referred to previously as Section 1, Phase 2, and Phase 2, along with other lands identified as part of Eagle Lakes and intended through the approved PUD for future development: these lands are in multiple parcels and are referred to by the applicant as the Southern Lands.

The Eagle Lakes PUD has a long history in the County, starting with the Future Land Use Map amendment on August 16, 2004 through the adoption of Ordinance No. 2004-15 by the Board of County Commissioners. This amendment consisted of a redesignation of: 170 acres from Agriculture & Timberlands (1 d.u./5 acres) to Residential: Low Density (1-3 d.u./acre); 28 acres from Agriculture & Timberlands to Water Bodies (no density); 81.5 acres from Commercial: High Intensity (no density) to Residential: Low Density; 18.5 acres from Commercial: High Intensity (no density) to Water Bodies; and 11 acres from Commercial: High Intensity to Agriculture & Timberlands.

A subsequent Future Land Use Map amendment was approved on October 3, 2005 through the adoption of Ordinance No. 2005-19. This amendment redesignated: 166.23 acres from Agriculture & Timberlands to Residential: Low Density; 20.35 acres from Agriculture & Timberlands to Conservation (no density); and 13.4 acres from Agriculture & Timberlands to Water Bodies. This ordinance also included adoption of a parcel-specific limiting policy:

“c. FLUM APPLICATION #2418, HOMETOWN COMMUNITIES, INC.; APPROXIMATELY 166.23 ACRES DESIGNATED AS RESIDENTIAL LOW DENSITY IS LIMITED TO A MAXIMUM OF 399 DWELLING UNITS CONDITIONED UPON THE OVERALL NUMBER OF DWELLINGS FOR THE FOLLOWING PARCELS NOT TO EXCEED 749. THE 2004 TAX PARCEL NUMBERS OF THE SUBJECT PARCELS ARE: 35-12-31-0000-02010-0000; 35-12-31-0000-02030-0000; 34-12-31-0650-000D0-0080; 27-12-31-0000-01010-0000; 22-12-31-0000-01010-0010; 26-11-31-0000-01010-0010; and 27-12-31-0000-01020-0010.”

Based on the map attached to the 2005 ordinance, the 399 unit limitation applied to what is now identified as Parcel #27-12-31-0000-01010-0030 (and its 165.7+/- acres), and the intent of the 749 unit limitation was to retroactively apply to the parcels which collectively were included in the 2004 amendment along with the parcel from the 2005 amendment. The 749 unit limitation was important because at the time of the amendment approval the 749 unit limit was the maximum number of units that could be approved for Flagler County without requiring the submittal of an Application for Development Approval (ADA) for a Development of Regional Impact (DRI). The entirety of the lands included in the 2004 and 2005 amendments are within the adopted Eagle Lakes PUD.

An initial PUD rezoning was approved by the Board on February 7, 2005 through the adoption of Ordinance No. 2005-02. What was known as a Chapter 163 [Florida Statutes] Development Agreement – approved on April 18, 2005 through Ordinance No. 2005-06 – implemented the 2004 Future Land Use Map amendment, and further set out the 749 unit limitation. These agreements often were filed with the State as an acknowledgement of the nearly-DRI level of proposed development within a project. The tally of the land uses (totaling 535 acres) from the Chapter 163 Development Agreement was listed as: 421 acres of Residential Low Density; 59.9 acres of Water Bodies; 33.7 acres of Agriculture & Timberlands; and 20.4 acres of Conservation.

The initial PUD ordinance and the Chapter 163 Development Agreement was followed by a successor PUD ordinance adopted on November 21, 2005 through Ordinance No. 2005-26. Approval of the preliminary plat for the initial phase of Eagle Lakes soon followed, along with construction by the developer of the package water and sewer plant. The first subdivision plat – Eagle Lakes – Phase 1 – Section 1 – was approved by the Board on December 4, 2006 and recorded at Map Book 36, Pages 10 through 20, Public Records of Flagler County, Florida. This plat included the first 111 lots in Eagle Lakes, along with a maximum of four additional homesites in two tracts identified as Tracts “J” and “K”. Steps were underway to transfer the utility assets to the County when a change in the Board prompted a change in policy, with the County no longer seeking to accept the water and sewer utility. The downturn in the economy through the Great Recession soon followed and Eagle Lakes went dormant as the initial developer had to sign the land over to the lender, the lender failed and its assets were acquired by another bank, and the successor bank sold the lands to the present owner.

In an effort to clean up and restart the project, the applicant sought to revise the PUD through consolidation of the agreements, resulting in the adoption of Ordinance No. 2014-03 on July 23, 2014. This agreement became the successor document for the lands held by the owner that had not been sold to individual buyers as part of the Eagle Lakes – Phase 1 – Section 1 plat. It is this PUD Development Agreement that serves as the basis for the revisions that have been submitted under the current application.

The Northern Lands had been the subject of a Future Land Use Map amendment request (Application #3097, processed as Flagler County #18-1ESR in its transmittal to the State Department of Economic Opportunity) to amend 202.2 acres of Agriculture & Timberlands to Residential Lot Density Single Family. This amendment was transmitted to the State on January 3, 2018; however, the amendment was never adopted. The pending rezoning request – from AC (Agriculture) to PUD (Planned Unit Development) District will ultimately be conditioned upon a Future Land Use Map amendment becoming effective for the Northern Lands. Consistent with the current submittal, staff is proposing a parcel-specific limiting policy as part of the Future Land Use Map amendment that would limit development of the Northern Lands (and its 209.81+/- acres) not to exceed 458 dwelling units, resulting in a density of 2.18 units per acre.

As for development of the Southern Lands, overall densities cannot exceed 749 dwelling units without consideration of a Future Land Use Map amendment. At present, the applicant has not proposed an amendment, and future development would be limited to 634 dwelling units (the remainder after 115 units from Phase 1 – Section 1, are subtracted from the 749 unit cap previously established for Eagle Lakes).

This application was reviewed by the Technical Review Committee (TRC) at its November 17, 2021, December 15, 2021, and January 19, 2022 regular meetings. As reflected in the TRC comments and the applicant's response, there are outstanding comments related to this project; however, the applicant is seeking the Planning and Development Board's review and recommendation.

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:

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

OPTIONS FOR THE BOARD: The Planning and Development Board recommends to the Board of County Commissioners:

1. **Approval** of Application #3270, a rezoning from AC (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) District for the Eagle Lakes PUD, finding that the proposed PUD Site Development Plan is consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code, and adopts the amendment to the Eagle Lakes PUD, subject to:
 - a. all development conditions within the PUD Development Agreement as approved through Ordinance No. 2022-___;
 - b. development of the Northern Lands not to commence until approval of a Future Land Use Map amendment and adoption of a parcel-specific limiting policy to the Future Land Use Element specifying that development of the Northern Lands (Parcel # 22-12-31-0000-01010-0011) shall be from Agriculture & Timberlands to Residential: Low Density/Single Family, and further limited to no more than 458 dwelling units on 209.81+/- acres (2.18 units/acre); and
 - c. other conditions as added by the Planning and Development Board as part of their recommendation following the public hearing.
2. **Denial** of Application #3270, a rezoning from AC (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) District for the Eagle Lakes PUD, finding that the proposed rezoning is not consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code.
3. **Continuance** of 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 to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

ATTACHMENTS:

1. Technical Staff Report
2. Amended PUD Development Agreement (redline submitted by applicant), includes Conceptual Site Development Plan
3. Application and supporting documents

- a. Traffic Methodology
 - b. Environmental Report
- 4. TRC comments
- 5. Applicant response to TRC comments
- 6. Public notice

**APPLICATION #3270
REZONING FOR EAGLE LAKES PUD
VENTURE 8, LLC
TECHNICAL STAFF REPORT**

Project: Rezone from AC (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) District for the Eagle Lakes PUD

Project #/Application #: 3270/RZNE-000514-2021

Owner: Venture 8, LLC

Applicant/Agent: Michael D. Chiumento III, Esq.

Parcel #: 22-12-31-0000-01010-0011; 26-12-31-0000-01010-0010; 27-12-31-0000-01010-0000; 27-12-31-0000-01010-0030; 27-12-31-0000-01020-0010; 34-12-31-0650-000D0-0080; and 35-12-31-0000-02010-0040

Address: N/A

Parcel Size: 594+/- acres

Existing Zoning and Land Use(s)

Zoning: AC (Agriculture) and PUD (Planned Unit Development) District

Land Use: A&T (Agriculture & Timberlands), Residential: Low Density/Single Family, Conservation, and Water Bodies

Future Land Use Map Classification/Zoning of Surrounding Land

North: City of Palm Coast

East: Old Kings Road South

South: Agricultural & Timberlands and Conservation/AC (Agriculture) District

West: Interstate 95

Report in Brief

The applicant has proposed a rezoning to PUD that would incorporate a 202+/- acre parcel into the Eagle Lakes PUD. Together with this rezoning, the applicant proposes to amend the Eagle Lakes PUD and the adopted PUD Development Agreement.

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 North parcel's – referenced in the draft amended PUD Development Agreement as the Northern Lands) current Future Land Use designation is Agriculture & Timberlands. A Future Land Use Map amendment – underway as part of the County's Evaluation and Appraisal Report (EAR) amendments – will be required to become effective before the PUD zoning takes effect. No development of the Northern Lands is permitted until the Future Land Use and zoning are in place.

As for the Southern Lands, the amendment to the PUD is consistent with the Comprehensive Plan so long as the limitation on development of these parcel are maintained, including the 749 unit cap on development as established through the parcel-specific limiting policy at Policy A.1.1.10(3).

- 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, i.e., when the lands are final platted. The ultimate determination of concurrency will be made at final plat approval.

The development standards of the PUD Development Agreement are intended to ensure overall consistency with the goals, objectives, and policies of the Comprehensive Plan. Successive plats – and individual lot development – will be required to be consistent with the adopted PUD.

- 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.

Surrounding land uses are of a residential nature and represent the shifting demand of this area from agriculture to infill development of low density residential subdivisions. This development will be dependent upon the provision of potable water and sanitary sewer, along with the traffic improvements programmed to occur through the PUD Development Agreement. Development consistent with the PUD Development Agreement will be compatible with the adjacent and surrounding land uses.

- 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 developer's obligations as provided in the PUD Development Agreement and the County's adoption of impact fees, the requested rezoning to PUD will not impact or exceed the capacity of fiscal ability of Flagler County to provide services. It is anticipated that development as proposed will provide a net positive financial benefit to the County, especially with the age-restriction in place for the Southern Lands.

- E. The requested zoning shall not be approved if any of the proposed permitted uses or activities result in a public nuisance.

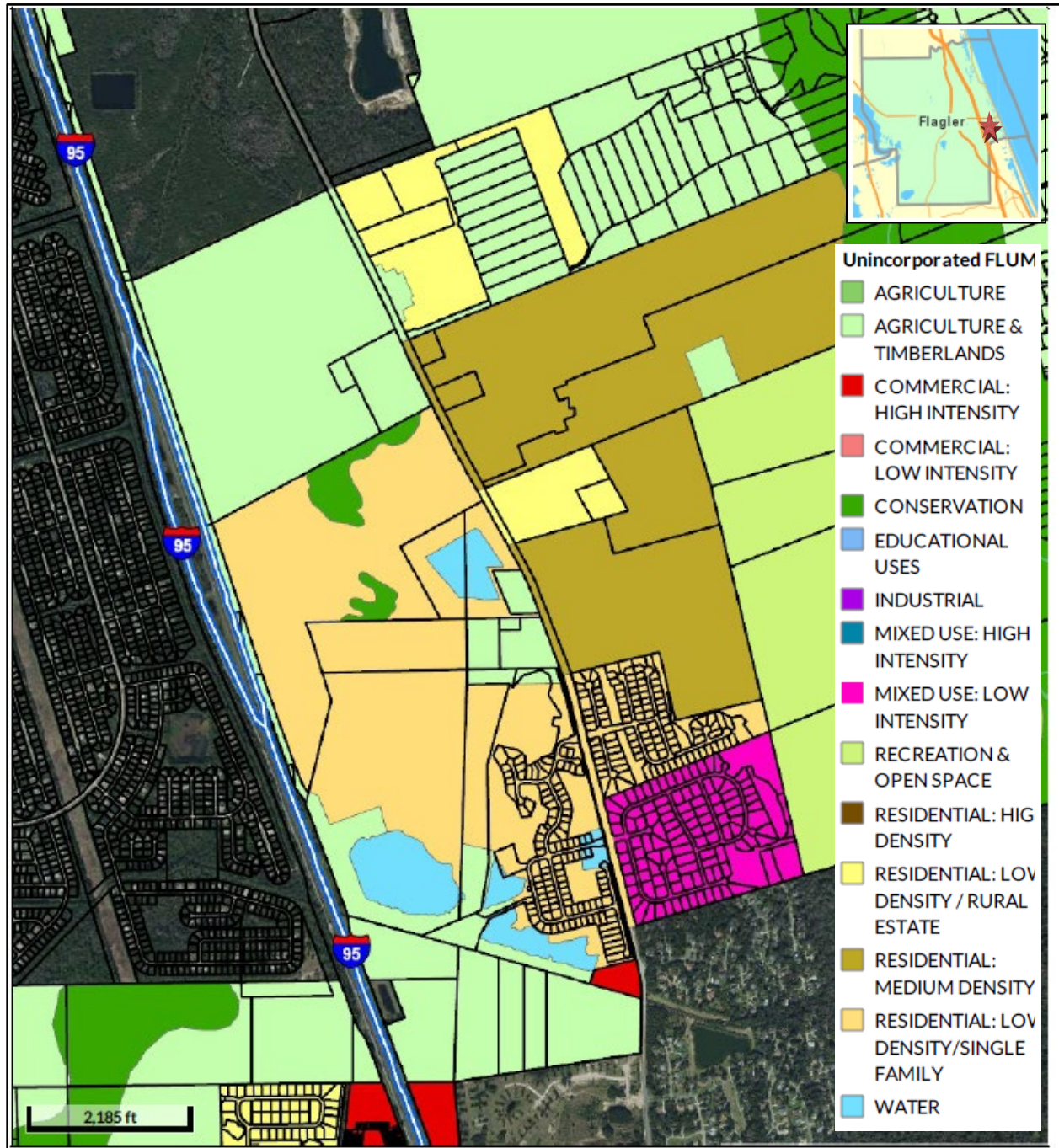
The proposed permitted uses and activities within the amended PUD will not result in a public nuisance. These uses are of a nature similar to those in other residential developments within the adjacent neighborhood.

- 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.

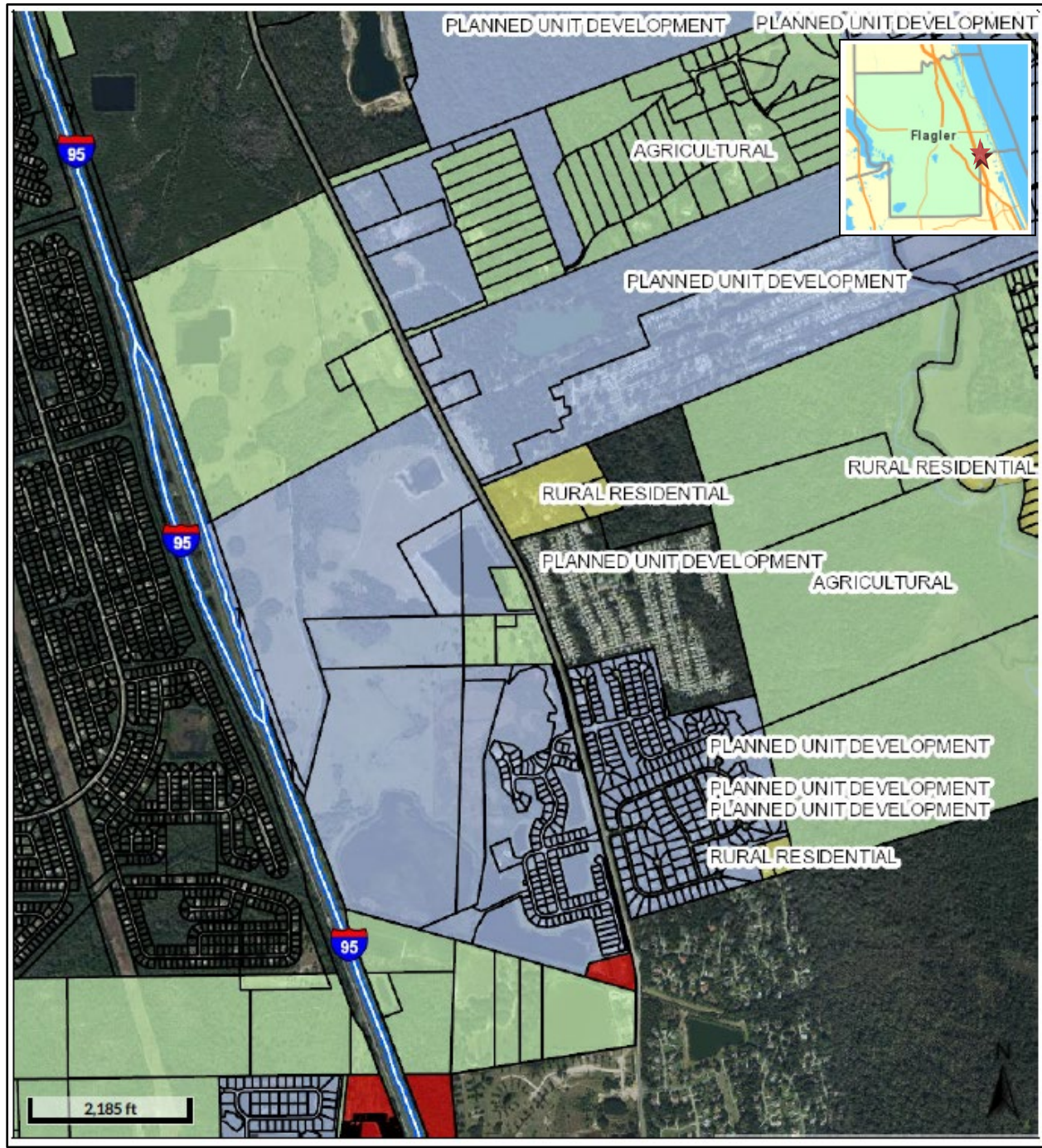
The applicant's traffic study demonstrates that while additional traffic will occur, these impacts will not be unreasonable. The PUD Development Agreement includes specific requirements – and thresholds – for traffic improvements on Old Kings Road to occur.

Overall, the requested rezoning to the PUD District provides the certainty of the use and development of the parcel, and is consistent with development occurring along Old Kings Road.

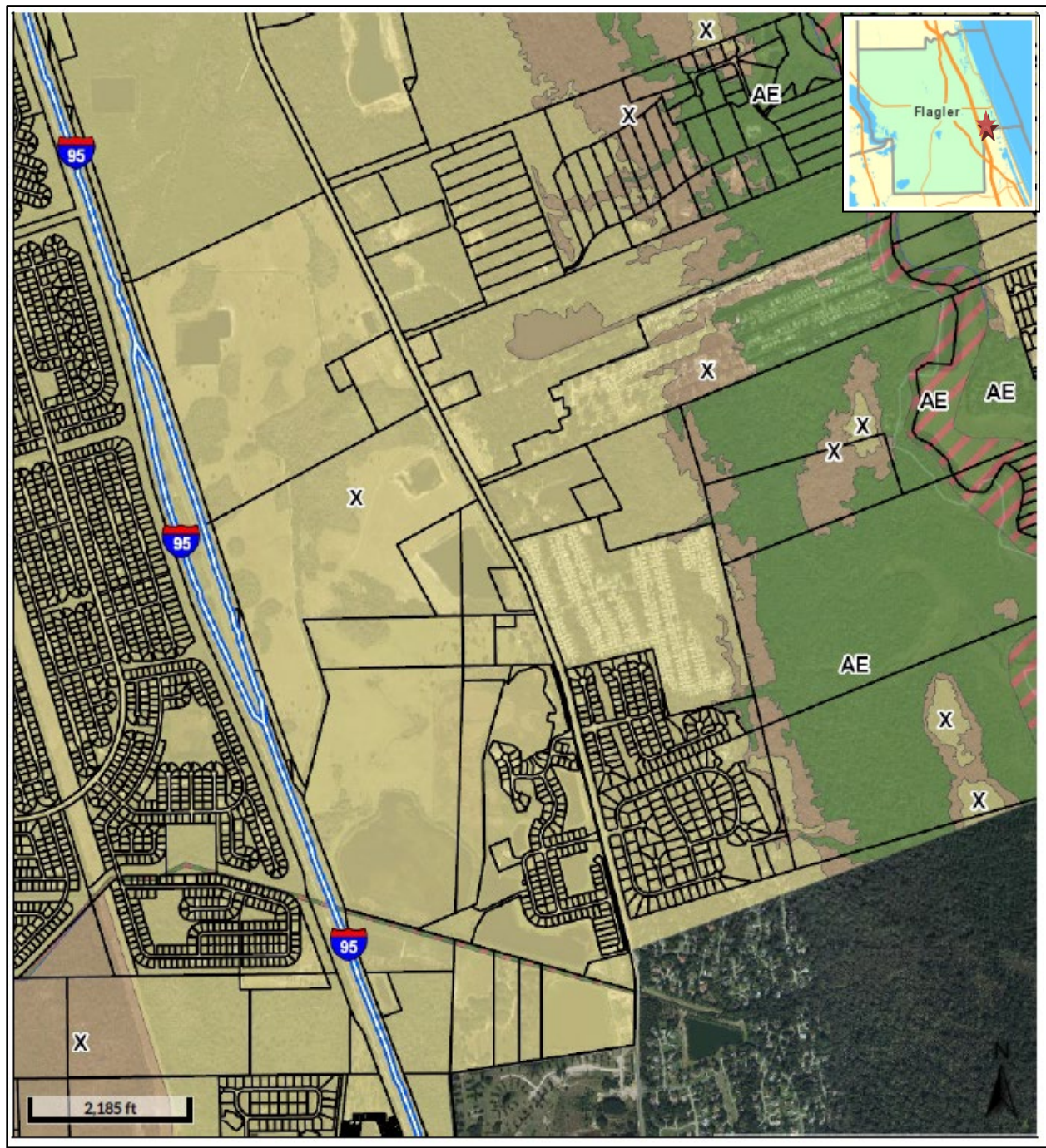
Future Land Use Map



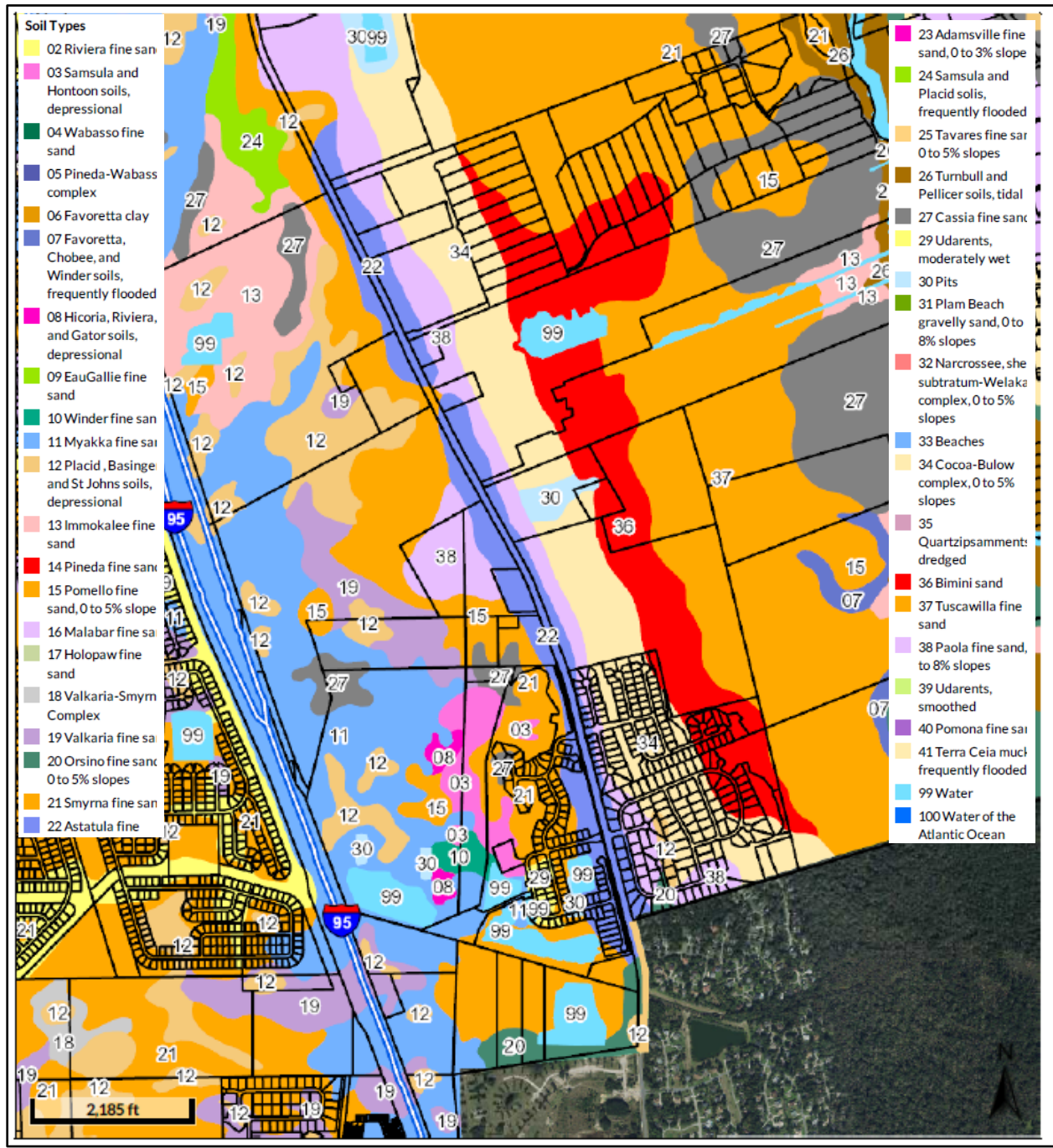
Zoning Map



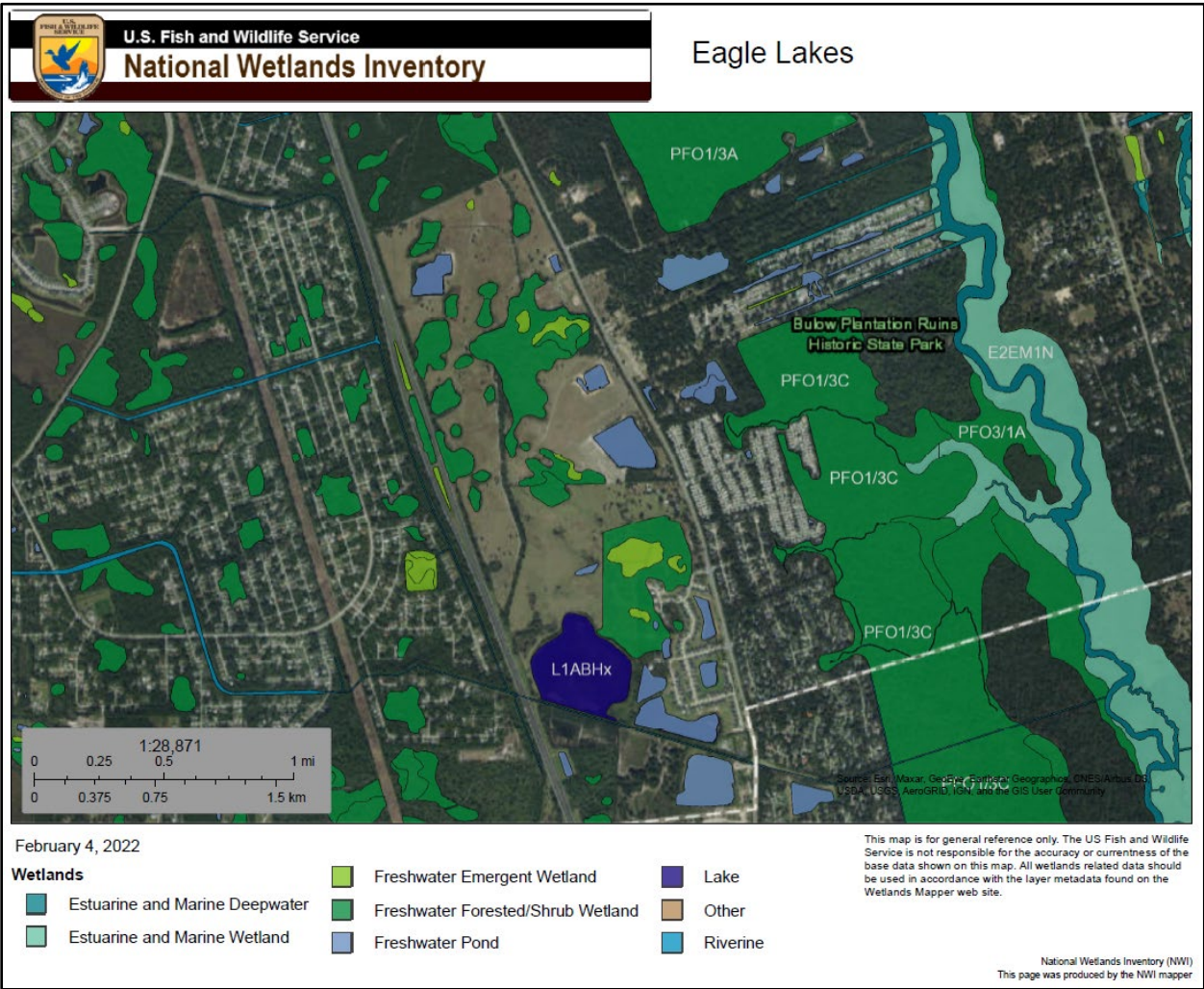
Flood Zone



Soils Map



National Wetlands Inventory Mapper



**AMENDED AND RESTATED PLANNED UNIT DEVELOPMENT
AGREEMENT FOR EAGLE LAKES**

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the "Agreement"), is made as of this ____ day of _____ 2022 by and between **VENTURE 8 LLC**, a Florida limited liability company ("Developer") and **FLAGLER COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as the "County") and, collectively, the Developer and County are sometimes hereinafter referred to as the "Parties"

WITNESSETH:

WHEREAS, Developer is the owner of a portion of land, described in **Exhibit "A"** (hereinafter referred to as the "Southern Lands"), within the original 535 acre Eagle Lakes Planned Unit Development approved in Ordinance 2014-03 and recorded in the Official Records Book 2027, Page 0235 Public Records of Flagler County, Florida (hereinafter the "2014 PUD Agreement"); and

WHEREAS, Developer desires to add land to this development Agreement, described in **Exhibit "B"** (hereinafter referred to as the "Northern Lands" and the Southern Lands and Northern Lands are collectively referred to herein as the "Property"); and

WHEREAS, Developer desires to limit the application of the 2014 PUD Agreement to Phase 1, Section 1 of the Eagle Lakes PUD as depicted in the final plat thereof, recorded in Map Book 36, Page 10 of the Public Records of Flagler County, Florida (hereafter, referred to as the "Eagle Lakes Plat"); and

WHEREAS, under the 2014 PUD Agreement, the Southern Lands were subject to certain utility agreements recorded as follows: 1) Flagler County - Eagle Lakes Developer's Agreement for Utilities, dated March 6, 2006, and recorded in Official Records Book 1405, Page 1219, Public Records of Flagler County, Florida; 2) Flagler County - Eagle Lakes 2nd Developer's Agreement

Commented [A1]: The more this development comes in to focus, the more it becomes apparent the Northern Lands should be a separate PUD.

Commented [A2R1]: At this time, we would like to keep the PUD as one.

for Utilities Phase 2 Permanent Utilities Program, dated April 3, 2006, and recorded in Official Records Book 1422, Page 830, Public Records of Flagler County, Florida (collectively the "2006 Utility Agreements"); 3) Agreement for Transfer of Water and Wastewater Assets and For the Future Expansion of the Utility System Located Within the Eagle Lakes Planned Unit Development, dated September 14, 2014 and recorded in Official Records Book 2027, Page 378; and 4) First Amendment to the Agreement For Transfer of Water and Wastewater Assets and For the Future Expansion of the Utility System Located Within the Eagle Lakes Planned Unit Development, dated February 16, 2015 and recorded in Official Records Book 2048, Page 1933 (the "2014 Utility Agreement"); and

WHEREAS, the 2006 Utility Agreements and the 2014 Utility Agreement are no longer applicable to the Property as the County transferred its utility assets to the Florida Governmental Utility Authority ("FGUA"), and the Developer is coordinating the provision of water and wastewater utility services to ~~Southern Lands and Northern Lands~~Property with FGUA or its designee; and

WHEREAS, Developer desires to amend and restate the 2014 PUD Agreement, establishing new development restrictions and standards on the ~~remaining Southern Lands not included in the Eagle Lakes Plat and on the entirety of the Northern Lands~~Property; and

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

I.

RECITALS

The above recitals are true and correct and are incorporated herein by specific reference.

II.

DEVELOPMENT PARAMETERS AND CONDITIONS

1.0. 2014 PUD AGREEMENT.

1.1. Previous PUD Approvals.

a. The 2014 PUD Agreement authorizes the development of a maximum of 725 single-family residential units, to be constructed in multiple phases on the Southern Lands and the lands identified on the Eagle Lakes Plat in accordance with the Eagle Lakes Plat.

b. After excluding the units governed by the Eagle Lakes Plat under the 2014 PUD Agreement ~~as well as the four units of the Outparcels~~, the remaining phases which ~~are were~~ to be located on the Southern Lands are approved for a maximum of ~~610~~ single-family residential units.

Commented [A3]: Yes, $725 - 111 - 4 = 610$.

2.0. NEW PUD DEVELOPMENT PLAN APPROVALS.

2.1. PUD Master Plan. The ~~Southern Lands, excluding the 111 residential units of Section 1, Phase 1 of the Eagle Lakes Plat, and Northern Lands~~Property shall be subject to the requirements provided for herein. The Developer's master plan (hereinafter the "Master Plan") is attached hereto as **Exhibit "C"**. The Master Plan provides an overview of the proposed lot layouts, common areas, development features, utility infrastructure, road construction and similar subdivision provisions. The County Administrator, or his/her designee, may approve minor changes to the Master Plan, when such changes will not cause: 1) an expansion to the land area covered by the approved application; 2) an increase in the number of dwelling units beyond that provided for in Section 2.2; 3) a decrease in the amount of open space by more than one 1% of any area within the Property, or 4) a material change to the approved roadway system with respect to

its width or a change in the general roadway alignment resulting in negative impacts to adjacent properties. All other changes to the Master Plan shall be processed as a PUD Amendment subject to the provisions of the Flagler County Land Development Code. It is understood and agreed by the Parties that any PUD Amendments which may be processed by the County shall not require transportation improvements in excess of the conditions required herein, providing that density does not exceed the maximum set forth in Section 2.2. As such, and based on the level of detail provided in this Agreement and in the attached **Exhibit "C"**, Developer shall be deemed to have satisfied the requirements outlined in the Land Development Code at Section 3.04.03 in connection with all new development proposed herein and is entitled to proceed directly to the preliminary plat process.

Commented [A4]: If the number of dwelling units is increasing substantially, there should be a concomitant increase in transportation improvements before vesting the Developer's contributions.

2.2. Authorized Development Density - Development of the Property shall not exceed a maximum of 1,215 single-family residential units, ~~not including the 111 units governed by the 2014 PUD Agreement~~, to be developed in multiple phases, consistent with the following unit breakdown:

- a. The Northern Lands shall be entitled to 458 single-family residential units ~~contingent upon a revision of the Future Land Use Map designation for the Northern Lands which allows for such density.~~
- b. The Southern Lands shall be entitled to 759 single family residential units ~~in addition to the units governed by the 2014 PUD Agreement.~~

2.3 Limitation on Southern Lands - e. The Southern Lands shall be designated an age restricted community and will follow all applicable Housing and Urban Development guidelines to operate as a 55 and up community.

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Commented [A5]: This does not pertain to density. I've moved it to Section 3.7 below. Another approach would be to create a new Section 2.3.

Commented [A6R5]: We have created 2.3

3.0. PUBLIC FACILITIES. The following public facilities will serve the Property, subject to the following terms and conditions:

3.1. Transportation. County and State roads and highways will service the Property.

Pursuant to the Lassitier Transportation Group technical Memorandum dated ~~August~~ January 18, 2022~~30, 2021~~, the project ~~will not require any off-site improvements, other than as set forth below, as outlined herein could result a net increase of 40 pm peak trips resulting in a total pm peak trip count of 660.~~ The Developer has met all the concurrency requirements of the Flagler County Land Development Code and Comprehensive Plan regarding the provision of roads. Therefore, the Developer is vested to proceed with all development provided for in this PUD without providing for any other traffic improvements (including off-site improvements) except for those required herein, up to and including 620 pm peak trips. In furtherance of, and in addition to, those requirements the following conditions apply:

- a. Sidewalks – Upon platting Phase I of the Southern Lands abutting Old Kings Road, the Developer shall convey to the County by quit claim deed, in a form satisfactory to the County, the additional parallel right-of-way for Old Kings Road of 15 feet, which is adjacent to the Property. The Developer shall be required to convey additional right of way in the same width and in same manner as future phases are platted along Old Kings Road.
- b. Traffic Control Device – ~~Developer and County agree that no roadway improvements are required to serve the Property. However, Developer has offered, and the County has agreed to allow, Developer to construct a traffic circle at the intersection of Old Kings Road and Bulow Boulevard, which shall align with an entrance into the Southern Property. The Parties acknowledge and agree that a traffic control device and associated intersection improvements will be required to serve the Eagle Lakes PUD at the intersection of Old Kings Road at the intersection~~

Commented [A7]: Where is the document signed by an engineer that was said to be forthcoming at the Pre-Christmas meeting?

~~of Bulow Boulevard, and the corresponding future entrance of the development (shown on the Master Plan).~~ The Parties further agree that said improvements bear a rational nexus to the development and that the Developer shall be entitled to a dollar-for-dollar credit on traffic impact fees based on the construction of the roundabout. Construction of the roundabout shall commence upon approval of Phase 1 of the Southern lands. ~~Developer's fair share contribution toward the cost of these improvements shall be 66% of the total cost of the lesser to construct (traffic signal or traffic circle) as calculated by the County. The calculation will be performed by the County when the County determines that the signal traffic control device is warranted, or prior to the Developer receiving final plat approval for the 425th unit within the Development, whichever event is earlier. The County's~~ The cost calculation shall include design, permitting, mitigation (if applicable), right of way donation/acquisition, and installation ~~of the signal traffic control device and associated intersection improvements~~ of the roundabout. The Parties acknowledge and agree that the cost calculation will be based upon the ~~traffic control device~~ actual costs expended by Developer and the roundabout being designed in accordance with Florida Department of Transportation (FDOT) "Green Book" standards, FDOT design standards, and FDOT plans preparation manuals, as amended by the County Administrator, or his/her designee, at his/her sole discretion, in order to ensure the design and finish of the ~~traffic control device~~ roundabout is consistent with other ~~traffic control device~~ roundabout construction within the corridor and is complimentary to ~~traffic control device~~ roundabout construction within the City of Palm Coast. ~~Upon providing the~~

Commented [A8]: We have built flexibility into the Agreement regarding traffic signal vs. traffic circle. But we've done nothing to increase the Developer's contribution to transportation infrastructure. The Southern Lands and Northern Lands will each need access to Old Kings Road.

~~Developer with written notice of the cost calculation, the Developer shall pay its fair share contribution to the County in the amount of 66% of the total cost, as determined by the County. Alternatively, if the County needs right of way to build its traffic control device, the Developer may contribute a combination of land and money to meet its obligation contained herein. No final plat approvals shall be granted by the County beyond the 4275th unit within the Eagle Lakes PUD until the County has received payment for the Developer's fair share contribution. Developer is entitled to landscape the roundabout with Florida native landscaping and include artwork such as icons and/or monumentation inside the roundabout. In no event shall any signage be located inside the roundabout. The Developer, or its successors and assigns, as approved by the County (such approval shall not be unreasonably withheld), shall be responsible for the perpetual maintenance of the landscaping and any icons and/or monumentation contained in the roundabout.~~

Commented [A9]: 425 is more logical.

3.2. Potable Water/Wastewater. Such services will be provided by ~~Florida Governmental Utility Authority~~FGUA or other appropriate government entity. In no event shall a final plat for the Property be approved in advance of water and sewer availability to the particular portion of the Property.

3.3. Solid Waste. The solid waste will be collected by the County's franchised operation and disposed of as provided by County facilities or interlocal agreement.

3.4. Drainage. The Developer shall provide drainage in accordance with the St. Johns River Water Management District rules and the Flagler County Land Development Code.

3.5. Recreation. The Developer will provide local recreation within the Property to satisfy the adopted levels of service for neighborhood parks. All recreation will be consistent with

the Flagler County Comprehensive Plan as amended from time to time, as well as the development standards set forth below.

3.6 Reclaim Water and Wells. Developer is not required to install reclaim water pipes to service the Property. However, nothing herein shall be deemed to prohibit Developer, its successors or assigns from digging irrigation wells on the Property to service the property and running pipe to support such an endeavor. Irrigation wells shall be used as a last resort for irrigation purposes when other sources of water are available. Further, irrigation wells shall only be installed by the Developer, future homeowners association, or a future Community Development District. In no event shall wells be constructed on individual home sites.

~~3.7 Southern Lands to be Age Restricted. Developer's Step-In Rights.~~

~~Notwithstanding anything contained herein to the contrary, should Developer, its successors and assigns, come to a point in the development of the Property that it needs wastewater and potable water that has not been provided for yet by Florida Governmental Utility Authority or its appointed designee, Developer shall have the right, but not the obligation, to install the appropriate materials to support such utilities. Should Developer install wastewater and potable water lines and facilities in advance of the utility provider for the Property, Developer shall be entitled to a dollar for dollar credit in the amount of the actual cost of installation in the form of impact fee credits from Florida Governmental Utility Authority or its appointed designee.~~

~~**3.7 Developer's Step-In Rights.** Notwithstanding anything contained herein to the contrary, should Developer, its successors and assigns, come to a point in the development of the Property that it needs wastewater and potable water that has not been provided for yet by Florida Governmental Utility Authority or its appointed designee, Developer shall have the right, but not the obligation, to install the appropriate materials to support such utilities. Should Developer install~~

Commented [A10]: FGUA does not impose or collect impact fees. The County has no authority to bind FGUA via this Agreement. Any arrangement regarding connection or capacity reservation fees is between the Developer and FGUA.

wastewater and potable water lines and facilities in advance of the utility provider for the Property. Developer may negotiate with FGUA or its appointed designee, for reimbursement for such expenses.

4.0. DEVELOPMENT STANDARDS.

4.1. Lot Sizes. The Project shall include a mix of 40', 50', and 60' wide lots. The number of 40', 50' and 60' lot sizes may be changed at the discretion of the Developer so long as the total number of residential units does not exceed the limits identified in Section 2.2 herein. ~~The maximum number of each size lot on the Northern Lands and the Southern Lands are listed below. The number of units listed for the Northern Lands is contingent upon a revision of the County's Future Land Use Map from Agriculture and Timberlands to Residential Low Intensity, and the number of units listed for the Southern Lands excludes the 111 units depicted on the Eagle Lakes Plat and governed by the 2014 PUD Agreement.~~

Northern Lands		Southern Lands	
40'	22 74	40'	220 19
50'	23 15	50'	351
60'	0	60'	189

4.2. Homeowner Associations/Community Development District. The residential development shall be governed by the management of property owners' associations or community development district. As the development is not interconnected, the property ~~owners~~owner's associations need not be controlled by a master owners association.

4.3. Mobile Homes. Mobile homes shall be a prohibited use in the Property.

Commented [A11]: Northern = 456
Southern = 610
Total = 1,066

Commented [A12]: This totals 759 for the Southern Lands. It should be only 610 because we're excluding the 111 of Phase I, Section 1 and also excluding the 4 outparcels. The outparcels are no longer part of the PUD, and the 111 will be governed by the 2014 version of the PUD.
725 - 111 - 4 = 610

4.4. Temporary Sales and Construction Trailers and Model Homes. No more than 10 lots within the Property may be utilized for placement of temporary sales trailers, construction trailers and model homes, subject to review and approval of the County Administrator, or his/her designee, and subject to any terms and conditions imposed in connection with the approval, if granted. If the temporary sales trailers, constructions trailers and/or model homes are allowed prior to the recordation of the final plat, the issuance of the certificates of occupancy shall be contingent on final plat approval and the completion and approval of the subdivision infrastructure.

4.5. Common Areas. Common areas are located within the Property and shall include open space and landscape areas as depicted on **Exhibit “C”**.

4.6. Cell Tower. No additional cellular towers are permitted on the Property.

4.7 Billboards. No additional billboards are permitted on the Property. In connection with the billboards already existing on the Property, if they are damaged beyond 50% of their value, they may not be repaired or replaced, but rather must be torn down and cannot be rebuilt. 50% of the billboards value shall be based on the actual cost to construct a new billboard at the time of the destruction of the existing billboard.

4.8. Wetland Buffer. A minimum fifteen (15) foot wide, average twenty-five (25) foot wide upland buffer shall be provided around all wetlands on the Property, except where road crossings are necessary. The buffer areas shall be shown on the final plat(s) and shall be maintained in its natural state free of structures. The buffers identified herein shall be owned and maintained by a homeowner’s association, a community development district, or other entity acceptable to the County.

4.9. Stormwater. Storm water runoff shall be conveyed to on-site storm water retention systems by means of grassed swales or curb and gutter and an underground drainage pipe system.

The systems onsite may be interconnected with such systems on adjacent sites, subject to approval of the St. Johns River Water Management District ("SJRWMD") and the County Development Engineer.

4.10. Roadways/Rights-of-Way. Internal access for all phases shall be by roadway tracts, and all roadways within the Property shall be maintained by the property owners' association, community development district, or other entity approved by the County, but in no event will the County be responsible for the construction or maintenance of such internal roadways.

a. The Developer shall limit vehicular access to the Property from Old Kings Road to a maximum of four (4) entrance roads. ~~One (1) of the 4 potential~~ The most southern entrance to the Southern Lands entrance roads shall be right turn into the community and right turn out of the community. Developer shall make appropriate improvements to Old Kings Road to prevent left turns at this right turn only means of ingress and egress. The Northern Lands and the Southern Lands shall each have at least one intersection with either right and left turn lanes and tapers consistent with County standards or integrated into a roundabout on Old Kings Road in coordination with the County.

b. The entrance roads may be gated at the Developer's discretion.

c. Developer is fully vested for all trips generated by the Property and will not be required, other than as outlined in this Agreement, to complete any offsite mitigation.

Commented [A13]: At least one of them cannot be potential, but mandatory because the Northern Lands and Southern Lands each need at least one access to Old Kings Road. Neither of those two should be right turn in and right turn out.

Commented [A14]: By adding over four hundred homes, Developer should commit to more access improvements, not less, than what was required in 2014 for three hundred less homes.

d. All interior roadways are interconnected. The Northern Lands and Southern Lands are connected via a gated emergency access. This emergency access shall be stabilized and reinforced as required by the County's Land Development Code.

e. All interior roadways shall be a minimum of twenty-four (24) foot wide, as measured from edge of stabilized roadway to edge of stabilized roadway. All cul-de-sacs shall provide for a fifty (50) foot turning radius.

4.11. Signage. The Property may be identified by either one (1) double faced or two (2) single faced entrance signs to be located at each entrance to the Property or at one location between adjacent entrances. Such signs and associated structure may be lighted (with lighting directed away from traffic) and shall be a maximum of twenty (20) feet high as measured from the centerline of Old Kings Road, with a message area no greater than four hundred (400) square feet in size. A prototypical sign is attached hereto as **Exhibit "D"** Directional, identity and information signs for recreation and other amenities may be provided throughout the Property, provided that none of these signs exceed six (6) square feet in size, including advertising and/or "for sale" signs. The residential entrance signs shall be located adjacent to Old Kings Road. Signs shall be setback from adjacent roadways sufficient to protect public safety and view angles. Notwithstanding anything contained herein, Developer, its successors and assigns, may deviate from the design standards set forth herein so long as the County Growth Management Director approves of such deviation and such deviation does not increase the size of the sign and structure area by more 15% of the originally approved. Such approval of the County Growth Management Director shall not be unreasonably withheld. And decrease in signage and/or structure area is permissible as a matter of right.

4.12. Open space.

a. A minimum of 20% of the gross area of the Property shall remain as open space, which includes water, stormwater ponds, preserved wetlands, and recreation areas (active and/or passive). All open space and common areas shall be maintained by a property owners' association, community development district, or other entity approved by the County and such approval shall not be unreasonably withheld. The completion by the Developer of the required recreational amenities listed herein will satisfy the level of service requirements associated with Section 3.5. The amenities, open space, and common areas may be privatized and for community residents only or may be open to the public at the discretion of the Developer, property owners association, community development district, or other appropriate governing body as approved by the County.

Commented [A15]: If we're shrinking the width of lots without increasing the open space, in other words, if we're not clustering development to provide more open space amenities, than the amenities should be augmented to meet the purpose of a PUD.

b. The amenities identified in the concept herein shall be prototypical amenities of a homeowner's association type residence. This includes, but is not limited to, a club house/cabana, a swimming pool, pickle ball courts, walking trails, and other items of that nature. The aforementioned list is demonstrative of the type of amenity that may be constructed on the Property. Both the Northern Lands and Southern Lands shall have their own amenity. Construction of the amenities to be built on the Northern Lands shall commence on or before the issuance of the 200th building permit for the Northern Lands. The construction of such amenities shall be completed and available for residents use by the time the 425th certificate of occupancy is issued to the Northern Lands. Construction of the amenities to be built on the Southern Lands shall commence on or before the issuance of the 200th building permit for the Southern Lands. The construction of such amenities shall be completed and available for residents use by the time the 425th certificate of occupancy is issued to the Southern Lands.

Commented [A16]: This language does not obligate the Developer to construct an amenity center. My understanding from prior meetings and the town hall meeting is that the Developer is committed to building an amenity center on the Southern Lands. It should be spelled out as an obligation, "shall" not "may." It should be platted. Also be more specific as to what shall be, not what may be, constructed on the South as to the North.

Commented [A17]: Does this include the 111 already built?

c. Notwithstanding the foregoing, and not in limitation of the foregoing, the Developer has agreed to guarantee the following amenities:

i. Northern Lands – Developer shall construct a cabana house and a pool for the use of the residents of the Northern Lands. These amenities may, or may not, be open to the public at the discretion of the Developer.

ii. Southern Lands – Developer shall construct a passive recreation area around Eagle Lake, a pickle ball court, a recreation center, and a pool. These amenities may, or may not, be open to the public at the discretion of the Developer.

4.13. Pedestrian Access.

a. Internal Roadways: Prior to the issuance of a certificate of occupancy for any building in any phase, a five (5) foot wide sidewalk system connecting all lots within that phase shall be constructed adjacent to the internal roadways. All sidewalks that will be located anywhere but a residential lot shall be constructed by, or caused to be constructed by, the Developer. Further, Developer shall post a cost of construction bond with the County to insure that all sidewalk systems shall be constructed as contemplated herein. Developer shall be entitled to withdraw proportionate amounts of the bond as the sidewalks contemplated herein are constructed. In any event, should the sidewalks not be constructed within fifteen (15) years after the issuance of the initial building permit under this Agreement, the County shall have the absolute right to take down the cost of construction bond identified herein, and use the proceeds to construct, or cause to be constructed, the internal sidewalk system contemplated herein.

b. External Roadway: At this time, the County shall reserve its right to have Developer, its successors or assigns, construct a sidewalk along the West side of Old Kings Road in the 15 foot dedication to the County identified herein. This right to request Developer, or its successors and assigns, to construct the sidewalk along Old Kings Road shall expire, if not exercised ~~for at least one phase of development~~ on or before December 31, 2027.

Commented [A18]: 5 years should be sufficient for the County to make its designation of whether or not it wants sidewalks.

4.14. Landscape Berm. A landscaped berm shall be constructed along the Old Kings Road frontage, except where the entrance lakes are adjacent to Old Kings Road, in order to provide view corridors to such lakes. This berm shall be a minimum of six (6) feet high as measured above the centerline of Old Kings Road and shall be located within a twenty-five (25) foot wide landscape buffer along the frontage to Old Kings Road. A minimum six (6) foot high berm ~~and/or masonry wall~~ shall also be constructed along the property's boundary with the I-95 right-of-way, in those locations where the existing natural vegetation is less than two hundred (200) feet as measured horizontally between any lot and the I-95 right-of-way. Where provided, this berm ~~and/or masonry wall~~ may be located within a twenty-five (25) foot wide landscape buffer. ~~However, in no event shall Developer be obligated to construct a berm and/or masonry wall in any wetland or associated upland buffer.~~

4.15. Lighting. Decorative pole mounted lighting fixtures no more than twelve (12) feet high as measured above the centerline of the adjacent roadway shall be provided throughout the Property. Additional landscape lighting may include low level lighting and occasional accent lighting. The locations of such fixtures shall be further described at the time of Preliminary Plat approval.

4.16. Parking and Driveways. A minimum of two (2) parking spaces per unit shall be provided within driveways with minimum dimensions of nine (9) feet in width by twenty (20) feet of depth per space, on individual lots. Parking shall not be permitted within the curbed portion and/or paved street portion of internal rights-of-way. Driveways shall be setback a minimum of five (5) feet from any side property boundary and twenty (20) feet from any street intersection with another street. Each residential lot shall, when constructed, contain a garage large enough for at least one (1) automobile.

4.17. Fire Protection. Except as provided herein, fire protection requirements for the Property will be met through a system of fire hydrants installed on the Property by the Developer connected to a public water supply system approved by the County and in accordance with County standards. Further, in exchange for the County agreeing to five (5) foot side setbacks, Developer has agreed to keep all mechanical equipment (including but not limited to air conditioning units, backup emergency generators, swimming pool equipment, etc.) a minimum of ten (10) feet away from the nearest piece of mechanical equipment. ~~Mechanical equipment shall only be permitted on the [blank] side of residences, unless a corner lot configuration does not allow it in which case the equipment may be placed on the non-street facing side; be at least 1.5 feet off of the property line and at least 10 feet away from any other mechanical equipment.~~ Attached hereto as **Exhibit “E”** ~~are is a~~ prototypical examples of the 10 feet spacing identified herein. Further, to provide fire access, each residential lot shall not be permitted to install a fence, of any kind, that proceeds forward of the rear corner of any dwelling unit. Such fence may tie to the corner of the rear of the dwelling unit but shall in no event proceed any further towards the front of the property.

4.18. Table of Site Development Requirements.

Commented [A19]: This is suggested language along the lines of our pre-Christmas discussion.

Commented [A20]: Please provide Exhibit E.

a. The following table lists the site development requirements that are applicable to the principal uses and structures within the Property. Amendments to these standards shall require an amendment to this Agreement.

Lot Type	40'	50'	60'
Minimum Lot size	4,800 sf	6,000 sf	7,000 sf
Minimum Lot width	40'	50'	60'
Minimum front setback ⁽¹⁾	20'	20'	20'
Minimum rear setback	20'	20'	20'
Minimum side yard setback	5'	5'	5'
Maximum building height	Two Stories	Two Stories	Two Stories
Maximum impervious coverage	65%	60%	55%
Minimum House Size ⁽²⁾	1,000 sf	1,110 sf	1,500 sf
Minimum Garage	1 Car Garage Fully Enclosed with door	1 Car Garage Fully Enclosed with door	1 Car Garage Fully Enclosed with door

(1) For corner lots with two (2) front setbacks, the front yard without a driveway connection may be reduced to ten (10) feet.

(2) Minimum house size is calculated as the principal dwelling unit's heated and cooled space under roof.

b. All detached structures (gazebos, pavilions, etc.) shall be a maximum height of twelve (12) feet and shall be located in a rear or side yard and shall be set back five (5) feet from side property boundaries, and ten (10) feet from rear property boundaries (except where a side yard is also a road frontage, where the accessory setback shall be ten (10) feet). The minimum separation of accessory structures from principal and other accessory structures shall be ten (10) feet.

c. Pools, screen enclosures, and screen rooms shall only be located in rear yards.

Commented [A21]: To be consistent with the prohibition on fences in side yards.

d. All setbacks as stated above will be measured from the lot line and will apply to principal and accessory structures and pools (as stated above) but not sidewalks, patios and similar non-vertical elements.

e. No buildings or accessory structures shall be permitted within easements or buffers, regardless of the setback. |

Commented [A22]: This is not needed since subpart a. above reduces the side setback for corner lots.

4.19. Code Applicability. The requirements of this Agreement supersede any inconsistent provisions of the Flagler County Land Development Code. Otherwise, all building codes, zoning ordinances, land development regulations, the Flagler County Comprehensive Plan and/or any similar plans adopted by the County, as may be amended from time to time, will be applicable to the Property, unless otherwise stated herein

5.0. PERMITS. The Developer hereby acknowledges its obligation to obtain all necessary development permits which may be needed for development of the Property. The failure of this Agreement to address any particular permit, condition, term, or restriction applicable to the development of the Property shall not relieve the Developer or any successor or assigns of the necessity of complying with federal, state, and local permitting requirements, conditions, terms, or restrictions as may be applicable.

6.0. RECORDATION. Within fourteen (14) days after the County executes this Agreement, the County shall record it in the Public Records with the Clerk of the Circuit Court for Flagler County, Florida, at the Developer's expense.

7.0. BINDING EFFECT. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

8.0. APPLICABLE LAW; JURISDICTION OF VENUE. This Agreement, and the rights and obligations of the County and the Developer shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in Flagler County, Florida. If any provision of this Agreement or the application thereof to any person or circumstances shall be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restriction that must be satisfied to complete the development contemplated by this Agreement shall not relieve the Developer or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

9.0. JOINT PREPARATION. Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

10.0. EXHIBITS. All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

11.0. CAPTION OR PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision hereof.

12.0. COUNTERPARTS. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.

13.0. EFFECTIVE DATE. This Agreement shall become effective upon recordation in the Public Records of Flagler County, Florida.

14.0. AMENDMENT. This Agreement may be amended by written mutual consent of the Parties.

15.0. FURTHER ASSURANCES. Each of the parties hereto agrees to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances as shall be reasonably requested by the other party in order to carry out the intent of this Agreement and give effect thereto to the extent allowed and, in a manner, permitted by law. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the County, the parties hereby declare their intention to cooperate with each other in effecting the terms of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

16.0. NOTICES. Any notices or reports required by this Agreement shall be sent to the following:

For the County	County Administrator 1769 East Moody Blvd., Bldg. 2 Bunnell, FL 32110
With a Copy to	Albert J. Hadeed, Esquire 1769 East Moody Blvd., Bldg. 2 Bunnell, FL 32110
For Venture 8 LLC	Venture 8 LLC 125 N. Ridgewood Avenue, Suite 100 Daytona Beach, Florida 32114
With copy to	Chiumento Law, PLLC Attn: Michael Chiumento III, Esquire 145 City Place Suite 301 Palm Coast, Florida 32164

Passed and Duly Adopted by the Board of County Commissioners of Flagler County,
Florida, this _____ day of _____, 2022.

Attest:

Board of County Commissioners
Flagler County

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Joseph F. Mullins, Chairman

Approved as to Form:

Al Hadeed, County Attorney

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this agreement on the day(s) and year set forth below.

VENTURE 8 LLC, a Florida limited liability company

Name: _____ By: _____
Name: _____
Its: _____

Name: _____ Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument is hereby acknowledge before me, by means of ☐ physical presence or ☐ remote online notarization, on this ____ day of _____, 2022, by _____, as _____ of Venture 8 LLC, who ☐ has produced valid government identification or ☐ is personally known to me, and (did/did not) take an oath.

(SEAL)

NOTARY PUBLIC

Formatted: Justified

EXHIBIT "A"
("Southern Lands")

A parcel of land lying in Sections 26, 27, 34 and 35, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 3500.55 feet to the POINT OF BEGINNING; thence departing said Easterly Right-of-way line, run N 61°47'39" E, a distance of 3350.34 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following four (4) courses: 1) S 26°38'09" E, a distance of 466.61 feet; 2) Southeasterly, 259.33 feet along the arc of a tangent curve to the left having a radius of 5779.65 feet and a central angle of 02°34'15" (chord bearing S 27°55'17" E, 259.31 feet); 3) S 29°12'24" E, a distance of 1631.99 feet; 4) Southeasterly, 81.96 feet along the arc of a tangent curve to the right having a radius of 2814.93 feet and a central angle of 01°40'06" (chord bearing S 28°22'22" E, 81.96 feet); thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 374.05 feet; thence S 22°30'26" E, a distance of 614.01 feet; thence N 89°00'32" E, a distance of 374.32 feet to a point on said Westerly Right-of-way line; thence run S 20°36'54" E along said Westerly Right-of-way line, a distance of 53.09 feet; thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 968.74 feet to a point on the East line of said Section 27; thence S 01°01'16" E along said East line, a distance of 660.16 feet to the Northeast corner of Section 34, Township 12 South, Range 31 East; thence S 01°50'43" W, a distance of 200.27 feet; thence N 88°59'35" E, a distance of 547.76 feet; thence S 15°12'02" W, a distance of 1089.80 feet; thence S 00°55'04" E, a distance of 1281.08 feet; thence S 09°25'13" W, a distance of 627.21 feet; thence S 67°07'09" W, a distance of 835.39 feet to the center of the Korona Canal as recorded in O.R. Book 28, Page 94 and O.R. Book 459, Page 127; thence run along the Center line of said Korona Canal, N 73°59'58" W, a distance of 1007.87 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line the following two (2) courses: 1) N 20°45'40" W, a distance of 1579.44 feet; 2) N 34°47'51" W, a distance of 206.16 feet; thence departing said Easterly Right-of-way line, run N 06°06'10" W, a distance of 276.62 feet; thence N 20°45'41" W, a distance of 40.00 feet; thence S 69°14'19" W, a distance of 70.00 feet to a point on said Easterly Right-of-way line of Interstate 95, thence run along said Easterly Right-of-way line the following three (3) courses: 1) N 20°45'40" W, a distance of 39.97 feet; 2) northerly, 1453.63 feet along the arc of a tangent curve to the right having a radius of 34227.47 feet and a central angle of 02°26'00" (chord bearing N 19°32'40" W, 1453.52 feet); 3) N 18°19'40" W, a distance of 343.18 feet; thence departing said Easterly Right-of-way line, run N 03°40'43" W, a distance of 276.61 feet; thence N 18°20'14" W, a distance of 40.00 feet; thence S 71°39'46" W, a distance of 69.95 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 1141.08 feet to the POINT OF BEGINNING.

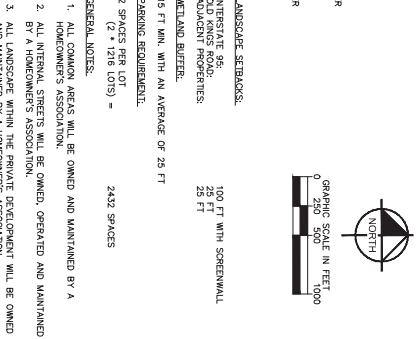
Containing 400.945 acres, more or less.

EXHIBIT "B"
("Northern Lands")

DESCRIPTION: A parcel of land lying in Sections 22 and 27, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 122.00 feet to the POINT OF BEGINNING and a non-tangent curve being the Easterly line of a 200' Perpetual Drainage Easement, as recorded in Official Records Book 549, Page 961-964; thence departing said Easterly Right-of-way line, run Easterly along said Easterly line of the 200' Perpetual Drainage Easement, 216.02 feet along the arc of a curve to the left having a radius of 499.93 feet and a central angle of 24°45'26" (chord bearing N 77°18'42" E, 214.34 feet); thence departing the Easterly line of said 200' Perpetual Drainage Easement, run N 64°55'59" E, a distance of 2688.10 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following three (3) courses: 1) S 26°39'09" E, a distance of 1575.64 feet; 2) Southeasterly, 271.36 feet along the arc of a tangent curve to the right having a radius of 5679.65 feet and a central angle of 02°44'15" (chord bearing S 25°17'02" E, 271.34 feet); 3) S 23°54'54" E, a distance of 178.81 feet; thence departing said Westerly Right-of-way line, run S 61°47'39" W, a distance of 1000.04 feet; thence S 26°37'56" E, a distance of 394.86 feet; thence N 61°47'39" E, a distance of 230.32 feet; thence S 26°37'56" E, a distance of 705.14 feet; thence S 61°47'39" W, a distance of 2600.34 feet to a point on said Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 3378.55 feet; to the POINT OF BEGINNING.

Containing 209.779 acres, more or less.



	CURRENT USE	PROPOSED USE
AGRICULTURE & TIMBERLANDS	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
RESIDENTIAL LOW DENSITY/S & WATER	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
& AGRICULTURE AND TIMBERLANDS	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
RESIDENTIAL LOW DENSITY/S & WATER	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
AGRICULTURE AND TIMBERLANDS & WATER	RESIDENTIAL LOW DENSITY/S	RESIDENTIAL LOW DENSITY/S
OCEANALL SITE AREA:		
PHASE 1 AREA:	48,613 AC.	48,613 AC.
PHASE 2 AREA:	2,936 AC.	2,936 AC.
PHASE 3 AREA:	1,700 AC.	1,700 AC.
NORTHERN DEVELOPMENT TOTAL AREA:	53,249 AC.	53,249 AC.
PHASE 1 AREA:	410,291 AC.	410,291 AC.
PHASE 2 AREA:	35,533 AC.	35,533 AC.
PHASE 3 AREA:	1,014 AC.	1,014 AC.
DENSE & ARB.	48,072 AC.	48,072 AC.
SOUTHERN DEVELOPMENT TOTAL AREA:	496,910 AC.	496,910 AC.
TOTAL PUD DEVELOPMENT AREA:	661,000 AC.	661,000 AC.
OCEANALL LOT BREAKDOWN:		
TOTAL 40X120 LOTS:	227 LOTS	227 LOTS
TOTAL 40X150 LOTS:	220 LOTS	220 LOTS
TOTAL LOTS FOR NORTHERN DEVELOPMENT:	446 LOTS	446 LOTS
TOTAL 40X150 LOTS:	220 LOTS	220 LOTS

[illegible]

CDD BOUNDARY


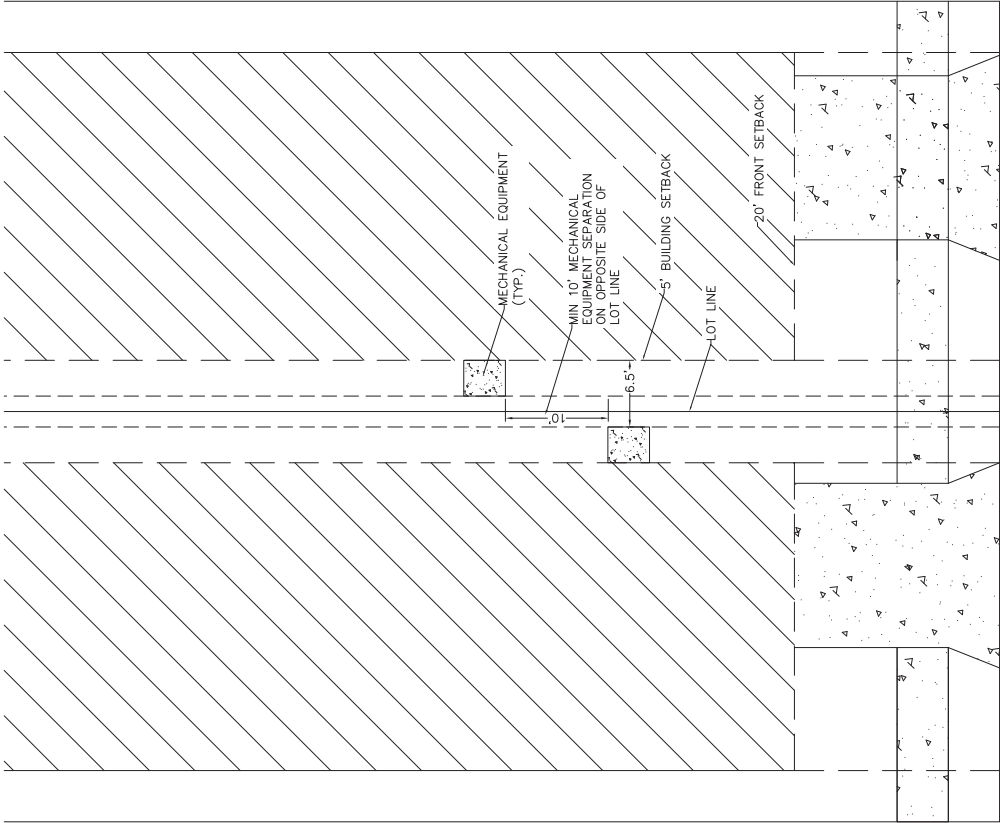
SHEET NUMBER EX-1	EAGLE LAKES PUD	OVERALL PUD MASTER PLAN	KHA PROJECT 249027001	LICENSED PROFESSIONAL					
			DATE 10/01/2021	TYLER S. SUDDETH, P.E.					
			SCALE AS SHOWN						
			DESIGNED BY TSS	FLORIDA LICENSE NUMBER 84520		189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801			
			DRAWN BY KCM	PHONE: 407-598-1511		WWW.KIMLEY-HORN.COM REGISTRY No. 696			
CHECKED BY TSS	DATE: 09/01/2021								
FLAGLER COUNTY	FLORIDA					No.	REVISIONS	DATE	BY

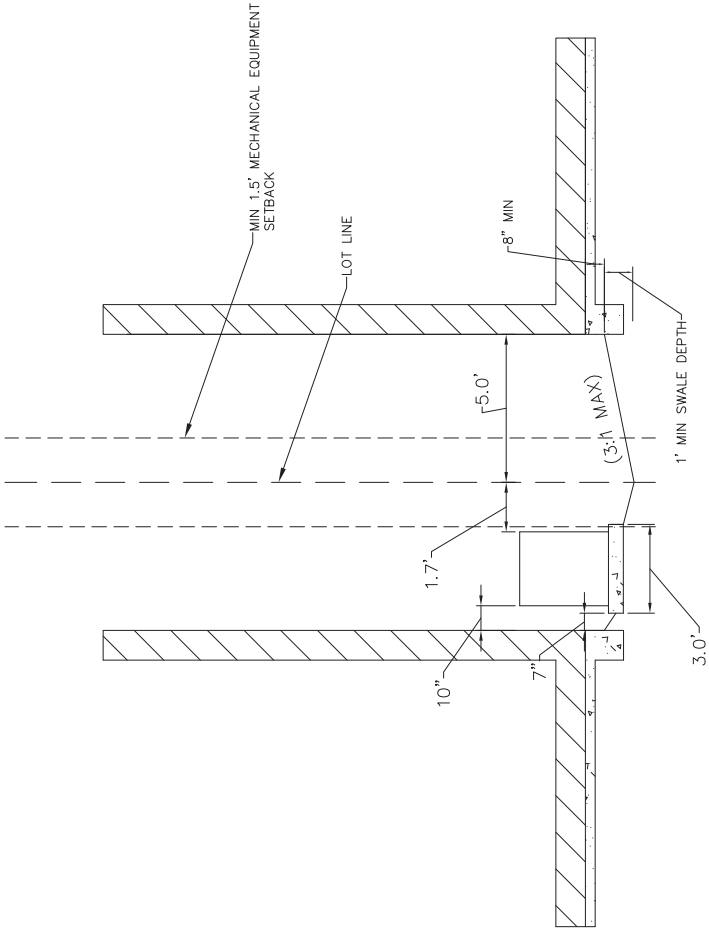
Exhibit “D”



EXHIBIT "E"



TYPICAL EQUIPMENT DETAIL (PLAN VIEW)



TYPICAL EQUIPMENT DETAIL (CROSS SECTION)

NOTES:
36" CONDENSER PAD
30"x30" TYPICAL CONDENSER DIMENSION



APPLICATION FOR REZONING TO A PLANNED UNIT DEVELOPMENT

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009

Fax: (386) 313-4109

Application/Project #:

3270 / RZNE-000514-2021

PROPERTY OWNER(S)	Name(s):	Venture 8, LLC, a Florida limited liability company		
	Mailing Address:	P.O. Drawer 2140		
	City: Daytona Beach	State: FL	Zip: 32115	RECEIVED
	Telephone Number		Fax Number	

APPLICANT / AGENT	Name(s):	Michael D. Chiumento III, Esquire			
	Mailing Address:	145 City Place, Suite 301			
	City: Palm Coast	State: FL	Zip: 32164	SEP - 9 2021 FLAGLER COUNTY PLANNING & ZONING DEPT	
	Telephone Number	386-445-8900	Fax Number		386-445-6702
	Email Address	michael3@legalteamforlife.com			

SUBJECT PROPERTY	SITE LOCATION (street address):	South Old Kings Road
	LEGAL DESCRIPTION:	See attached Exhibit "A"
	Parcel # (tax ID #):	See attached Exhibit "A"
	Parcel Size:	594 Acres

ZONING	PRESENT Zoning Classification:	Agriculture
	Present Future Land Use Designation:	Agriculture/Timberlands
	PROPOSED ZONING CLASSIFICATION	PUD

Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date

8/13/21

****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. 03/06

EXHIBIT "A"

SOUTH PARCEL

DESCRIPTION:

A parcel of land lying in Sections 26, 27, 34 and 35, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 3500.55 feet to the POINT OF BEGINNING; thence departing said Easterly Right-of-way line, run N 61°47'39" E, a distance of 3350.34 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following four (4) courses: 1) S 26°38'09" E, a distance of 466.61 feet; 2) Southeasterly, 259.33 feet along the arc of a tangent curve to the left having a radius of 5779.65 feet and a central angle of 02°34'15" (chord bearing S 27°55'17" E, 259.31 feet); 3) S 29°12'24" E, a distance of 1631.99 feet; 4) Southeasterly, 81.96 feet along the arc of a tangent curve to the right having a radius of 2814.93 feet and a central angle of 01°40'06" (chord bearing S 28°22'22" E, 81.96 feet); thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 374.05 feet; thence S 22°30'26" E, a distance of 614.01 feet; thence N 89°00'32" E, a distance of 374.32 feet to a point on said Westerly Right-of-way line; thence run S 20°36'54" E along said Westerly Right-of-way line, a distance of 53.09 feet; thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 968.74 feet to a point on the East line of said Section 27; thence S 01°01'16" E along said East line, a distance of 660.16 feet to the Northeast corner of Section 34, Township 12 South, Range 31 East; thence S 01°50'43" W, a distance of 200.27 feet; thence N 88°59'35" E, a distance of 547.76 feet; thence S 15°12'02" W, a distance of 1089.80 feet; thence S 00°55'04" E, a distance of 1281.08 feet; thence S 09°25'13" W, a distance of 627.21 feet; thence S 67°07'09" W, a distance of 835.39 feet to the center of the Korona Canal as recorded in O.R. Book 28, Page 94 and O.R. Book 459, Page 127; thence run along the Center line of said Korona Canal, N 73°59'58" W, a distance of 1007.87 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line the following two (2) courses: 1) N 20°45'40" W, a distance of 1579.44 feet; 2) N 34°47'51" W, a distance of 206.16 feet; thence departing said Easterly Right-of-way line, run N 06°06'10" W, a distance of 276.62 feet; thence N 20°45'41" W, a distance of 40.00 feet; thence S 69°14'19" W, a distance of 70.00 feet to a point on said Easterly Right-of-way line of Interstate 95, thence run along said Easterly Right-of-way line the following three (3) courses: 1) N 20°45'40" W, a distance of 39.97 feet; 2) northerly, 1453.63 feet along the arc of a tangent curve to the right having a radius of 34227.47 feet and a central angle of 02°26'00" (chord bearing N 19°32'40" W, 1453.52 feet); 3) N 18°19'40" W, a distance of 343.18 feet; thence departing said Easterly Right-of-way line, run N 03°40'43" W, a distance of 276.61 feet; thence N 18°20'14" W, a distance of 40.00 feet; thence S 71°39'46" W, a distance of 69.95 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 1141.08 feet to the POINT OF BEGINNING.

Containing 400.945 acres, more or less.

NORTH PARCEL

DESCRIPTION: A parcel of land lying in Sections 22 and 27, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 122.00 feet to the POINT OF BEGINNING and a non-tangent curve being the Easterly line of a 200' Perpetual Drainage Easement, as recorded in Official Records Book 549, Page 961-964; thence departing said Easterly Right-of-way line, run Easterly along said Easterly line of the 200' Perpetual Drainage Easement, 216.02 feet along the arc of a curve to the left having a radius of 499.93 feet and a central angle of 24°45'26" (chord bearing N 77°18'42" E, 214.34 feet); thence departing the Easterly line of said 200' Perpetual Drainage Easement, run N 64°55'59" E, a distance of 2688.10 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following three (3) courses: 1) S 26°39'09" E, a distance of 1575.64 feet; 2) Southeasterly, 271.36 feet along the arc of a tangent curve to the right having a radius of 5679.65 feet and a central angle of 02°44'15" (chord bearing S 25°17'02" E, 271.34 feet); 3) S 23°54'54" E, a distance of 178.81 feet; thence departing said Westerly Right-of-way line, run S 61°47'39" W, a distance of 1000.04 feet; thence S 26°37'56" E, a distance of 394.86 feet; thence N 61°47'39" E, a distance of 230.32 feet; thence S 26°37'56" E, a distance of 705.14 feet; thence S 61°47'39" W, a distance of 2600.34 feet to a point on said Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 3378.55 feet; to the POINT OF BEGINNING.

Containing 209.779 acres, more or less.



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 # _____

Michael D. Chiumento III, Esq. _____, is hereby authorized TO ACT ON BEHALF
OF Venture 8, 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 Comp Plan Amendment Application & Rezoning Application _____.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: _____

Signature of Owner

John Schnebly, Sr./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)

P.O. Drawer 2140

386-252-2000

Mailing Address

Daytona Beach FL 32115

City State Zip

STATE OF Florida

COUNTY OF Volusia

The foregoing was acknowledged before me this 13 day of August,
2021 by John Schnebly and _____
who is/are personally known to me or who has produced _____
as identification, and who (did) / (did not) take an oath.

Mckayla Sisler

Signature of Notary Public



<http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf>

Revised 5/08

Prepared By
And Return to:
Andrea J. Fowler, Esq.
The Rosenthal Law Firm, P.A.
4798 New Broad Street, Suite 310
Orlando, FL 32814

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made and executed the 29th day of November, 2012, by **EAGLE FL VI SPE, LLC, a North Carolina limited liability company ("Grantor")**, whose post office address is 2501 20th Place South, Birmingham, Alabama 35223, in favor of **VENTURE 8, LLC, a Florida limited liability company ("Grantee")**, whose post office address is 125 N. Ridgewood Avenue, Suite 100, Daytona Beach, Florida 32114.

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land located in Flagler County, Florida and more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property") having parcel identification numbers set forth on Exhibit "B" attached hereto and incorporated herein by this reference.



TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by or through Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Witnesses:

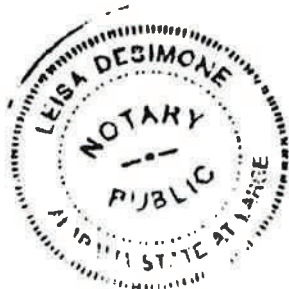

Print Name: Tammie Wilson

Print Name: Anita Muller

**EAGLE FL VI SPE, LLC, a North
Carolina limited liability company**

By: 
Stanley E. Weir, Vice President

STATE OF ALABAMA
COUNTY OF JEFFERSON

The foregoing special warranty deed was acknowledged before me this 20th day of November, 2012, by Stanley E. Weir, as Vice President of EAGLE FL VI SPE, LLC, on behalf of the company. He is personally known to me or has produced _____ as identification.





(Signature of Notary Public)
Leisa Desimone
(Typed name of Notary Public)
Notary Public, State of Alabama
Commission No. & Expiration _____
My Commission Expires 08/24/2016

EXHIBIT "A"

PARCEL A

PARCEL 1

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26, 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER SECTIONS 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE WEST LINE OF SECTION 26 A DISTANCE OF 660.09 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE BEAR S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 898.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET; THENCE PARALLEL WITH (AND 100 FEET OFFSET FROM) THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING FOUR (4) COURSES: (1) N34°48'25"W A DISTANCE OF 137.99 FEET; (2) N20°46'14"W A DISTANCE OF 335.30 FEET TO A POINT OF CURVATURE; (3) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF N19°33'14"W, AND CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (4) N18°20'14"W A DISTANCE OF 1812.02 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 3249.03 FEET TO THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD (100' RIGHT-OF-WAY) THE FOLLOWING THREE (3) COURSES: (1) S26°38'38"E A DISTANCE OF 466.50 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA 02°34'15", A RADIUS OF 5779.65 FEET, A LENGTH OF 259.33 FEET, A CHORD BEARING OF S27°55'46"E, AND CHORD OF 259.31 FEET; (3) S29°12'54"E A DISTANCE OF 680.16 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF OLD KINGS ROAD BEAR S60°47'06"W A DISTANCE OF 1228.92 FEET; THENCE S29°12'54"E A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF THE 100' STRIP OF LAND RECORDED IN O.R. 929, PP. 1204-1207, EXHIBIT "A", PARCEL B, LYING IN GOVERNMENT SECTION 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 34; TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 660.08 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET; THENCE CONTINUE S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 896.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUE S13°51'53"W A DISTANCE OF 146.32 FEET TO THE EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG THE FIRST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING TWO (2) COURSES: (1) N21°11'20"W A DISTANCE OF 41.95 FEET (2) N34°48'25"W A DISTANCE OF 208.18 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 N06°06'43"W A DISTANCE OF 276.81 FEET; THENCE N20°46'14"W A DISTANCE OF 40.00 FEET; THENCE S89°13'46"W A DISTANCE OF 70.00 FEET TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES: (1) N20°46'14"W A DISTANCE OF 40.00 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34227.47 FEET, A LENGTH OF 1453.84 FEET, A CHORD BEARING OF N19°33'14"W, AND A CHORD OF 1453.53 FEET TO A POINT OF TANGENCY; (3) N18°20'14"W A DISTANCE OF 1794.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 101.54 FEET TO A LINE RUNNING PARALLEL AND 100' TO THE EAST AS MEASURED AT RIGHT ANGLES TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) S18°20'14"E A DISTANCE OF 1812.19 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF S19°33'14"E, AND A CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (3) S20°48'14"E A DISTANCE OF 335.30 FEET; (4) S 34°48'25"E A DISTANCE OF 137.99 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL B

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 27, 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING THE NORTHWEST CORNER OF GOVERNMENT SECTION 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SECTION 35 SOUTH 01°50'44" WEST A DISTANCE OF 200.25 FEET; THENCE DEPARTING THE WESTERLY BOUNDARY LINE OF SAID SECTION 35 NORTH 88°59'36" EAST A DISTANCE OF 1282.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD A (100' R/W) SAID POINT INTERSECTING A NON-TANGENT CURVE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD ALONG A CURVE TO THE RIGHT (CONCAVE WESTERLY) 255.26 FEET, WITH A RADIUS OF 2814.93 FEET, AND A CENTRAL ANGLE OF 05°11'43", HAVING A CHORD DISTANCE OF 255.17 FEET AND A CHORD BEARING OF SOUTH 15°53'00" EAST TO A POINT OF TANGENCY; THENCE SOUTH 13°17'15" EAST A DISTANCE OF 489.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT (CONCAVE EASTERLY) 126.93 FEET, WITH A RADIUS OF 5779.65 FEET AND A CENTRAL ANGLE OF 01°15'30", HAVING A CHORD DISTANCE OF 126.93 AND A CHORD BEARING OF SOUTH 13°54'53" EAST TO A POINT OF TANGENCY; THENCE SOUTH 14°32'45" EAST A DISTANCE OF 1204.30 FEET; THENCE SOUTH 14°22'51" EAST A DISTANCE OF 1638.44 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY OF OLD KINGS ROAD SOUTH 75°36'15" WEST, A DISTANCE OF 563.89 FEET; THENCE SOUTH 17°36'38" WEST A DISTANCE OF 188.29 FEET TO THE CENTER OF THE KORONA CANAL AS RECORDED IN O.R. BOOK 459, PAGE 127 AND O.R. BOOK 28, PAGE 94, THENCE

ALONG THE CENTER LINE OF SAID KORONA CANAL NORTH 73°59'57" WEST A DISTANCE OF 3286.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (R/W VARIES) THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 NORTH 20°47'05" WEST A DISTANCE OF 1535.59 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 NORTH 13°52'27" EAST A DISTANCE OF 1383.13 FEET; THENCE NORTH 17°21'27" WEST A DISTANCE OF 898.01 FEET, THENCE NORTH 22°01'57" WEST A DISTANCE OF 178.20; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF A PARCEL OF LAND OWNED BY RAYONIER, INC. NORTH 88°40'51" EAST A DISTANCE OF 2100.90 FEET TO A POINT ON THE EASTERLY LINE OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG SAID EASTERLY LINE OF SECTION 27 SOUTH 01°00'17" EAST A DISTANCE OF 660.00 FEET TO THE BEGINNING OF DESCRIPTION.

PARCEL C

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING A PERMANENT REFERENCE MONUMENT AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 00°58'28" WEST, ALONG THE EAST LINE OF SECTION 27 AND THE WEST LINE OF SECTION 26, 660.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE SOUTH 88°40'04" WEST, 333.37 FEET; THENCE NORTH 29°12'32" WEST, 1083.00 FEET; THENCE NORTH 60°46'59" EAST, 1228.92 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100' FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 29°12'51" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 951.92 FEET TO A POINT OF CURVATURE; THENCE 82.47 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 1°40'43" A CHORD BEARING OF SOUTH 28°22'31" EAST AND A CHORD DISTANCE OF 82.46 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 374.34 FEET; THENCE SOUTH 22°32'00" EAST, 614.01 FEET; THENCE NORTH 88°58'58" EAST, 374.34 FEET TO SAID WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE SOUTH 20°37'28" EAST, 53.08 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 968.74 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

LOTS 1, 17, 25, 41, 42, 47, 58, 59, 91, 99, 103, 106, 107, 109, 110 & 111 AND TRACTS A, C, J, K, N AND O ALL OF EAGLE LAKES-PHASE 1-SECTION 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, PAGES 10-20, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ADDITIONAL LANDS:

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF 24°45'27", A CHORD BEARING OF N77°19'17"E, AND A CHORD DISTANCE OF 214.34 FEET; THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET; A CENTRAL ANGLE OF 02°44'15", A CHORD BEARING OF S25°17'30"E AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 02°43'15", A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09 FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.

EXHIBIT "B"

1. Parcel Identification Number 22-12-31-0000-01010-0011
2. Parcel Identification Number 26-12-31-0000-01010-0010
3. Parcel Identification Number 27-12-31-0000-01010-0000
4. Parcel Identification Number 27-12-31-0000-01010-0010
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By Appointment Only:
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Ormond Beach, FL 32174

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

August 31, 2021

Flagler County Planning & Zoning
1769 East Moody Blvd., Building 2
Bunnell, FL 32110

**RE: Venture 8, LLC/Eagle Lakes
Title Opinion Letter**

Dear Sir or Madam:

I have examined the title with respect to the property described in Exhibit "A" attached hereto and made part hereof. This opinion is based upon title information obtained from an American Land Title Association Commitment and title update performed by Chiumento Law, PLLC. Based upon my examination of the title search, it is my legal opinion that as of August 30, 2021, that fee simple title to the property is vested in **Venture 8, LLC, a Florida limited liability company**, subject to the following matters:

1. Easement in favor of Flagler County, a political subdivision of the State of Florida, as recorded in Official Records Book 3, Page 406, of the Public Records of Flagler County, Florida.
2. Declaration of Restrictive Covenants recorded in Official Records Book 514, Page 515, of the Public Records of Flagler County, Florida.
3. Unrecorded Lease Agreement evidenced by the Short Form Lease by and between Plantation Land & Cattle Co., Lessor, and OPM-USA-INC., Lessee, recorded in Official Records Book 582, Page 501, as amended by First Amendment dated June 13, 2001 (unrecorded) and as affected by the Assignment of Lease recorded in Official Records Book 1154, Page 422, as further affected by the Memorandum of Lease recorded in Official Records Book 1309, Page 228, of the Public Records of Flagler County, Florida.
4. Unrecorded PCS Site Agreement by and between OPM-USA, Inc., Lessor, and SprintCom, Inc., Lessee, evidenced by the Memorandum recorded in Official Records Book 594, Page 686, and as affected by Memorandum of Lease recorded in Official Records Book 1309, Page 228, of the Public Records of Flagler County, Florida.
5. Canal and Drainage Right-of-Way Easement in favor of Flagler County Board of County Commissioners, as recorded in Official Records Book 619, Page 159, and recorded in Official Records Book 619, Page 164, of the Public Records of Flagler County, Florida.

6. Unrecorded Agreement by and between OPM-USA, Inc., now known as OPM-USA, a Division of American Tower Systems, L.P., Lessor, and APT Tampa/Orlando, Inc., Lessee, evidenced by the Memorandum recorded in Official Records Book 621, Page 1900, and as affected by Memorandum of Lease recorded in Official Records Book 1309, Page 228, of the Public Records of Flagler County, Florida.
7. Unrecorded Sublease by and between OPM-USA, a Division of American Tower Systems, L.P., Lessor, and BellSouth Mobility, Inc., Lessee, evidenced by the Memorandum recorded in Official Records Book 637, Page 997, and as affected by Memorandum of Lease recorded in Official Records Book 1309, Page 228, of the Public Records of Flagler County, Florida.
8. Post Closing Agreement and Easement as set forth in instrument recorded in Official Records Book 1148, Page 717, of the Public Records of Flagler County, Florida.
9. Development Agreement Eagle Lakes as set forth in instrument recorded in Official Records Book 1234, Page 1757, of the Public Records of Flagler County, Florida.
10. Flagler County Eagle Lakes Developer's Agreement for Utilities for a Portion of Phase 1 as set forth in instrument recorded in Official Records Book 1405, Page 1219, and Flagler County Eagle Lakes 2nd Developer's Agreement for Utilities Phase 2 Permanent Utilities Program recorded in Official Records Book 1422, Page 830, of the Public Records of Flagler County, Florida;
11. Easement in favor of Florida Power & Light Company recorded in Official Records Book 1479, Page 207, of the Public Records of Flagler County, Florida.
12. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of Eagle Lakes – Phase 1 – Section 1, as recorded in Plat Book 36, Page 10, of the Public Records of Flagler County, Florida.
13. Declaration of Protective Covenants, Conditions and Restrictions for Eagle Lakes recorded in Official Records Book 1520, Page 527, together with and as affected by the Amendments recorded in Official Records Book 1614, Page 666, Official Records Book 2054, Page 428, and Official Records Book 2132, Page 1251, and the Certificates recorded in Official Records Book 2481, Page 1719 and Official Records Book 2048, Page 1944, and Assignments recorded in Official Records Book 2052, Page 663 and Official Records Book 1908, Page 141, of the Public Records of Flagler County, Florida. Such Declaration, as amended, establishes and provides without limitation for covenants, conditions, restrictions, terms, reservations, easements, liens, charges and assessments.
14. Ordinance No. 2005-26 as recorded in Official Records Book 1617, Page 833, of the Public Records of Flagler County, Florida.
15. Easement in favor of TLC Properties, Inc recorded in Official Records Book 1665, Page 1729, as affected by the Corporate Affidavit recorded in Official Records Book 1665, Page 1717, of the Public Records of Flagler County, Florida.
16. Non-Exclusive Ingress and Egress Easement recorded in Official Records Book 1993, Page 1027, of the Public Records of Flagler County, Florida.
17. Easement in favor of Flagler County, Florida, a political subdivision of the State of Florida, as recorded in Official Records Book 2048, Page 1946, of the Public Records of Flagler County, Florida.
18. Assignment of Easements recorded in Official Records Book 2048, Page 1953, of the Public Records of Flagler County, Florida.

19. Assignment of Easements recorded Official Records Book 2054, Page 1402, of the Public Records of Flagler County, Florida.
20. Ordinance No. 2014-03 as recorded in Official Records Book 2027, Page 235, of the Public Records of Flagler County, Florida.
21. Ordinance No. 2019-11 as recorded in Official Records Book 2539, Page 58, of the Public Records of Flagler County, Florida.
22. Agreement for a Potable Water Interconnection for Emergency Fire Protection recorded in Official Records Book 2027, Page 317, of the Public Records of Flagler County, Florida.
23. Agreement for Transfer of Water and Wastewater Assessments recorded in Official Records Book 2027, Page 378, together with and as affected by the Assignment recorded in Official Records Book 2052, Page 666, of the Public Records of Flagler County, Florida.
24. Interlocal Agreement recorded in Official Records Book 2129, Page 1549, of the Public Records of Flagler County, Florida.
25. Unrecorded Eagle Lakes Planned Unit Development Agreement attached to unrecorded Ordinance No. 2005-02 by the Flagler County Board of County Commissioners.

Sincerely,



Michael D. Chiumento III
Attorney
MDC/cm

EXHIBIT A

A PORTION OF THE FOLLOWING DESCRIBED PARCELS:

PARCEL A

PARCEL 1

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26, 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER SECTIONS 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE WEST LINE OF SECTION 26 A DISTANCE OF 660.09 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE BEAR S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 898.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET; THENCE PARALLEL WITH (AND 100 FEET OFFSET FROM) THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING FOUR (4) COURSES: (1) N34°48'25"W A DISTANCE OF 137.99 FEET; (2) N20°46'14"W A DISTANCE OF 335.30 FEET TO A POINT OF CURVATURE; (3) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF N19°33'14"W, AND CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (4) N18°20'14"W A DISTANCE OF 1812.02 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 3249.03 FEET TO THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD (100' RIGHT-OF-WAY) THE FOLLOWING THREE (3) COURSES: (1) S26°38'38"E A DISTANCE OF 466.50 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA 02°34'15", A RADIUS OF 5779.65 FEET, A LENGTH OF 259.33 FEET, A CHORD BEARING OF S27°55'46"E, AND CHORD OF 259.31 FEET; (3) S29°12'54"E A DISTANCE OF 680.16 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF OLD KINGS ROAD BEAR S60°47'06"W A DISTANCE OF 1228.92 FEET; THENCE S29°12'54"E A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF THE 100' STRIP OF LAND RECORDED IN O.R. 929, PP. 1204-1207, EXHIBIT "A", PARCEL B, LYING IN GOVERNMENT SECTION 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 34; TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 660.08 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET; THENCE CONTINUE S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 896.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUE S13°51'53"W A DISTANCE OF 146.32 FEET TO THE EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG THE FIRST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING TWO (2) COURSES: (1) N21°11'20"W A DISTANCE OF 41.95 FEET (2) N34°48'25"W A DISTANCE OF 208.18 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 N06°06'43"W A DISTANCE OF 276.81 FEET; THENCE N20°46'14"W A DISTANCE OF 40.00 FEET; THENCE S89°13'46"W A DISTANCE OF 70.00 FEET TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES: (1) N20°46'14"W A DISTANCE OF 40.00 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34227.47 FEET, A LENGTH OF 1453.84 FEET, A CHORD BEARING OF N19°33'14"W, AND A CHORD OF 1453.53 FEET TO A POINT OF TANGENCY; (3) N18°20'14"W A DISTANCE OF 1794.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 101.54 FEET TO A LINE RUNNING PARALLEL AND 100' TO THE EAST AS MEASURED AT RIGHT ANGLES TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) S18°20'14"E A DISTANCE OF 1812.19 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF S19°33'14"E, AND A CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (3) S20°48'14"E A DISTANCE OF 335.30 FEET; (4) S34°48'25"E A DISTANCE OF 137.99 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL B

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 27, 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING THE NORTH WEST CORNER OF GOVERNMENT SECTION 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SECTION 35 SOUTH 01°50'44" WEST A DISTANCE OF 200.25 FEET; THENCE DEPARTING THE WESTERLY BOUNDARY LINE OF SAID SECTION 35 NORTH 88°59'36" EAST A DISTANCE OF 1282.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD A (100' R/VV) SAID POINT INTERSECTING A NON-TANGENT CURVE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD ALONG A CURVE TO THE RIGHT (CONCAVE WESTERLY) 255.26 FEET, WITH A RADIUS OF 2814.93 FEET, AND A CENTRAL ANGLE OF 05°11'43", HAVING A CHORD DISTANCE OF 255.17 FEET AND A CHORD BEARING OF SOUTH 15°53'00" EAST TO A POINT OF TANGENCY; THENCE SOUTH 13°17'15" EAST A DISTANCE OF 489.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT (CONCAVE EASTERLY) 126.93 FEET, WITH A RADIUS OF 5779.65 FEET AND A CENTRAL ANGLE OF 01°15'30", HAVING A CHORD DISTANCE OF 126.93 AND A CHORD BEARING OF SOUTH 13°54'53" EAST TO A POINT OF TANGENCY; THENCE SOUTH 14°32'45" EAST A DISTANCE OF 1204.30 FEET; THENCE SOUTH 14°22'51" EAST A DISTANCE OF 1638.44 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY OF OLD KINGS ROAD SOUTH 75°36'15" WEST, A DISTANCE OF 563.89 FEET; THENCE SOUTH 17°36'38" WEST A DISTANCE OF 188.29 FEET TO THE CENTER OF THE KORONA CANAL AS RECORDED IN O.R. BOOK 439, PAGE 127 AND O.R. BOOK 28, PAGE 94, THENCE ALONG THE CENTER LINE OF SAID KORONA CANAL NORTH 73°59'57" WEST A DISTANCE OF 3286.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (R/VV VARIES) THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 NORTH 20°47'05" WEST A DISTANCE OF 1535.59 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 NORTH 13°52'27" EAST A DISTANCE OF 1383.13 FEET; THENCE NORTH 17°21'27" WEST A DISTANCE OF 898.01 FEET, THENCE NORTH 22°01'57" WEST A DISTANCE OF 178.20; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF A PARCEL OF LAND OWNED BY RAYONIER, INC. NORTH 88°40'51" EAST A DISTANCE OF 2100.90 FEET TO A POINT ON

THE EASTERLY LINE OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG SAID EASTERLY LINE OF SECTION 27 SOUTH 01°00'17" EAST A DISTANCE OF 660.00 FEET TO THE BEGINNING OF DESCRIPTION.

PARCEL C

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING A PERMANENT REFERENCE MONUMENT AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 00°58'28" WEST, ALONG THE EAST LINE OF SECTION 27 AND THE WEST LINE OF SECTION 26, 660.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE SOUTH 88°40'04" WEST, 333.37 FEET; THENCE NORTH 29°12'32" WEST, 1083.00 FEET; THENCE NORTH 60°46'59" EAST, 1228.92 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100' FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 29°12'51" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 951.92 FEET TO A POINT OF CURVATURE; THENCE 82.47 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 1°40'43" A CHORD BEARING OF SOUTH 28°22'31" EAST AND A CHORD DISTANCE OF 82.46 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 374.34 FEET; THENCE SOUTH 22°32'00" EAST, 614.01 FEET; THENCE NORTH 88°58'58" EAST, 374.34 FEET TO SAID WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE SOUTH 20°37'28" EAST, 53.08 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 968.74 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

LOTS 1, 17, 20, 24, 25, 41, 42, 47, 58, 59, 91, 99, 103, 106, 107, 109, 110 & 111 AND TRACTS A, B, C, D, E, F, G, H, I, J, K, L, N AND O ALL OF EAGLE LAKES-PHASE I-SECTION 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 36, PAGES 10-20, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ADDITIONAL LANDS:

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING

THE EASTERLY LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF $24^{\circ}45'27''$, A CHORD BEARING OF $N77^{\circ}19'17''E$, AND A CHORD DISTANCE OF 214.34 FEET; THENCE $N64^{\circ}56'34''E$ AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE $S26^{\circ}39'38''E$ ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET, A CENTRAL ANGLE OF $02^{\circ}44'15''$, A CHORD BEARING OF $S25^{\circ}17'30''E$ AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE $S23^{\circ}55'23''E$ FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF $02^{\circ}43'15''$, A CHORD BEARING OF $S25^{\circ}17'00''E$ AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE $S26^{\circ}38'38''E$ FOR A DISTANCE OF 347.09 FEET; THENCE $S61^{\circ}46'57''W$ AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE $N18^{\circ}20'14''W$ ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.

FURTHER LESS AND EXCEPT FROM THE ABOVE PARCELS, THE LANDS CONVEYED BY THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2048, PAGE 1939, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT FROM THE ABOVE PARCELS, THE LANDS CONVEYED BY THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2318, PAGE 778, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT FROM THE ABOVE PARCELS, THE LANDS CONVEYED BY THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2052, PAGE 671, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

FURTHER LESS AND EXCEPT FROM THE ABOVE PARCELS, THE LANDS CONVEYED BY THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2318, PAGE 778, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

Via E-Mail: (amengel@flaglercounty.gov)

Ref: 5364.02

TECHNICAL MEMORANDUM

To: Adam Mengel, AICP, LEED AP BD+C,
Growth Management Director, Flagler County

From: R. Sans Lassiter, P.E.

Date: January 18, 2022

Subject: Eagle Lakes Planned Unit Development (PUD) – Comprehensive Plan Amendment
(CPA) Analysis
Flagler County, Florida

INTRODUCTION

LTG, Inc, was retained by Kolter Land Partners to prepare a CPA regarding the proposed land use change of two parcels from Agricultural to Low Density Residential. LTG was tasked with evaluating the traffic volume change and roadway conditions associated with the land use modification. The two parcels are located on the west side of Old Kings Road south of SR 100 (Moody Boulevard).

The methodology and procedures used in this analysis are consistent with the guidelines for the River to Sea Transportation Planning Organization (R2CTPO). Per R2CTPO guidelines, the transportation impacts will be assessed for roadway segments within a two-mile radius of the property for the difference in trips between the pre-and post- maximum development scenarios for the land use designation. The impact of the trip difference will be assessed through segment analyses for 2030. Please note that the development scenarios are based on maximum development potential of the existing land use and the proposed land use. A site development specific traffic impact analysis (TIA) will be conducted and submitted at the time of concurrency review for a specific site plan approval.

TRIP GENERATION FOR THE EXISTING VS. PROPOSED LAND USE DESIGNATION

The future land use (FLU) designation of the subject parcels are proposed to be amended from Agriculture (AG) to Low Density Residential (LDR). The land use amendment will encompass 209.81 acres. The traffic generated by both land uses will be compared to determine the traffic volume changes associated.

Flagler County Comprehensive Plan Guidelines

The FLU designation determines the allowable development based on the size of the property. The Flagler County Comprehensive Plan allows the following development based on the land use:

- AG FLU allows for 1.0 single-family dwelling unit per 5 acres
- LDR FLU allows for 1.1 to 3.0 single-family dwelling units per acre

The 209.81 acres will result in 42 dwelling units for AG and up to 630 dwelling units for LDR. The CPA will be proposed for a maximum of 451 dwelling units for the subject parcels.

TECHNICAL MEMORANDUM

January 18, 2022

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PROJECT TRIP GENERATION

The proposed CPA was analyzed using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th Edition*, for the trips generated for the daily and P.M. peak hour. The average daily trips and the P.M. peak hour trips for the existing Future Land Use of AG and the proposed Future Land Use of LDR are summarized in **Table 1** and **Table 2**, respectively.

Table 1
Trip Generation of Existing Future Land Use
Eagle Lakes PUD

Time Period	FLU	ITE (Code)	Trip Rate/ Equation	Size	Trips Entering	Trips Exiting	Total Trips
Daily	AG	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.71$	42 units	234	234	468
P.M. Peak Hour	AG	Single-Family Detached Housing (210)	$\ln(T) = 0.96\ln(X) + 0.2$	42 units	28	16	44

Table 2
Trip Generation of Proposed Future Land Use
Eagle Lakes PUD

Time Period	FLU	ITE (Code)	Trip Rate/ Equation	Size	Trips Entering	Trips Exiting	Total Trips
Daily	LDR	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.71$	451 units	2,079	2,078	4,157
P.M. Peak Hour	LDR	Single-Family Detached Housing (210)	$\ln(T) = 0.96\ln(X) + 0.2$	451 units	272	159	431

The CPA will result in a potential increase of 409 dwelling units, which is equal to 3,689 trips daily and 387 trips in the P.M. peak hour. **Table 3** summarizes the trip increase.

Table 3
Trip Generation from Comprehensive Plan Amendment
Eagle Lakes PUD

Time Period	Existing FLU	Proposed FLU	Difference
Daily	468	4,157	3,689 Increase
P.M. Peak Hour	44	431	387 Increase

TECHNICAL MEMORANDUM

January 18, 2022

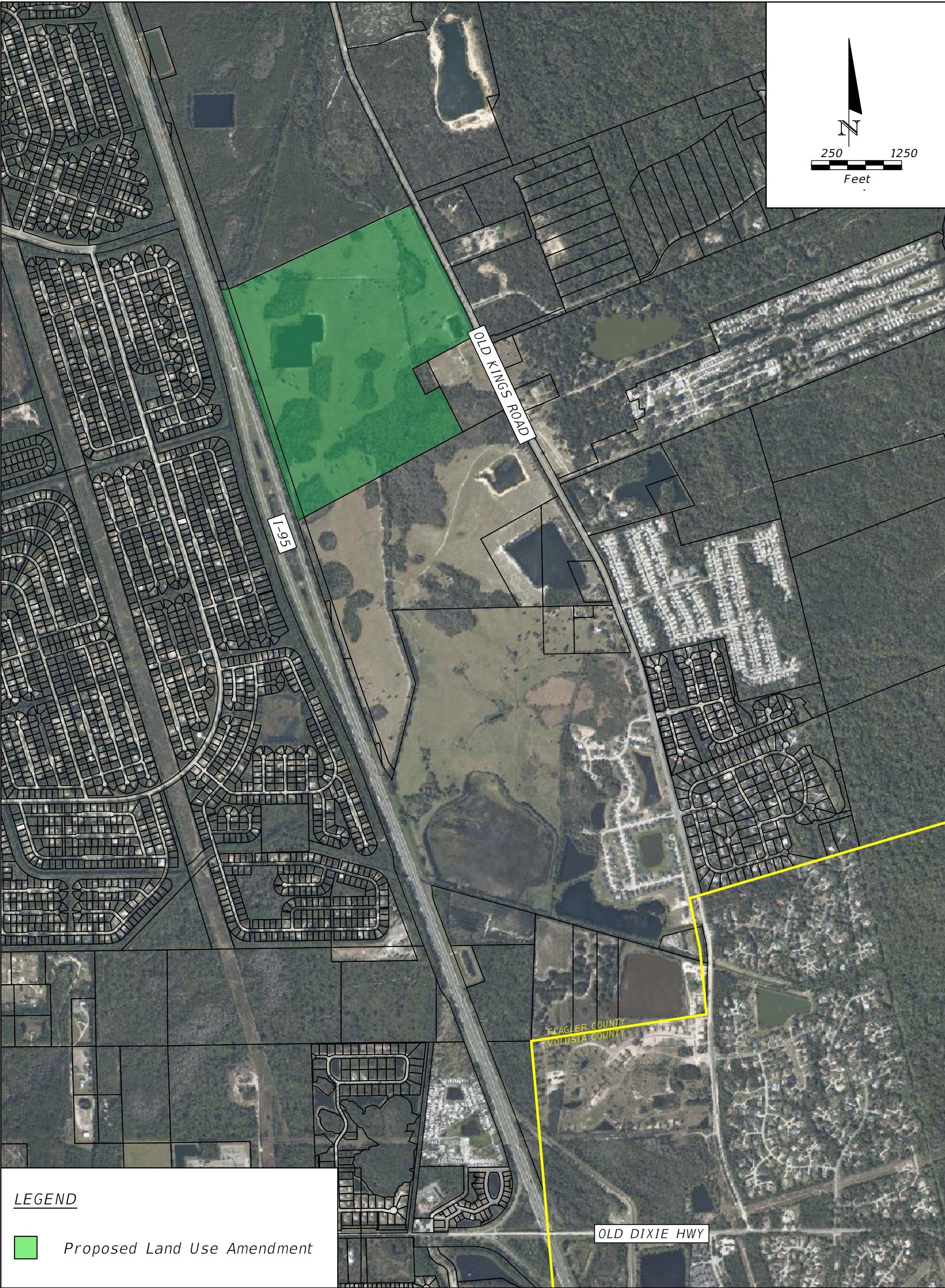
Page 3

STUDY AREA


Figure 1 illustrates subject parcels and the surrounding roadway network. The study area was determined to be a two-mile radius of the project location based on the R2CTPO guidelines. The project location is illustrated using a red star in **Figure 2** with the two-mile radius. It should be noted that SR 100 from John Anderson Highway to Seminole Woods Boulevard was included in this initial assessment even though it is not within the study area.

Planned and Programmed Improvements

The R2CTPO Long Range Transportation Plan Connect 2045, adopted in September 2020, lists the cost feasible projects with a general timeline. Based on Table 5-2 in the Connect 2045 document, the SR 100 section from Old Kings Road to Belle Terre Parkway is a facility programmed to be widened to 6 lanes between 2029 and 2045. The capital improvement plans for City of Palm Coast, Flagler County, Volusia County, and the Florida Department of Transportation (FDOT) District 5 were reviewed for additional improvements planned for the surrounding network.



LEGEND

 Proposed Land Use Amendment

Eagle Lakes CPA

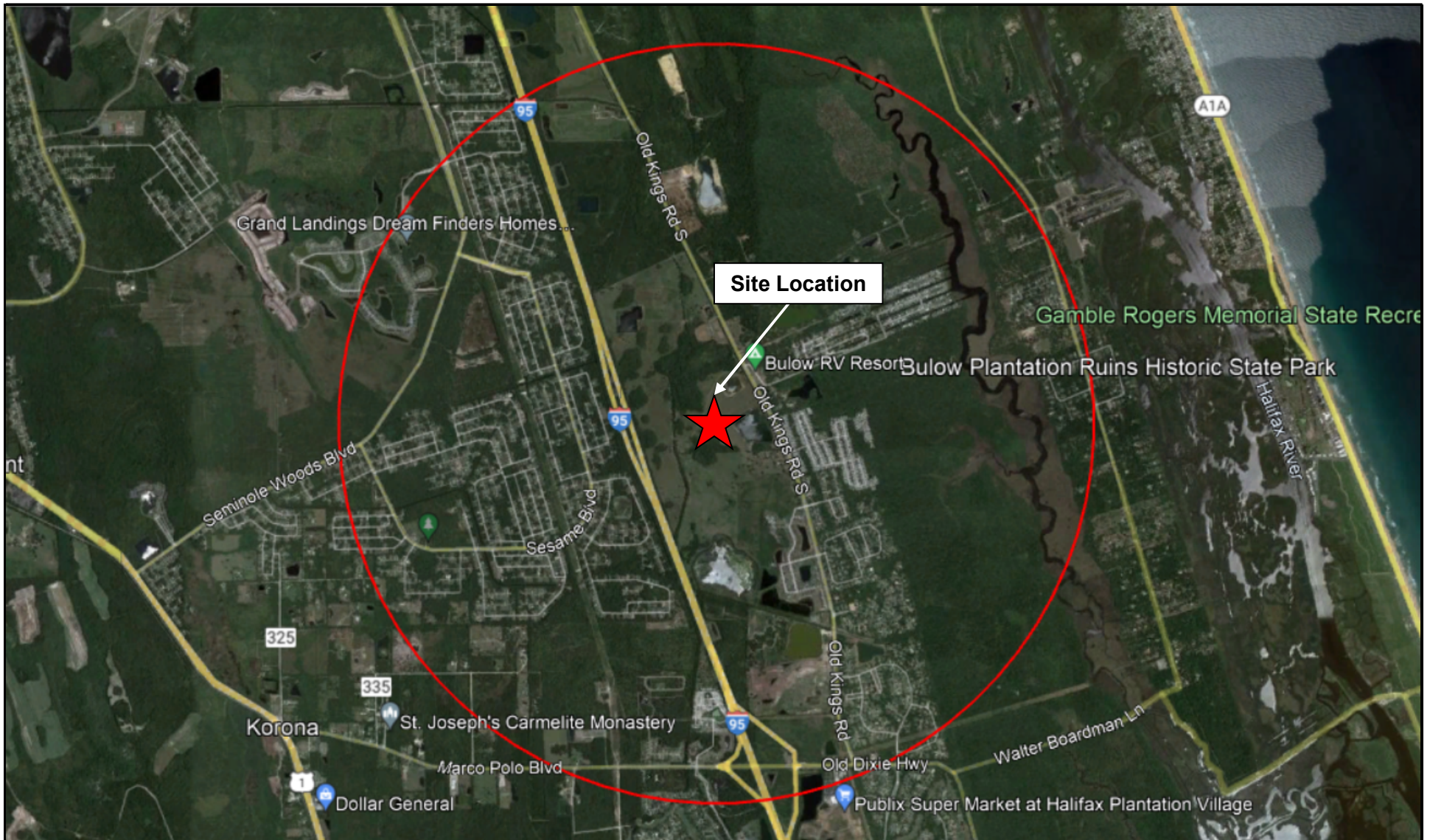
**LTG** *Engineering & Planning*

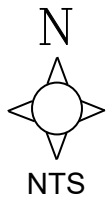

Figure 1

Kolter Land Partners

Project No.: 5364.01

1450 W. Granada Blvd, Suite 2 -
Ormond Beach, Florida 32174
Telephone: 386.257.2571 * Fax: 386.257.6996



<p>Eagle Lakes CPA</p>		<p>Two-Mile Radius from Project Location</p>		
		<p>Project No.: 5364.01</p>	<p>Figure 2</p>	

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TECHNICAL MEMORANDUM

January 18, 2022

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Roadway Segment Analysis

The roadway segments within the study area are summarized in **Table 4** as well as the number of lanes, adopted Level of Service (LOS), and P.M. peak hour two-way capacity at the adopted LOS. **Table 4** shows the results of the significance test, which determines the segments impacted by the project trips by more than 3 percent of the adopted LOS volume. The process of determining the directional flow of traffic associated with a new development is called trip distribution. The distribution was conducted for the 387 trips added to the roadway network based on the trip increase for the land use change. The *Central Florida Regional Planning Model* (CFRPM) version 7.0 developed for use in forecasting future travel patterns was used to determine the trip distribution for the proposed project. The trip distribution is attached in **Appendix A**.

The roadway segments within the study area are as follows:

- Seminole Woods Boulevard from Ulturn Place to Citation Parkway
- Seminole Woods Boulevard from Citation Parkway to Sesame Boulevard
- Seminole Woods Boulevard from Sesame Boulevard to US 1
- Sesame Boulevard from Seminole Woods Boulevard to terminus
- Old Kings Road from SR 100 to the project driveway
- Old Kings Road from the project driveway to Flagler/Volusia County Limit
- Old Kings Road from Flagler/Volusia County Limit to Old Dixie Highway
- Old Dixie Highway from Walter Boardman Lane to Old Kings Road
- Old Dixie Highway from Old Kings Road to I-95
- Old Dixie Highway from I-95 to US 1
- I-95 from US 1 to Flagler/Volusia County Limit
- I-95 from Flagler/Volusia County Limit to SR 100
- SR 100 from John Anderson Drive to Colbert Lane
- SR 100 from Colbert Lane to Tuscany Boulevard
- SR 100 from Tuscany Boulevard to Old Kings Road
- SR 100 from Old Kings Road to I-95
- SR 100 from I-95 to Memorial Medical Parkway
- SR 100 from Memorial Medical Parkway to Seminole Woods Boulevard

Table 4:
Roadway Segment Analysis – Existing LOS and P.M. Peak Hour Two-Way Capacity
Eagle Lakes PUD

Roadway	Limits		No. of Lanes	Adopted LOS	Peak-Hour Two-Way Capacity at Adopted LOS	Build Out Project Distribution	P.M. Peak Hour Two-Way		
	From	To					Project Trips	Impact of LOS	3% Significant?
Seminole Woods Blvd	Ulaturn Place	Citation Pkwy	2U	D	1,600	2.6%	10	0.63%	No
	Citation Pkwy	Sesame Blvd	2U	D	1,600	2.0%	8	0.50%	No
	Sesame Blvd	US 1	2U	D	1,600	1.0%	4	0.25%	No
Sesame Blvd	Seminole Woods Blvd	terminus	2U	D	1,600	0.4%	2	0.13%	No
Old Kings Rd	SR 100	Project Driveway	2U	D	2,180	48.0%	186	8.53%	Yes
	Project Driveway	Flagler/Volusia County Limit	2U	D	2,180	52.0%	201	9.22%	Yes
	Flagler/Volusia County Limit	Old Dixie Hwy	2U	E	2,930	50.2%	194	6.62%	Yes
Old Dixie Hwy	Walter Boardman Ln	Old Kings Rd	2U	E	2,930	11.3%	44	1.50%	No
	Old Kings Rd	I-95	2U	E	2,930	38.3%	148	5.05%	Yes
	I-95	US 1	2U	E	2,930	8.9%	34	1.16%	No
I-95	US 1	Flagler/Volusia County Limit	6D	D	10,060	29.5%	114	1.13%	No
	Flagler/Volusia County Limit	SR 100	6D	C	8,450	29.5%	114	1.35%	No
SR 100	John Anderson Dr	Colbert Ln	4D	D	3,580	7.4%	29	0.81%	No
	Colbert Ln	Tuscany Blvd	4D	C	3,060	11.3%	44	1.44%	No
	Tuscany Blvd	Old Kings Rd	4D	C	3,060	11.3%	44	1.44%	No
	Old Kings Rd	I-95	4D	D	3,580	25.9%	100	2.79%	No
	I-95	Memorial Medical Pkwy	4D	D	3,580	16.3%	63	1.76%	No
	Memorial Medical Pkwy	Seminole Woods Blvd	4D	D	3,580	15.7%	61	1.70%	No

As indicated in **Table 4**, the following roadway segments shown in red are significantly impacted by the development and will be included in the segment analyses.

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Page 8

The P.M. peak hour capacities at the adopted LOS were obtained from the *City of Palm Coast Average Annual Daily Traffic 2019 AADT* spreadsheet and the *Volusia County 2019 Average Annual Daily Traffic & Historic Counts* spreadsheet. The 2019 AADT volumes are summarized in **Table 5** for the roadway segments identified.

Table 5
2019 AADT Volumes
Eagle Lakes PUD

Roadway	Limits		2019 AADT
	From	To	
Old Kings Rd	SR 100	Project Driveway	4,900
	Project Driveway	Flagler/Volusia County Limit	4,900
	Flagler/Volusia County Limit	Old Dixie Hwy	3,880
Old Dixie Hwy	Old Kings Rd	I-95	9,320

2030 Background Growth

Historical growth rates were determined by using five years of historical AADT data obtained from *City of Palm Coast Average Annual Daily Traffic 2019 AADT* and the *Volusia County 2019 Average Annual Daily Traffic & Historic Counts* spreadsheet. Although the 2020 AADT data is available for some segments on the *FDOT Traffic Online* site, the 2020 volumes were affected due to the COVID-19 pandemic therefore were omitted from the analysis. The *2030 FDOT Traffic Trends* analysis worksheets are contained in **Appendix B**. The resulting historical growth rates and those applied to the existing adjusted traffic volumes are shown in **Table 6**. Based on guidelines outlined in the *FDOT Traffic Forecasting Handbook*, a minimum 2.0% growth rate was applied.

Table 6
Historical Growth Rates
Eagle Lakes PUD

Roadway	Segment		R ² %	Average Annual Growth Rate	Applied Growth Rate
Old Kings Rd	SR 100	Project Driveway	78.1%	-3.30%	2.00%
	Project Driveway	Flagler/Volusia County Limit	78.1%	-3.30%	2.00%
	Flagler/Volusia County Limit	Old Dixie Hwy	88.2%	1.11%	2.00%
Old Dixie Hwy	Old Kings Rd	I-95	44.7%	0.57%	2.00%

TECHNICAL MEMORANDUM

January 18, 2022
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2030 BACKGROUND SEGMENT ANALYSIS

The study area roadway segments were analyzed under 2030 background conditions to determine the anticipated two-way peak hour LOS. The City of Palm Coast and Volusia County provided the latest vested trips data available and are summarized based on roadway segment. The previously approved Eagle Lakes PUD was reviewed, and the 576 vested trips associated with the PUD were applied to the roadway segments according to the project distribution. The vested trips were added to the existing P.M. peak hour volume for the 2030 background volume since the vested trips represented higher growth than the growth factor. The results are provided in **Table 7**. As indicated, the study area roadway segments are anticipated to operate within the adopted LOS under 2030 background condition.

Table 7
2030 Background Segment LOS – P.M. Peak Hour
Eagle Lakes PUD

Roadway	Segment		No. of Lanes	Adopted LOS	Peak Hour Two-Way Capacity at Adopted LOS	Existing P.M. Peak Hour Two-Way Volume	2030 Growth Factor	2030 Growth Traffic	Palm Coast Vested Trips	Volusia County Vested Trips	Eagle Lakes PUD Vested Trips	Total Vested Trips	2030 Background Traffic	Background P.M. Volume Exceed Adopted LOS?
Old Kings Rd	SR 100	Project Driveway	2U	D	2,180	441	1.22	97	71	N/A	276	347	788	No
	Project Driveway	Flagler/Volusia County Limit	2U	D	2,180	441	1.22	97	71	N/A	300	371	812	No
	Flagler/Volusia County Limit	Old Dixie Hwy	2U	E	2,930	330	1.22	73	N/A	0	289	289	619	No
Old Dixie Hwy	Old Kings Rd	I-95	2U	E	2,930	750	1.22	165	N/A	455	221	676	1,426	No

2030 BUILD-OUT ROADWAY SEGMENT ANALYSIS

The trip generation difference between the existing and proposed future land use designations was added to 2030 background traffic to determine 2030 build-out traffic. The study area roadway segments were analyzed under build-out conditions to determine the anticipated LOS and the results are presented in **Table 8**. As indicated, the study area roadway segments are expected to operate within the adopted LOS under 2030 build-out conditions.

Table 8
2030 Build-Out Roadway Segment – P.M. Peak Hour
Eagle Lakes PUD

Roadway	Segment		Peak Hour Two-Way Capacity at Adopted LOS	2030 Background Traffic	Project Distribution	Project Trips	2030 Build-Out Traffic	2030 Build-Out Traffic Exceed Adopted LOS?
Old Kings Rd	SR 100	Project Driveway	2,180	788	48.0%	186	974	No
	Project Driveway	Flagler/Volusia County Limit	2,180	812	52.0%	201	1,013	No
	Flagler/Volusia County Limit	Old Dixie Hwy	2,930	619	50.2%	194	813	No
Old Dixie Hwy	Old Kings Rd	I-95	2,930	1,426	38.3%	148	1,574	No

TECHNICAL MEMORANDUM

January 18, 2022

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CONCLUSION

This study was conducted to evaluate the impact that a change in land use designations would have on area roadways in the Flagler County in 2030. The land use of the subject parcels in Flagler County are proposed to be amended from Agriculture (AG) to Low Density Residential (LDR). The CPA will be proposed for a maximum of 451 dwelling units for the subject parcels. When evaluating the difference between the existing and proposed development, the CPA will result in a potential increase of 409 dwelling units, which is equal to 3,689 trips daily and 387 trips in the P.M. peak hour.

The results of the existing and 2030 segment analyses are summarized below:

2030 Background Segment Analysis

- Under 2030 background conditions, the roadway segments are expected to operate within the adopted LOS

2030 Build-Out Segment Analysis

- Under 2030 build-out conditions, the roadway segments are expected to operate within the adopted LOS.

As previously noted, the R2CTPO LRTP Connect 2045 document lists the SR 100 section from Old Kings Road to Belle Terre Parkway is a facility programmed to be widened to 6 lanes between 2029 and 2045. This will ultimately increase the capacity of roadway. The CPA is accompanied by a site development specific rezoning. A TIA will be conducted and submitted at the time of concurrency review for a specific site plan approval.

TECHNICAL MEMORANDUM

January 18, 2022

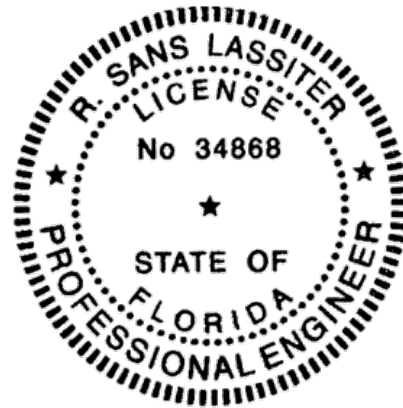
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APPENDIX

Appendix A: Trip Distribution – CFRPM
Appendix B: 2030 FDOT Traffic Trends Worksheets

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.

*THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY:*

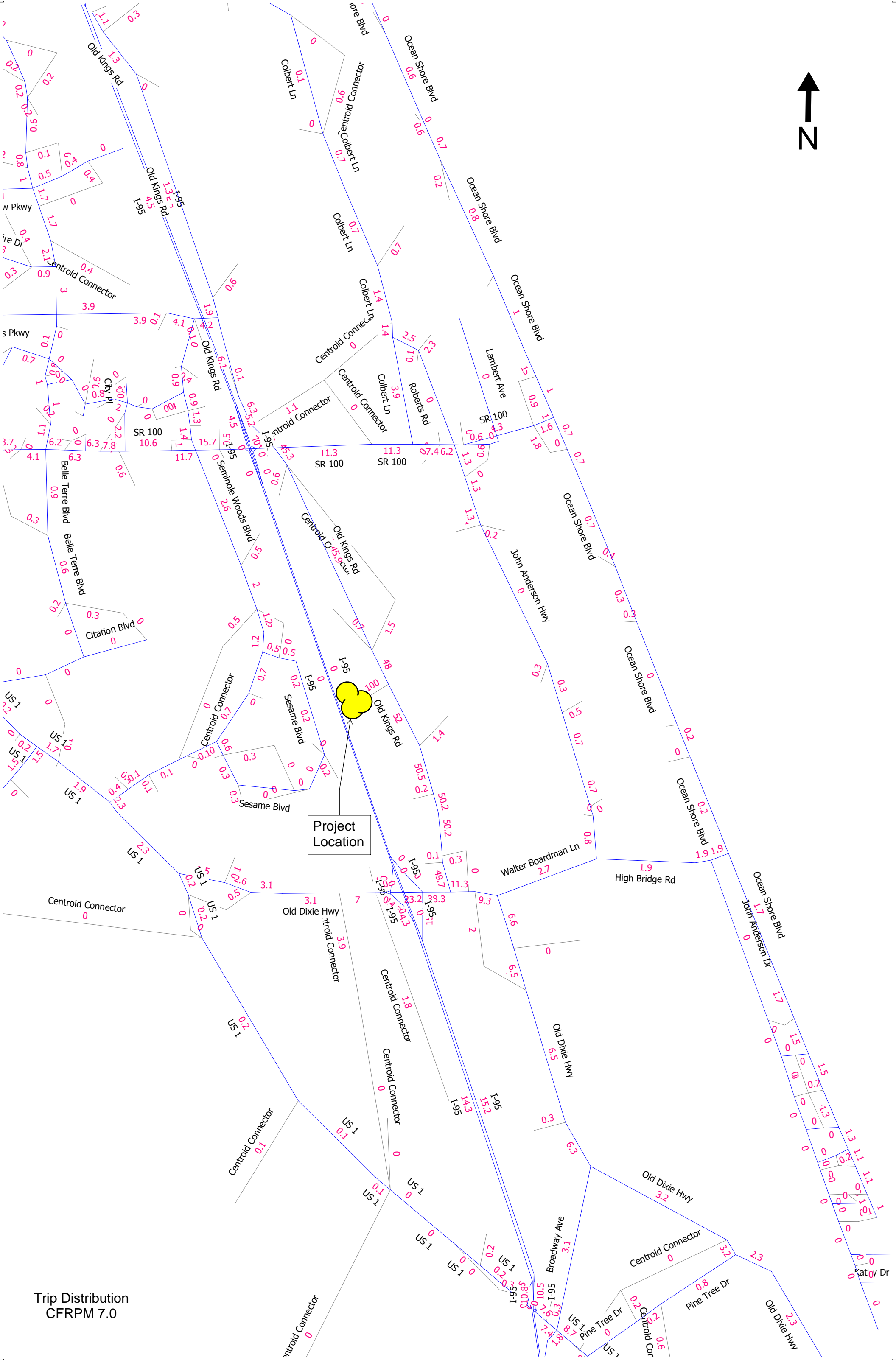


ON THE DATE ADJACENT TO THE SEAL

*PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST
BE VERIFIED ON ANY ELECTRONIC COPIES.*

*LTG, INC.
1450 W. GRANADA BLVD, SUITE 2
ORMOND BEACH, FL 32174
REGISTRATION NO.*

Appendix A



Project
Location

Trip Distribution
CFRPM 7.0

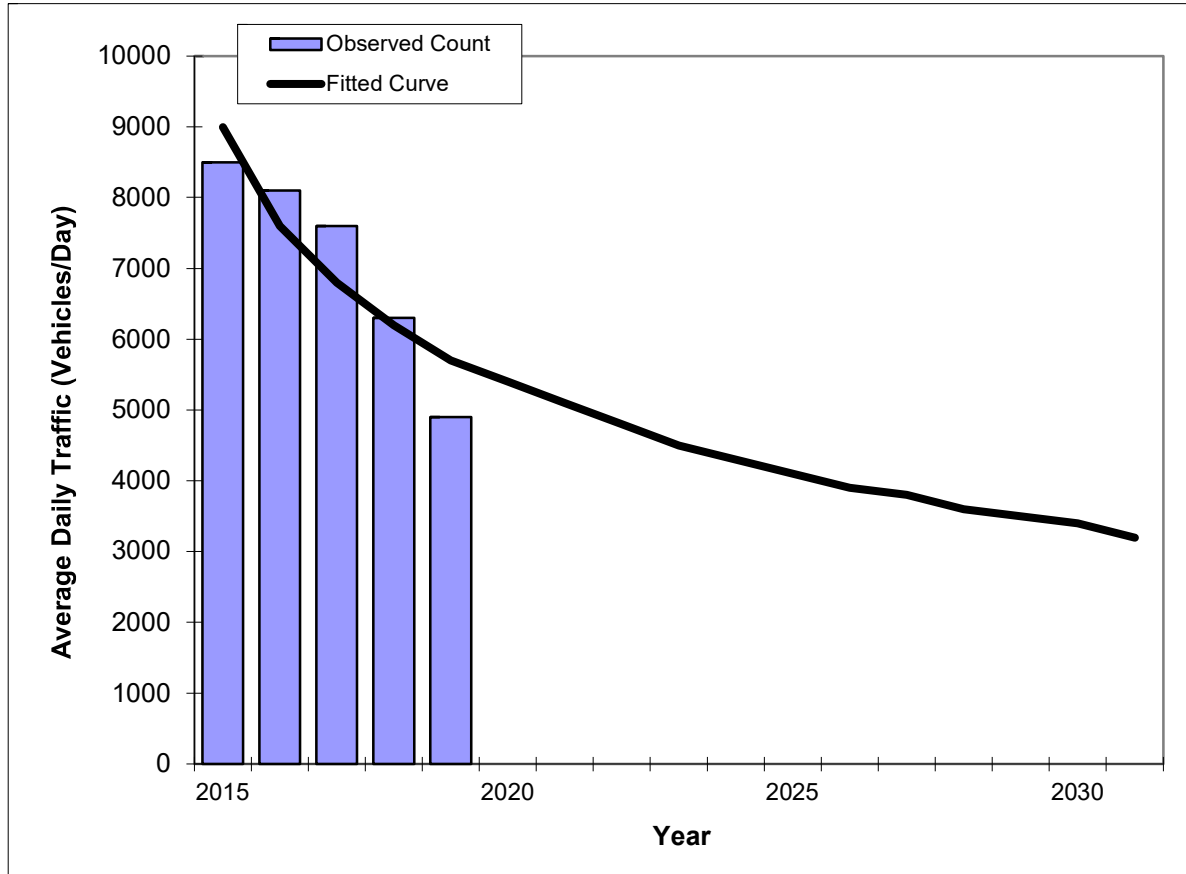
Appendix B

TRAFFIC TRENDS

Old Kings Rd -- SR 100 to County Limit

County:
Station #:
Highway:

Flagler
2750
Old Kings Rd



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2015	8500	9000
2016	8100	7600
2017	7600	6800
2018	6300	6200
2019	4900	5700
2021 Opening Year Trend		
2021	N/A	5100
2024 Mid-Year Trend		
2024	N/A	4300
2031 Design Year Trend		
2031	N/A	3200
TRANPLAN Forecasts/Trends		

Trend R-squared: 78.1%
Compounded Annual Historic Growth Rate: -12.15%
Compounded Growth Rate (2019 to Design Year): -3.30%
Printed: 30-Aug-21

Decaying Exponential Growth Option

*Axle-Adjusted

TRAFFIC TRENDS

Old Kings Rd -- Palm Coast City Limits to Old Dixie

County:

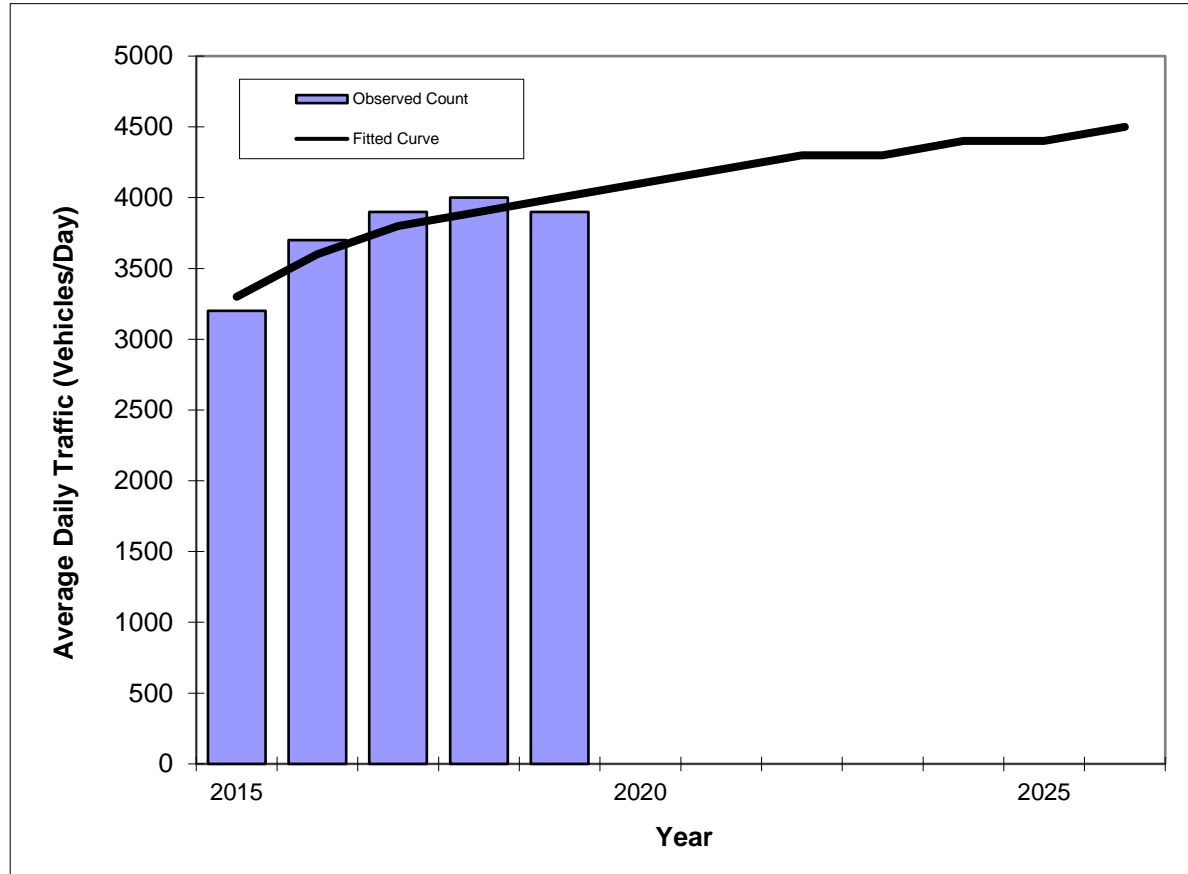
Volusia

Station #:

1340

Highway:

Old Kings Rd



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2015	3200	3300
2016	3700	3600
2017	3900	3800
2018	4000	3900
2019	3900	4000
2021 Opening Year Trend		
2021	N/A	4200
2024 Mid-Year Trend		
2024	N/A	4400
2030 Design Year Trend		
2030	N/A	4600
TRANPLAN Forecasts/Trends		

Trend R-squared: 88.2%
 Compounded Annual Historic Growth Rate: 4.79%
 Compounded Growth Rate (2019 to Design Year): 1.11%
 Printed: 16-Aug-21

Decaying Exponential Growth Option

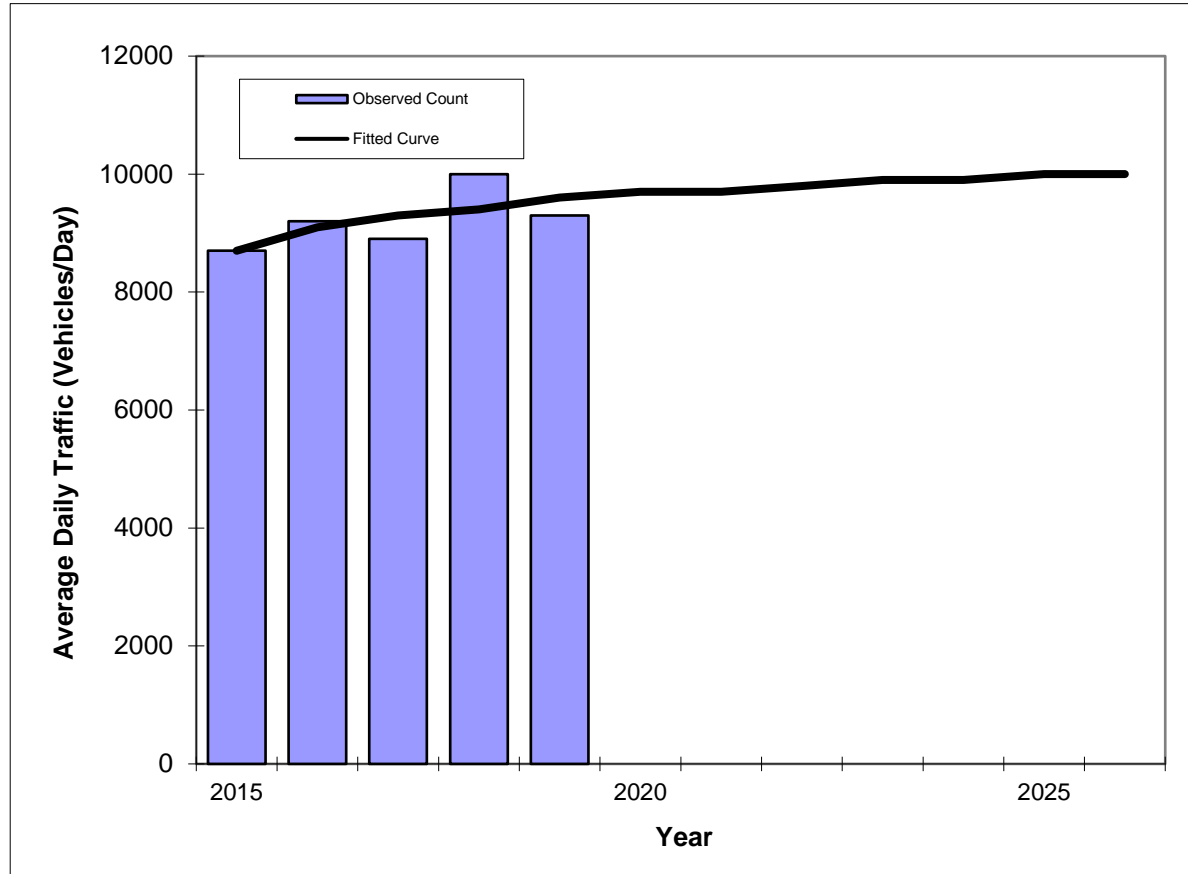
*Axle-Adjusted

TRAFFIC TRENDS

Old Dixie Hwy -- I-95 to Old Kings Rd

County:
Station #:
Highway:

Volusia
1334
Old Dixie Hwy



Year	Traffic (ADT/AADT)	
	Count*	Trend**
2015	8700	8700
2016	9200	9100
2017	8900	9300
2018	10000	9400
2019	9300	9600
2021 Opening Year Trend		
2021	N/A	9700
2024 Mid-Year Trend		
2024	N/A	9900
2030 Design Year Trend		
2030	N/A	10200
TRANPLAN Forecasts/Trends		

Trend R-squared:	44.7%
Compounded Annual Historic Growth Rate:	2.20%
Compounded Growth Rate (2019 to Design Year):	0.57%
Printed:	16-Aug-21
Decaying Exponential Growth Option	

*Axle-Adjusted

Via E-Mail: (amengel@flaglercounty.gov)

Ref: 5364.01

TECHNICAL MEMORANDUM

To: Adam Mengel, AICP, LEED AP BD+C,
Growth Management Director, Flagler County

From: R. Sans Lassiter, P.E.

Date: January 18, 2022

Subject: Eagle Lakes Planned Unit Development (PUD) – Rezoning Traffic Impact Analysis (RTIA)
Flagler County, Florida

INTRODUCTION

LTG, Inc, was retained by Kolter Land Partners to prepare a RTIA regarding the proposed rezoning. LTG was tasked with evaluating the traffic volume change and roadway conditions associated with the zoning modification. The two parcels are located on the west side of Old Kings Road south of SR 100 (Moody Boulevard).

The methodology and procedures used in this analysis are consistent with the guidelines for the River to Sea Transportation Planning Organization (R2CTPO). Per R2CTPO guidelines, the transportation impacts will be assessed for roadway segments within a two-mile radius of the property for the difference in trips between the pre-and post- maximum development scenarios for the zoning designation. The impact of the trip difference will be assessed through segment analyses for 2030. Please note that the development scenarios are based on maximum development potential of the existing zoning and the proposed zoning. A site development specific traffic impact analysis (TIA) will be conducted and submitted at the time of concurrency review for a specific site plan approval.

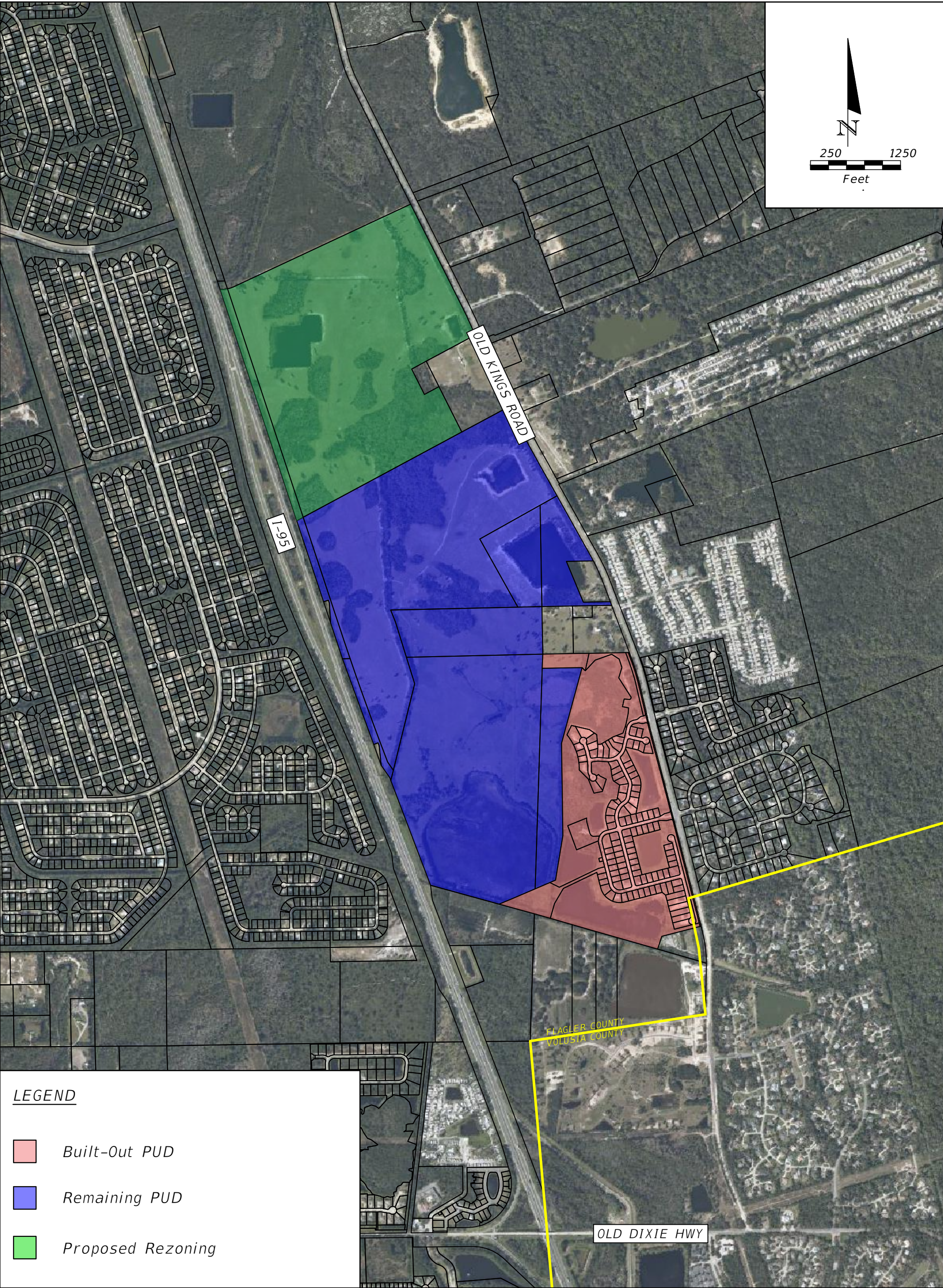
TRIP GENERATION FOR THE EXISTING VS. PROPOSED ZONING DESIGNATION

The zoning designation of the subject parcels are proposed to be amended from Agricultural (AG) and PUD to PUD. The green and blue properties in **Figure 1** are the subject of the rezoning. The parcels depicted in blue and pink are existing PUD parcels with 725 dwelling units vested under an active ordinance under the name Eagle Lakes Planned Unit Development (Ordinance Number 2014-03). The traffic generated by the zoning will be compared to determine the traffic volume changes associated.

Flagler County Zoning Standards

The zoning designation determines the allowable development based on the size of the property. The existing AG zoning permits development of 1.0 single-family dwelling unit per 5 acres. The 209.81 acres will result in 42 dwelling units.

The existing Eagle Lakes PUD had an allowable 725 dwelling units to build on the blue and pink parcels in **Figure 1**. From the allowable count, 115 dwelling units were built or platted as part of phase 1 in the pink parcels. The remainder of the blue properties permit 610 vested dwelling units.



LEGEND

Built-Out PUD

Remaining PUD

Proposed Rezoning

Eagle Lakes RTIA

Figure 1

Kolter Land Partners

Project No.: 5364.01



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TECHNICAL MEMORANDUM

January 18, 2022

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PROJECT TRIP GENERATION

The proposed rezoning was analyzed using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th Edition*, for the trips generated for the daily and P.M. peak hour. The proposed zoning is presented in **Appendix A** as the latest project conceptual plan. As shown in the concept, 451 dwelling units to the north will be proposed as single-family detached housing and 742 dwelling units of senior adult housing are proposed to the south. The average daily trips and the P.M. peak hour trips for the existing zoning and the proposed zoning are summarized in **Table 1** and **Table 2**, respectively.

Table 1
Trip Generation of Existing Zoning
Eagle Lakes PUD

Existing Zoning							
Time Period	Zoning	ITE (Code)	Trip Rate/ Equation	Size	Trips Entering	Trips Exiting	Total Trips
Daily	AG	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.71$	42 units	234	234	468
	PUD	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.71$	610 units	2,744	2,744	5,488
	Total:						5,956
P.M. Peak Hour	AG	Single-Family Detached Housing (210)	$\ln(T) = 0.96\ln(X) + 0.2$	42 units	28	16	44
	PUD	Single-Family Detached Housing (210)	$\ln(T) = 0.96\ln(X) + 0.2$	610 units	363	213	576
	Total:						620

Table 2
Trip Generation of Proposed Zoning
Eagle Lakes PUD

Proposed Zoning							
Time Period	Zoning	ITE (Code)	Trip Rate/ Equation	Size	Trips Entering	Trips Exiting	Total Trips
Daily	PUD	Single-Family Detached Housing (210)	$\ln(T) = 0.92\ln(X) + 2.71$	451 units	2,079	2,078	4,157
	PUD	Senior Adult Housing Detached (251)	$\ln(T) = 0.88 \ln(X) + 2.28$	742 units	1,641	1,641	3,282
	Total:						7,439
P.M. Peak Hour	PUD	Single-Family Detached Housing (210)	$\ln(T) = 0.96\ln(X) + 0.2$	451 units	272	159	431
	PUD	Senior Adult Housing Detached (251)	$\ln(T) = 0.78 \ln(X) + 0.28$	742 units	140	89	229
	Total:						660

TECHNICAL MEMORANDUM

January 18, 2022

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The rezoning will result in a potential increase of 1,483 trips daily and 40 trips in the P.M. peak hour. **Table 3** summarizes the trip increase.

Table 3
Trip Generation from Rezoning
Eagle Lakes PUD

Time Period	Existing Zoning	Proposed Zoning	Difference	
Daily	5,956	7,439	1,483	Increase
P.M. Peak Hour	620	660	40	Increase

Due to the proposed rezoning trip generation increase being lower than the Comprehensive Plan Amendment (CPA) increase, the CPA traffic analysis technical memorandum will suffice to analyze the impact of both the rezoning and CPA's impact on the study area roadways. The CPA will result in a potential increase of 409 dwelling units, which is equal to 3,689 trips daily and 387 trips in the P.M. peak hour

CONCLUSION

This analysis was conducted to evaluate the impact of a zoning designation change would have on area roadways within the Flagler County. The zoning of the subject parcels in Flagler County are proposed to be amended from AC and PUD to PUD. When evaluating the difference between the existing and proposed potential maximum development scenarios for the rezoning, the development could potentially result in an increase of 1,483 daily and 40 P.M. peak hour trips.

Please see the related Technical Memorandum for the Eagle Lakes CPA for information on impacts to roadway segments.

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APPENDIX

Appendix A: Eagle Lakes Conceptual Site Plan

I hereby acknowledge that the procedures and references used to develop the results contained in these computations are standard to the professional practice of Transportation Engineering as applied through professional judgment and experience.

*THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY:*



ON THE DATE ADJACENT TO THE SEAL

*PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST
BE VERIFIED ON ANY ELECTRONIC COPIES.*

*LTG, INC.
1450 W. GRANADA BLVD, SUITE 2
ORMOND BEACH, FL 32174
REGISTRATION NO.*

Appendix A

K:\GRL_Civil\249027001-Eagle Lake\CADD\CONCEPT\SP-12.dwg

SITE PLAN NOTES & TABULATION
NORTH
218 SINGLE FAMILY HOMESITES (40' X 120 LOT)
233 SINGLE FAMILY HOMESITES (60' X 120 LOT)
451 TOTAL UNITS
4.5 ACRE COMMUNITY AMENITY SITE
12-15% +/- RETENTION
SOUTH
185 SINGLE FAMILY HOMESITES (40' X 130 LOT)
375 SINGLE FAMILY HOMESITES (60' X 130 LOT)
182 SINGLE FAMILY HOMESITES (60' X 130 LOT)
742 TOTAL UNITS
7.4 ACRE COMMUNITY AMENITY SITE
12-15% +/- RETENTION
50' ROW FOR NEIGHBORHOOD STREETS
100' +/- BUFFER WITH BERM
25' PERIMETER BUFFERS

NORTH	SOUTH
PH1	PH1
68 (40' x 120 lot)	46 (40' x 120 lot)
72 (50' x 120 lot)	69 (50' x 120 lot)
140 total units	39 (60' x 120 lot)
	154 total units
PH2	PH2
45 (40' x 120 lot)	36 (40' x 120 lot)
52 (50' x 120 lot)	97 (50' x 120 lot)
97 total units	39 (60' x 120 lot)
	172 total units
PH3	PH3
58 (40' x 130 lot)	24 (40' x 130 lot)
64 (50' x 130 lot)	84 (50' x 130 lot)
122 total units	32 (60' x 130 lot)
	140 total units
PH4	PH4
47 (40' x 130 lot)	28 (40' x 130 lot)
45 (50' x 130 lot)	56 (50' x 130 lot)
92 total units	42 (60' x 130 lot)
	126 total units
	PH5
	51 (40' x 130 lot)
	69 (50' x 130 lot)
	30 (60' x 130 lot)
	150 total units

buffer not required where ROW
abuts pond

buffer not required where ROW
abuts pond

buffer not required where ROW
abuts pond

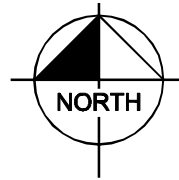
TO BE CONSTRUCTED
AFTER 6/2024.
INCLUDED IN PH2

TO BE CONSTRUCTED
AFTER 6/2024.
INCLUDED IN PH2

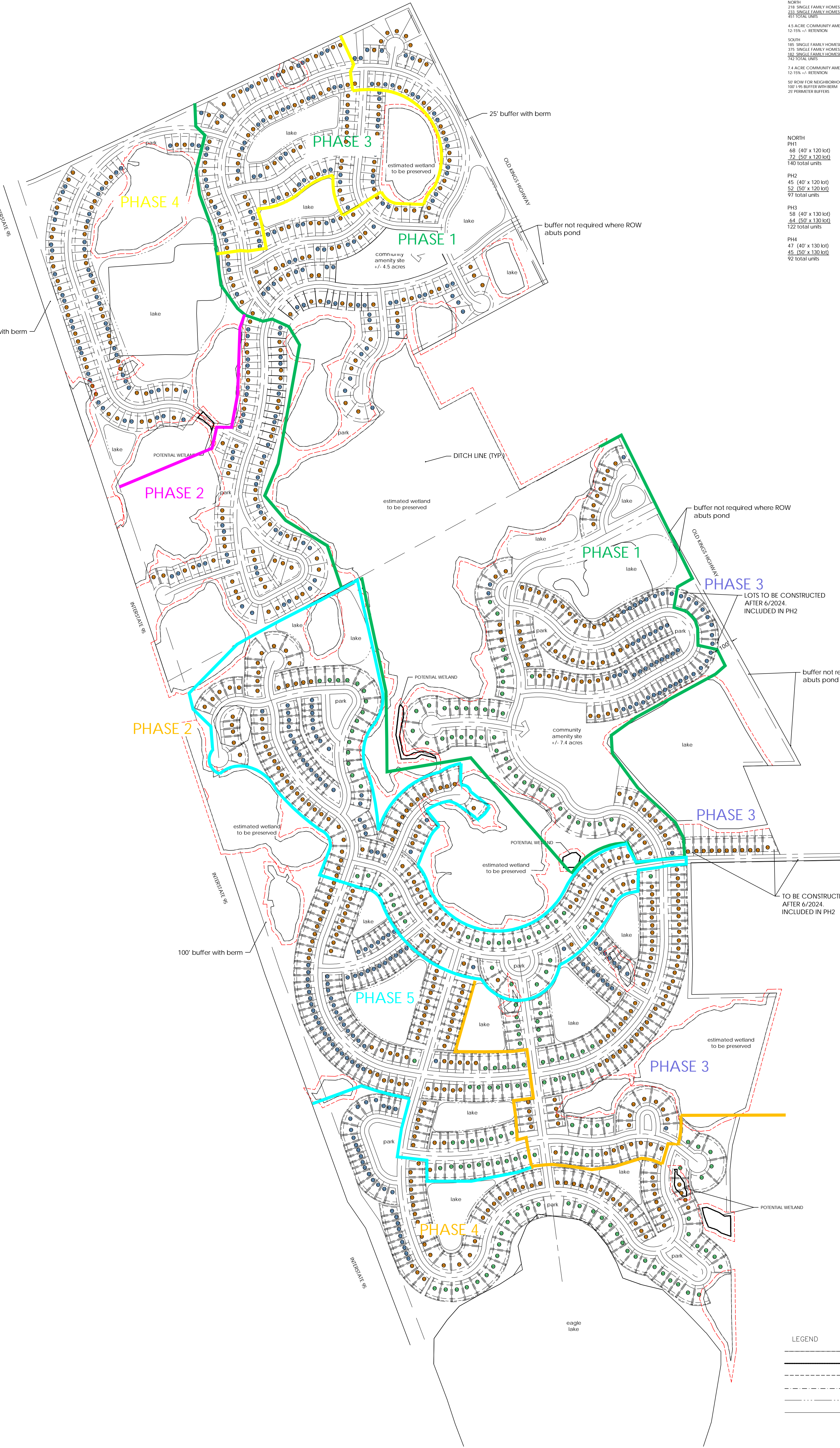
LEGEND

- WETLAND LINE
- POTENTIAL WETLAND LINE
- WETLAND BUFFER
- DITCH LINE
- PROPOSED LAKE
- EXISTING LAKE

GRAPHIC SCALE IN FEET
0 150 300 600



Kimley»Horn



EAGLE LAKE

FLAGLER COUNTY

CONCEPTUAL SITE PLAN

08/24/2021 - CONTACT TYLER SUDDETH, P.E. (407) 427-1678

**Eagle Lake Site
Flagler County, Florida**

**Phase I Environmental Site Assessment
(BTC File #588-24)**

July 20, 2021



Bio-Tech Consulting Inc.
Environmental and Permitting Services

info@bio-techconsulting.com
www.bio-techconsulting.com

July 20, 2021

Candace Smith
Kolter Land Partners, LLC
8875 Hidden River Parkway – Suite 150
Tampa, Florida 33637

Proj: Eagle Lake Site – Flagler County, Florida
Parcel IDs #22-12-31-0000-01010-0011, #26-12-31-0000-01010-0010,
#27-12-31-0000-01010-0000, #27-12-31-0000-01010-0030, #27-12-31-
0000-01020-0010, #27-12-31-0000-01020-0020, #27-12-31-0000-01020-
0030, #34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and #35-
12-31-0000-02010-0040
(BTC File #588-24)

Re: Phase I Environmental Site Assessment Report

Dear Ms. Smith:

Per your request and authorization, Bio-Tech Consulting, Inc. (BTC) has completed a Phase I Environmental Site Assessment (ESA) of the above referenced site located in unincorporated Flagler County, Florida. The work was performed in general accordance with the ASTM International's Standard Practice E 1527-13 for Phase I ESAs and was targeted toward identifying Recognized Environmental Conditions (RECs) in connection with the property. The attached report summarizes our research, findings and conclusions regarding the subject property.

As stated in Section 7.0 (Findings, Opinions, Data Gaps and Conclusions) of the report, this assessment revealed no RECs, no Controlled Recognized Environmental Conditions (CRECs) and no Historical Recognized Environmental Conditions (HRECs) in connection with the subject property.

We appreciate the opportunity to complete this assessment for you. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Sincerely,

Joseph Galletti
Vice President
INSTEP-LEP #123/NREP-REPA #5898

Attachment: Phase I ESA Report

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

Orlando Vero Beach Jacksonville Tampa Key West

**Eagle Lake Site
Flagler County, Florida
(BTC File #588-24)**

**Phase I Environmental Site
Assessment**

Prepared for:

Kolter Land Partners, LLC
8875 Hidden River Parkway – Suite 150
Tampa, Florida 33637

Prepared by:

Bio-Tech Consulting, Inc.
3025 East South Street
Orlando, Florida 32803
(407) 894-5969

July 20, 2021

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SECTION 1.0

SUMMARY

In June of 2021, Bio-Tech Consulting, Inc. (BTC) conducted a Phase I Environmental Site Assessment (ESA) of the 10 parcels, identified by Flagler County as #22-12-31-0000-01010-0011, #26-12-31-0000-01010-0010, #27-12-31-0000-01010-0000, #27-12-31-0000-01010-0030, #27-12-31-0000-01020-0010, #27-12-31-0000-01020-0020, #27-12-31-0000-01020-0030, #34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and #35-12-31-0000-02010-0040, which comprise the approximately 611.17-acre Eagle Lake Site. These parcels, currently owned by Venture 8, LLC, are located in unincorporated Flagler County, between Interstate 95 and Old Kings Road South, just less than a mile north of Old Dixie Highway (CR 4011), within Sections 26, 27, 34 and 35, Township 12 South, Range 31 East (Figure 1). At the time of the site investigation the vast majority of the subject property appeared as agricultural lands in use for pasture. Located throughout the site were natural wetland areas, excavated ponds/borrow pits and drainage ditching. The only structures identified on the site during the investigation conducted included a shed and a portable storage container, both located within the east-central portion of the site. Other improvements noted on the site included earthen trails, a cattle corral, cattle feeding and watering station/troughs and fencing with gates.

This Phase I ESA was performed in general conformance with the scope and limitations of ASTM International's Standard Practice E 1527-13 for Phase I ESAs (hereafter referred to as ASTM E 1527-13). Any exceptions to, or deletions from, this practice are described in Section 2.8 of this report.

This assessment revealed no Recognized Environmental Conditions (RECs), no Controlled Recognized Environmental Conditions (CRECs) and no Historical Recognized Environmental Conditions (HRECs) in connection with the subject property that would warrant further investigation at this time.

SECTION 2.0 INTRODUCTION

2.1 Site Location and Legal Description

The ten (10) parcels, identified by Flagler County as #22-12-31-0000-01010-0011, #26-12-31-0000-01010-0010, #27-12-31-0000-01010-0000, #27-12-31-0000-01010-0030, #27-12-31-0000-01020-0010, #27-12-31-0000-01020-0020, #27-12-31-0000-01020-0030, #34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and #35-12-31-0000-02010-0040, which comprise the approximately 611.17-acre Eagle Lake Site, are located in unincorporated Flagler County, between Interstate 95 and Old Kings Road South, less than a mile north of Old Dixie Highway (CR 4011), within Sections 26, 27, 34 and 35, Township 12 South, Range 31 East. The following are the legal descriptions for the parcels, as provided by the Flagler County Property Appraiser's Office:

Parcel ID #22-12-31-0000-01010-0011

Flagler Beach, Florida 32136

Owner – Venture 8, LLC

202.10 AC DES AS LYING IN SEC 22 & 27 POR NW CRNR SEC 27 THENCE N885125E - 883.13' TO A POINT ON THE ELY ROW I-95 THENCE S182014E - 122', THENCE ALONG A CURVER=499.93'-L=102.2 6' TO THE LEFT TO POB THENCE ALONG A CURVE R=499.93', L= 113.77' TO THE LEFT N6

Parcel ID #26-12-31-0000-01010-0010

Flagler Beach, Florida 32136

Owner – Venture 8, LLC

16.02 ACRES BEG 660.09 FEET NORTH OF SW S CRNR N88.5954E 968.75 FT TO OKR N ALONG OKR CURVE 422.04 & 951.92 FT ALONG OKR, S60.4706W TO W S LNE S ALONG S LINE TO POB OR 514 PG 518 OR 599 PG 1078 (EXC 614' ON WEST SIDE OKR, 374.34'DEEP ON N & S OR 600 PG 54

Parcel ID #27-12-31-0000-01010-0000

Flagler Beach, Florida 32136

Owner – Venture 8, LLC

0030.16 ACRES BOOK 42 PAGE 60 OR 387 PG 157, OR 391 PG 155, 156 OR 595 PG 981 OR 1154 /390 OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

Parcel ID #27-12-31-0000-01010-0030

Flagler Beach, Florida 32136
Owner – Venture 8, LLC

165.70 AC POR BEING THE NE CRNR OF SEC 34 THENCE NW ALONG W LINE SEC 26 660.09', SW 333.37' TO POB THENCE SW 1767.69', SE 1076.23', SW 1236.63' TO THE ELY BOUNDARY OF A 100' STRIP THAT RUNS ALONG THE ELY ROW I-95 THENCE CONTINUE NW ALONG ELY BOUNDARY OF 1

Parcel ID #27-12-31-0000-01020-0010

Flagler Beach, Florida 32136
Owner – Venture 8, LLC

18.22 ACRES BEGIN 660.09 FT N OF SE CORNER, S88.4004W 333.37 FT. N29.1554W 1083. FT, N60.4706E TO E SECT LINE, THENCE S ALONG SECTION LINE TO POB OR 514 PG 518 OR 599 PG 1078 OR 1154 PG 425 OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

Parcel ID #27-12-31-0000-01020-0020

Flagler Beach, Florida 32136
Owner – Venture 8, LLC

4.42 AC BEING A 100' STRIP LYING ALONG E ROW I-95 (EXCEPT 0.28 AC IN THE NAME OF BULOW CREEK) OR 1148/688 OR 1808/951 OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

Parcel ID #27-12-31-0000-01020-0030

Flagler Beach, Florida 32136
Owner – Venture 8, LLC

7.71 AC DESC AS A 100' STRIP LYING ALONG ELY ROW I-95 POR BEING THE NW CRNR SEC 27 THENCE N88.5125E - 883.13' TO A POINT ON THE ELY ROW I-95 THENCE S ALONG SAID ROW 122' TO POB THENCE ALONG A CURVE R=499.93', L=102.26' ALONG A CURVE TO THE LEFT THENCE S18

Parcel ID #34-12-31-0650-000D0-0072

Flagler Beach, Florida 32136
Owner – Venture 8, LLC

3.58 AC BEING A 100' STRIP LYING ALONG THE ELY ROW I-95 (EXCEPT 0.32 AC PIECE IN THE NAME OF BULOW CREEK) OR 1148/688 OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

Parcel ID #34-12-31-0650-000D0-0080

Flagler Beach, Florida 32136

Owner – Venture 8, LLC

0138.35 AC BUNNELL DEV CO SUBD OR 1 PG 137 LESS I-95 R/W OR 20 PG 412 OR 391 PG 155 OR 387 PG 156/157 OR 595 PG 981 OR 1154/390 (EX 2.13AC IN EAGLE LAKES SUB MB 36 PG 10) OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

Parcel ID #35-12-31-0000-02010-0040

Flagler Beach, Florida 32136

Owner – Venture 8, LLC

24.91 AC DESC AS PARCEL LYING WEST OF EAGLE LAKES SUBD MB 36 PG 10 LYING 195'+- SOUTH OF N 35 SEC LINE, 3058'+- ALONG WLY BOUNDARY SEC 35, NLY BOUNDARY OF PARCEL 550'+- OR 1154/390 OR 1808/951 OR 1908/123 OR 1915/205-AMD CT

2.2 Site and Vicinity General Characteristics

2.2.1 Current Uses of the Subject Site and Adjoining Properties

In general, the subject site is situated in a long-time agricultural use area, which has been slowly transitioning for residential developments. Historically the area appears to have been comprised mostly of undeveloped lands until the mid-1950s when conversions for agricultural uses for timber production and assumed cattle operations began to appear. Larger-scale residential development began to appear in the area in the 1960s and has continued since that time. The Interstate 95 right-of-way was constructed in the 1960s. Since that time, area roadways and residential developments have dominated the area, with a decline in agricultural uses. Currently, the general area is a mixture of larger-scale residential development uses, agricultural uses for pasturelands and pine plantations and large areas of undeveloped lands and covered by natural vegetation. At the time of the site investigation the vast majority of the subject property appeared as agricultural lands in use for pasture. Located throughout the site were natural wetland areas, excavated ponds/borrow pits and drainage ditching. The only structures identified on the site during the investigation conducted included a shed and a portable storage container, both located within the east-central portion of the site. Other improvements noted on the site included earthen trails, a cattle corral, cattle feeding and watering station/troughs and fencing with gates. Currently adjoining the subject property are lands associated with residential subdivisions (east, southeast and west), lands associated with warehouse/office facilities (east), lands associated with a communications tower facility (southeast), lands associated with a municipal tank farm (east), agricultural lands in use for timber production (north and south), undeveloped lands covered by natural

vegetation (east), lands associated with a drainage canal (south) and the Interstate 95 (west) and Old Kings Road South (east) rights-of-way.

2.2.2 Soils

According to the SSURGO Soils Map of Flagler County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), 13 soil types occur within the subject property boundaries (Figure 2). The following presents a brief description of these soil types mapped for the property:

Samsula and Hontoon soils, depressional (#3) is a very deep, nearly level, very poorly drained soil located in depressions on the flatwoods. Slopes are smooth to concave. The surface layer of Samsula soil is muck about 31 inches thick. It is dark reddish brown in the upper 10 inches and black in the lower 21 inches. The muck layer of Hontoon soil is more than 80 inches thick. It is dark reddish brown in the upper 25 inches and black in the lower 55 inches. The undrained areas of this map unit are ponded for 6 months or more. The water table is ponded as much as 24 inches above this surface, except during long dry periods. Permeability of the Samsula and Hontoon soils is rapid.

Hicoria, Riviera and Gator soils, depressional (#8) are very deep, nearly level, poorly drained soils found in depressions on the flatwoods. Slopes are concave. The surface layer of Hicoria soil is black mucky fine sand in the upper 10 inches and very dark gray fine sand in the lower 10 inches. The subsurface layer is dark gray fine sand to a depth of 32 inches. The surface layer of Riviera soil is very dark gray fine sand about 3 inches thick. The subsurface layer is grayish brown fine and to a depth of 22 inches. The surface layer of Gator soil is muck about 26 inches thick. The upper part is black, and the lower part is very dark gray. The underlying material is dark grayish brown fine sandy loam to a depth of about 29 inches. The undrained areas of this map unit are ponded, and as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods. Permeability is slow and moderately slow in Hicoria soil, and slow and very slow in Riviera and Gator soils.

Winder fine sand, 0 to 2 percent slopes (#10) is a very deep, nearly level, poorly drained soil found on low flatwood areas. Slopes are smooth to concave. The surface layer of this soil type is very dark gray fine sand about 7 inches thick. The subsurface layer is grayish brown fine sand about 5 inches thick. The upper part of the subsoil is grayish brown sandy loam to a depth of 25 inches. The water table is within a depth of 6 inches for 2 to 6 months. Permeability is slow or very slow.

Myakka-Myakka, wet, fine sand, 0 to 2 percent slopes (#11) is a very deep, nearly level, poorly drained soil found on broad flatwood areas. Slopes are smooth to convex. The surface layer of this soil type is black fine sand about 6 inches thick. The subsurface layer is black fine sand to a depth of 19 inches. The subsoil, to a depth of about 31 inches, is black fine sand in the upper part and dark reddish brown fine sand in the lower part. The water table is at a depth of 6 to 18 inches for 1 to 4 months during the wet season, and at a depth of 10 to 40 inches for more than 6 months. Permeability is moderately slow to moderately rapid.

Placid, Basinger, and St. Johns soils, depressional (#12) are very deep, nearly level, very poorly drained soils that are located in depressions on the flatwoods. Slopes are concave. The surface layer of the Placid soil is fine sand about 15 inches thick. It is black in the upper 8 inches and very dark gray in the lower 7 inches. The surface layer of Basinger soil is black fine sand about 2 inches thick. The subsurface layer is about 27 inches thick. It is light gray fine sand in the upper part and grayish brown fine sand in the lower part. The surface layer of the St. Johns soils is black fine sand about 10 inches thick. The subsurface layer is gray fine sand about 15 inches thick. The undrained areas of this map unit are ponded for more than 6 months, and the water table is as much as 2 feet above the surface. Permeability is rapid in the Placid and Basinger soils and moderately slow or moderate in the St. Johns soil.

Immokalee fine sand, 0 to 2 percent slopes (#13) is very deep, nearly level, poorly drained soil on broad flats and low knolls on the flatwoods. Slopes are smooth to convex. The surface layer is black fine sand about 5 inches thick and the subsurface layer is light brownish gray fine sand about 34 inches thick. The water table is at a depth of 6 to 18 inches for about 2 months and is at a depth of 10 to 40 inches for more than 8 months. During extended dry periods, it recedes to a depth of more than 40 inches.

Pomello fine sand, 0 to 5 percent slopes (#15) is very deep, nearly level to gently sloping, moderately well drained soil on low ridges and knolls on the flatwoods and coastal ridge. Slopes are smooth to convex. The surface layer is dark gray fine sand about 5 inches thick. The subsurface layer is light gray fine sand about 36 inches thick. The water table is at a depth of 24 to 42 inches for 1 to 4 months. Permeability is moderately rapid and available water capacity is low.

Valkaria fine sand, 0 to 2 percent slopes (#19) is a very deep, nearly level, poorly drained soil found on low broad flats and in sloughs connecting depressions. Slopes are smooth to concave. The surface layer of this soil type is dark gray fine sand about 6 inches thick. The subsurface layer is light gray fine sand about 11 inches thick. The water table is at a depth of 0 to 6 inches for 2 to 6

months. It is at the surface for a few days to several weeks, and it is at a depth of 10 to 40 inches during dry periods.

Smyrna fine sand, 0 to 2 percent slopes (#21) is very deep, nearly level drained soil on the flatwoods. Individual areas are broad to narrow and irregular in shape. Slopes are smooth. The surface layer is black fine sand about 4 inches thick. The subsurface layer is gray fine sand about 9 inches thick. The subsoil is dark reddish brown fine sand to a depth of 21 inches. The water table is at a depth of 6 to 18 inches for 1 to 4 months during most wet seasons in most years. It is at a depth of 10 to 40 inches for more than 6 months. Permeability is moderate and available water capacity is low.

Astatula fine sand, 0 to 8 percent slopes (#22) is very deep, nearly level to sloping, excessively drained soil is on ridges and knolls on the flatwoods and coastal ridges near the Atlantic Ocean. Slopes are convex. The surface layer is dark grayish brown fine sand about 7 inches thick. The underlying material is very pale brown fine sand to a depth of 80 inches. Some areas contain soils that are similar to the Astatula soil but have a light-colored subsurface layer. The water table is at a depth of more than 72 inches in most years. Permeability is very rapid and available water capacity is very low.

Cassia fine sand, 0 to 2 percent slopes (#27) is a very deep, nearly level, somewhat poorly drained soil located on low ridges and knolls on the flatwoods. Slopes are convex. The surface layer is very dark gray fine sand about 5 inches thick. The subsurface layer is gray and white fine sand about 21 inches thick. The subsoil, to a depth of 42 inches, is very dark brown fine sand in the upper 10 inches and dark yellowish brown fine sand in the lower 6 inches. The water table is at a depth of 18 to 42 inches for about 6 months. It can recede to a depth of more than 42 inches during prolonged dry periods. Permeability is moderate and available water capacity is low.

Pits (#30) consist of excavated areas from which soil and geologic material was removed for use mainly in road construction and as fill material. These areas are commonly called borrow pits. Most of the areas have been excavated to a depth of 6 feet or more. Included in mapping is spoil material, which is mostly a mixture of sand, sandy loam, shell fragments, and coquina limestone that has been scattered around the edge of the pits.

Paola fine sand, 0 to 8 percent slopes (#38) is nearly level to sloping, excessively drained soil on dunelike high knolls and ridges on the flatwoods and coastal ridges. Slopes are convex. The surface layer is gray fine sand about 6 inches thick. The subsurface layer is white fine sand, about 10 inches thick, that tongues into the underlying horizon. The subsoil is yellowish brown fine sand to a depth of 31 inches. The water table is below a depth of 72 inches. Permeability is very rapid and available water capacity is very low.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components in the Samsula and Hontoon soils, depressional (#3), Hicoria, Riviera and Gator soils, depressional (#8), Winder fine sand, 0 to 2 percent slopes (#10), Placid, Basinger, and St. Johns soils, depressional (#12), Valkaria fine sand, 0 to 2 percent slopes (#19) and Pits (#30) soil types associated with the subject property to be hydric. The FAESS also considers inclusions present in the Samsula and Hontoon soils, depressional (#3), Hicoria, Riviera and Gator soils, depressional (#8), Winder fine sand, 0 to 2 percent slopes (#10), Myakka-Myakka, wet, fine sand, 0 to 2 percent slopes (#11), Placid, Basinger, and St. Johns soils, depressional (#12), Immokalee fine sand, 0 to 2 percent slopes (#13), Valkaria fine sand, 0 to 2 percent slopes (#19) and Smyrna fine sand, 0 to 2 percent slopes (#21) soil types associated with the subject property to be hydric.

2.2.3 Topography

Based upon a review of the USGS Topographic Map presented in Figure 3 (Flagler Beach West, Florida Quadrangle – 1956/Photorevised 1993), the subject site appears relatively flat, occurring at elevations between +30 and +20 feet above the National Geodetic Vertical Datum of 1929 (NGVD). In general, it would appear that the subject site slopes gradually to the north, in the direction of on- and off-site wetlands and surface waters associated with Bulow Creek.

2.3 Purpose

The purpose of this Phase I ESA was to identify RECs associated with the subject site. A REC, as defined by the ASTM International Standard Practice E 1527-13 for Phase I ESAs, refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not RECs. For the purposes of this assessment, a “release” is identified as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutant or contaminant). The term “environment” includes (A) the

navigable waters, the waters of contiguous zone, and the ocean waters and (B) any other surface water, groundwater, drinking water supply, land surface or subsurface strata.

An HREC is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (e.g., property use restrictions, activity and use limitations [AULs], institutional controls, or engineering controls). A CREC is a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (e.g., as evidenced by the issuance of a No Further Action [NFA] letter or equivalent, or meeting risk-based criteria established by regulatory agencies), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g., property use restrictions, AULs, institutional controls, or engineering controls). *De minimis* conditions generally would not present material risk of harm to public health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. *De minimis* conditions are not RECs.

This Phase I ESA was performed in general accordance with ASTM International Standard Practice E 1527-13 for Phase I ESAs utilizing methods and procedures consistent with good commercial or customary practice. The independent conclusions represent our best professional judgment based on information and data available to us during the course of this assessment and on the conditions that existed and information available at the time of the assessment.

2.4 Scope of Services

The Phase I ESA was requested as part of the user's due diligence process associated with a potential commercial real estate transaction (land purchase for future residential development). It is assumed it will be utilized to assess the environmental condition of the property for reasons of qualifying for one of the *Landowner Liability Protections* (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "*Brownfields Amendments*"). As the Phase I ESA was conducted in general compliance with the scope and instructions of ASTM E 1527-13, it should constitute "All Appropriate Inquiry" into the previous ownership and uses of the property consistent with good commercial or customary practice.

To achieve the stated purpose, the following services were performed by BTC for this assessment:

- Physical characteristics and uses of the subject property and adjoining lands were reviewed.

- Review of standard environmental record sources maintained by federal, state, local and tribal agencies to identify sites that could have the potential to impact the environmental quality of the subject property were reviewed. Governmental agency information is collected and compiled by a contracted data research company. The data research company report is based on a radius search which focuses both on the subject property and neighboring lands which may have impacted the site.
- The site history was reviewed in an attempt to identify possible property ownership and/or uses that would suggest an impact to the environmental integrity of the property. This is performed through review of reasonably ascertainable land title records and standard historical sources.
- A site reconnaissance was performed to visually and physically inspect the subject property. This includes a visual inspection of the portions of adjoining properties visible from the subject site and public thoroughfares.
- Interviews were conducted, when possible, with individuals and local government representatives considered likely to know useful information regarding the subject property and adjoining properties.
- A report was prepared, which included the results of our investigation, our findings, opinions, and conclusions, and a discussion of any data gaps encountered.

2.5 Significant Assumptions

The following notable assumptions were made through the course of this assessment:

- Information provided to BTC by the user of this assessment and owner of the site has been assumed to be correct and complete.
- It is assumed the site was undeveloped and vacant, only associated with drainage ditching and possibly associated with rangeland use, at the time of the 1943 historical aerial photograph reviewed by BTC as part of this assessment.

2.6 Limitations and Exceptions of Assessment

This Phase I ESA was conducted in a manner consistent with that level of care and skill exercised by members of the profession currently practicing under similar conditions, and was based upon the information made available to BTC at the time of this assessment. This Phase I ESA is strictly limited to the scope of services listed in Section 2.4. The Environmental Professional did not evaluate the site for conditions relating to asbestos containing building materials, biological agents, cultural and historical resources, ecological resources, endangered species, health and safety, indoor air quality/vapor intrusion (unrelated to releases of hazardous substances or petroleum products into the

environment), industrial hygiene, lead-based paint, lead in drinking water, mold, radon, regulatory compliance and wetlands.

As stated in ASTM E 1527-13, the user or environmental professional is not obligated to identify, obtain, or review every possible record that might exist with respect to a property; it is only necessary to review record information that is reasonably ascertainable from standard sources. Such information is publicly available, obtainable within reasonable time and cost constraints, and practically reviewable.

A Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with a property. As noted by the legal analysis in ASTM E 1527-13, there may be environmental issues or conditions at a property that parties may wish to assess in connection with commercial real estate that are outside the scope of this practice. Also, some substances may be present on a property in quantities and under conditions that may lead to contamination of the property or of nearby properties but are not included in Comprehensive Environmental Response, Compensation, and Liability Act's (CERCLA) definition of hazardous substances. It is therefore recognized that the possibility exists that some hazardous substances or wastes may not be detected because it is beyond the level of inquiry for this type of study.

At the time of the site investigation the vast majority of the subject property appeared as agricultural lands in use for pasture. Located throughout the site were natural wetland areas, excavated ponds/borrow pits and drainage ditching. The only structures identified on the site during the investigation conducted included a shed and a portable storage container, both located within the east-central portion of the site. Other improvements noted on the site included earthen trails, a cattle corral, cattle feeding and watering station/troughs and fencing with gates. All areas located within the subject property boundaries were accessible allowing a full and complete investigation of the site as described herein.

2.7 Special Terms and Conditions

This report, and the information contained herein, shall be the sole property of BTC until payment of any unpaid balance is made in full. Kolter Land Partners, LLC, hereinafter referred to as the User of this Phase I ESA report, agrees that until payment is made in full, the User shall not have proprietary interest in this report or the information contained herein. BTC shall have absolute right to request the return of any and all copies of this report submitted to other parties, public or private, on behalf of the User in the event of nonpayment of outstanding fees by the User.

2.8 Deviations

This Phase I ESA did not delete or deviate from ASTM E 1527-13.

2.9 User Reliance

This Phase I ESA report was prepared for use by the following entities:

- Kolter Land Partners, LLC and related assigns

No other parties are authorized to rely on this report without express written permission from BTC.

SECTION 3.0

USER PROVIDED INFORMATION

In order to qualify for one of the Landowner Liability Protections (LLPs) to CERCLA liability, the user of a Phase I ESA must provide specific information (if available) to the environmental professional (EP) conducting the assessment. This task is intended to help identify the possibility of RECs in connection with the subject property. Failure of the user to provide this information could result in a determination the “All Appropriate Inquiry” is not complete. In order to help comply with this requirement, BTC provided the user of the report, Kolter Land Partners, LLC, a User Questionnaire (Appendix A). This questionnaire was provided to Mr. Eric L. Morrisette, Vice President of Land Acquisition for Kolter Land Partners, LLC. The following provides a summary of the user provided responses to the questionnaire:

3.1 Environmental Liens or Activity and Use Limitations

An environmental lien is defined as a charge, security or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property. Activity and Use Limitations (AULs) collectively are institutional (legal) restrictions and engineering (physical) controls, put in place to prevent adverse impacts to individuals and populations resulting from exposure to hazardous substances and petroleum products.

It is the user's responsibility to check, or engage a title company or title professional to check ascertainable, recorded land title records for environmental liens and AULs, if any, that are currently recorded against the property. Any environmental liens or AULs so identified shall be reported.

Based on responses by Mr. Morrisette of Kolter Land Partners, LLC to the User Questionnaire, the user of the Phase I ESA is unaware of any environmental liens or AULs associated with the subject property.

3.2 Specialized Knowledge

Based on Mr. Morrisette's response to the User Questionnaire, the user of the Phase I ESA has no specialized knowledge regarding the past or present uses of the subject property or immediately adjoining lands that is material to RECs in connection with this assessment.

3.3 Valuation Reduction for Environmental Issues

BTC was not informed of a valuation reduction for environmental issues. Based on Mr. Morrisette's response to the User Questionnaire, the purchase price of the lands reasonably reflects the fair market value of the property.

3.4 Commonly Known or Reasonably Ascertainable Information

Based on Mr. Morrisette's responses to the User Questionnaire, the user of the Phase I ESA is aware of past uses of the property for pasture and borrow pit operations. The user is unaware of any past or present chemical use or storage on the site, any spills or chemical releases that have occurred on the parcel or any environmental cleanups that have taken place at the property. As such, it appears the user is unaware of any commonly known or reasonably ascertainable information within the local community about the site that is material to RECs in connection with this assessment.

3.5 Obvious Indicators of Releases

Based on Mr. Morrisette's responses to the User Questionnaire, the user of this assessment did not know of any obvious indicators that point to the presence or likely presence of contamination at the subject property.

3.6 Reason for Performing Phase I ESA

Based on Mr. Morrisette's response to the User Questionnaire, this Phase I ESA was requested as part of the user's due diligence process associated with a potential commercial real estate transaction (land purchase for future residential development). It is assumed it will be utilized to assess the environmental condition of the subject property for reasons of qualifying for the innocent landowner defense to CERCLA liability.

3.7 Title Records

No historical ownership (chain-of-title) information for the subject property was provided to BTC by the user of this assessment. Based on a review of available historical aerial photographs (dating from 1943 through 2020), as well as information gathered via interviews and during our site visit, it appears that past/present owners of the subject lands, to at least the early 1940s, have only used the property for agricultural purposes for timber production and pasture and as borrow parcel lands for area construction activities. Based on this information, it appears that no past owners of the subject lands represented entities of heavy industrial, chemical production, or waste disposal repositories.

Please note that properties occurring in areas with a historic use focused on cattle ranching during the period 1906 to 1961 may include, or be in close proximity, to a historic cattle dip vat. Failure to provide chain of title information limits the environmental professional's ability to cross-reference past ownership of the subject property with the State's list of historic cattle dip vat locations.

SECTION 4.0 RECORDS REVIEW

As a component part of our Phase I ESA investigations, reasonably ascertainable standard Federal, State and Tribal environmental records are reviewed. In addition, historical record sources such as aerial photographs, ascertainable Sanborn Fire Insurance Maps, City Directories and topographic maps are reviewed. The purpose of the records review is to obtain and review records that will help identify potential RECs in connection with the subject site. The following sections detail these activities.

4.1 Standard Federal and State Environmental Records

BTC reviewed standard environmental record sources, consisting of Federal, State and Tribal environmental databases compiled by Environmental Data Resources, Inc. (EDR) of Shelton Connecticut. The complete regulatory database report provided by EDR (Report #6531158.2s) is included with this report as Appendix B. Each database has a corresponding search radius as specified by ASTM E 1527-13. Facilities identified to be within this search radius are listed within this subsection. BTC also reviewed unmappable sites, which cannot be precisely located, generally due to inaccurate or missing location information in the record provided by the agency. Any unmappable site identified to be located within its applicable search radius of the site is discussed in the relevant section below.

The following table summarizes the databases reviewed, their ASTM search radii and the number of facilities identified in the environmental database review. Supporting information for each database is provided in the sections referenced. Additionally, database descriptions are included in the attached database report.

ENVIRONMENTAL RECORD SOURCES	ASTM Search Distance (miles)	Listings within Search Distance	Reference Section
Standard Federal Sources			
Federal NPL Site List	1.0	0	4.1.1
Federal Delisted NPL Site List	0.5	0	4.1.1
Federal CERCLIS List/Superfund Enterprise Management System (SEMS)	0.5	0	4.1.2
Federal CERCLIS-NFRAP Site List	0.5	0	4.1.3
Federal RCRA-CORRACTS Facilities List	1.0	0	4.1.4
Federal RCRA-Non CORRACTS TSD Facilities List	0.5	0	4.1.5
Federal RCRA-Generators List	Target and Adjoining Properties	0 0 (Non-Gen)	4.1.6

Federal Institutional Controls/Engineering Controls Registries	Property Only	0	4.1.7
Federal ERNS List	Property Only	0	4.1.8
Standard State and Tribal Sources			
State and Tribal Hazardous Waste Sites (SHWS) – CERCLIS equivalent	0.5	0	4.1.9
State and Tribal Solid Waste/Landfill Facilities (SWF/LF)	0.5	0	4.1.10
State and Tribal Leaking Underground Storage Tank Sites (LUST)	0.5	0	4.1.11
State Registered Underground Storage Tank and Aboveground Storage Tank Lists (AST and UST)	Target and Adjoining Properties	0	4.1.12
State and Tribal Institutional Control/Engineering Control Registries	Property Only	0	4.1.13
State and Tribal Voluntary Cleanup Sites (VCP)	0.5	0	4.1.14
State and Tribal Brownfields Areas/Sites	0.5	1	4.1.15
Additional Environmental Records			
State Dry-cleaning Facilities (DRYCLEANERS)	0.25	0	4.1.16
State Dry-cleaning Priority Ranking List (PRIORITYCLEANERS)	0.5	0	4.1.17
State Delineated Areas - Ethylene Dibromide (DEDB) Database	0.5	0	4.1.18
Florida Cattle Dip Vat Sites	0.25	0	4.1.19
Unmappable Sites		0	4.1.20

4.1.1 Federal National Priorities List (NPL) and Delisted NPL

The NPL itemizes facilities and/or locations with confirmed environmental contamination. The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. The Delisted NPL identifies sites where no further response has been deemed appropriate.

There were no NPL sites identified within one mile of the subject site and no Delisted NPL sites identified within one-half mile of the subject property.

4.1.2 Federal CERCLIS List/Superfund Enterprise Management System (SEMS)

The U.S. Environmental Protection Agency (USEPA) renamed the CERCLIS list to Superfund Enterprise Management System (SEMS) in 2015. The SEMS contains data on potential hazardous waste sites that have been reported to the

USEPA by states, municipalities, private companies and private persons pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The SEMS contains sites which are either proposed for inclusion on the National Priorities List (NPL) or are in the screening and assessment phase for possible inclusion on the NPL. A listing in the SEMS does not always indicate the presence of contamination, only that the site is being investigated.

There were no CERCLIS/SEMS sites identified within one-half mile of the subject property.

4.1.3 Federal CERCLIS No Further Remedial Action Planned (NFRAP)

The CERCLIS NFRAP is an identification of those facilities and/or locations which have been removed from the EPA inventory of potential and confirmed hazardous waste sites (CERCLIS sites). This database was created in an effort to help cities, states, private investors and affected citizens promote economic redevelopment.

There were no CERCLIS NFRAP sites identified within one-half mile of the subject property.

4.1.4 Federal Resource Conservation and Recovery Act Information System (RCRA) – CORRACTS Facilities List

The RCRA-CORRACTS list identifies hazardous waste handlers with RCRA corrective action activity.

There were no CORRACTS (corrective action) sites identified within one mile of the subject property.

4.1.5 Federal RCRA – Non-CORRACTS TSD Sites

The RCRA-TSD list identifies facilities and/or locations that are associated with the treating, storing or disposal of hazardous substances or waste. The facilities listed in the TSD list are potential sources of contamination although no release has necessarily been reported at these sites.

There were no Non-CORRACTS TSD (treatment, storage & disposal) sites identified within one-half mile of the subject property.

4.1.6 Federal RCRA – Generator Sites

The RCRA-Generators list identifies facilities and/or locations associated with the handling, storing or transporting hazardous substances or waste. The facilities listed in the RCRA-Generators list are potential sources of contamination although no release has necessarily been reported at these sites.

Neither the subject property nor immediately adjoining properties are identified as RCRA Generator sites in the available radius information.

4.1.7 Federal Institutional Control/Engineering Control Registries

The Institutional Control and Engineering Control Registries are listings of sites with institutional or engineering controls in place. Institutional controls include administrative measures and post remediation care requirements intended to prevent exposure to contaminants remaining on a site. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

The subject property is not identified in association with any Federal institutional and/or engineering controls.

4.1.8 Federal Emergency Response Notification System (ERNS)

The ERNS lists information on releases of petroleum products and hazardous waste. The ERNS list identifies those facilities and/or locations that have been reported to the USEPA under the Emergency Response Notification System because of the release of potentially hazardous material.

The subject property is not identified as an ERNS site.

4.1.9 State Hazardous Waste Sites (SHWS)

The State Hazardous Waste Sites List (SHWS) is the State equivalent to the CERCLIS list. These sites may or may not already be listed on the Federal CERCLIS list.

There were no SHWS sites identified within one-half mile of the subject property.

4.1.10 State Solid Waste/Landfill Facilities (SWF/LF)

The SWF/LF list includes facilities and/or locations identified with the handling or land filling of solid waste. Inclusion of a site on the SWF list does not indicate that contamination has been reported, but rather that there is the potential.

There were no SWF/LF sites identified within one-half mile of the subject property.

4.1.11 State Leaking Underground Storage Tanks (LUST)

The State Leaking Underground Storage Tank (LUST) list was screened via the Florida Department of Environmental Protection's (FDEP's) Division of Waste Management OCULUS System. The LUST list includes specifically those sites that have reported incidences of leaks or discharges associated with underground storage tanks (USTs).

There were no LUST sites identified within one-half mile of the subject property.

4.1.12 State and Tribal Registered Storage Tank Lists (AST/UST)

The State and Tribal Registered Storage Tank lists include all facilities and/or locations that are required by Florida Administrative Code (F.A.C.) to register aboveground storage tanks (ASTs) and underground storage tanks (USTs). Inclusion on these lists does not indicate that a release of petroleum product has occurred, but rather that there is the potential for a release. The AST and UST registries were screened via the FDEP's OCULUS System.

Neither the subject property nor adjoining properties are identified as being associated with registered ASTs or USTs.

4.1.13 State Institutional Control/Engineering Control Registries

The Institutional Control and Engineering Control Registries are listings of contaminated sites in the State which are subject to institutional or engineering controls. Institutional controls include administrative measures and post remediation care requirements intended to prevent exposure to contaminants remaining on a site. Engineering controls encompass a variety of engineered remedies to contain and/or reduce contamination, and/or physical barriers intended to limit access to a property.

The subject property is not identified in association with any State institutional and/or engineering controls.

4.1.14 State Voluntary Cleanup Sites (VCP)

The VCP database lists facilities and/or locations that are associated with voluntary cleanup activities.

There were no VCP sites identified within one-half mile of the subject property.

4.1.15 State Brownfields Areas/Sites

Brownfields are defined by the FDEP as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. The primary goals of Florida's Brownfields Redevelopment Act (Ch. 97-277, Laws of Florida, codified at ss. 376.77-.85, F.S.) are to reduce health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards and create financial and regulatory incentives to encourage redevelopment and voluntary cleanup of contaminated properties. A "brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, that has been designated as such by a local government resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and USEPA designated brownfield pilot projects.

There was one (1) State Brownfields Area/Site identified within one-half mile of the subject property. This adjoining State Brownfields listing is reported as follows:

- **Flagler Economic Enhancement Districts**
Palm Coast, Florida 32812
Adjoining Property N (cross-gradient)
Area ID: BF181001000

The Flagler Economic Enhancement Districts Brownfields listing was designated on May 4, 2015, to include adjoining/area lands to the north and northwest.

4.1.16 State Dry-cleaning Facilities (DRYCLEANERS)

The DRYCLEANERS database includes information about permitted dry cleaner facilities. A listing on the DRYCLEANERS database does not indicate that a release has occurred, but rather that there is the potential for a release.

There were no DRYCLEANERS sites identified within one-quarter mile of the subject property.

4.1.17 State Dry-cleaner Priority Ranking List (PRIORITYCLEANERS)

The PRIORITYCLEANERS database is a listing of all facilities that have applied for a state funded program which aids in the cleanup of properties that are contaminated as a result of the operations of a dry-cleaning facility or wholesale supply facility. A listing on PRIORITYCLEANERS indicates that a release has occurred, although the quantity released may not pose a threat to either the releasing facility or to surrounding properties.

There were no PRIORITYCLEANERS sites identified within one-half mile of the subject property.

4.1.18 State Delineated Areas - Ethylene Dibromide (DEDB) Database

Ethylene Dibromide (EDB) is a carcinogenic compound determined by the USEPA to have the potential to produce adverse health effects from prolonged consumption. EDB was used as a soil fumigant between 1962 and 1983 to control nematodes on citrus groves, golf courses and some other crops such as peanuts and soybean. It also was an additive to leaded gasoline from the 1920s until leaded gasoline was phased out in the 1980s. Subsequently, EDB was identified as a carcinogen and as a groundwater contaminant associated with older leaking underground storage tank sites (LUSTs), as well as with certain historical agricultural lands.

The FDEP now delineates areas of EDB contamination, which are codified under Chapter 62-524, F.A.C. Although EDB sites have been confirmed in twenty-two (22) Florida counties, most of the sites are located in five (5) counties: Highlands, Jackson, Lake, Orange and Polk. The Delineated Areas-Ethylene Dibromide database (DEDB) identifies those locations where the FDEP has delineated a 1000-foot setback zone from a confirmed EDB-contaminated groundwater well or in areas where EDB was historically applied, but for which groundwater quality data is limited. While a review of this database is not required specifically by the ASTM standard, an investigation of this information is considered good commercial and customary practice in Florida, particularly in historic citrus growing areas [or the five (5) aforementioned counties], out to a radius of one-half mile from a subject property.

There were no DEDB test sites identified within one-half mile of the subject property in the available radius information. In order to further assess the potential for EDB to have affected the subject property, a review of FDEP Groundwater Contamination Areas data was conducted as part of this assessment. This review did

not identify the subject property as being located within a known historical EDB application area, pursuant to Chapter 62-524, F.A.C., New Potable Water Well Permitting in Delineated Areas.

4.1.19 Florida Cattle Dip Vat Sites

The State Cattle Dip Vat database lists the known locations of historic cattle dip vats. According to the Florida Department of Health, approximately 3,400 cattle-dipping vats were constructed on private properties throughout Florida from 1906 through 1962. These vats were used in an effort to eradicate cattle fever ticks, and State law required that all cattle, horses, mules, goats, and other susceptible animals be dipped every fourteen (14) days. The vats contained insecticide solutions that were mixed on site and therefore, most were located near a water source. The sites consisted of a concrete trough, typically measuring 30-feet long, 3-feet wide and up to 7-feet deep, with a drip pad at the exit and a drip pen beyond the pad.

It is now known that the solutions used in these cattle-dipping vats are harmful to humans and areas with the vats may have contaminated soils and groundwater in their vicinity. The most significant contaminant of concern at cattle dip vat locations is arsenic, although other potential contaminants include BHC, DDT, DDE and toxaphene. The original State records typically identified vat locations descriptively or by property owner and did not include an address or map location.

Consequently, while 62 cattle dip vats are listed as having been constructed in Flagler County, none of them has been mapped in recent years. Hence, properties located in areas with an historic land use of cattle ranching may have or be in close proximity to an historic cattle dip vat.

There were no cattle dip vat sites identified within one-quarter mile of the subject property in the available radius report.

4.1.20 Unmappable Sites

BTC reviewed the EDR Orphan Summary (unmapped sites included in databases) as part of this assessment. Unmappable sites are those for which inadequate location information exists (i.e. no definitive street address, zip code or latitude/longitude data) for a practical review. There were 18 orphan sites listed in the radius report obtained for the site. Upon further review of the 18 sites, none were determined to be within close proximity of the subject property or significant to this assessment.

4.2 Additional Environmental Records Sources

All of the record sources reviewed as part of this assessment were described above. No additional sources were considered in this study.

4.3 Historical Use Information - Subject and Adjoining Properties

4.3.1 Historical Aerial Photographs

The land use history of the subject site and adjoining lands was determined, in part, through analysis of historical aerial photographs dating from 1943 through 2020 (Appendix C). The aerials were obtained from the Florida Department of Transportation (FDOT) and the University of Florida (Publication of Archival, Library & Museum Materials - PALMM). The purpose of this review was to identify evidence of structures, objects, or disturbances at the site and surrounding areas which may indicate the presence of RECs at the time the aerial photographs were taken. Our observations are summarized below:

1943 Historical Aerial Photograph

The subject property appears as undeveloped lands covered by natural vegetation on the 1943 aerial photograph. Except for drainage ditching and earthen trails located within the site, there are no structures or other improvements evident on the property at this time. The site may be in use as rangelands at this time but there is no specific evidence of this potential use. Adjoining lands appear similar to the subject site (undeveloped lands covered by natural vegetation, drainage ditching and earthen trails) on the 1943 aerial photograph. Located on adjoining lands to the east at this time is a roadway within the current Old Kings Road South alignment.

1952 Historical Aerial Photograph

Except for the appearance of a drainage canal along the southwestern boundary of the subject property, no significant changes appear on the subject or immediately adjoining lands.

1958 Historical Aerial Photograph

Except for conversions for assumed pastureland use on the southeastern portion of the subject property, and on adjoining lands to the southeast, and the appearance of multiple structures on the eastern side of the adjoining pasturelands, no significant changes appear on the subject or immediately adjoining properties.

1969 Historical Aerial Photograph

Significant changes on the subject property by this time include the clearing of additional lands within the southeastern portion of the site and the excavation of a borrow pit within the northwestern portion of the property. Significant changes on immediately adjoining properties by this time include the clearing of additional lands and the appearance of additional structures southeast of the site, the construction of the Interstate 95 right-of-way to the west and the appearance of residential development on lands to the east. It appears that the southern portion of the subject property and adjoining lands to the southeast may be in use for a dairy farm at this time, with the off-site group of structures appearing to be the center of the operation. No other significant changes appear on the subject or immediately adjoining properties.

1970 Historical Aerial Photograph

Aside from some minor clearing within the east-central portion of the subject property, no significant changes appear on the subject or immediately adjoining properties.

1980 Historical Aerial Photograph

Except for some clearing within the northern portion of the subject property and on adjoining lands to the north, the appearance of a drainage ditch on adjoining lands to the north and the appearance of a neighborhood road network and single-family homesites on adjoining lands to the west, no significant changes appear on the subject or immediately adjoining properties.

1993 Historical Aerial Photograph

Except for the appearance of additional drainage features on the southern portion of the subject property, and on adjoining lands to the southeast, the appearance of excavated areas and structures on adjoining lands to the east and the appearance of additional single-family residences on adjoining lands to the west, no significant changes appear on the subject or immediately adjoining properties.

1999 Historical Aerial Photograph

Except for the appearance of excavated areas on the east-central and southern portions of the subject property, and on adjoining lands to the southeast, the enlargement of excavated areas on adjoining lands to the east and northeast, the appearance of a communications tower facility on adjoining lands to the southeast, the appearance of a neighborhood road network and single-family residences on adjoining lands to the east and the appearance of additional single-

family residences on adjoining lands to the west, no significant changes appear on the subject or immediately adjoining properties.

2002 Historical Aerial Photograph

Except for the enlargement of excavated areas within the east-central and southern portions of the subject property, and on adjoining lands to the southeast, east and northeast, the clearing of lands and appearance of structures on adjoining lands to the northeast and east and the appearance of additional single-family residences on adjoining lands to the east and west, no significant changes appear on the subject or immediately adjoining properties.

2005 Historical Aerial Photograph

Except for the continued enlargement of excavated areas within the east-central and southern portions of the subject property, and on adjoining lands to the southeast, east and northeast, the removal of structures from adjoining lands to the east and the appearance of additional single-family residences on adjoining lands to the east and west, no significant changes appear on the subject or immediately adjoining properties.

2008 Historical Aerial Photograph

Aside for apparent timber operations within the northern and central portions of the subject property, and on adjoining lands to the north, the appearance of a tank farm on adjoining lands to the east, some clearing of adjoining lands to the east, the commencement of construction of a residential development on adjoining lands to the southeast, apparent improvements to the Interstate 95 right-of-way and the appearance of additional single-family residences on adjoining lands to the east and west, no significant changes appear on the subject or immediately adjoining properties. The southern portion of the subject property and adjoining lands to the southeast no longer appear in use for a dairy farming operations and the off-site group of structures has been removed.

2011 Historical Aerial Photograph

Aside for the continuation of timber operations within the northern and central portions of the subject property, and on adjoining lands to the north, the excavation of a borrow pit within the east-central portion of the site, the continuation of construction of a residential development on adjoining lands to the southeast and the appearance of additional single-family residences on adjoining lands to the east and west, no significant changes appear on the subject or immediately adjoining properties.

2014 Historical Aerial Photograph

Except for some land clearing within the northern half of the subject property and the appearance of additional single-family residences on adjoining lands to the west, no significant changes appear on the subject or immediately adjoining properties.

2017 Historical Aerial Photograph

Except for the conversion of the majority of the uplands within the subject property for improved pastures, the appearance of a small structure at the current location of the shed within the east-central portion of the site and the appearance of additional single-family residences on adjoining lands to the southeast and west, no significant changes appear on the subject or immediately adjoining properties.

2020 Historical Aerial Photograph

Except for the appearance of additional single-family residences on adjoining lands to the southeast and west, no significant changes appear on the subject or immediately adjoining properties.

4.3.2 Historical Sanborn Maps

Sanborn Fire Insurance Maps were produced for the fire insurance industry from 1876 through 1961, with photo revisions continuing until 1975. These maps show buildings and their associated land uses down to parcel and lot within many U.S. towns and cities (mostly concentrated to urbanized areas). Therefore, these fire maps can be very useful in identifying potential environmental concerns associated with past land uses during periods prior to and overlapping with, the advent of aerial photography.

A search for Sanborn Fire Insurance Maps for the location in which the subject property is situated was not conducted, as it is known by BTC that this is an unmapped area.

4.3.3 Historical City Directory Information

Based on the positive identification of past uses of the subject property identified through interviews and review of historical aerial photographs (no developed uses other than for agricultural purposes for timber production and pasturelands along with borrow pit operations identified on-site), a search of available city directories was not conducted as part of this assessment.

4.3.4 Historical Topographic Maps

Based on historical topographic maps reviewed, it appears that no landmark structures existed on the subject property at the time of the publications for 1956, 1970, 1980, 1988 or 1993. Topographic maps did identify primitive roadways, drainage ditching and an excavated area within the property boundaries during these times. This is consistent with historical aerial photographs reviewed.

4.4 Physical Setting Characteristics

Based upon a review of the USGS Topographic Map presented in Figure 3 (Flagler Beach West, Florida Quadrangle – 1956/Photorevised 1993), the subject site appears relatively flat, occurring at elevations between +30 and +20 feet NGVD. In general, it would appear that the subject site slopes gradually to the north, in the direction of on- and off-site wetlands and surface waters associated with Bulow Creek.

4.4.1 Stormwater Drainage

It appears that run-off from the subject property drains to large wetland/surface water areas and drainage ditching located throughout the site. This flow eventually drain off-site to the north . Due to the relief which exists in the vicinity of the subject property, as well as physical and stormwater management features present in the area, off-site run-off likely enters the site from all directions except the north.

4.4.2 Groundwater

The groundwater hydrology of Central Florida can be described in terms of the nature and relationship of three basic aquifers – the surficial-, the intermediate-, and the Floridan aquifers.

The surficial aquifer is highly permeable and includes the local water table. In general, the sands of the surficial aquifer extend to depths of 40 to 70 feet. The surficial aquifer sits atop the much less permeable intermediate aquifer, consisting of the Hawthorn Group and various confining beds. The Hawthorn Group is characterized by low permeability clays and ranges in thickness from nearly absent in some locations to greater than 100 feet. Beneath this intermediate aquifer is the Floridan Aquifer, consisting of a limestone formation, which may be several thousand feet thick at various locations. The limestone formation, which is the primary source of drinking water in Central Florida, is highly permeable due to the presence of large interconnected channels and cavities throughout the rock. The amount of groundwater flow between the surficial and Floridan aquifers is dependent on the thickness and consistency of the Hawthorn clay

confining beds, which as previously stated varies widely throughout Central Florida.

Although no test borings were performed by BTC during the assessment of the property, the following presents a general description of the expected hydrogeology in the vicinity of the subject property:

Groundwater in the immediate vicinity of the subject property is assumed to follow, more-or-less, ground surface topography. Based solely on the topographic information presented in Figure 3, it is inferred that the shallow groundwater in the vicinity of the subject property flows towards the central and northern portions of the site. Due to the relief which exists in the vicinity of the subject property, it appears off-site groundwater could likely enter the site from immediately adjoining areas in all directions except the north. Based on the above assumptions, and information obtained from EDR and the FDEP, there appear to be no significant issues of concern regarding contaminated sites located in the vicinity of the subject property.

SECTION 5.0 SITE RECONNAISSANCE

Inspection of the subject and adjoining properties was performed on June 1, 2021. The objective of this site visit was to visually/physically identify RECs in connection with the subject property. Photographs documenting conditions found at the subject and adjoining properties on this date are included as Appendix D. Our observations and findings resulting from the reconnaissance are provided below.

5.1 Methodology and Limiting Conditions

The site visit included a pedestrian/vehicular inspection of the subject property and visual observations of adjacent properties. The properties were investigated for any evidence of the following items as part of the assessment:

- **Hazardous Substance in Connection with Identified Uses**
- **Hazardous and Unidentified Substance Containers**
- **Storage Tanks**
- **Indication of PCBs**
- **Indication of Solid Waste Disposal**
- **Stained Soils or Pavement**
- **Stressed Vegetation**
- **Odors**
- **Pools of Liquid**
- **Domestic/Sanitary Waste Handling**
- **Ponds, Lagoons or Pits**
- **Wells**

All areas located within the subject property boundaries were accessible, allowing a full and complete investigation of the site as described herein.

5.2 General Site Setting

5.2.1 General Exterior Observations

The site investigation began with an inspection of the subject property and boundaries and continued with a vehicle/pedestrian survey of the adjoining properties. A vehicle survey was conducted of facilities of interest from the EDR Radius Map Report. Access to the site was gained via Old Kings Road South, which exists along the eastern property boundary.

At the time of the site investigation the vast majority of the subject property appeared as agricultural lands in use for pasture (Photos #1 through #6). Located throughout the site were natural wetland areas, excavated ponds/borrow pits and drainage ditching (Photos #7 through #14). The only structures identified on the site during the investigation conducted included a shed and a portable storage container, both located within the east-central portion of the site (Photos #15 through #18). Other improvements noted on the site included earthen trails, a cattle corral, cattle feeding and watering station/troughs (Photo #19) and fencing with gates. There were no observations of past releases, ongoing discharges and/or significant threats of releases to the environment identified in association with the current uses of the exterior portions of the subject property during the investigation conducted.

5.2.2 General Interior Observations

Structures identified on the subject property during the investigation conducted included one (1) shed and one (1) portable storage container. Interiors were observed for both structures and there were no issues of concern to this assessment identified (see Photos #16 and #18).

5.3 Hazardous Substance in Connection with Identified Uses

Except for a small number of containers that appeared to be associated with petroleum containing materials and agricultural chemicals (herbicide, pesticide, fertilizer, etc.) located within and around the on-site shed, portable storage container and cattle corral (Photos #20 through #23), there were no potentially hazardous substances observed in connection with identified uses of the subject property during the investigation conducted. With regards to the substances noted, there were no issues of concern to this assessment identified (considered *de minimis*).

5.4 Hazardous and Unidentified Substance Containers

As noted above, a small number of containers that appeared to be associated with petroleum containing materials and agricultural chemicals (herbicide, pesticide, fertilizer, etc.) were located within and around the on-site shed, portable storage container and cattle corral. There was also an old rusted 55-gallon drum located within the northeastern portion of the site, just southwest of an on-site pond (Photo #24). This barrel appeared open to the elements and partially full with rain water, but there were no significant issues of concern to this assessment identified. Except for as noted above, there were no other potentially hazardous or unidentified substance containers identified on the subject property during the investigation. With regards to the containers noted, there were no issues of concern to this assessment identified (considered *de minimis*).

5.5 Storage Tanks

Except for a portable fuel AST located near the on-site shed and portable storage container (Photo #25), there were no ASTs or evidence of USTs identified on the subject property during the investigation conducted. With regards to the AST noted, there were no issues of concern to this assessment identified.

5.6 Indication of PCBs

Polychlorinated biphenyls have been used in power transformers and capacitors due to their excellent heat exchange and dielectric properties. However, this group of compounds was determined to be carcinogenic and their production was banned in the US in 1979. Consequently, distribution of transformers containing PCBs was phased out in the 1980s. Other potential sources of PCBs include older hydraulic machinery (such as are associated with elevators and lift equipment). Although PCB-type transformers and hydraulic components have been replaced in the time since, an unknown number have been allowed to stay in service for the duration of their life-cycles.

There were no potential sources of PCBs identified on the subject property during the investigation.

5.7 Indication of Solid Waste Disposal

Other than minor amounts of construction debris and old farm equipment observed on the subject property (Photos #26, #27 and #28), there were no indications of solid waste disposal observed on the subject site during the investigation conducted. With regards to the debris and equipment noted, there were no issues of concern to this assessment identified.

5.8 Stained Soils or Pavement

Other than a minor amount of staining noted on the floor of the shed and portable storage container (see Photos #16 and #22), there were no indications of stained soils or pavement identified on the subject site during the investigation. The staining was considered to be *de minimis* with regards to this assessment.

5.9 Stressed Vegetation

There were no indications of stressed vegetation identified on the subject property during the investigation.

5.10 Odors

There were no unusual odors identified on the subject property during the investigation.

5.11 Pools of Liquid

There were no pools of liquid observed on the subject property during the investigation.

5.12 Domestic/Sanitary Waste Handling

Based on interviews and observations during the site visit, it appeared that domestic/sanitary wastes were not being generated on the subject property.

5.13 Ponds, Lagoons and Pits

Other than natural wetland areas, excavated ponds/borrow pits and drainage ditching located throughout the subject property (see Photos #7 through #14), there were no ponds, lagoons or pits identified on the subject site during the investigation conducted. With regards to the areas and physical features noted, there were no issues of concern to this assessment identified.

5.14 Wells

There were no wells, nor indications of abandoned or sealed wells, observed on the subject property during the investigation.

5.15 Adjoining Property Observations

In general, the subject site is situated in a long-time agricultural use area, which has been slowly transitioning for residential developments. Historically the area appears to have been comprised mostly of undeveloped lands until the mid-1950s when conversions for agricultural uses for timber production and assumed cattle operations began to appear. Larger-scale residential development began to appear in the area in the 1960s and has continued since that time. The Interstate 95 right-of-way was constructed in the 1960s. Since that time, area roadways and residential developments have dominated the area, with a decline in agricultural uses. Currently, the general area is a mixture of larger-scale residential development uses, agricultural uses for pasturelands and pine plantations and large areas of undeveloped lands and covered by natural vegetation.

Currently adjoining the subject property are lands associated with residential subdivisions (east, southeast and west – Photos #29, #30 and #31), lands associated with warehouse/office facilities (east), lands associated with a communications tower facility (southeast – Photo #32), lands associated with a municipal tank farm (east – Photo #33),

agricultural lands in use for timber production (north and south – Photo #34), undeveloped lands covered by natural vegetation (east), lands associated with a drainage canal (south) and the Interstate 95 (west – Photo #35) and Old Kings Road South (east – Photo #36) rights-of-way. No significant issues of concern to this assessment were observed in association with any of the adjoining properties during the site visit conducted as part of this site assessment.

SECTION 6.0

INTERVIEWS

The objective of interviews conducted in order to comply with ASTM E 1527-13 is to obtain information indicating RECs in connection with the subject property. In addition to the user of the Phase I ESA and present owner of the site, BTC makes reasonable attempts to conduct interviews with parties it believes could provide useful information regarding potential RECs. Parties to be interviewed are determined based on the past/present uses identified and their availability for interview within reasonable timeframes. Parties such as occupants, site managers, local government officials and past owners are interviewed, when possible, based on their potential to provide relevant information. Documentation of any such interviews conducted by BTC is included in Appendix A. A summary of this information is presented below.

6.1 Interview with Owners

At the present time, the owner of the subject property is Venture 8, LLC. BTC made contact with a representative for Venture 8, LLC as part of this Phase I ESA. Based on information obtained via an owner questionnaire (see Appendix A), as well as public records and historical arials reviewed, it appears that the current owner has been associated with the site for approximately eight (8) years and has used the land for agricultural activities during this time (cattle were located on the subject property at the time of our on-site investigation). The past uses of the site are unknown to the owner based on the completed questionnaire.

Based on additional responses to the owner questionnaire, the current owner has no knowledge of any past or present storage tanks on the property (except for a portable diesel fuel tank used to fuel agricultural equipment), any past or present chemical use or storage on the site, or any cattle dip vats that existed on the property. The owner also has no knowledge of any spills or chemical releases that have taken place at the site or any environmental cleanups that have occurred on the property. In addition, the owner has no knowledge of any environmental liens and/or AULs associated with the site. Further, the current owner has never been informed by any nearby property owners or the FDEP about groundwater contamination that may be migrating onto the property from off-site sources based on the completed questionnaire.

6.2 Interviews with Past Owners

Interviews with past owners were not conducted as part of this assessment. Based on the past uses of the site identified through the course of this investigation (no developed uses other than for agricultural purposes for timber production and pasturelands along with borrow pit operations identified on-site), interviews with past owners were not considered necessary as part of this investigation. The absence of past owner provided information does not appear to significantly affect the ability of BTC to identify RECs in connection with the property due to the availability of relevant information from other sources.

6.3 Interviews with Local Governmental Officials

Interviews with local governmental officials were not conducted as part of this assessment. Based on the past uses of the site identified through the course of this investigation (no developed uses other than for agricultural purposes for timber production and pasturelands along with borrow pit operations identified on-site), interviews with local governmental officials were not considered necessary as part of this investigation. The absence of local governmental officials provided information does not appear to significantly affect the ability of BTC to identify RECs in connection with the property due to the availability of relevant information from other sources.

6.4 Interviews with Others

Based on information obtained and assumed by BTC through the course of this investigation, additional interviews were not performed or considered necessary for this assessment.

SECTION 7.0 FINDINGS, OPINIONS, DATA GAPS AND CONCLUSIONS

The following summarizes the findings, opinions and conclusions representing BTC's best professional judgment based on information and data available to us during the course of this assessment. Included in this section are a list of data gaps encountered, as well as a summary of both our findings and of potential RECs, whether historical (HREC), controlled (CREC) or recognized (REC), and *de minimis* conditions.

7.1 Findings

The following summarizes the findings representing BTC's best professional judgment based on information and data available to us during the course of this assessment.

In general, the subject site is situated in a long-time agricultural use area, which has been slowly transitioning for residential developments. Historically the area appears to have been comprised mostly of undeveloped lands until the mid-1950s when conversions for agricultural uses for timber production and assumed cattle operations began to appear. Larger-scale residential development began to appear in the area in the 1960s and has continued since that time. The Interstate 95 right-of-way was constructed in the 1960s. Since that time, area roadways and residential developments have dominated the area, with a decline in agricultural uses. Currently, the general area is a mixture of larger-scale residential development uses, agricultural uses for pasturelands and pine plantations and large areas of undeveloped lands and covered by natural vegetation. At the time of the site investigation the vast majority of the subject property appeared as agricultural lands in use for pasture. Located throughout the site were natural wetland areas, excavated ponds/borrow pits and drainage ditching. The only structures identified on the site during the investigation conducted included a shed and a portable storage container, both located within the east-central portion of the site. Other improvements noted on the site included earthen trails, a cattle corral, cattle feeding and watering station/troughs and fencing with gates. Currently adjoining the subject property are lands associated with residential subdivisions (east, southeast and west), lands associated with warehouse/office facilities (east), lands associated with a communications tower facility (southeast), lands associated with a municipal tank farm (east), agricultural lands in use for timber production (north and south), undeveloped lands covered by natural vegetation (east), lands associated with a drainage canal (south) and the Interstate 95 (west) and Old Kings Road South (east) rights-of-way. There were no notable visual observations of releases or other significant issues of concern to this assessment identified in association with the current uses of the subject property or immediately adjoining lands during the investigation conducted.

Based on interviews conducted, as well as a review of historical aerial photographs dating back to 1943, it appears that uses of the site have been limited to agricultural for timber production and pasturelands and borrow pit operations. Historical aerial review dating

back to 1943 indicates that adjoining lands were, for the most part, undeveloped or utilized for agricultural endeavors (timber production and cattle operations) from prior to the early 1940s through the present day. Larger-scale residential developments began to appear in the area in the 1960s and have continued to appear since that time. The Interstate 95 right-of-way was constructed in the 1960s. Since that time, area roadways and residential developments have dominated the area, with a decline in land used for agricultural purposes. No heavy industrial uses on the properties immediately adjoining the subject site were identified on the available aerial photographs reviewed. In addition, there were no items of note or issues of concern to this assessment identified in association with the past uses of the subject property or immediately adjoining lands during the investigation.

A review of standard and additional Federal and State environmental records revealed one (1) adjoining State Brownfields Area/Site listing (Flagler Economic Enhancement Districts) within a radius of the subject property that was deemed appropriate for area conditions.

7.2 Opinions

The following presents BTC opinion(s) of the data gaps encountered, as well as the impact on the subject property of conditions identified in Section 7.1 (Findings). This section details BTC's logic and reasoning in evaluating information collected during the course of investigation. Frequently, items initially considered to be a REC are subsequently determined, upon further evaluation, to not be considered a REC.

As noted in our findings, there were no observations of past releases, ongoing discharges or significant threats of releases to the environment or other issues of concern to this assessment identified in association with the current uses of the subject property or immediately adjoining lands during the inspection conducted. In addition, no significant issues of concern to this assessment were revealed in association with the past uses of the subject property or immediately adjoining lands during the investigation conducted.

A review of standard and additional Federal and State environmental records revealed one (1) adjoining State Brownfields Area/Site listing (Flagler Economic Enhancement Districts) within a radius of the subject property that was deemed appropriate for area conditions; however, this listing does not appear significant to the subject site and this assessment at this time based on public file information reviewed.

Based on the above findings and opinions, this assessment revealed no RECs, no CRECs and no HRECs in connection with the subject property or adjoining properties that would warrant further investigation at this time.

7.3 Data Gaps

The following data gaps were encountered by BTC during the course of the Phase I ESA:

- Historical ownership (chain-of-title) information was not provided to BTC by the user of this assessment. The absence of historic ownership information does not appear to significantly affect the ability of BTC to identify RECs in connection with the subject property due to the availability of relevant information from other sources. Based on a review of available historical aerial photographs (dating from 1943 through 2020), as well as information gathered via interviews and during our site visit, it appears that past/present owners of the subject lands, to at least the early 1940s, have only used the property for agricultural purposes for timber production and pasture and as borrow parcel lands for area construction activities. Based on this information, it appears that no past owners of the subject lands represented entities of heavy industrial, chemical production, or waste disposal repositories.
- Interviews with past owners were not conducted as part of this assessment. Based on the past uses of the site identified through the course of this investigation (no developed uses other than for agricultural purposes for timber production and pasturelands along with borrow pit operations identified on-site), interviews with past owners were not considered necessary as part of this investigation. The absence of past owner provided information does not appear to significantly affect the ability of BTC to identify RECs in connection with the site due to the availability of relevant information from other sources.
- As required by ASTM E 1527-13 (8.3.2), a definitive identification of obvious uses of the subject property from the present back to the property's first developed use, or back to 1940, whichever is earlier, was not achievable during the course of this assessment. This was due to the availability of reasonably ascertainable standard historical sources for the area (historical aerial photographs, historical topographic maps, Sanborn Fire Insurance Maps, property tax files, land title records, local street directories, etc...). Our review of available historical resources only identified information for the site and immediate area dating back to 1943, at which time the subject property appeared undeveloped but possibly in use for rangelands. Based on this, and in the opinion of the environmental professional, this data gap does not constitute a data failure with regards to this assessment.
- As required by ASTM E 1527-13 (8.3.2.3), our review of reasonably ascertainable historical sources dated within five (5) year intervals or less back to first use, or 1940, whichever is earlier, was not achievable. This was due to the availability of assumed useful environmental record sources for the subject property and immediately adjoining lands. Based on the rural setting in which the subject property was situated through the 1970s, as well as the uses of the site identified through available record

sources (no developed uses other than for agricultural purposes for timber production and pasturelands along with borrow pit operations identified on-site), the absence of historical records within five (5) year intervals does not appear to significantly affect the ability of BTC to identify RECs in connection with the subject property.

7.4 Conclusions

BTC has performed a Phase I ESA, in general conformance with the scope and limitations of ASTM Practice E 1527-13, of the 10 parcels, identified by Flagler County as #22-12-31-0000-01010-0011, #26-12-31-0000-01010-0010, #27-12-31-0000-01010-0000, #27-12-31-0000-01010-0030, #27-12-31-0000-01020-0010, #27-12-31-0000-01020-0020, #27-12-31-0000-01020-0030, #34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and #35-12-31-0000-02010-0040, which comprise the approximately 611.17-acre Eagle Lake Site, the subject property. Any exceptions to, or deletions from, this practice are described in Section 2.8 of this report. This assessment has revealed no RECs, no CRECs and no HRECs in association with the subject property.

SECTION 8.0
QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR §312 (Appendix E).

and

I have specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject site. I have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.



Bill Keenan
Project Manager
INSTEP-LEP #381



Joseph Galletti
Vice President
INSTEP-LEP #123/NREP-REPA #5898

SECTION 9.0

ADDITIONAL SERVICES

No additional services, outside the scope of ASTM International's Standard Practice E 1527-13, were requested by the user of this assessment.

SECTION 10.0

REFERENCES

The following is a list of literature, agencies and/or individuals utilized in the preparation of this report.

1. SSURGO Soils Map of Flagler County, Florida, United States Department of Agriculture, Natural Resource Conservation Service
2. Hydric Soils of Florida Handbook (4th edition) – Florida Association of Environmental Soil Scientist, Gainesville, Florida 32635
3. Environmental Data Resources, Inc. (EDR)
4. USGS 7.5 Minute Topographic Map – Flagler Beach West, Florida Quadrangle – 1956
5. USGS 7.5 Minute Topographic Map – Flagler Beach West, Florida Quadrangle – 1956 (Photorevised 1970)
6. USGS 7.5 Minute Topographic Map – Flagler Beach West, Florida Quadrangle – 1956 (Photorevised 1980)
7. USGS 7.5 Minute Topographic Map – Flagler Beach West, Florida Quadrangle – 1956 (Photorevised 1988)
8. USGS 7.5 Minute Topographic Map – Flagler Beach West, Florida Quadrangle – 1956 (Photorevised 1993)
9. ASTM International's Standard E 1527-13: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.
10. Florida Department of Environmental Protection's Division of Waste Management OCULUS System
11. University of Florida – Publication of Archival, Library & Museum Materials
12. Florida Department of Transportation (FDOT)
13. Woodward and Clyde Consultants, Cattle Dip Vat Assessment Program: A Summary Report, 1995 – Prepared for the Florida Department of Environmental Protection
14. Michael R. Clark, Dames and Moore, Dipping Vat Removal – Limiting Liability, Tallahassee, Florida

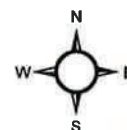
15. Eric L. Morrisette, Vice President of Land Acquisition – Kolter Land Partners, LLC, Representative for the User of Phase I ESA Report
16. John Schwebly Sr., Manager – Venture 8, LLC, Representative for the Owner of the Subject Property

Figures

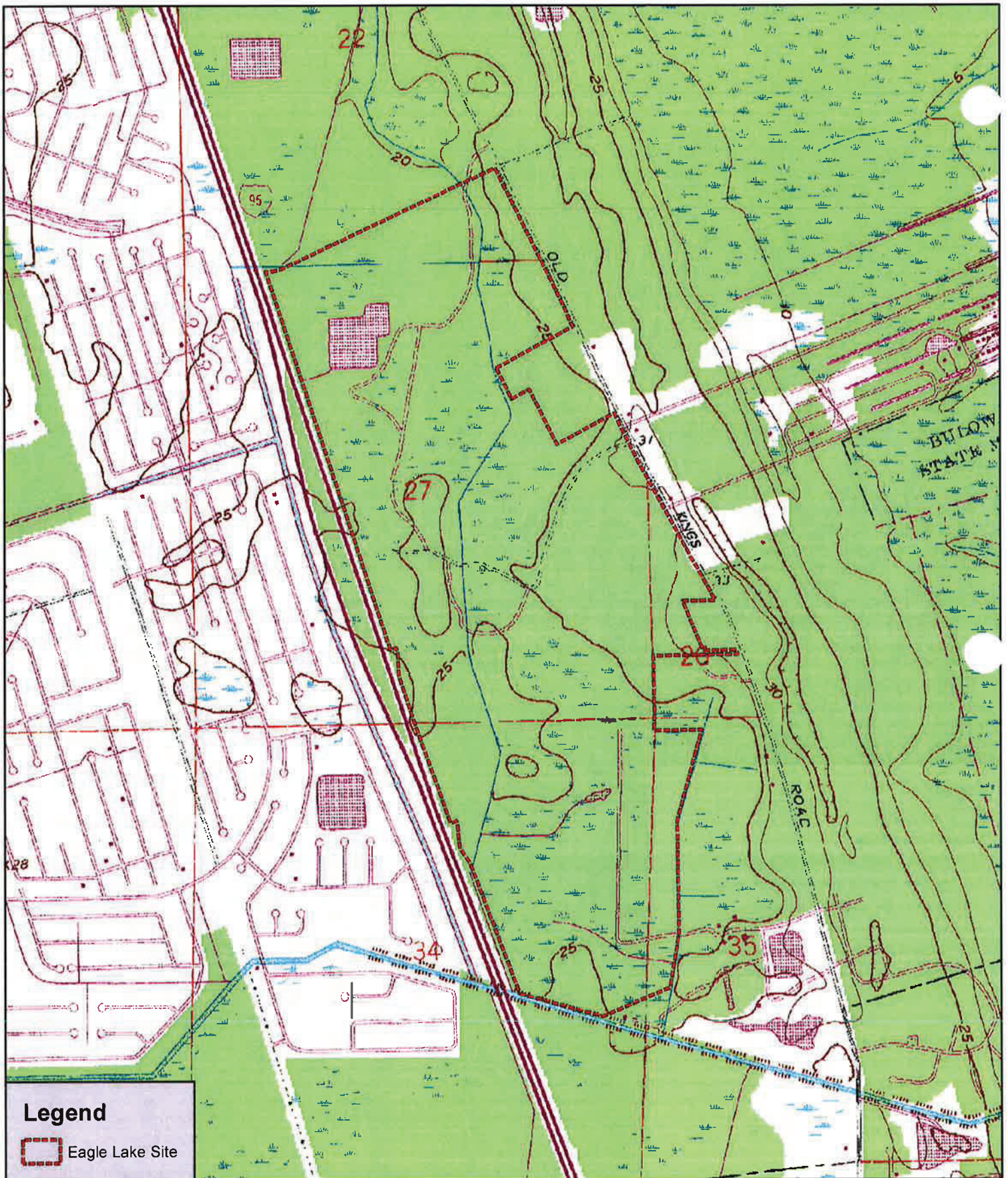


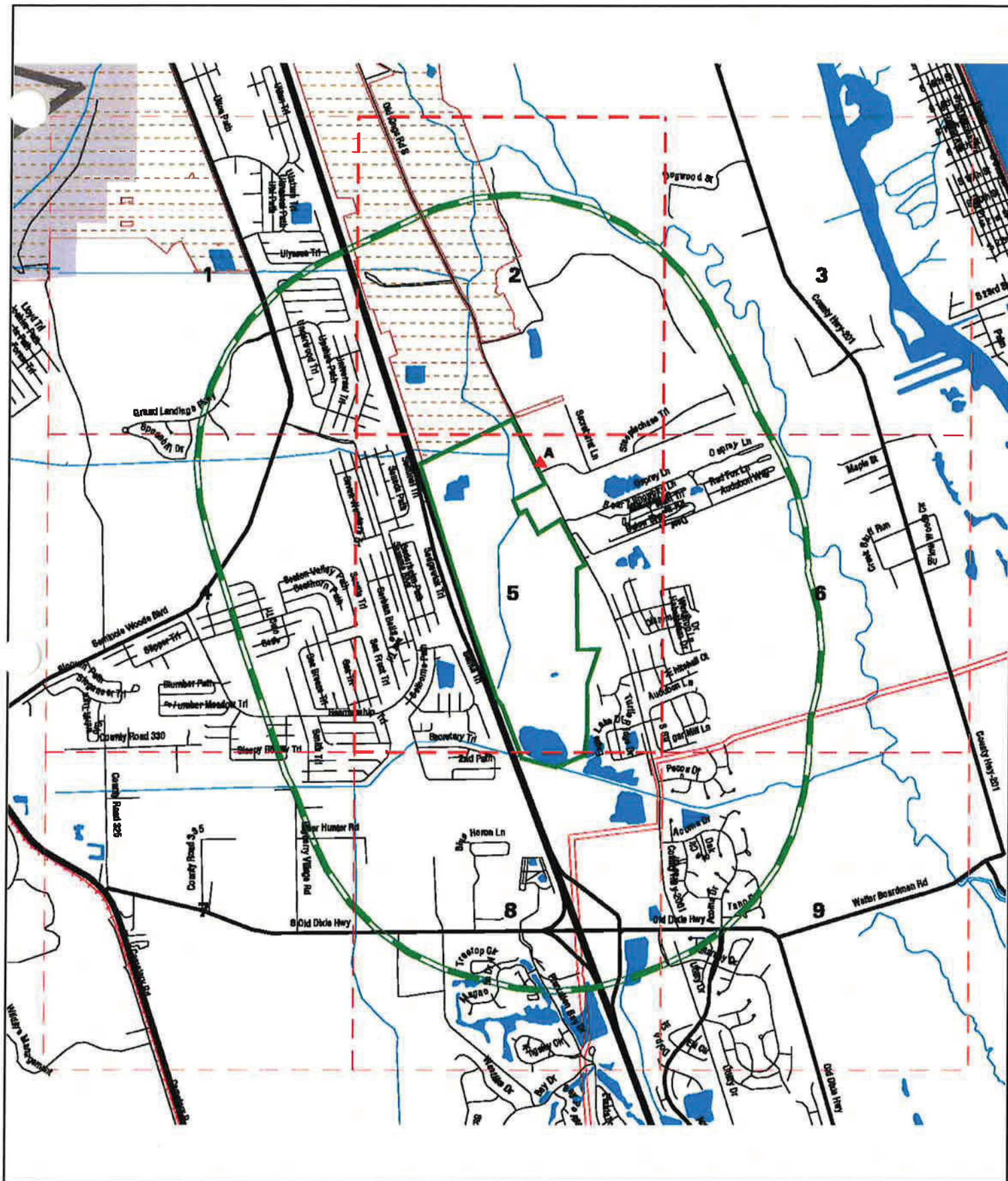


Eagle Lake Site
 Flagler County, Florida
 Figure 2
 SSURGO Soils Map

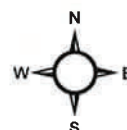


1,250
 Feet
 Project #: 588-24
 Produced By: JDH
 Date: 6/23/2021





Eagle Lake Site
Flagler County, Florida
Figure 4
EDR Site Search Map



Project #: 588-24
Produced By: JDH
Date: 6/23/2021

Appendices

Appendix A

User Provided Information and Interview Documentation

PHASE I ESA USER QUESTIONNAIRE

Eagle Lake Site

Flagler County, Florida

**Parcel ID(s) #22-12-31-0000-01010-0011, #27-12-31-0000-01010-0000,
#27-12-31-0000-01010-0030, #27-12-31-0000-01020-0010,
#27-12-31-0000-01020-0020, #27-12-31-0000-01020-0030,
#34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and
#35-12-31-0000-02010-0040**

**Old Kings Road South
Flagler Beach, Florida 32136
June 2021**

In order to qualify for one of the *Landowner Liability Protections* (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "*Brownfields Amendments*"), the user must conduct the following inquiries required by 40 CFR 312.25, 312.26, 312.28, 312.29, 312.30, and 312.31. These inquiries must also be conducted by EPA Brownfield Assessment and Characterization grantees. The *user* should provide the following information to the *environmental professional*. Failure to conduct these inquiries could result in a determination that "*all appropriate inquiries*" is not complete.

User of Phase I ESA: Kolter Land Partners, LLC

(1.) Environmental cleanup liens that are filed or recorded against the property (40 CFR 312.25).

Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law? If so, please provide any available documentation.

No, Kolter Land Partners, LLC is not aware of any
environmental cleanup liens against the property.

(2.) Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26).

Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law? If so, please provide any available documentation.

No, Kolter Land Partners is not aware of any AUL's.

(3.) Specialized knowledge or experience of the entity seeking to qualify for the LLP (40 CFR 312.28).

As the user of this ESA, do you have any specialized knowledge or experience related to the property or of nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of any chemicals and/or processes used with this type of property?

Kolter Land Partners, LLC has no knowledge or experience related to the property or of nearby properties.

(4.) Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).

Does the purchase price being paid for the property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

Yes, the purchase price reflects fair market value.

(5.) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).

Are you aware of commonly known or reasonably ascertainable information about the property that would help identify conditions indicative of releases or threatened releases? For example,

(a) Do you know the past uses of the property?

The property has predominately been a cattle farm for decades.

The existing borrow pits have been rumored to be a result of former coquina rock mining.

(b) Do you know of specific chemicals that are present or once were present at the property?

No knowledge of any chemicals used.

(c) Do you know of any spills or other chemical releases that have taken place at the property?

No knowledge of any spills or other chemical releases.

(d) Do you know of any environmental cleanups that have taken place at the property?

None that Kolter Land Partners, LLC is aware of.

(6.) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).

As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of releases at the property?

None that Kolter Land Partners, LLC has been able to identify.

ADDITIONAL REQUESTED INFORMATION

(A.) Reason for performing Phase I ESA. Please include the type of transaction (sale, purchase, exchange, etc...).

The property is under contract for acquisition and development for residential development.

(B.) Please identify all parties that will rely on the completed Phase I ESA.

Kolter Land Partners, LLC.

(C.) Please identify the property owner(s) and any known occupants and/or key site managers.

Property Owner: Venture 8, LLC

Site Manager: Craig Wells, (386) 341-5541

No occupants on the property.

(D.) Please provide any other knowledge or experience with the property that may be pertinent (for example, copies of any available prior environmental site assessment report, documents, chain-of-title reports, correspondence etc., concerning the property and its environmental condition).

None available that Kolter Partners, LLC is aware of.

Completed by:

Eric L. Morrisette



Title:

V.P. of Land Acquisition

Company:

Kolter Partners, LLC

Date:

June 11, 2021

PHASE I OWNER QUESTIONNAIRE

Eagle Lake Site

Flagler County, Florida

**Parcel ID(s) #22-12-31-0000-01010-0011, #27-12-31-0000-01010-0000,
#27-12-31-0000-01010-0030, #27-12-31-0000-01020-0010,
#27-12-31-0000-01020-0020, #27-12-31-0000-01020-0030,
#34-12-31-0650-000D0-0072, #34-12-31-0650-000D0-0080 and
#35-12-31-0000-02010-0040**

Old Kings Road South

Flagler Beach, Florida 32136

June 2021

Owner:

Venture 8, LLC

Ownership Timeframe:

8 years

(1.) Uses of the property.

What have been the uses of the property during your ownership?

Agriculture

(2.) Past Uses of the property.

Do you know the uses of the property prior to your ownership? (Please list specific businesses and activities conducted on the sites if possible)

unknown / vacant

(3.) Storage Tanks.

Are you aware of any aboveground or underground storage tanks on the property?

These include any type of fuel (gasoline, diesel, heating fuel/oil, etc...) or hazardous material storage units.

From time to time a temporary diesel tank (above ground)
is there to refill my equipment.

(4.) Previous Storage Tanks.

Are you aware of any aboveground or underground storage tanks on the property prior to your ownership?

None Known

(5.) Chemical Use/Storage.

Are you aware of any significant chemical use or storage on the property during the time of your ownership or prior to your ownership? If so, please provide specific chemical names and where utilized/stored on the property.

None Known

(6.) Cattle Dip Vats.

Are you aware of any past/present cattle dip vats on the site? If so, please provide specific location(s), if known.

None Known

(7.) Water and Sewer.

Is the property supplied with city/county water and sewer or do they include onsite wells and septic systems? To your knowledge, have the sites ever had septic systems?

None Known

(8.) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).

(a) Do you know of any spills or other chemical releases that have taken place at the property?

None Known

(b) Do you know of any environmental cleanups that have taken place at the property?

None Known

(9.) Local Information.

Have you ever been informed by a nearby property owner or the Florida Department of Environmental Protection (FDEP) about groundwater contamination that may be migrating onto your property from an off-site source?

NO

(10.) Environmental Liens.

Are you aware of any environmental cleanup liens that were filed or recorded against the property?

None Known

(11.) Activity and land use limitations (AULs).

Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls for the property that were filed or recorded in a registry?

None Known

Completed by:

John Schwebly Sr

Title:

MR

Company:

Venture B, LLC

Date:

6/11/21

Contact Phone Number:

(392) 252-2600

Contact e-Mail Address:

Appendix B

Environmental Data Resources, Inc. EDR Area/Corridor Report

Eagle Lake Site

Old Kings Road South
Flagler Beach, FL 32136

Inquiry Number: 6531158.5s
June 10, 2021

EDR Area / Corridor Report



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E 2247-16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-14) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

SUBJECT PROPERTY INFORMATION

ADDRESS

OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

TARGET PROPERTY SEARCH RESULTS

The Target Property was identified in the following databases.

Page Numbers and Map Identifications refer to the EDR Area/Corridor Report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Page Numbers and Map Identifications refer to the EDR Area/Corridor Report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

STANDARD ENVIRONMENTAL RECORDS

State and tribal Brownfields sites

BROWNFIELDSD: Brownfields Sites Database

A review of the BROWNFIELDSD list, as provided by EDR, has revealed that there is 1 BROWNFIELDSD site within approximately 0.5 miles of the requested target property.

<u>Site</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID / Focus Map(s)</u>	<u>Page</u>
FLAGLER ECONOMIC ENH		0 - 1/8 (0.000 mi.)	Region / 2,5	24
Database: BROWNFIELDSD AREAS, Date of Government Version: 12/21/2020				

EXECUTIVE SUMMARY

ADDITIONAL ENVIRONMENTAL RECORDS

Other Ascertainable Records

DWM CONTAM: DWM CONTAMINATED SITES

A review of the DWM CONTAM list, as provided by EDR, and dated 11/13/2020 has revealed that there is 1 DWM CONTAM site within approximately 0.5 miles of the requested target property.

<u>Site</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID / Focus Map(s)</u>	<u>Page</u>
PALM COAST GUN CLUB Program Site Id: ERIC_12512	2525 OLD KINGS RD	ENE 0 - 1/8 (0.031 mi.)	A2 / 5	25

RESP PARTY: Responsible Party Sites Listing

A review of the RESP PARTY list, as provided by EDR, and dated 12/23/2020 has revealed that there are 2 RESP PARTY sites within approximately 0.5 miles of the requested target property.

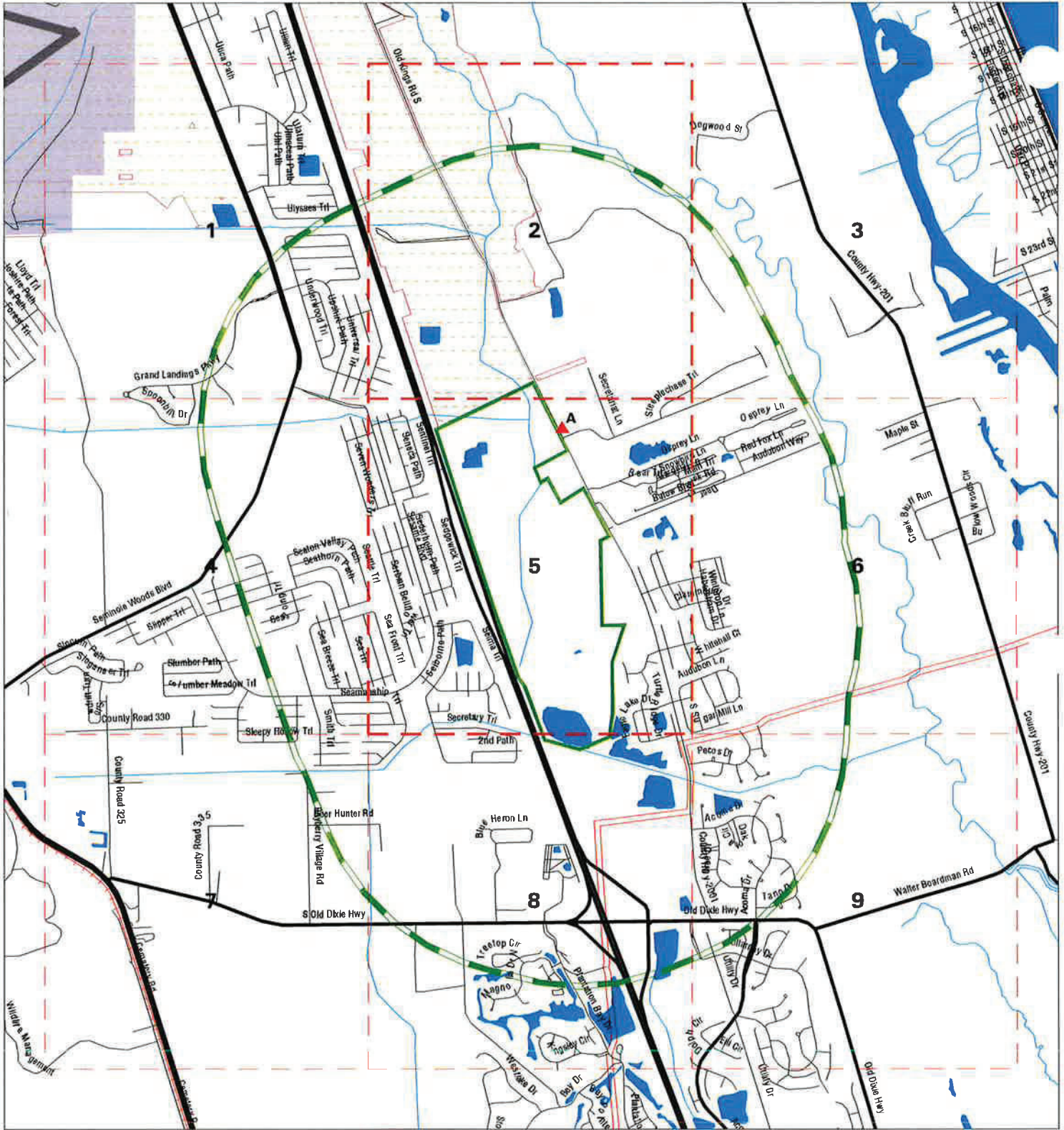
<u>Site</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID / Focus Map(s)</u>	<u>Page</u>
PALM COAST GUN CLUB Site Status: CLOSED	2525 OLD KINGS RD	ENE 0 - 1/8 (0.031 mi.)	A1 / 5	24
PALM COAST GUN CLUB Site Status: CLOSED	2525 OLD KINGS RD	ENE 0 - 1/8 (0.031 mi.)	A2 / 5	25

MAPPED SITES SUMMARY

Target Property:
 OLD KINGS ROAD SOUTH
 FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
Reg / Multiple	FLAGLER ECONOMIC ENH		BROWNFIELDS	1 ft.
A1 / 5	PALM COAST GUN CLUB	2525 OLD KINGS RD	RESP PARTY	165 0.031 ENE
A2 / 5	PALM COAST GUN CLUB	2525 OLD KINGS RD	DWM CONTAM, RESP PARTY	165 0.031 ENE

Key Map - 6531158.5s



- ▲ Sites
- /// Focus Map - Sites
- FL Brownfield
- Target Property
- National Priority List Sites
- Search Buffer
- Dept. Defense Sites
- Focus Map - No Sites
- Indian Reservations BIA

0 1/2 1 Miles

SITE NAME: Eagle Lake Site
 ADDRESS: Old Kings Road South
 CITY/STATE: Flagler Beach FL
 ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
 CONTACT: Joseph Galletti
 INQUIRY #: 6531158.5s
 DATE: 06/10/21 12:13 PM

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>STANDARD ENVIRONMENTAL RECORDS</u>								
<i>Federal NPL site list</i>								
NPL	1.000		0	0	0	0	NR	0
Proposed NPL	1.000		0	0	0	0	NR	0
NPL LIENS	1.000		0	0	0	0	NR	0
<i>Federal Delisted NPL site list</i>								
Delisted NPL	1.000		0	0	0	0	NR	0
<i>Federal CERCLIS list</i>								
FEDERAL FACILITY	0.500		0	0	0	NR	NR	0
SEMS	0.500		0	0	0	NR	NR	0
<i>Federal CERCLIS NFRAP site list</i>								
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
<i>Federal RCRA CORRACTS facilities list</i>								
CORRACTS	1.000		0	0	0	0	NR	0
<i>Federal RCRA non-CORRACTS TSD facilities list</i>								
RCRA-TSDF	0.500		0	0	0	NR	NR	0
<i>Federal RCRA generators list</i>								
RCRA-LQG	0.250		0	0	NR	NR	NR	0
RCRA-SQG	0.250		0	0	NR	NR	NR	0
RCRA-VSQG	0.250		0	0	NR	NR	NR	0
<i>Federal institutional controls / engineering controls registries</i>								
LUCIS	0.500		0	0	0	NR	NR	0
US ENG CONTROLS	0.500		0	0	0	NR	NR	0
US INST CONTROLS	0.500		0	0	0	NR	NR	0
<i>Federal ERNS list</i>								
ERNS	TP		NR	NR	NR	NR	NR	0
<i>State- and tribal - equivalent CERCLIS</i>								
SHWS	1.000		0	0	0	0	NR	0
<i>State and tribal landfill and/or solid waste disposal site lists</i>								
SWF/LF	0.500		0	0	0	NR	NR	0
<i>State and tribal leaking storage tank lists</i>								
LUST	0.500		0	0	0	NR	NR	0
LAST	0.500		0	0	0	NR	NR	0
INDIAN LUST	0.500		0	0	0	NR	NR	0
<i>State and tribal registered storage tank lists</i>								
FEMA UST	0.250		0	0	NR	NR	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
FF TANKS	0.250		0	0	NR	NR	NR	0
UST	0.250		0	0	NR	NR	NR	0
AST	0.250		0	0	NR	NR	NR	0
INDIAN UST TANKS	0.250		0	0	NR	NR	NR	0
	0.250		0	0	NR	NR	NR	0
State and tribal institutional control / engineering control registries								
ENG CONTROLS	0.500		0	0	0	NR	NR	0
INST CONTROL	0.500		0	0	0	NR	NR	0
State and tribal voluntary cleanup sites								
VCP	0.500		0	0	0	NR	NR	0
INDIAN VCP	0.500		0	0	0	NR	NR	0
State and tribal Brownfields sites								
BROWNFIELDS	0.500		1	0	0	NR	NR	1
ADDITIONAL ENVIRONMENTAL RECORDS								
Local Brownfield lists								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
Local Lists of Landfill / Solid Waste Disposal Sites								
SWRCY	0.500		0	0	0	NR	NR	0
INDIAN ODI	0.500		0	0	0	NR	NR	0
DEBRIS REGION 9	0.500		0	0	0	NR	NR	0
ODI	0.500		0	0	0	NR	NR	0
IHS OPEN DUMPS	0.500		0	0	0	NR	NR	0
Local Lists of Hazardous waste / Contaminated Sites								
US HIST CDL	TP		NR	NR	NR	NR	NR	0
PRIORITYCLEANERS	0.500		0	0	0	NR	NR	0
FI Sites	1.000		0	0	0	0	NR	0
US CDL	TP		NR	NR	NR	NR	NR	0
PFAS	0.500		0	0	0	NR	NR	0
Local Land Records								
LIENS 2	TP		NR	NR	NR	NR	NR	0
Records of Emergency Release Reports								
HMIRS	TP		NR	NR	NR	NR	NR	0
SPILLS	TP		NR	NR	NR	NR	NR	0
SPILLS 90	TP		NR	NR	NR	NR	NR	0
SPILLS 80	TP		NR	NR	NR	NR	NR	0
Other Ascertainable Records								
RCRA NonGen / NLR	0.250		0	0	NR	NR	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
FUDS	1.000		0	0	0	0	NR	0
DOD	1.000		0	0	0	0	NR	0
SCRD DRYCLEANERS	0.500		0	0	0	NR	NR	0
US FIN ASSUR	TP		NR	NR	NR	NR	NR	0
EPA WATCH LIST	TP		NR	NR	NR	NR	NR	0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	TP		NR	NR	NR	NR	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
PRP	TP		NR	NR	NR	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
ICIS	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
COAL ASH DOE	TP		NR	NR	NR	NR	NR	0
COAL ASH EPA	0.500		0	0	0	NR	NR	0
PCB TRANSFORMER	TP		NR	NR	NR	NR	NR	0
RADINFO	TP		NR	NR	NR	NR	NR	0
HIST FTTS	TP		NR	NR	NR	NR	NR	0
DOT OPS	TP		NR	NR	NR	NR	NR	0
CONSENT	1.000		0	0	0	0	NR	0
INDIAN RESERV	1.000		0	0	0	0	NR	0
FUSRAP	1.000		0	0	0	0	NR	0
UMTRA	0.500		0	0	0	NR	NR	0
LEAD SMELTERS	TP		NR	NR	NR	NR	NR	0
US AIRS	TP		NR	NR	NR	NR	NR	0
US MINES	0.250		0	0	NR	NR	NR	0
ABANDONED MINES	0.250		0	0	NR	NR	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
UXO	1.000		0	0	0	0	NR	0
ECHO	TP		NR	NR	NR	NR	NR	0
DOCKET HWC	TP		NR	NR	NR	NR	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
AIRS	TP		NR	NR	NR	NR	NR	0
ASBESTOS	TP		NR	NR	NR	NR	NR	0
CLEANUP SITES	TP		NR	NR	NR	NR	NR	0
DEDB	0.250		0	0	NR	NR	NR	0
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
DWM CONTAM	0.500		1	0	0	NR	NR	1
Financial Assurance	TP		NR	NR	NR	NR	NR	0
FL Cattle Dip. Vats	0.250		0	0	NR	NR	NR	0
HW GEN	0.250		0	0	NR	NR	NR	0
RESP PARTY	0.500		2	0	0	NR	NR	2
SITE INV SITES	0.500		0	0	0	NR	NR	0
TIER 2	TP		NR	NR	NR	NR	NR	0
UIC	TP		NR	NR	NR	NR	NR	0
NPDES	TP		NR	NR	NR	NR	NR	0
MINES MRDS	TP		NR	NR	NR	NR	NR	0

MAP FINDINGS SUMMARY

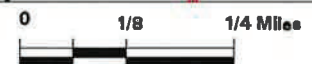
Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>EDR HIGH RISK HISTORICAL RECORDS</u>								
<i>EDR Exclusive Records</i>								
EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto	0.125		0	NR	NR	NR	NR	0
EDR Hist Cleaner	0.125		0	NR	NR	NR	NR	0
<u>EDR RECOVERED GOVERNMENT ARCHIVES</u>								
<i>Exclusive Recovered Govt. Archives</i>								
RGA HWS	TP		NR	NR	NR	NR	NR	0
RGA LF	TP		NR	NR	NR	NR	NR	0
RGA LUST	TP		NR	NR	NR	NR	NR	0
- Totals --		0	4	0	0	0	0	4

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

[illegible]

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 1

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 2 - 6531158.5s



- ▲ Sites
- Focus Map - Sites
- Indian Reservations BIA
- Target Property
- Power Line
- FL Brownfield
- Search Buffer
- National Priority List Sites
- Dept. Defense Sites
- Focus Map - No Sites

0 1/8 1/4 Miles

SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 2

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
Reg / Multiple	FLAGLER ECONOMIC ENH		BROWNFIELDS	1 ft.

Focus Map - 3 - 6531158.5s



SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

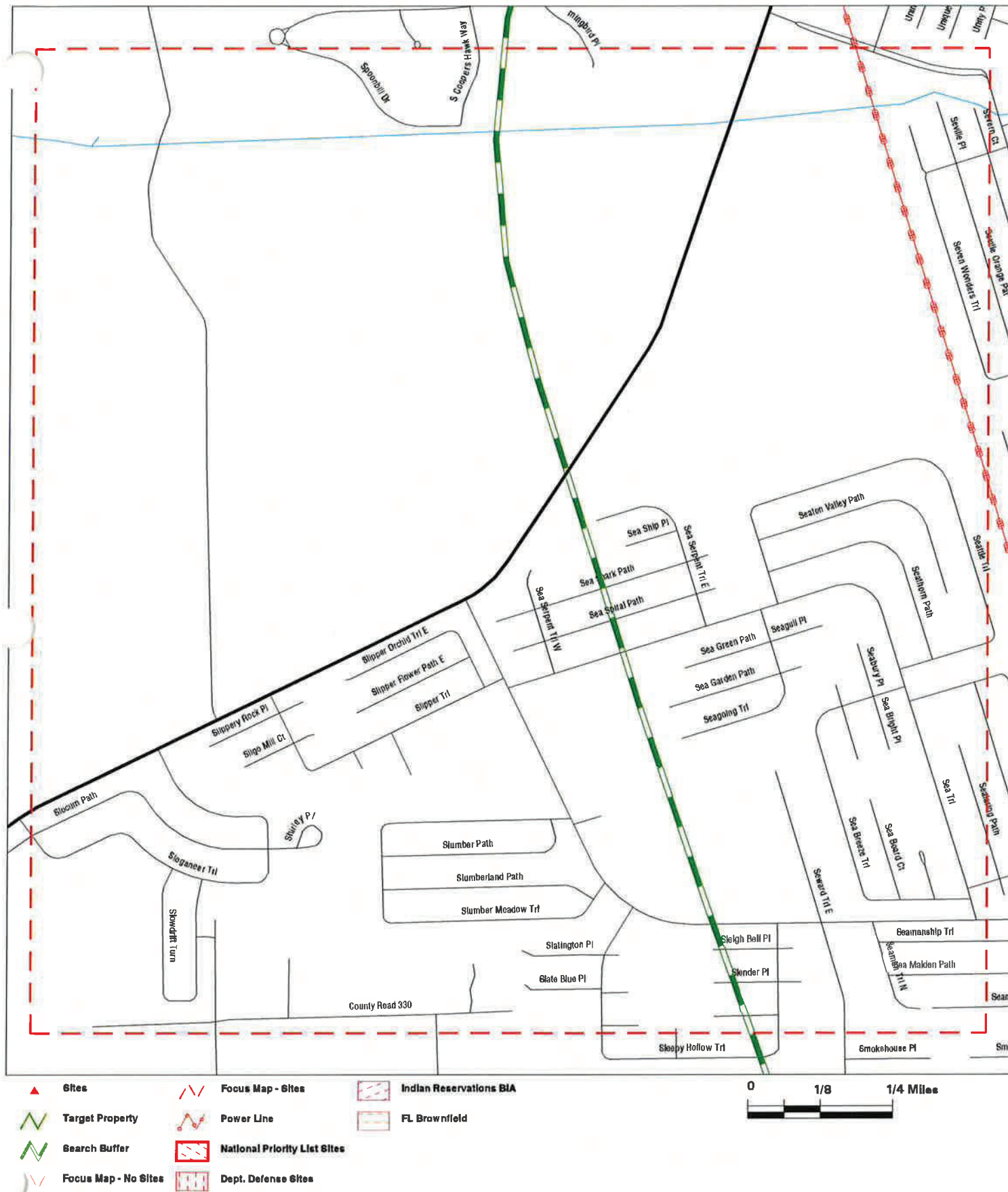
MAPPED SITES SUMMARY - FOCUS MAP 3

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 4 - 6531158.5s



SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 4

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 5 - 6531158.5s



SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

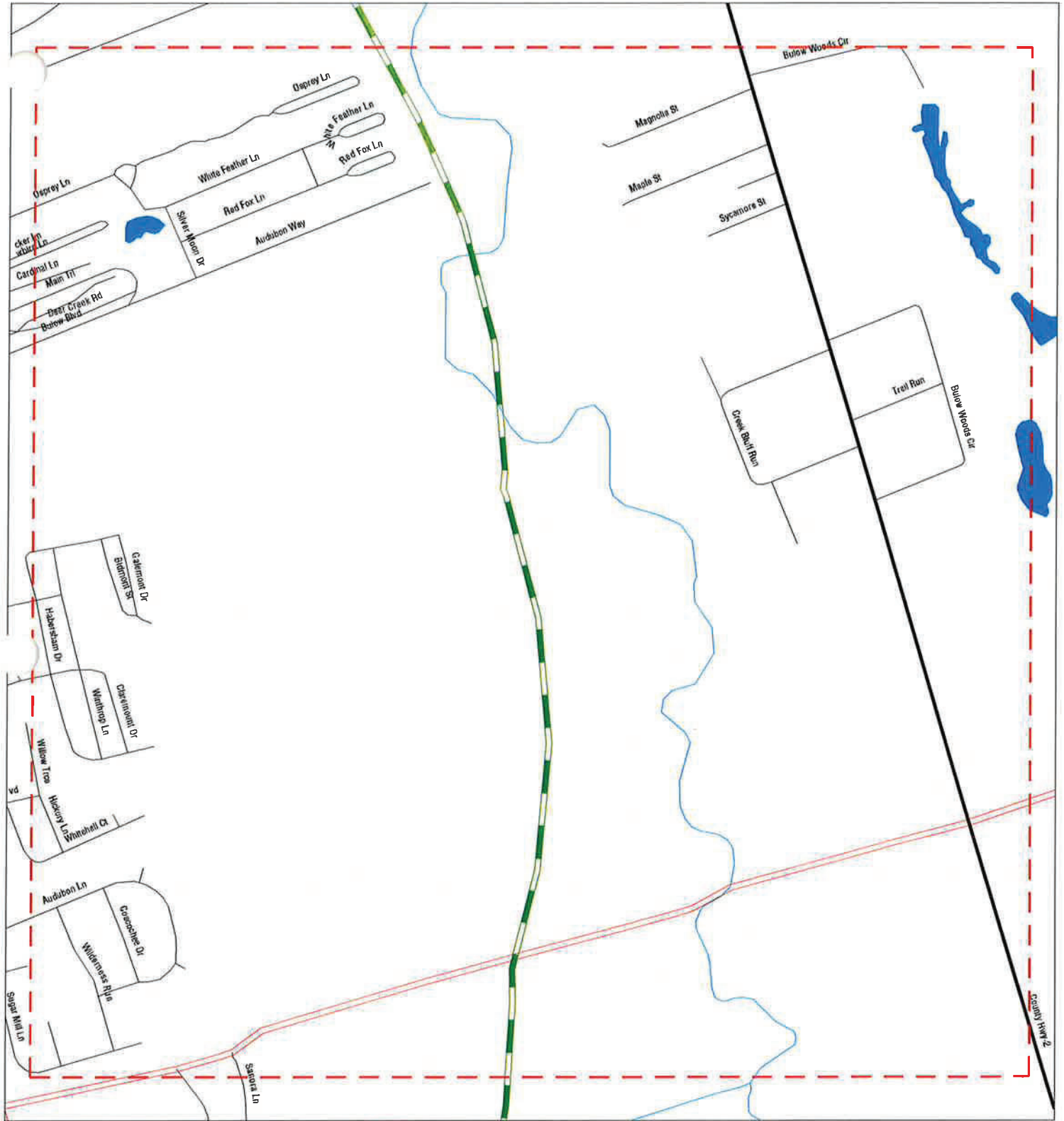
CLIENT: Blo-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 5

Target Property:
 OLD KINGS ROAD SOUTH
 FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
Reg / Multiple	FLAGLER ECONOMIC ENH		BROWNFIELDS	1 ft.
A1 / 5	PALM COAST GUN CLUB	2525 OLD KINGS RD	RESP PARTY	165 0.031 ENE
A2 / 5	PALM COAST GUN CLUB	2525 OLD KINGS RD	DWM CONTAM, RESP PARTY	165 0.031 ENE

Focus Map - 6 - 6531158.5s



- | | | |
|----------------------|------------------------------|-------------------------|
| ▲ Sites | /// Focus Map - Sites | Indian Reservations BIA |
| Target Property | Power Line | FL Brownfield |
| Search Buffer | National Priority List Sites | |
| Focus Map - No Sites | Dept. Defense Sites | |



SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 6

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 7 - 6531158.5s



- | | | | | | |
|--|----------------------|--|------------------------------|--|-------------------------|
| | Sites | | Focus Map - Sites | | Indian Reservations BIA |
| | Target Property | | Power Line | | FL Brownfield |
| | Search Buffer | | National Priority List Sites | | Dept. Defense Sites |
| | Focus Map - No Sites | | | | |

0 1/8 1/4 Miles

SITE NAME: Eagle Lake Site
 ADDRESS: Old Kings Road South
 CITY/STATE: Flagler Beach FL
 ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
 CONTACT: Joseph Galletti
 INQUIRY #: 6531158.5s
 DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 7

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 8 - 6531158.5s



- ▲ Sites
- // Focus Map - Sites
- Target Property
- Search Buffer
- Focus Map - No Sites
- Power Line
- National Priority List Sites
- Dept. Defense Sites
- Indian Reservations BIA
- FL Brownfield

0 1/8 1/4 Miles

SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 8

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Focus Map - 9 - 6531158.5s



- ▲ Sites
- Target Property
- Search Buffer
- Focus Map - No Sites
- Focus Map - Sites
- Power Line
- National Priority List Sites
- Dept. Defense Sites
- Indian Reservations BIA
- FL Brownfield

0 1/8 1/4 Miles

SITE NAME: Eagle Lake Site
ADDRESS: Old Kings Road South
CITY/STATE: Flagler Beach FL
ZIP: 32136

CLIENT: Bio-Tech Consulting, Inc.
CONTACT: Joseph Galletti
INQUIRY #: 6531158.5s
DATE: 06/10/21

MAPPED SITES SUMMARY - FOCUS MAP 9

Target Property:
OLD KINGS ROAD SOUTH
FLAGLER BEACH, FL 32136

MAP ID / FOCUS MAP	SITE NAME	ADDRESS	DATABASE ACRONYMS	DIST (ft. & mi.) DIRECTION
-----------------------	-----------	---------	-------------------	-------------------------------

NO MAPPED SITES FOUND

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

< 1/8 **FLAGLER ECONOMIC ENHANCEMENT DISTRICTS** **BROWNFIELDS** **S110523101**
1 ft. **PALM COAST, FL** **N/A**

Focus Map:
2,5

BROWNFIELDS AREAS:

Name: FLAGLER ECONOMIC ENHANCEMENT DISTRICTS
Address: Not reported
City,State,Zip: PALM COAST, FL
Area id: BF181001000
District: Northeast
Acreage: 4010.83035
Resolution: 2015-35
Resolution Date: 05/04/2015
Source: The Board of County Commissioners of Flagler County
Object Id: 329
Method: PAPER
Area: 16231254.5
XCoord: 670190.395
YCoord: 610959.8293

A1 **PALM COAST GUN CLUB** **RESP PARTY** **S117360730**
ENE **2525 OLD KINGS RD** **N/A**
< 1/8 **PALM COAST, FL**
0.031 mi.
165 ft. **Site 1 of 2 in cluster A**

Actual:
25 ft.

Focus Map:
5

RESP PARTY:

Name: PALM COAST GUN CLUB
Address: 2525 OLD KINGS RD
City,State,Zip: PALM COAST, FL
District: Northeast District
Site Id: 190204
Project Id: 251938
Site Status: CLOSED
Project Manager: MCKEEHEN_D
OGC Case Number: Not reported
Initial Date Received: 06/29/2001
Contaminants: Not reported
Offsite Cont Impact: Not reported
Priority Score: Not reported
Datum: HARN
Method ID: UNVR
Feature: Not reported
Object Of Interest: CAP_RAP SITE
Proximity To Object: VICIN
Collect Username: BAIN_W
Collect Affiliation: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Collect Program Id: CL
Collect Date: 03/14/2006
Map Series Used: 1999 doqs
Map Source Scale: 3734
Interpolation Scale: Not reported
Coordinate Accuracy Id: 4
Verify Method Id: DPHO
Verifier Username: BAIN_W
Verifier Affiliation: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Verifying Program Id: CL
Verification Date: 03/14/2006
Decode for District: Northeast District
Decode for Datum: High Accuracy Reference Network

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

PALM COAST GUN CLUB (Continued)

S117360730

Decode for Method: Unverified
Decode for Off Site COC: Not reported
Decode for V_Method: Digital Aerial Photography With Ground Control
Latitude/Longitude (deg/min/sec): 29 26 / 81 9

A2
ENE
< 1/8
0.031 mi.
165 ft.

PALM COAST GUN CLUB - SKEET RANGE

2525 OLD KINGS RD
PALM COAST, FL

DWM CONTAM
RESP PARTY

S117360729
N/A

Site 2 of 2 in cluster A

Actual:
25 ft.
Focus Map:
5

DWM CONTAM:
Name: PALM COAST GUN CLUB - SKEET RANGE
Address: 2525 OLD KINGS RD
City,State,Zip: PALM COAST, FL
Program Site Id: ERIC_12512
Lat DD: 29
Lat MM: 26
Lat SS: 23.3864
Long DD: 81
Long MM: 9
Long SS: 31.7769
Office/ District: NED
Program Area: RESPONSPARTY
Priority Score: Not reported
Datum: HARN
Method: DPHO
Facility Status: Closed
Facility Type: Not reported
Score Effective Date: Not reported
Score When Ranked: Not reported
Rank: Not reported
Operator: Not reported
Phone: Not reported
Name Changed: Not reported
Addr Changed: Not reported
Related Party ID: Not reported
Primary RP Role: Not reported
RP Begin Date: Not reported
RP Name: Not reported
RP Address1: Not reported
RP Address2: Not reported
RP City: Not reported
RP State: Not reported
RP Zip5: Not reported
RP Zip4: Not reported
Contact: Not reported
RP Phone: Not reported
RP Extension: Not reported
Site Manager: Not reported

RESP PARTY:

Name: PALM COAST GUN CLUB - SKEET RANGE
Address: 2525 OLD KINGS RD
City,State,Zip: PALM COAST, FL
District: Northeast District
Site Id: 190204

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

PALM COAST GUN CLUB - SKEET RANGE (Continued)

S117360729

Project Id: 254843
Site Status: CLOSED
Project Manager: MCKEEHEN_D
OGC Case Number: Not reported
Initial Date Received: 06/29/2001
Contaminants: Not reported
Offsite Cont Impact: Not reported
Priority Score: Not reported
Datum: HARN
Method ID: UNVR
Feature: Not reported
Object Of Interest: CAP_RAP SITE
Proximity To Object: VICIN
Collect Username: BAIN_W
Collect Affiliation: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Collect Program Id: CL
Collect Date: 03/14/2006
Map Series Used: 1999 doqs
Map Source Scale: 3734
Interpolation Scale: Not reported
Coordinate Accuracy Id: 4
Verify Method Id: DPHO
Verifier Username: BAIN_W
Verifier Affiliation: DEPARTMENT OF ENVIRONMENTAL PROTECTION
Verifying Program Id: CL
Verification Date: 03/14/2006
Decode for District: Northeast District
Decode for Datum: High Accuracy Reference Network
Decode for Method: Unverified
Decode for Off Site COC: Not reported
Decode for V_Method: Digital Aerial Photography With Ground Control
Latitude/Longitude (deg/min/sec): 29 26 / 81 9

Count: 18 records

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
BUNNELL	1024605677	PLANTATION BAY WASTEWATER TREATMENT PLAN IMPROVEMENTS	1600 S OLD DIXIE HWY	32110	FINDS, ECHO
BUNNELL	1011409013	EDGE PROPERTIES COMMERCIAL SUB	SR 100 B/W OLD KINGS RD/COLBERT LN	32110	FINDS, ECHO
BUNNELL	1011420850	EAGLE LAKES INTERIM WWTP	OLD KINGS ROAD	32110	FINDS
BUNNELL	S118238417	RAINBOW RANCH WWTF	257 OLD DUPONT ROAD		NPDES
BUNNELL	S106437634	RAINBOW RANCH LIME STABILIZATION FACILITY	257 OLD DUPONT ROAD		NPDES
BUNNELL	S105955833	RAINBOW RANCH	257 OLD DUPONT RD (FOOT OF HIGH STREET)		NPDES
FLAGLER BEACH	1008220917	FLAGLER BEACH POLO CLUB WEST	OLD KINGS RD, 2.5 MILES N OF S	32136	FINDS, ECHO
FLAGLER COUNTY	8850690		INTERSECTION OF OLD KING'S RD AND FOREST GROVE		ERNS
ORMOND BEACH	S105187912		I-95 SOUTH OF OLD DIXIE HIGHWAY		SPILLS
ORMOND BEACH	S108171635		MM 277-278 ON I-95, 1 MILE S, OF OLD DIXIE HWY		SPILLS
ORMOND BEACH	S102846669	PLANTATION BAY WWTF	OLD DIXIE HIGHWAY, WEST OF US 1		NPDES
PALM COAST	2019243755		STATE RD 100 AND OLD KING RD		ERNS
PALM COAST	S105460649		KNIGHTS-OF-COLUMBUS PARKING LOT @51 OLD KINGS RD N		SPILLS
PALM COAST	S107165706		I-95 SOUTHBOUND AT OLD EXIT 91		SPILLS
PALM COAST	S116348685		53 OLD OAK DR.		SPILLS
PALM COAST	1023394557	FLAGLER PIONEER GROUP	OLD KINGS ROAD SOUTH	32164	FINDS
PALM COAST	1023400176	TOWN CENTRE EAST	I-95 AND OLD KINGS ROAD	32164	FINDS
PALM COAST	S109701309	OLD HAMMOCK PLANTATION WWTF	OLD HAMMOCK PLANTATION DRIVE		NPDES

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 04/27/2021	Source: EPA
Date Data Arrived at EDR: 05/03/2021	Telephone: N/A
Date Made Active in Reports: 05/19/2021	Last EDR Contact: 06/04/2021
Number of Days to Update: 16	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 7
Telephone: 913-551-7247

EPA Region 4
Telephone 404-562-8033

EPA Region 8
Telephone: 303-312-6774

EPA Region 5
Telephone 312-886-6686

EPA Region 9
Telephone: 415-947-4246

EPA Region 10
Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 04/27/2021	Source: EPA
Date Data Arrived at EDR: 05/03/2021	Telephone: N/A
Date Made Active in Reports: 05/19/2021	Last EDR Contact: 06/04/2021
Number of Days to Update: 16	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Quarterly

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/15/1991
Date Data Arrived at EDR: 02/02/1994
Date Made Active in Reports: 03/30/1994
Number of Days to Update: 56

Source: EPA
Telephone: 202-564-4267
Last EDR Contact: 08/15/2011
Next Scheduled EDR Contact: 11/28/2011
Data Release Frequency: No Update Planned

Federal Delisted NPL site list

Delisted NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 04/27/2021
Date Data Arrived at EDR: 05/03/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 16

Source: EPA
Telephone: N/A
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Quarterly

Federal CERCLIS list

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 04/03/2019
Date Data Arrived at EDR: 04/05/2019
Date Made Active in Reports: 05/14/2019
Number of Days to Update: 39

Source: Environmental Protection Agency
Telephone: 703-603-8704
Last EDR Contact: 03/30/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Varies

SEMS: Superfund Enterprise Management System

SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly known as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 04/27/2021
Date Data Arrived at EDR: 05/03/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 16

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Quarterly

Federal CERCLIS NFRAP site list

SEMS-ARCHIVE: Superfund Enterprise Management System Archive

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be potential NPL site.

Date of Government Version: 04/27/2021
Date Data Arrived at EDR: 05/03/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 16

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Quarterly

Federal RCRA CORRACTS facilities list

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: EPA
Telephone: 800-424-9346
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

Federal RCRA non-CORRACTS TSD facilities list

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: Environmental Protection Agency
Telephone: (404) 562-8651
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

Federal RCRA generators list

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: Environmental Protection Agency
Telephone: (404) 562-8651
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: Environmental Protection Agency
Telephone: (404) 562-8651
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

RCRA-VSQQ: RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Very small quantity generators (VSQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: Environmental Protection Agency
Telephone: (404) 562-8651
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

Federal institutional controls / engineering controls registries

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 02/09/2021
Date Data Arrived at EDR: 02/11/2021
Date Made Active in Reports: 03/22/2021
Number of Days to Update: 39

Source: Department of the Navy
Telephone: 843-820-7326
Last EDR Contact: 05/05/2021
Next Scheduled EDR Contact: 08/23/2021
Data Release Frequency: Varies

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 02/22/2021
Date Data Arrived at EDR: 02/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 85

Source: Environmental Protection Agency
Telephone: 703-603-0695
Last EDR Contact: 05/21/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

US INST CONTROLS: Institutional Controls Sites List

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 02/22/2021
Date Data Arrived at EDR: 02/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 85

Source: Environmental Protection Agency
Telephone: 703-603-0695
Last EDR Contact: 05/21/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Federal ERNS list

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/14/2020
Date Data Arrived at EDR: 12/15/2020
Date Made Active in Reports: 12/22/2020
Number of Days to Update: 7

Source: National Response Center, United States Coast Guard
Telephone: 202-267-2180
Last EDR Contact: 12/15/2020
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

State- and tribal - equivalent CERCLIS

SHWS: Florida's State-Funded Action Sites

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 01/13/2020
Date Data Arrived at EDR: 02/19/2020
Date Made Active in Reports: 04/28/2020
Number of Days to Update: 69

Source: Department of Environmental Protection
Telephone: 850-488-0190
Last EDR Contact: 05/21/2020
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Semi-Annually

State and tribal landfill and/or solid waste disposal site lists

SWF/LF: Solid Waste Facility Database

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 01/12/2021
Date Data Arrived at EDR: 01/12/2021
Date Made Active in Reports: 03/29/2021
Number of Days to Update: 76

Source: Department of Environmental Protection
Telephone: 850-922-7121
Last EDR Contact: 04/13/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Quarterly

State and tribal leaking storage tank lists

LUST: Petroleum Contamination Detail Report

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 01/25/2021
Date Data Arrived at EDR: 01/27/2021
Date Made Active in Reports: 04/16/2021
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 850-245-8839
Last EDR Contact: 04/27/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Quarterly

LAST: Leaking Aboveground Storage Tank Listing

The file for Leaking Aboveground Storage Tanks. Please remember STCM does not track the source of the discharge so the agency provides a list of facilities with an aboveground tank and an open discharge split by facilities with aboveground tanks only and facilities with aboveground and underground tanks.

Date of Government Version: 02/01/2021
Date Data Arrived at EDR: 02/02/2021
Date Made Active in Reports: 04/23/2021
Number of Days to Update: 80

Source: Department of Environmental Protection
Telephone: 850-245-8799
Last EDR Contact: 04/21/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 10/01/2020	Source: Environmental Protection Agency
Date Data Arrived at EDR: 12/16/2020	Telephone: 415-972-3372
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 10/09/2020	Source: EPA Region 8
Date Data Arrived at EDR: 12/16/2020	Telephone: 303-312-6271
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 11/12/2020	Source: EPA Region 10
Date Data Arrived at EDR: 12/16/2020	Telephone: 206-553-2857
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 04/08/2020	Source: EPA Region 6
Date Data Arrived at EDR: 05/20/2020	Telephone: 214-665-6597
Date Made Active in Reports: 08/12/2020	Last EDR Contact: 04/23/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 10/01/2020	Source: EPA Region 1
Date Data Arrived at EDR: 12/16/2020	Telephone: 617-918-1313
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

Date of Government Version: 10/07/2020	Source: EPA, Region 5
Date Data Arrived at EDR: 12/16/2020	Telephone: 312-886-7439
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 09/30/2020	Source: EPA Region 7
Date Data Arrived at EDR: 12/22/2020	Telephone: 913-551-7003
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 80	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 10/02/2020	Source: EPA Region 4
Date Data Arrived at EDR: 12/18/2020	Telephone: 404-562-8677
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

State and tribal registered storage tank lists

FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 01/29/2021	Source: FEMA
Date Data Arrived at EDR: 02/17/2021	Telephone: 202-646-5797
Date Made Active in Reports: 03/22/2021	Last EDR Contact: 04/05/2021
Number of Days to Update: 33	Next Scheduled EDR Contact: 07/19/2021
	Data Release Frequency: Varies

FF TANKS: Federal Facilities Listing

A listing of federal facilities with storage tanks.

Date of Government Version: 12/21/2020	Source: Department of Environmental Protection
Date Data Arrived at EDR: 12/21/2020	Telephone: 850-245-8250
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 03/19/2021
Number of Days to Update: 81	Next Scheduled EDR Contact: 07/05/2021
	Data Release Frequency: Quarterly

UST: Storage Tank Facility Information

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 01/26/2021	Source: Department of Environmental Protection
Date Data Arrived at EDR: 01/28/2021	Telephone: 850-245-8839
Date Made Active in Reports: 02/02/2021	Last EDR Contact: 04/21/2021
Number of Days to Update: 5	Next Scheduled EDR Contact: 08/09/2021
	Data Release Frequency: Quarterly

AST: Storage Tank Facility Information

Registered Aboveground Storage Tanks.

Date of Government Version: 01/26/2021	Source: Department of Environmental Protection
Date Data Arrived at EDR: 01/28/2021	Telephone: 850-245-8839
Date Made Active in Reports: 02/02/2021	Last EDR Contact: 04/21/2021
Number of Days to Update: 5	Next Scheduled EDR Contact: 08/09/2021
	Data Release Frequency: Quarterly

INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 04/08/2020	Source: EPA Region 6
Date Data Arrived at EDR: 05/20/2020	Telephone: 214-665-7591
Date Made Active in Reports: 08/12/2020	Last EDR Contact: 04/23/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 09/30/2020	Source: EPA Region 7
Date Data Arrived at EDR: 12/22/2020	Telephone: 913-551-7003
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 80	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

Date of Government Version: 10/01/2020	Source: EPA Region 9
Date Data Arrived at EDR: 12/16/2020	Telephone: 415-972-3368
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 10/01/2020	Source: EPA, Region 1
Date Data Arrived at EDR: 12/16/2020	Telephone: 617-918-1313
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

Date of Government Version: 11/12/2020	Source: EPA Region 10
Date Data Arrived at EDR: 12/16/2020	Telephone: 206-553-2857
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations).

Date of Government Version: 10/02/2020	Source: EPA Region 4
Date Data Arrived at EDR: 12/18/2020	Telephone: 404-562-9424
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 10/07/2020	Source: EPA Region 5
Date Data Arrived at EDR: 12/16/2020	Telephone: 312-886-6136
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

Date of Government Version: 10/09/2020	Source: EPA Region 8
Date Data Arrived at EDR: 12/16/2020	Telephone: 303-312-6137
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 04/23/2021
Number of Days to Update: 86	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Varies

TANKS: Storage Tank Facility List

This listing includes storage tank facilities that do not have tank information. The tanks have either been closed or removed from the site, but the facilities were still registered at some point in history.

Date of Government Version: 01/26/2021	Source: Department of Environmental Protection
Date Data Arrived at EDR: 01/28/2021	Telephone: 850-245-8841
Date Made Active in Reports: 02/02/2021	Last EDR Contact: 04/21/2021
Number of Days to Update: 5	Next Scheduled EDR Contact: 08/09/2021
	Data Release Frequency: Quarterly

State and tribal institutional control / engineering control registries

ENG CONTROLS: Institutional Controls Registry

The registry is a database of all contaminated sites in the state of Florida which are subject to engineering controls. Engineering Controls encompass a variety of engineered remedies to contain and/or reduce contamination, and/or physical barriers intended to limit access to property. ECs include fences, signs, guards, landfill caps, provision of potable water, slurry walls, sheet pile (vertical caps), pumping and treatment of groundwater, monitoring wells, and vapor extraction systems.

Date of Government Version: 12/23/2020	Source: Department of Environmental Protection
Date Data Arrived at EDR: 12/23/2020	Telephone: 850-245-8927
Date Made Active in Reports: 03/15/2021	Last EDR Contact: 03/30/2021
Number of Days to Update: 82	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Semi-Annually

Inst Control: Institutional Controls Registry

The registry is a database of all contaminated sites in the state of Florida which are subject to institutional and engineering controls.

Date of Government Version: 12/23/2020	Source: Department of Environmental Protection
Date Data Arrived at EDR: 12/23/2020	Telephone: 850-245-8927
Date Made Active in Reports: 03/15/2021	Last EDR Contact: 03/30/2021
Number of Days to Update: 82	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Semi-Annually

State and tribal voluntary cleanup sites

INDIAN VCP R7: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008	Source: EPA, Region 7
Date Data Arrived at EDR: 04/22/2008	Telephone: 913-551-7365
Date Made Active in Reports: 05/19/2008	Last EDR Contact: 04/20/2009
Number of Days to Update: 27	Next Scheduled EDR Contact: 07/20/2009
	Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 07/27/2015
Date Data Arrived at EDR: 09/29/2015
Date Made Active in Reports: 02/18/2016
Number of Days to Update: 142

Source: EPA, Region 1
Telephone: 617-918-1102
Last EDR Contact: 03/22/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Varies

VCP: Voluntary Cleanup Sites

Listing of closed and active voluntary cleanup sites.

Date of Government Version: 12/13/2020
Date Data Arrived at EDR: 01/13/2021
Date Made Active in Reports: 03/29/2021
Number of Days to Update: 75

Source: Department of Environmental Protection
Telephone: 850-245-8705
Last EDR Contact: 05/14/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Varies

State and tribal Brownfields sites

BSRA: Brownfield Site Rehabilitation Agreements Listing

The BSRA provides DEP and the public assurance that site rehabilitation will be conducted in accordance with Florida Statutes and DEP's Contaminated Site Cleanup Criteria rule. In addition, the BSRA provides limited liability protection for the voluntary responsible party. The BSRA contains various commitments by the voluntary responsible party, including milestones for completion of site rehabilitation tasks and submittal of technical reports and plans. It also contains a commitment by DEP to review technical reports according to an agreed upon schedule. Only those brownfield sites with an executed BSRA are eligible to apply for a voluntary cleanup tax credit incentive pursuant to Section 376.30781, Florida Statutes.

Date of Government Version: 07/14/2020
Date Data Arrived at EDR: 09/29/2020
Date Made Active in Reports: 12/17/2020
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 850-245-8934
Last EDR Contact: 04/01/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Varies

BROWNFIELDS AREAS: Brownfields Areas Database

A "brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, that has been designated as such by a local government resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency (EPA) designated brownfield pilot projects. This layer provides a polygon representation of the boundaries of these designated Brownfield Areas in Florida.

Date of Government Version: 12/21/2020
Date Data Arrived at EDR: 12/23/2020
Date Made Active in Reports: 03/15/2021
Number of Days to Update: 82

Source: Department of Environmental Protection
Telephone: 850-245-8934
Last EDR Contact: 03/30/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Quarterly

BROWNFIELDS: Brownfields Sites Database

Brownfields are defined by the Florida Department of Environmental Protection (FDEP) as abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Date of Government Version: 12/07/2020
Date Data Arrived at EDR: 12/23/2020
Date Made Active in Reports: 03/15/2021
Number of Days to Update: 82

Source: Department of Environmental Protection
Telephone: 850-245-8927
Last EDR Contact: 03/30/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Semi-Annually

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

US BROWNFIELDS: A Listing of Brownfields Sites

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 12/11/2020	Source: Environmental Protection Agency
Date Data Arrived at EDR: 12/11/2020	Telephone: 202-566-2777
Date Made Active in Reports: 03/02/2021	Last EDR Contact: 03/16/2021
Number of Days to Update: 81	Next Scheduled EDR Contact: 06/28/2021
	Data Release Frequency: Semi-Annually

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY: Recycling Centers

A listing of recycling centers located in the state of Florida.

Date of Government Version: 12/03/2018	Source: Department of Environmental Protection
Date Data Arrived at EDR: 01/15/2019	Telephone: 850-245-8718
Date Made Active in Reports: 03/14/2019	Last EDR Contact: 04/16/2021
Number of Days to Update: 58	Next Scheduled EDR Contact: 07/26/2021
	Data Release Frequency: Varies

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998	Source: Environmental Protection Agency
Date Data Arrived at EDR: 12/03/2007	Telephone: 703-308-8245
Date Made Active in Reports: 01/24/2008	Last EDR Contact: 04/22/2021
Number of Days to Update: 52	Next Scheduled EDR Contact: 08/09/2021
	Data Release Frequency: Varies

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/1985	Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/09/2004	Telephone: 800-424-9346
Date Made Active in Reports: 09/17/2004	Last EDR Contact: 06/09/2004
Number of Days to Update: 39	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009	Source: EPA, Region 9
Date Data Arrived at EDR: 05/07/2009	Telephone: 415-947-4219
Date Made Active in Reports: 09/21/2009	Last EDR Contact: 04/14/2021
Number of Days to Update: 137	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: No Update Planned

IHS OPEN DUMPS: Open Dumps on Indian Land

A listing of all open dumps located on Indian Land in the United States.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/01/2014
Date Data Arrived at EDR: 08/06/2014
Date Made Active in Reports: 01/29/2015
Number of Days to Update: 176

Source: Department of Health & Human Services, Indian Health Service
Telephone: 301-443-1452
Last EDR Contact: 04/29/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Varies

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations that have been removed from the DEAs National Clandestine Laboratory Register.

Date of Government Version: 12/07/2020
Date Data Arrived at EDR: 12/09/2020
Date Made Active in Reports: 03/02/2021
Number of Days to Update: 83

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 05/22/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: No Update Planned

PRIORITYCLEANERS: Priority Ranking List

The Florida Legislature has established a state-funded program to cleanup properties that are contaminated as a result of the operations of a drycleaning facility.

Date of Government Version: 10/26/2020
Date Data Arrived at EDR: 11/10/2020
Date Made Active in Reports: 01/27/2021
Number of Days to Update: 78

Source: Department of Environmental Protection
Telephone: 850-245-8927
Last EDR Contact: 05/11/2021
Next Scheduled EDR Contact: 08/23/2021
Data Release Frequency: Varies

FL SITES: Sites List

This summary status report was developed from a number of lists including the Eckhardt list, the Moffit list, the EPA Hazardous Waste Sites list, EPA's Emergency & Remedial Response information System list (RCRA Section 3012) & existing department lists such as the obsolete uncontrolled Hazardous Waste Sites list. This list is no longer updated.

Date of Government Version: 12/31/1989
Date Data Arrived at EDR: 05/09/1994
Date Made Active in Reports: 08/04/1994
Number of Days to Update: 87

Source: Department of Environmental Protection
Telephone: 850-245-8705
Last EDR Contact: 03/24/1994
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 12/07/2020
Date Data Arrived at EDR: 12/09/2020
Date Made Active in Reports: 03/02/2021
Number of Days to Update: 83

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 05/18/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Quarterly

PFAS: PFOS and PFOA stand for perfluorooctane sulfonate and perfluorooctanoic acid

PFOS and PFOA stand for perfluorooctane sulfonate and perfluorooctanoic acid, respectively. Both are fluorinated organic chemicals, part of a larger family of compounds referred to as perfluoroalkyl substances (PFASs).

Date of Government Version: 10/26/2020
Date Data Arrived at EDR: 10/27/2020
Date Made Active in Reports: 11/06/2020
Number of Days to Update: 10

Source: Department of Environmental Protection
Telephone: 850-245-8690
Last EDR Contact: 04/20/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Local Land Records

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 04/27/2021	Source: Environmental Protection Agency
Date Data Arrived at EDR: 05/03/2021	Telephone: 202-564-6023
Date Made Active in Reports: 05/19/2021	Last EDR Contact: 06/04/2021
Number of Days to Update: 16	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Semi-Annually

Records of Emergency Release Reports

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 12/16/2020	Source: U.S. Department of Transportation
Date Data Arrived at EDR: 12/17/2020	Telephone: 202-366-4555
Date Made Active in Reports: 03/12/2021	Last EDR Contact: 03/24/2021
Number of Days to Update: 85	Next Scheduled EDR Contact: 07/05/2021
	Data Release Frequency: Quarterly

SPILLS: Oil and Hazardous Materials Incidents

Statewide oil and hazardous materials inland incidents.

Date of Government Version: 01/04/2021	Source: Department of Environmental Protection
Date Data Arrived at EDR: 01/05/2021	Telephone: 850-245-2010
Date Made Active in Reports: 03/18/2021	Last EDR Contact: 04/05/2021
Number of Days to Update: 72	Next Scheduled EDR Contact: 07/19/2021
	Data Release Frequency: Semi-Annually

SPILLS 90: SPILLS90 data from FirstSearch

Spills 90 includes those spill and release records available exclusively from FirstSearch databases. Typically, they may include chemical, oil and/or hazardous substance spills recorded after 1990. Duplicate records that are already included in EDR incident and release records are not included in Spills 90.

Date of Government Version: 12/10/2012	Source: FirstSearch
Date Data Arrived at EDR: 01/03/2013	Telephone: N/A
Date Made Active in Reports: 03/04/2013	Last EDR Contact: 01/03/2013
Number of Days to Update: 60	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

SPILLS 80: SPILLS80 data from FirstSearch

Spills 80 includes those spill and release records available from FirstSearch databases prior to 1990. Typically, they may include chemical, oil and/or hazardous substance spills recorded before 1990. Duplicate records that are already included in EDR incident and release records are not included in Spills 80.

Date of Government Version: 09/01/2001	Source: FirstSearch
Date Data Arrived at EDR: 01/03/2013	Telephone: N/A
Date Made Active in Reports: 03/06/2013	Last EDR Contact: 01/03/2013
Number of Days to Update: 62	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators / No Longer Regulated

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/22/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 57

Source: Environmental Protection Agency
Telephone: (404) 562-8651
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 02/11/2021
Date Data Arrived at EDR: 02/17/2021
Date Made Active in Reports: 04/05/2021
Number of Days to Update: 47

Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
Last EDR Contact: 05/18/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Varies

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 11/10/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 62

Source: USGS
Telephone: 888-275-8747
Last EDR Contact: 04/16/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Semi-Annually

FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 04/02/2018
Date Data Arrived at EDR: 04/11/2018
Date Made Active in Reports: 11/06/2019
Number of Days to Update: 574

Source: U.S. Geological Survey
Telephone: 888-275-8747
Last EDR Contact: 04/05/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: N/A

SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 01/01/2017
Date Data Arrived at EDR: 02/03/2017
Date Made Active in Reports: 04/07/2017
Number of Days to Update: 63

Source: Environmental Protection Agency
Telephone: 615-532-8599
Last EDR Contact: 05/18/2021
Next Scheduled EDR Contact: 08/23/2021
Data Release Frequency: Varies

US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 12/14/2020
Date Data Arrived at EDR: 12/17/2020
Date Made Active in Reports: 03/12/2021
Number of Days to Update: 85

Source: Environmental Protection Agency
Telephone: 202-566-1917
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

EPA WATCH LIST: EPA WATCH LIST

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/21/2014	Telephone: 617-520-3000
Date Made Active in Reports: 06/17/2014	Last EDR Contact: 04/30/2021
Number of Days to Update: 88	Next Scheduled EDR Contact: 08/16/2021
	Data Release Frequency: Quarterly

2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 09/30/2017	Source: Environmental Protection Agency
Date Data Arrived at EDR: 05/08/2018	Telephone: 703-308-4044
Date Made Active in Reports: 07/20/2018	Last EDR Contact: 05/07/2021
Number of Days to Update: 73	Next Scheduled EDR Contact: 08/16/2021
	Data Release Frequency: Varies

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2016	Source: EPA
Date Data Arrived at EDR: 06/17/2020	Telephone: 202-260-5521
Date Made Active in Reports: 09/10/2020	Last EDR Contact: 03/19/2021
Number of Days to Update: 85	Next Scheduled EDR Contact: 06/28/2021
	Data Release Frequency: Every 4 Years

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/2018	Source: EPA
Date Data Arrived at EDR: 08/14/2020	Telephone: 202-566-0250
Date Made Active in Reports: 11/04/2020	Last EDR Contact: 05/17/2021
Number of Days to Update: 82	Next Scheduled EDR Contact: 08/30/2021
	Data Release Frequency: Annually

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 01/20/2021	Source: EPA
Date Data Arrived at EDR: 01/21/2021	Telephone: 202-564-4203
Date Made Active in Reports: 03/22/2021	Last EDR Contact: 04/20/2021
Number of Days to Update: 60	Next Scheduled EDR Contact: 08/02/2021
	Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 04/27/2021
Date Data Arrived at EDR: 05/03/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 16

Source: EPA
Telephone: 703-416-0223
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 09/13/2021
Data Release Frequency: Annually

RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 01/22/2021
Date Data Arrived at EDR: 02/18/2021
Date Made Active in Reports: 05/11/2021
Number of Days to Update: 82

Source: Environmental Protection Agency
Telephone: 202-564-8600
Last EDR Contact: 04/19/2021
Next Scheduled EDR Contact: 08/02/2021
Data Release Frequency: Varies

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995
Date Data Arrived at EDR: 07/03/1995
Date Made Active in Reports: 08/07/1995
Number of Days to Update: 35

Source: EPA
Telephone: 202-564-4104
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: No Update Planned

PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

Date of Government Version: 12/30/2020
Date Data Arrived at EDR: 01/14/2021
Date Made Active in Reports: 03/05/2021
Number of Days to Update: 50

Source: EPA
Telephone: 202-564-6023
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 08/16/2021
Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 11/19/2020
Date Data Arrived at EDR: 01/08/2021
Date Made Active in Reports: 03/22/2021
Number of Days to Update: 73

Source: EPA
Telephone: 202-566-0500
Last EDR Contact: 04/09/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 11/18/2016
Date Data Arrived at EDR: 11/23/2016
Date Made Active in Reports: 02/10/2017
Number of Days to Update: 79

Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 03/31/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Quarterly

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009
Date Data Arrived at EDR: 04/16/2009
Date Made Active in Reports: 05/11/2009
Number of Days to Update: 25

Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-566-1667
Last EDR Contact: 08/18/2017
Next Scheduled EDR Contact: 12/04/2017
Data Release Frequency: No Update Planned

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009
Date Data Arrived at EDR: 04/16/2009
Date Made Active in Reports: 05/11/2009
Number of Days to Update: 25

Source: EPA
Telephone: 202-566-1667
Last EDR Contact: 08/18/2017
Next Scheduled EDR Contact: 12/04/2017
Data Release Frequency: No Update Planned

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 03/08/2021
Date Data Arrived at EDR: 03/11/2021
Date Made Active in Reports: 05/11/2021
Number of Days to Update: 61

Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
Last EDR Contact: 04/16/2021
Next Scheduled EDR Contact: 08/02/2021
Data Release Frequency: Quarterly

COAL ASH DOE: Steam-Electric Plant Operation Data

A listing of power plants that store ash in surface ponds.

Date of Government Version: 12/31/2019
Date Data Arrived at EDR: 12/01/2020
Date Made Active in Reports: 02/09/2021
Number of Days to Update: 70

Source: Department of Energy
Telephone: 202-586-8719
Last EDR Contact: 05/27/2021
Next Scheduled EDR Contact: 09/13/2021
Data Release Frequency: Varies

COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

Date of Government Version: 01/12/2017
Date Data Arrived at EDR: 03/05/2019
Date Made Active in Reports: 11/11/2019
Number of Days to Update: 251

Source: Environmental Protection Agency
Telephone: N/A
Last EDR Contact: 05/27/2021
Next Scheduled EDR Contact: 09/13/2021
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

Date of Government Version: 09/13/2019	Source: Environmental Protection Agency
Date Data Arrived at EDR: 11/06/2019	Telephone: 202-566-0517
Date Made Active in Reports: 02/10/2020	Last EDR Contact: 05/07/2021
Number of Days to Update: 96	Next Scheduled EDR Contact: 08/16/2021
	Data Release Frequency: Varies

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 07/01/2019	Source: Environmental Protection Agency
Date Data Arrived at EDR: 07/01/2019	Telephone: 202-343-9775
Date Made Active in Reports: 09/23/2019	Last EDR Contact: 03/25/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 07/12/2021
	Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-564-2501
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 12/17/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 03/17/2008
	Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-564-2501
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 12/17/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 03/17/2008
	Data Release Frequency: No Update Planned

DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 01/02/2020	Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 01/28/2020	Telephone: 202-366-4595
Date Made Active in Reports: 04/17/2020	Last EDR Contact: 04/27/2021
Number of Days to Update: 80	Next Scheduled EDR Contact: 08/09/2021
	Data Release Frequency: Quarterly

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/31/2020
Date Data Arrived at EDR: 01/13/2021
Date Made Active in Reports: 03/22/2021
Number of Days to Update: 68

Source: Department of Justice, Consent Decree Library
Telephone: Varies
Last EDR Contact: 04/05/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Varies

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2017
Date Data Arrived at EDR: 06/22/2020
Date Made Active in Reports: 11/20/2020
Number of Days to Update: 151

Source: EPA/NTIS
Telephone: 800-424-9346
Last EDR Contact: 03/23/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Biennially

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2014
Date Data Arrived at EDR: 07/14/2015
Date Made Active in Reports: 01/10/2017
Number of Days to Update: 546

Source: USGS
Telephone: 202-208-3710
Last EDR Contact: 04/06/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Semi-Annually

FUSRAP: Formerly Utilized Sites Remedial Action Program

DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

Date of Government Version: 08/08/2017
Date Data Arrived at EDR: 09/11/2018
Date Made Active in Reports: 09/14/2018
Number of Days to Update: 3

Source: Department of Energy
Telephone: 202-586-3559
Last EDR Contact: 04/28/2021
Next Scheduled EDR Contact: 08/16/2021
Data Release Frequency: Varies

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 08/30/2019
Date Data Arrived at EDR: 11/15/2019
Date Made Active in Reports: 01/28/2020
Number of Days to Update: 74

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 05/21/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Varies

LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 04/27/2021
Date Data Arrived at EDR: 05/03/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 16

Source: Environmental Protection Agency
Telephone: 703-603-8787
Last EDR Contact: 06/04/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Varies

LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931 and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/05/2001
Date Data Arrived at EDR: 10/27/2010
Date Made Active in Reports: 12/02/2010
Number of Days to Update: 36

Source: American Journal of Public Health
Telephone: 703-305-6451
Last EDR Contact: 12/02/2009
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017
Number of Days to Update: 100

Source: EPA
Telephone: 202-564-2496
Last EDR Contact: 09/26/2017
Next Scheduled EDR Contact: 01/08/2018
Data Release Frequency: Annually

US AIRS MINOR: Air Facility System Data

A listing of minor source facilities.

Date of Government Version: 10/12/2016
Date Data Arrived at EDR: 10/26/2016
Date Made Active in Reports: 02/03/2017
Number of Days to Update: 100

Source: EPA
Telephone: 202-564-2496
Last EDR Contact: 09/26/2017
Next Scheduled EDR Contact: 01/08/2018
Data Release Frequency: Annually

MINES VIOLATIONS: MSHA Violation Assessment Data

Mines violation and assessment information. Department of Labor, Mine Safety & Health Administration.

Date of Government Version: 11/24/2020
Date Data Arrived at EDR: 11/30/2020
Date Made Active in Reports: 01/25/2021
Number of Days to Update: 56

Source: DOL, Mine Safety & Health Admini
Telephone: 202-693-9424
Last EDR Contact: 05/26/2021
Next Scheduled EDR Contact: 09/13/2021
Data Release Frequency: Quarterly

US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 02/01/2021
Date Data Arrived at EDR: 02/24/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 84

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 05/25/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Semi-Annually

US MINES 2: Ferrous and Nonferrous Metal Mines Database Listing

This map layer includes ferrous (ferrous metal mines are facilities that extract ferrous metals, such as iron ore or molybdenum) and nonferrous (Nonferrous metal mines are facilities that extract nonferrous metals, such as gold, silver, copper, zinc, and lead) metal mines in the United States.

Date of Government Version: 05/06/2020
Date Data Arrived at EDR: 05/27/2020
Date Made Active in Reports: 08/13/2020
Number of Days to Update: 78

Source: USGS
Telephone: 703-648-7709
Last EDR Contact: 05/27/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

US MINES 3: Active Mines & Mineral Plants Database Listing

Active Mines and Mineral Processing Plant operations for commodities monitored by the Minerals Information Team of the USGS.

Date of Government Version: 04/14/2011	Source: USGS
Date Data Arrived at EDR: 06/08/2011	Telephone: 703-648-7709
Date Made Active in Reports: 09/13/2011	Last EDR Contact: 05/27/2021
Number of Days to Update: 97	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Varies

ABANDONED MINES: Abandoned Mines

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by OSMRE to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of AML impacts, as well as, information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Date of Government Version: 12/11/2020	Source: Department of Interior
Date Data Arrived at EDR: 12/11/2020	Telephone: 202-208-2609
Date Made Active in Reports: 03/02/2021	Last EDR Contact: 06/02/2021
Number of Days to Update: 81	Next Scheduled EDR Contact: 09/20/2021
	Data Release Frequency: Quarterly

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 02/03/2021	Source: EPA
Date Data Arrived at EDR: 03/03/2021	Telephone: (404) 562-9900
Date Made Active in Reports: 04/05/2021	Last EDR Contact: 05/18/2021
Number of Days to Update: 33	Next Scheduled EDR Contact: 09/13/2021
	Data Release Frequency: Quarterly

DOCKET HWC: Hazardous Waste Compliance Docket Listing

A complete list of the Federal Agency Hazardous Waste Compliance Docket Facilities.

Date of Government Version: 11/03/2020	Source: Environmental Protection Agency
Date Data Arrived at EDR: 11/17/2020	Telephone: 202-564-0527
Date Made Active in Reports: 02/09/2021	Last EDR Contact: 05/21/2021
Number of Days to Update: 84	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Varies

ECHO: Enforcement & Compliance History Information

ECHO provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide.

Date of Government Version: 01/02/2021	Source: Environmental Protection Agency
Date Data Arrived at EDR: 01/08/2021	Telephone: 202-564-2280
Date Made Active in Reports: 03/22/2021	Last EDR Contact: 04/06/2021
Number of Days to Update: 73	Next Scheduled EDR Contact: 07/19/2021
	Data Release Frequency: Quarterly

UXO: Unexploded Ordnance Sites

A listing of unexploded ordnance site locations

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/31/2018
Date Data Arrived at EDR: 07/02/2020
Date Made Active in Reports: 09/17/2020
Number of Days to Update: 77

Source: Department of Defense
Telephone: 703-704-1564
Last EDR Contact: 04/13/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Varies

FUELS PROGRAM: EPA Fuels Program Registered Listing

This listing includes facilities that are registered under the Part 80 (Code of Federal Regulations) EPA Fuels Programs. All companies now are required to submit new and updated registrations.

Date of Government Version: 02/17/2021
Date Data Arrived at EDR: 02/17/2021
Date Made Active in Reports: 03/22/2021
Number of Days to Update: 33

Source: EPA
Telephone: 800-385-6164
Last EDR Contact: 05/14/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Quarterly

AIRS: Permitted Facilities Listing

A listing of Air Resources Management permits.

Date of Government Version: 01/26/2021
Date Data Arrived at EDR: 01/28/2021
Date Made Active in Reports: 02/03/2021
Number of Days to Update: 6

Source: Department of Environmental Protection
Telephone: 850-921-9558
Last EDR Contact: 04/21/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Varies

ASBESTOS: Asbestos Notification Listing

Asbestos sites

Date of Government Version: 02/16/2021
Date Data Arrived at EDR: 02/17/2021
Date Made Active in Reports: 05/07/2021
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 850-717-9086
Last EDR Contact: 05/12/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Varies

CLEANUP SITES: DEP Cleanup Sites - Contamination Locator Map Listing

This listing includes the locations of waste cleanup sites from various programs. The source of the cleanup site data includes Hazardous Waste programs, Site Investigation Section, Compliance and Enforcement Tracking, Drycleaning State Funded Cleanup Program (possibly other state funded cleanup), Storage Tank Contamination Monitoring.

Date of Government Version: 02/23/2021
Date Data Arrived at EDR: 02/24/2021
Date Made Active in Reports: 05/14/2021
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 866-282-0787
Last EDR Contact: 05/21/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Quarterly

DEDB: Ethylene Dibromide Database Results

Ethylene dibromide (EDB), a soil fumigant, that has been detected in drinking water wells. The amount found exceeds the maximum contaminant level as stated in Chapter 62-550 or 520. It is a potential threat to public health when present in drinking water.

Date of Government Version: 12/09/2020
Date Data Arrived at EDR: 12/10/2020
Date Made Active in Reports: 02/25/2021
Number of Days to Update: 77

Source: Department of Environmental Protection
Telephone: 850-245-8335
Last EDR Contact: 06/08/2021
Next Scheduled EDR Contact: 09/27/2021
Data Release Frequency: Varies

DRYCLEANERS: Drycleaning Facilities

The Drycleaners database, maintained by the Department of Environmental Protection, provides information about permitted dry cleaner facilities.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 01/20/2021
Date Data Arrived at EDR: 01/20/2021
Date Made Active in Reports: 04/09/2021
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 850-245-8927
Last EDR Contact: 04/20/2021
Next Scheduled EDR Contact: 08/02/2021
Data Release Frequency: Semi-Annually

DWM CONTAM: DWM CONTAMINATED SITES

A listing of active or known sites. The listing includes sites that need cleanup but are not actively being working on because the agency currently does not have funding (primarily petroleum and drycleaning).

Date of Government Version: 11/13/2020
Date Data Arrived at EDR: 11/17/2020
Date Made Active in Reports: 02/10/2021
Number of Days to Update: 85

Source: Department of Environmental Protection
Telephone: 850-245-7503
Last EDR Contact: 04/09/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Varies

Financial Assurance 1: Financial Assurance Information Listing

A list of hazardous waste facilities required to provide financial assurance under RCRA.

Date of Government Version: 01/25/2021
Date Data Arrived at EDR: 01/27/2021
Date Made Active in Reports: 04/14/2021
Number of Days to Update: 77

Source: Department of Environmental Protection
Telephone: 850-245-8793
Last EDR Contact: 04/26/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Semi-Annually

Financial Assurance 2: Financial Assurance Information Listing

A listing of financial assurance information for solid waste facilities.

Date of Government Version: 01/07/2021
Date Data Arrived at EDR: 02/26/2021
Date Made Active in Reports: 05/19/2021
Number of Days to Update: 82

Source: Department of Environmental Protection
Telephone: 850-245-8743
Last EDR Contact: 04/26/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Semi-Annually

Financial Assurance 3: Financial Assurance Information Listing

A listing of financial assurance information for storage tanks sites.

Date of Government Version: 01/26/2021
Date Data Arrived at EDR: 01/28/2021
Date Made Active in Reports: 02/03/2021
Number of Days to Update: 6

Source: Department of Environmental Protection
Telephone: 850-245-8853
Last EDR Contact: 04/21/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Quarterly

FL Cattle Dip. Vats: Cattle Dipping Vats

From the 1910's through the 1950's, these vats were filled with an arsenic solution for the control and eradication of the cattle fever tick. Other pesticides, such as DDT, were also widely used. By State law, all cattle, horses, mules, goats, and other susceptible animals were required to be dipped every 14 days. Under certain circumstances, the arsenic and other pesticides remaining at the site may present an environmental or public health hazard.

Date of Government Version: 09/27/2019
Date Data Arrived at EDR: 01/10/2020
Date Made Active in Reports: 02/11/2020
Number of Days to Update: 32

Source: Department of Environmental Protection
Telephone: 850-245-4444
Last EDR Contact: 04/09/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: No Update Planned

HW GEN: Hazardous Waste Generators

Small Quantity Hazardous Waste Generators are regulated under the federal Resource Conservation and Recovery Act (RCRA) and applicable state regulations as generators of hazardous wastes in quantities greater than 100 Kg but less than 1,000 Kg in any one calendar month. Large Quantity Generators of Hazardous Waste are tracked in this coverage based on their notification to the Department of Environmental Protection as to their handler status, or based on inspections conducted at their facilities. These facilities are regulated under the federal Resource Conservation and Recovery Act (RCRA) and applicable state regulations as generators of hazardous wastes in quantities equal to or greater than 1,000 Kg in any one calendar month.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/17/2020
Date Data Arrived at EDR: 12/17/2020
Date Made Active in Reports: 03/09/2021
Number of Days to Update: 82

Source: Department of Environmental Protection
Telephone: 850-245-8758
Last EDR Contact: 03/24/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Quarterly

RESP PARTY: Responsible Party Sites Listing

Open, inactive and closed responsible party sites

Date of Government Version: 12/23/2020
Date Data Arrived at EDR: 12/23/2020
Date Made Active in Reports: 03/16/2021
Number of Days to Update: 83

Source: Department of Environmental Protection
Telephone: 850-245-8758
Last EDR Contact: 03/30/2021
Next Scheduled EDR Contact: 07/12/2021
Data Release Frequency: Quarterly

SITE INV SITES: Site Investigation Section Sites Listing

Statewide coverage of Site Investigation Section (SIS) sites. Site Investigation is a Section within the Bureau of Waste Cleanup, Division of Waste Management. SIS provides technical support to FDEP District Waste Cleanup Programs and conducts contamination assessments throughout the state.

Date of Government Version: 02/16/2021
Date Data Arrived at EDR: 02/17/2021
Date Made Active in Reports: 05/07/2021
Number of Days to Update: 79

Source: Department of Environmental Protection
Telephone: 850-245-8953
Last EDR Contact: 05/14/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Quarterly

TIER 2: Tier 2 Facility Listing

A listing of facilities which store or manufacture hazardous materials that submit a chemical inventory report.

Date of Government Version: 12/31/2019
Date Data Arrived at EDR: 06/05/2020
Date Made Active in Reports: 08/19/2020
Number of Days to Update: 75

Source: Department of Environmental Protection
Telephone: 850-413-9970
Last EDR Contact: 06/02/2021
Next Scheduled EDR Contact: 09/20/2021
Data Release Frequency: Varies

UIC: Underground Injection Wells Database Listing

A listing of Class I wells. Class I wells are used to inject hazardous waste, nonhazardous waste, or municipal waste below the lowermost USDW.

Date of Government Version: 01/20/2021
Date Data Arrived at EDR: 01/21/2021
Date Made Active in Reports: 04/12/2021
Number of Days to Update: 81

Source: Department of Environmental Protection
Telephone: 850-245-8655
Last EDR Contact: 04/14/2021
Next Scheduled EDR Contact: 08/02/2021
Data Release Frequency: Varies

WASTEWATER: Wastewater Facility Regulation Database

Domestic and industrial wastewater facilities.

Date of Government Version: 01/29/2021
Date Data Arrived at EDR: 02/02/2021
Date Made Active in Reports: 04/23/2021
Number of Days to Update: 80

Source: Department of Environmental Protection
Telephone: 850-245-8600
Last EDR Contact: 04/30/2021
Next Scheduled EDR Contact: 08/16/2021
Data Release Frequency: Quarterly

PCS INACTIVE: Listing of Inactive PCS Permits

An inactive permit is a facility that has shut down or is no longer discharging.

Date of Government Version: 11/05/2014
Date Data Arrived at EDR: 01/06/2015
Date Made Active in Reports: 05/06/2015
Number of Days to Update: 120

Source: EPA
Telephone: 202-564-2496
Last EDR Contact: 03/31/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

PCS: Permit Compliance System

PCS is a computerized management information system that contains data on National Pollutant Discharge Elimination System (NPDES) permit holding facilities. PCS tracks the permit, compliance, and enforcement status of NPDES facilities.

Date of Government Version: 07/14/2011
Date Data Arrived at EDR: 08/05/2011
Date Made Active in Reports: 09/29/2011
Number of Days to Update: 55

Source: EPA, Office of Water
Telephone: 202-564-2496
Last EDR Contact: 03/31/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Semi-Annually

PCS ENF: Enforcement data

No description is available for this data

Date of Government Version: 12/31/2014
Date Data Arrived at EDR: 02/05/2015
Date Made Active in Reports: 03/06/2015
Number of Days to Update: 29

Source: EPA
Telephone: 202-564-2497
Last EDR Contact: 03/31/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Varies

MINES MRDS: Mineral Resources Data System Mineral Resources Data System

Date of Government Version: 04/06/2018
Date Data Arrived at EDR: 10/21/2019
Date Made Active in Reports: 10/24/2019
Number of Days to Update: 3

Source: USGS
Telephone: 703-648-6533
Last EDR Contact: 05/27/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

EDR Hist Auto: EDR Exclusive Historical Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

EDR Hist Cleaner: EDR Exclusive Historical Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS: Recovered Government Archive State Hazardous Waste Facilities List

The EDR Recovered Government Archive State Hazardous Waste database provides a list of SHWS incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Protection in Florida.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 12/30/2013
Number of Days to Update: 182

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Protection in Florida.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/10/2014
Number of Days to Update: 193

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA LUST: Recovered Government Archive Leaking Underground Storage Tank

The EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Protection in Florida.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 12/30/2013
Number of Days to Update: 182

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 06/01/2012
Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

COUNTY RECORDS

ALACHUA COUNTY:

FACILITY LIST ALACHUA: Facility List

List of all regulated facilities in Alachua County.

Date of Government Version: 03/19/2021
Date Data Arrived at EDR: 03/23/2021
Date Made Active in Reports: 06/09/2021
Number of Days to Update: 78

Source: Alachua County Environmental Protection Department
Telephone: 352-264-6800
Last EDR Contact: 03/19/2021
Next Scheduled EDR Contact: 07/05/2021
Data Release Frequency: Annually

BROWARD COUNTY:

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

AST BROWARD: Aboveground Storage Tanks

Aboveground storage tank locations in Broward County.

Date of Government Version: 06/30/2020
Date Data Arrived at EDR: 07/15/2020
Date Made Active in Reports: 10/01/2020
Number of Days to Update: 78

Source: Broward County Environmental Protection Department
Telephone: 954-818-7509
Last EDR Contact: 05/18/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

UST BROWARD: Underground Storage Tanks

All known regulated storage tanks within Broward County, including those tanks that have been closed

Date of Government Version: 06/30/2020
Date Data Arrived at EDR: 07/15/2020
Date Made Active in Reports: 10/01/2020
Number of Days to Update: 78

Source: Broward County Environmental Protection Department
Telephone: 954-818-7509
Last EDR Contact: 05/18/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

HILLSBOROUGH COUNTY:

LF HILLSBOROUGH: Hillsborough County LF Hillsborough county landfill sites.

Date of Government Version: 01/07/2021
Date Data Arrived at EDR: 01/07/2021
Date Made Active in Reports: 03/18/2021
Number of Days to Update: 70

Source: Hillsborough County Environmental Protection Commission
Telephone: 813-627-2600
Last EDR Contact: 04/05/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Varies

MIAMI-DADE COUNTY:

DADE CO AP: Air Permit Sites

Facilities that release or have a potential to release pollutants.

Date of Government Version: 02/23/2021
Date Data Arrived at EDR: 02/23/2021
Date Made Active in Reports: 05/12/2021
Number of Days to Update: 78

Source: Department of Environmental Resources Management
Telephone: 305-372-6755
Last EDR Contact: 05/24/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Semi-Annually

DADE CO AW: Agricultural Waste Listing

A listing of agricultural waste sites

Date of Government Version: 02/23/2021
Date Data Arrived at EDR: 02/23/2021
Date Made Active in Reports: 05/12/2021
Number of Days to Update: 78

Source: Miami-Dade County Division of Environmental Resources Management
Telephone: 305-372-6715
Last EDR Contact: 05/24/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Varies

DADE CO LW: Liquid Waste Transporter List

The Liquid Waste Transporter permit regulates the transportation of various types of liquid and solid waste, including hazardous waste, waste oil and oily waste waters, septic and grease trap waste, biomedical waste, spent radiator fluid, photo chemical waste, dry sewage sludge, and other types of non-hazardous industrial waste. The Liquid Waste Transporter permits needed to protect the environment and the public from improperly handled and transported waste.

Date of Government Version: 02/23/2021
Date Data Arrived at EDR: 02/23/2021
Date Made Active in Reports: 05/12/2021
Number of Days to Update: 78

Source: DERM
Telephone: 305-372-6755
Last EDR Contact: 05/24/2021
Next Scheduled EDR Contact: 09/06/2021
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

DADE MOP: Marine Facilities Operating Permit

What is this permit used for? Miami-Dade County Ordinance 89-104 and Section 24-18 of the Code of Miami-Dade County require the following types of marine facilities to obtain annual operating permits from DERM: All recreational boat docking facilities with ten (10) or more boat slips, moorings, davit spaces, and vessel tie-up spaces. All boat storage facilities contiguous to tidal waters in Miami-Dade County with ten (10) or more dry storage spaces including boatyards and boat manufacturing facilities.

Date of Government Version: 02/23/2021	Source: DERM
Date Data Arrived at EDR: 02/23/2021	Telephone: 305-372-3576
Date Made Active in Reports: 05/12/2021	Last EDR Contact: 05/24/2021
Number of Days to Update: 78	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Quarterly

DADE MRE: Maimi River Enforcement

The Miami River Enforcement database files were created for facilities and in some instances vessels that were inspected by a workgroup within the Department that was identified as the Miami River Enforcement Group. The files do not all necessarily reflect enforcement cases and some were created for locations that were permitted by other Sections within the Department.

Date of Government Version: 06/05/2013	Source: DERM
Date Data Arrived at EDR: 06/06/2013	Telephone: 305-372-3576
Date Made Active in Reports: 08/06/2013	Last EDR Contact: 05/24/2021
Number of Days to Update: 61	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Quarterly

DADE_IWP: Industrial Waste Permit Sites

Facilities that either generate more than 25,000 of wastewater per day to sanitary sewers or are pre-defined by EPA.

Date of Government Version: 02/23/2021	Source: Department of Environmental Resources Management
Date Data Arrived at EDR: 02/23/2021	Telephone: 305-372-6700
Date Made Active in Reports: 05/12/2021	Last EDR Contact: 05/24/2021
Number of Days to Update: 78	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Semi-Annually

ENF: Enforcement Case Tracking System Sites

Enforcement cases monitored by the Dade County Department of Environmental Resources Management.

Date of Government Version: 02/25/2021	Source: Department of Environmental Resources Management
Date Data Arrived at EDR: 02/26/2021	Telephone: 305-372-6755
Date Made Active in Reports: 05/19/2021	Last EDR Contact: 05/24/2021
Number of Days to Update: 82	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Semi-Annually

SPILLS DADE: Fuel Spills Cases

DERM documents fuel spills of sites that are not in a state program.

Date of Government Version: 01/08/2009	Source: Department of Environmental Resources Management
Date Data Arrived at EDR: 01/13/2009	Telephone: 305-372-6755
Date Made Active in Reports: 02/05/2009	Last EDR Contact: 05/24/2021
Number of Days to Update: 23	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Semi-Annually

UST DADE: Storage Tanks

A listing of aboveground and underground storage tank site locations.

Date of Government Version: 06/03/2019	Source: Department of Environmental Resource Management
Date Data Arrived at EDR: 11/19/2020	Telephone: 305-372-6700
Date Made Active in Reports: 02/03/2021	Last EDR Contact: 05/24/2021
Number of Days to Update: 76	Next Scheduled EDR Contact: 09/06/2021
	Data Release Frequency: Semi-Annually

PALM BEACH COUNTY:

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

LF PALM BEACH: Palm Beach County LF

Palm Beach County Inventory of Solid Waste Sites.

Date of Government Version: 09/01/2011
Date Data Arrived at EDR: 09/20/2011
Date Made Active in Reports: 10/10/2011
Number of Days to Update: 20

Source: Palm Beach County Solid Waste Authority
Telephone: 561-640-4000
Last EDR Contact: 03/12/2021
Next Scheduled EDR Contact: 06/21/2021
Data Release Frequency: Varies

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 10/05/2020
Date Data Arrived at EDR: 02/17/2021
Date Made Active in Reports: 05/10/2021
Number of Days to Update: 82

Source: Department of Energy & Environmental Protection
Telephone: 860-424-3375
Last EDR Contact: 05/11/2021
Next Scheduled EDR Contact: 08/23/2021
Data Release Frequency: No Update Planned

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2018
Date Data Arrived at EDR: 04/10/2019
Date Made Active in Reports: 05/16/2019
Number of Days to Update: 36

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 04/09/2021
Next Scheduled EDR Contact: 07/19/2021
Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

Date of Government Version: 01/01/2019
Date Data Arrived at EDR: 04/29/2020
Date Made Active in Reports: 07/10/2020
Number of Days to Update: 72

Source: Department of Environmental Conservation
Telephone: 518-402-8651
Last EDR Contact: 04/30/2021
Next Scheduled EDR Contact: 08/09/2021
Data Release Frequency: Quarterly

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 06/30/2018
Date Data Arrived at EDR: 07/19/2019
Date Made Active in Reports: 09/10/2019
Number of Days to Update: 53

Source: Department of Environmental Protection
Telephone: 717-783-8990
Last EDR Contact: 04/09/2021
Next Scheduled EDR Contact: 07/26/2021
Data Release Frequency: Annually

RI MANIFEST: Manifest information

Hazardous waste manifest information

Date of Government Version: 12/31/2019
Date Data Arrived at EDR: 02/11/2021
Date Made Active in Reports: 02/24/2021
Number of Days to Update: 13

Source: Department of Environmental Management
Telephone: 401-222-2797
Last EDR Contact: 05/13/2021
Next Scheduled EDR Contact: 08/30/2021
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

WI MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 05/31/2018

Date Data Arrived at EDR: 06/19/2019

Date Made Active in Reports: 09/03/2019

Number of Days to Update: 76

Source: Department of Natural Resources

Telephone: N/A

Last EDR Contact: 06/03/2021

Next Scheduled EDR Contact: 09/20/2021

Data Release Frequency: Annually

Oil/Gas Pipelines

Source: Endeavor Business Media

Petroleum Bundle (Crude Oil, Refined Products, Petrochemicals, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)) N = Natural Gas Bundle (Natural Gas, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)). This map includes information copyrighted by Endeavor Business Media. This information is provided on a best effort basis and Endeavor Business Media does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of Endeavor Business Media.

Electric Power Transmission Line Data

Source: Endeavor Business Media

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Department of Children & Families

Source: Provider Information

Telephone: 850-488-4900

Flood Zone Data: This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory
Source: Department of Environmental Protection
Telephone: 850-245-8238

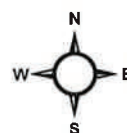
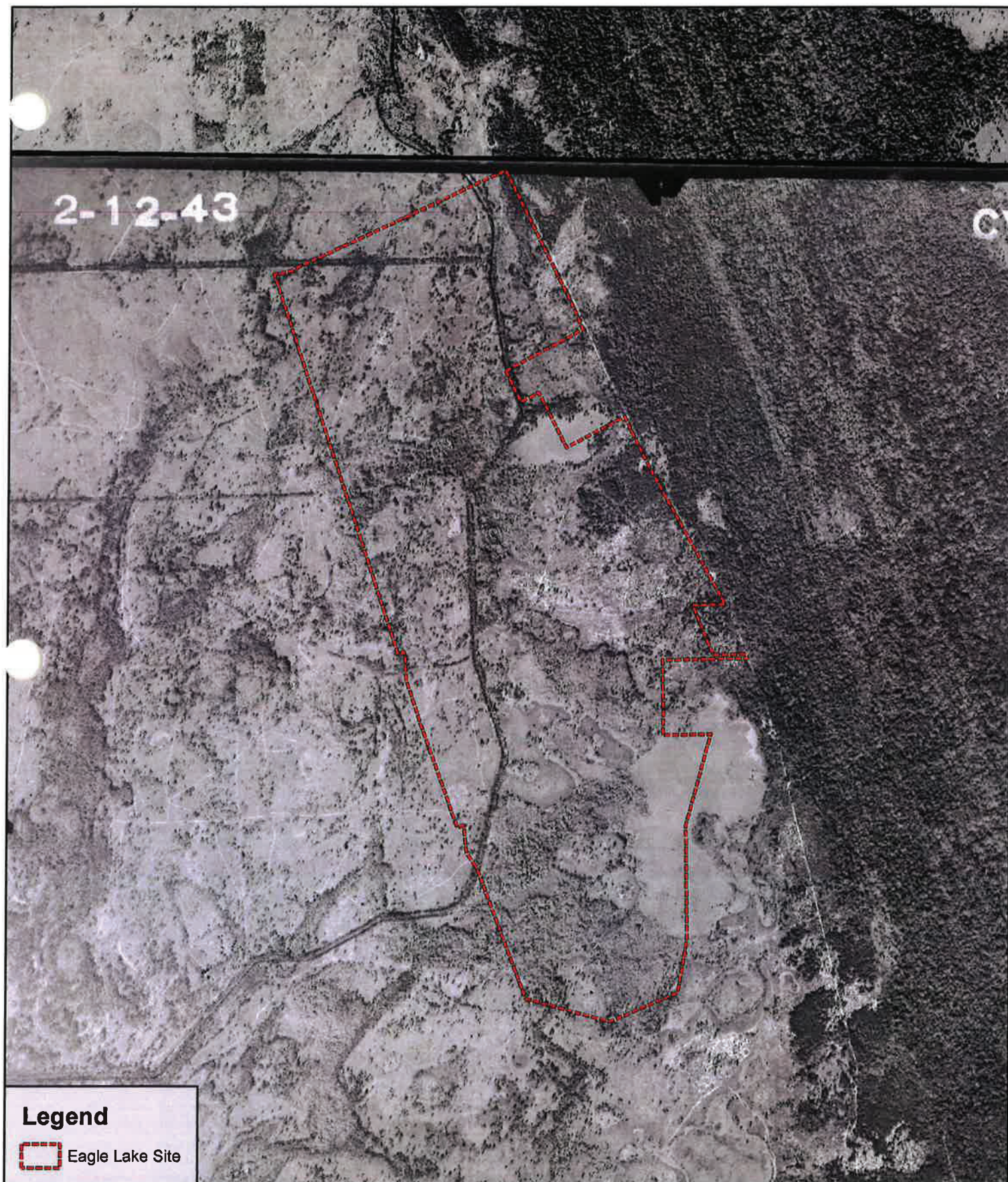
STREET AND ADDRESS INFORMATION

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Appendix C


Historical Aerial Photographs

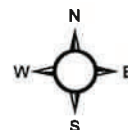
**1943, 1952, 1958, 1969, 1970, 1980, 1993, 1999, 2002, 2005,
2008, 2011, 2014, 2017 and 2020**






Legend

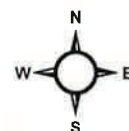
 Eagle Lake Site

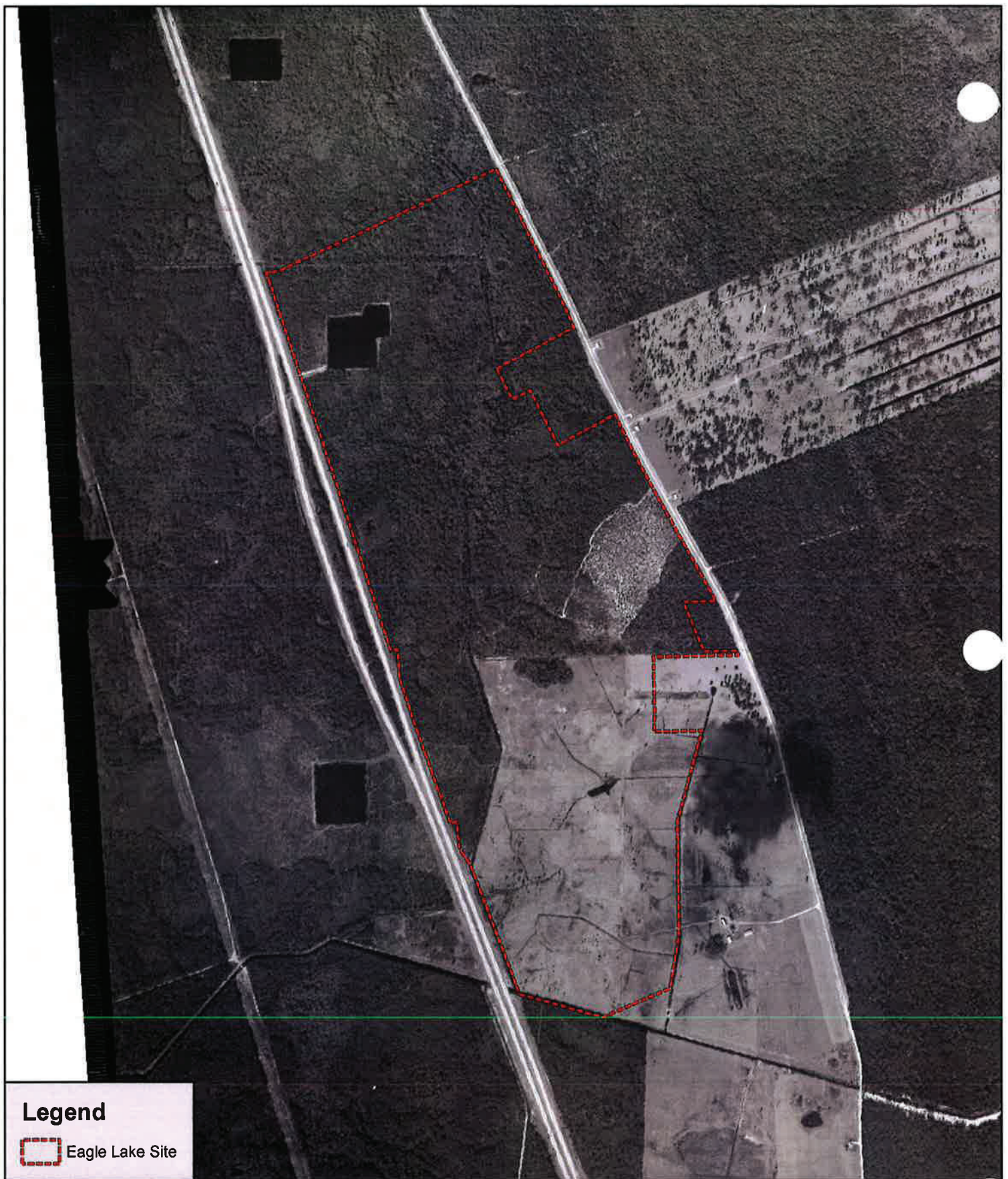





Legend

 Eagle Lake Site



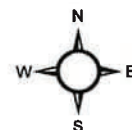



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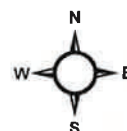
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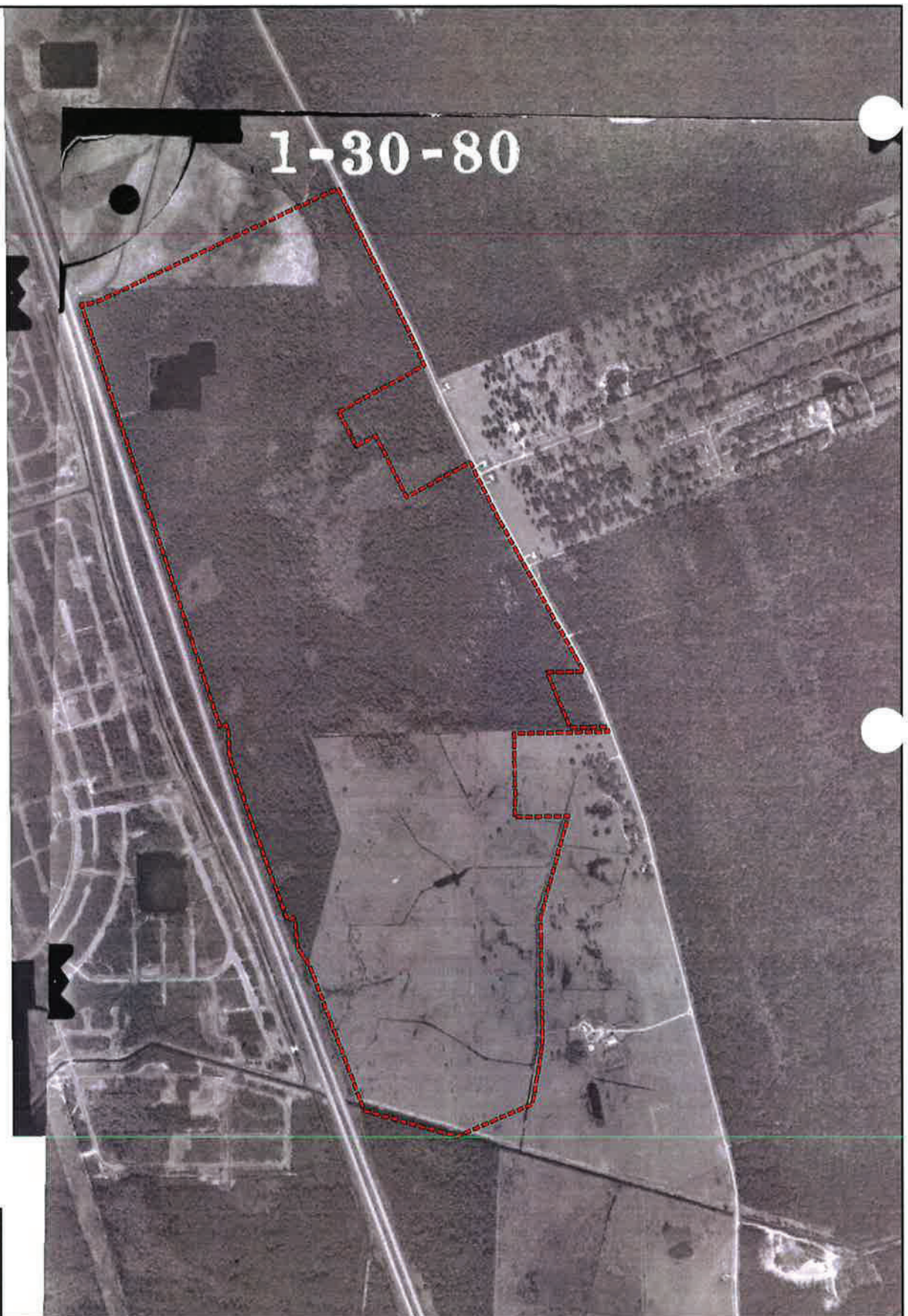
**Bio-Tech Consulting Inc.**
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.blo-techconsulting.com

Eagle Lake Site
Flagler County, Florida
Historic Aerial
1969




1,500
 Feet
Project #: 588-24
Produced By: JDH
Date: 6/23/2021



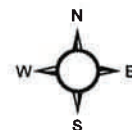



Legend

 Eagle Lake Site

**Bio-Tech Consulting Inc.**
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com


Eagle Lake Site
Flagler County, Florida
Historic Aerial
1980

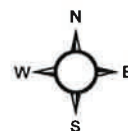


 1,500 Feet
Project #: 588-24
Produced By: JDH
Date: 6/23/2021




Legend

 Eagle Lake Site



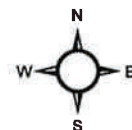


Legend

 Eagle Lake Site

**Bio-Tech Consulting Inc.**
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com


Eagle Lake Site
Flagler County, Florida
Historic Aerial
1999

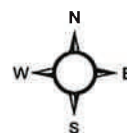


1,500 Feet
Project #: 588-24
Produced By: JDH
Date: 6/23/2021



Legend

 Eagle Lake Site





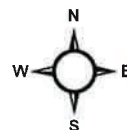
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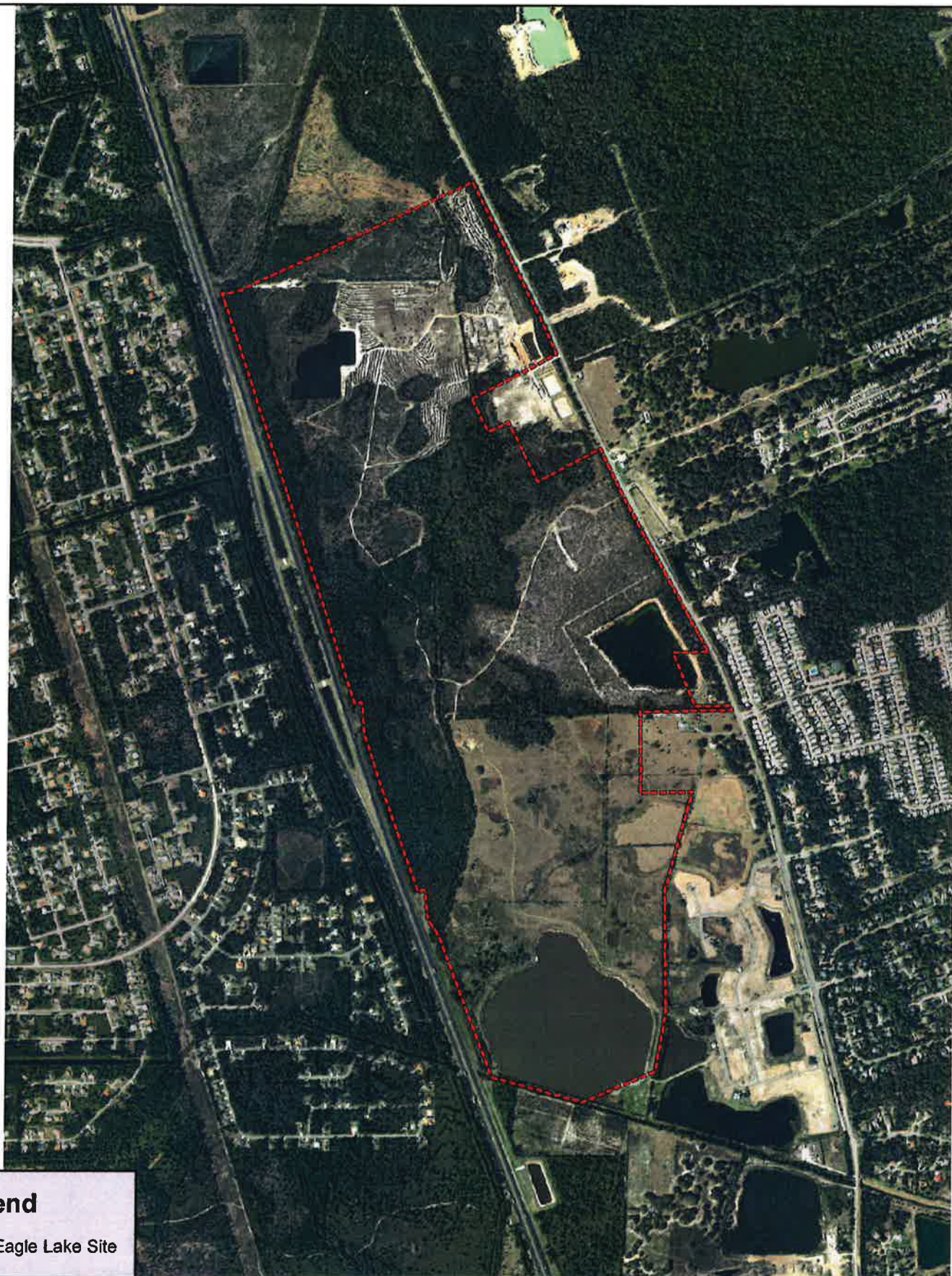
Eagle Lake Site

Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com


Eagle Lake Site
Flagler County, Florida
Historic Aerial
2005

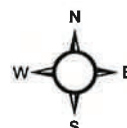


1,500
Feet
Project #: 588-24
Produced By: JDH
Date: 6/23/2021




Legend

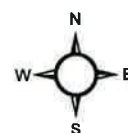
 Eagle Lake Site






Legend

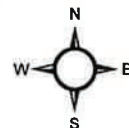
 Eagle Lake Site






Legend

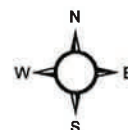
 Eagle Lake Site






Legend

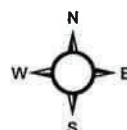
 Eagle Lake Site





Legend

 Eagle Lake Site



Appendix D
Photographic Documentation

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

1

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

2

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log

Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

3

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

4

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

5

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Photo #

6

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Typical Natural Wetland
Area (Exterior View)**



Photo #

7

Date of Photograph:

06/01/2021

General ID:

Subject Property

**Typical Natural Wetland
Area (Interior View)**



Photo #

8

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Excavated Pond/Borrow Pit
#1 (NW portion of Site)**

Photo #

9

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Excavated Pond/Borrow Pit
#2 (NE portion of Site)**

Photo #

10

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Excavated Pond/Borrow Pit
 #3 (Eastern-Central portion
 of Site)**

Photo #

11

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Excavated Pond/Borrow Pit
 #4 (Eastern-Central portion
 of Site)**

Photo #

12

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log

Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

Excavated Pond/Borrow Pit
#5 (S portion of Site)

Photo #

13

Date of Photograph:

06/01/2021



General ID:

Subject Property

Typical Drainage Ditch

Photo #

14

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Shed



Photo #

15

Date of Photograph:

06/01/2021

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Interior Shed

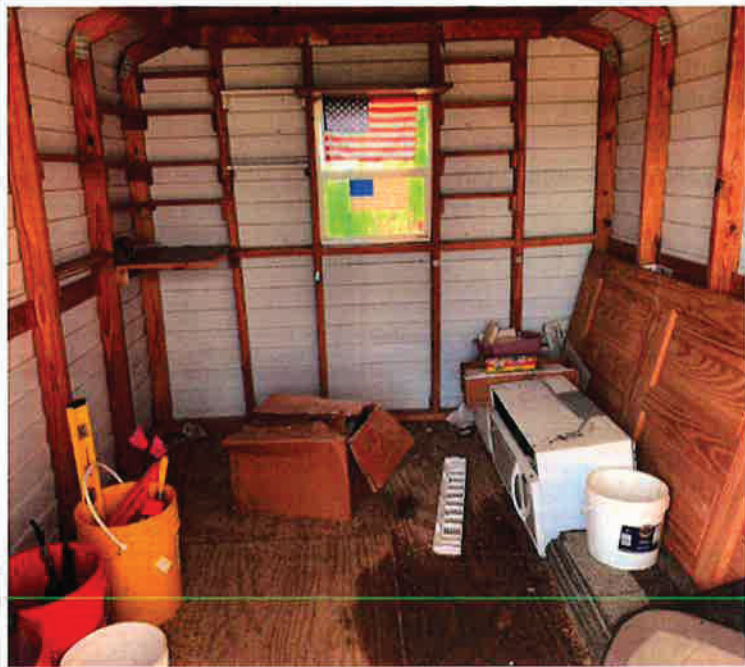


Photo #

16

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Portable Storage Container

Photo #

17

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Interior Portable Storage
Container

Photo #

18

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Cattle Corral



Photo #

19

Date of Photograph:

06/01/2021

General ID:

Subject Property

**Agricultural Lands In use
for Pasture**

Interior Shed – Petroleum and
Chemical Containers

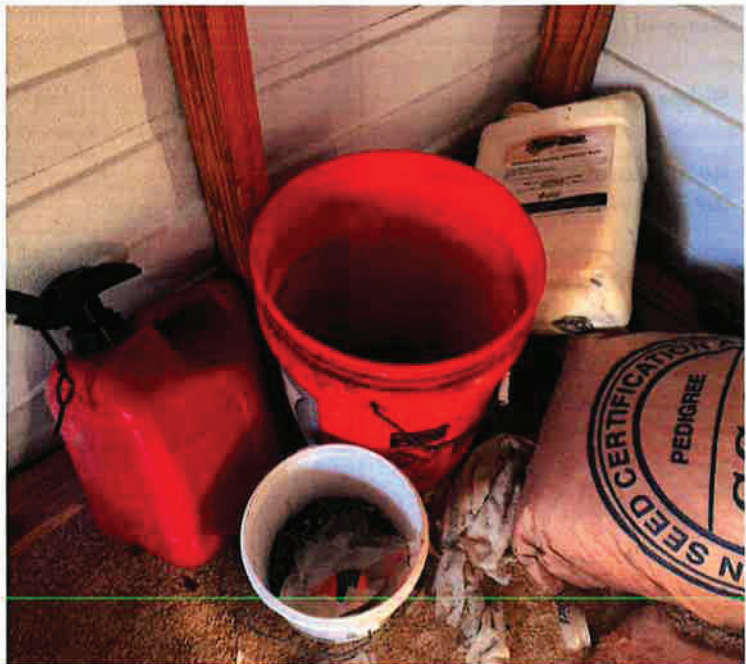


Photo #

20

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

**Interior Portable Storage
Container – Petroleum
Containers**

Photo #

21

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

**Interior Portable Storage
Container – Petroleum
Containers**

Photo #

22

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Cattle Corral Area –
Petroleum Containers

Photo #

23

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Old Rusted 55-Gallon Barrel

Photo #

24

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Portable Fuel AST

Photo #

25

Date of Photograph:

06/01/2021



General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Construction Debris

Photo #

26

Date of Photograph:

06/01/2021



Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Construction Debris



Photo #

27

Date of Photograph:

06/01/2021

General ID:

Subject Property

**Agricultural Lands in use
for Pasture**

Old Farm Equipment



Photo #

28

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Adjoining Property – E

Residential Subdivision

Mobile Home Park



Photo #

29

Date of Photograph:

06/01/2021

General ID:

Adjoining Property – SE

Residential Subdivision

Typical Single-family
Residence



Photo #

30

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Adjoining Property – W

Residential Subdivision

Typical Single-family
 Residence



Photo #

31

Date of Photograph:

06/01/2021

General ID:

Adjoining Property – SE

Communications Tower



Photo #

32

Date of Photograph:

06/01/2021

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Adjoining Property – E

Municipal Tank Farm

Photo #

33

Date of Photograph:

06/01/2021



General ID:

Adjoining Property – N

**Agricultural Lands in use
for Timber Production**

Photo #

34

Date of Photograph:

06/01/2021



Bio-Tech Consulting Inc.
Environmental and Permitting Services

Phase I Environmental Site Assessment Photo Log
Eagle Lake Site – Flagler County, Florida

General ID:

Adjoining Property – W

**Interstate 95 Right-of-way
(Looking N)**

Photo #

35

Date of Photograph:

06/01/2021



General ID:

Adjoining Property – E

**Old Kings Road South
Right-of-way (Looking N)**

Photo #

36

Date of Photograph:

06/01/2021



Appendix E

Qualifications of Environmental Professionals

Bill Keenan
Project Manager

Bill is a project manager with Bio-Tech Consulting and has been with the company since 2006. His primary duties include Phase I environmental assessments, mitigation design and environmental permitting, regulatory compliance monitoring and reporting, wildlife assessments, species-specific surveys, prescribed burn planning and implementation, and erosion and sediment control monitoring and reporting.

Experience

Bill has more than 15 years of experience as a biologist working in the private and public sectors. Prior to joining Bio-Tech Consulting, Bill served as a field biologist with the Florida Department of Environmental Protection (FDEP) at Wekiwa Springs State Park where his responsibilities included exotic species control, landscape restoration management, and prescribed burn planning and implementation. He also served as a park and district trainer and mentor in the uses and safety of herbicides and prescribed fire.

Bill's biology experience also includes working as a graduate teaching assistant in the biology department at the University of Central Florida and working at The Nature Conservancy as a member of a wildland fire and prescribed burn crew.

Responsibilities

Bill's current role with Bio-Tech Consulting is as a project manager. His duties and responsibilities include Phase I environmental assessments, mitigation design and environmental permitting with appropriate local, state and federal agencies, regulatory compliance monitoring and reporting (vegetative and water quality), wetland, lakeshore and upland restoration and enhancement, mitigation area maintenance, herbicide application, T&E wildlife assessments, species specific surveys and monitoring, wildlife relocation, prescribed burn planning and implementation, and erosion and sediment control monitoring and reporting.

Education

Bill earned his bachelor of arts in Business Administration from the University of Central Florida and has more than two years of study toward his Master's Degree in biology.

Experience:
16 Years

Years with Bio-Tech Consulting:
11 Years

Education:
Bachelor of Arts, Business
Administration
University of Central Florida

Training and Certifications:

- Best Practices Management – Florida Green Industries (GV3740-1)
- Pesticide Commercial Applicator License (CM19779)
- Qualified Stormwater Management Inspector (13286)
- Certified Prescribed Burn Manager (2004-3488)
- S-215 Fire Operations in Wildlands/Urban Interface
- Southern Area Engine Academy
- S-211 Portable Pumps
- Inter-agency Basic Prescribed Fire Course
- S-212 Wildfire Power Saws
- S-130, S-190, I-100 and Standards for Survival
- Florida Certificate of Boating Education
- ATV Safety Course

Memberships:

- Florida Association of Environmental Professionals
- International Society of Technical & Environmental Professionals (INSTEP) Licensed Environmental Professional (LEP) #381

Joe Galletti
Vice President

Joe has more than 24 years of professional experience in project management and environmental permitting. His areas of specialization include water quality monitoring, data management, wetland delineations, dredge/fill and environmental resource permitting and Phase I and Phase II Environmental Site Assessments.

Experience

Joe has more than 24 years of professional experience in project management and environmental permitting. He entered the environmental consulting and development community at the beginning of Central Florida's land development boom in the early 1990s.

Along with his extensive experience in resolving wetland, wildlife and other permitting issues, Joe is a Certified Florida Environmental Assessor and leads Bio-Tech Consulting's Phase I Environmental Site Assessment and water quality monitoring teams.

Responsibilities

Joe's primary responsibilities include Phase I Environmental Site Assessments, title searches, water quality monitoring and sampling, regulatory agency database research, historical aerial photograph research, project coordination, marketing, client interaction, proposal writing and technical writing.

As Vice President of Bio-Tech Consulting, Joe oversees federal, state, water management district, and local government permitting processes for a variety of clients. He also specializes in threatened and endangered species identification and permitting, wetland delineation, dredge/fill applications and environmental resource permitting.

Education

Joe graduated from the University of Central Florida with a Bachelor of Science in Biological Sciences.

Experience:
24 Years

Years with Bio-Tech Consulting:
14 Years

Education:
Bachelor of Science, Biological Sciences, University of Central Florida

Certifications:

- Registered Environmental Property Assessor #5898
- International Society of Technical & Environmental Professionals (INSTEP) Licensed Environmental Professional (LEP) #123
- FDEP Qualified Stormwater Management Inspector

Professional Associations:

- Central Florida Association of Environmental Professionals
- Greater Orlando Builders Association
- National Registry of Environmental Professionals
- Florida Lake Management Society (FLMS)



PLAN SNAPSHOT REPORT RZNE-000514-2021 FOR FLAGLER COUNTY

Plan Type: Rezone	Project:	App Date: 09/13/2021
Work Class: PUD	District: UNINCORPORATED	Exp Date: NOT AVAILABLE
Status: Submitted	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Lemon, Gina	Approval Expire Date:

Description: App #3270 - Rezoning to PUD

Parcel:	Address:	Zone:
27-12-31-0000-01010-000 0		
27-12-31-0000-01020-001 0		
27-12-31-0000-01010-003 0		
26-12-31-0000-01010-001 0		
22-12-31-0000-01010-001 Main 1		

Owner VENTURE 8 LLC P. O. DRAWER 2140 DAYTONA BEACH, FL 32115	Owner VENTURE 8 LLC P. O. DRAWER 2140 DAYTONA BEACH, FL 32115	Agent CHIUMENTO LAW, PLLC 145 CITY PL SUITE 301 PALM COAST, FL 32164 Business: (386) 445-8900	Owner VENTURE 8 LLC P. O. DRAWER 2140 DAYTONA BEACH, FL 32115
Owner VENTURE 8 LLC P. O. DRAWER 2140 DAYTONA BEACH, FL 32115	Owner VENTURE 8 LLC P. O. DRAWER 2140 DAYTONA BEACH, FL 32115		

Plan Custom Fields

Subject To A1A	No	Proposed Zoning	PUD
----------------	----	-----------------	-----

Attachment File Name	Added On	Added By	Attachment Group	Notes
Survey and Topographical.pdf	09/16/2021 9:35	Lemon , Gina	Available Online	
#3270 - Rezoning - Application and supporting documents.pdf	10/27/2021 15:22	Lemon , Gina	Available Online	

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00014267	LD-REZONING PLANNED UNIT DEVELOPMENT	\$14,775.00	\$14,775.00
	GM-INTAKE / PROCESSING FEE ALL TYPES D-INTAKE	\$20.00	\$20.00
	DE-REZONING	\$100.00	\$100.00
	Total for Invoice INV-00014267	\$14,895.00	\$14,895.00
NOT INVOICED	PZ-NOTICE OF PUBLIC HEARING (POSTING SIGNS)	\$50.00	\$0.00
	PZ-NOTICE OF PUBLIC HEARING (POSTING SIGNS)	\$50.00	\$0.00
	Total for Invoice NOT INVOICED	\$100.00	\$0.00
	Grand Total for Plan	\$14,995.00	\$14,895.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
TRC Review v.1	IN REVIEW	11/10/2021	12/30/2021		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building	Building	Snowden, Robert	Approved	11/10/2021	12/30/2021	11/10/2021
Comments: No comments.						

PLAN SNAPSHOT REPORT (RZNE-000514-2021)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
County Attorney	County Attorney	Lemon , Gina	In Review	11/10/2021	12/07/2021	

Comments: Comments pending at this time.

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
E-911	E-911	Lemon , Gina	Approved	11/10/2021	12/07/2021	11/10/2021

Comments: No comment at this time.

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Engineering	Engineering	Graham , Susan	In Review	11/10/2021	12/30/2021	

Comments: Comments pending at this time.

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Fire	Fire	Smith, Jerry	Approved	11/10/2021	12/30/2021	11/10/2021

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Environmental Health	Health and Sanitation	Lemon , Gina	Approved	11/10/2021	12/30/2021	11/10/2021

Comments: 1 - No comments or objections to rezoning.

PLAN SNAPSHOT REPORT (RZNE-000514-2021)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Planning/Zoning	Planning/Zoning	Mengel, Adam	Requires Re-submit	11/10/2021	12/30/2021	11/10/2021

PLAN SNAPSHOT REPORT (RZNE-000514-2021)

- Comments:**
1. General comment: The PUD rezoning ordinance, if approved, will be conditioned upon the Future Land Use Map amendment for the Northern Lands becoming effective.
 2. General comment: Is there an objective to initiate development on the Southern Land first? If so, the rezoning could be crafted so as to permit the Southern Land's rezoning (amending the existing PUD) to proceed and become effective prior to the Northern Land's rezoning (from AC to PUD) which is dependent on the FLUM amendment.
 3. Specific comment: Subsection 1.1.c. as edited does not match up to the entitlements or obligations under Official Records Book 1614, Page 676, Public Records of Flagler County, Florida. Please revise as needed.
 4. Specific comment: Subsection 2.2.b. lists an entitlement of 742 single family units for the Southern Lands. Where did the additional 17 units (over 725 as previously permitted) come from?
 5. Specific comment: Subsection 3.1.a. calls out a dedication of 10 feet adjacent to Old Kings Road for development of a sidewalk. The plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida, provided for 15 feet dedicated as Tract "N". Revise to 15 feet.
 6. Specific comment: Subsection 3.1.a. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits.
 7. Specific comment: Subsection 3.1.b. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits. The addition "subject to inflation" should not be needed since the "true-up" will subsequently occur. This section should be further discussed, with the possibility of adding a roundabout in lieu of a signalized intersection.
 8. Specific comment: Subsection 3.2 should be supplanted to state that: "No preliminary plats will be approved without water and sewer availability."
 9. Specific comment: Subsection 3.5, in response to the side-bar comment, we will need to discuss park improvements to determine if they are subject to impact fee credits.
 10. Specific comment: Subsection 3.6, the use of irrigation wells should be limited, with lowest quality water sources used first consistent with SJRWMD regulations. The location and number of stormwater ponds on the parcels should allow for irrigation water to be drawn from surface water sources first, with irrigation wells drawing on groundwater limited.
 11. Specific comment: Subsection 3.7, the provision or extension of water and sewer infrastructure by the developer has nothing to do with Parks Impact Fees; these expenses should not be creditable against Parks Impact Fees. The developer should pursue an agreement with FGUA for the assumption of this infrastructure and credits against FGUA's connection and impact fees.
 12. Specific comment: Subsection 4.1, the text that lot sizes may be changed at the discretion of the developer should be revised. It is assumed that the intent is that the number of 40, 50, and 60 foot lots may be changed at the developer's discretion; however, any adjustment to decrease or increase the lot widths to vary from the 40, 50, and 60 foot lots should be subject to the PUD amendment process.
 13. Specific comment: Subsection 4.7, the County prohibits new billboards. If the existing billboards are damaged beyond 50% of their value, they may not be repaired or replaced.
 14. Specific comment: Subsection 4.8, wetlands and their adjacent upland buffers should be part of separate tracts (dedicated to the HOA or the CDD) and not included within the area of any residential lots.
 15. Specific comment: Subsection 4.10, for us the private roadway tracts are required so as to designate that roadways will not be dedicated to the County or maintained by the County.
 16. Specific comment: Subsection 4.10.b., right-in, right-out configurations may still require additional design elements including dedicated turn lanes and tapers so as to maintain traffic safety. This should be revised so as to reference that entrances will be designed so as to meet applicable County requirements.
 17. Specific comment: Subsection 4.10.c. will need to be discussed as the Technical Memorandum accompanying the rezoning does not demonstrate that the additional trips (generated by the additional units exceeding the 725 units originally approved through the PUD) do not result in offsite impacts that do not exceed established Level of Service (LOS) standards. In other words, what is the justification for the "fully vested" determination in the PUD?
 18. Specific comment: Subsection 4.11, the signage at 20 feet in height and 400 square feet in sign area is excessive and more akin to commercial signage. If the intent is an entry feature inclusive of a monument sign to provide a gateway at each of the project's two full entrances, then the PUD Master Plan could include a specific graphic depicting the entry feature. The 20 feet and 400 square feet should be reduced: both the posted speed limit and the width of the Old Kings Road right-of-way make these sign dimensions unreasonably large, unless the developer can provide justification to substantiate the need for the sign height and sign area as listed in the PUD agreement.
 19. Specific comment: Subsection 4.11, the Growth Management Director's approval authority for any deviation should be limited in some way, maybe as a percentage of the total. Any downward decrease in the height or area would not require an approval, so the approval would be limited to an increase. This section can alternatively track the existing LDC text and designate the Planning and Development Board (as the Sign Ordinance Board of Adjustment) to approve sign deviations over and above set limits.
 20. Specific comment: Subsection 4.13.a. should include the requirement of the posting of a sidewalk performance bond by the developer at the time of final plat approval. If the intent is for each home to construct its portion of the sidewalk as part of each residential permit, then the bond should encompass the construction of the sidewalk across all lands except for the residential lots.
 21. Specific comment: Subsection 4.13.b., this text should be revised as needed to coincide with Subsection 3.1.a. Please review the text in both sections regarding platting and impact fee credits to make sure that the text in both sections coincides with the developer's intent.
 22. Specific comment: Subsection 4.14, revise the width of the berm adjacent to Old Kings Road as needed to coincide with the width of Tracts "D", "F", and "G" as dedicated in the plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida. Alternatively, respond as to why the reduction from a width of 35 feet to 25 feet achieves the same benefit or is no longer appropriate.
 23. Specific comment: Subsection 4.17, Subsection 2.3.a. has been deleted in this iteration of the PUD agreement. Revise as needed.
 24. Specific comment: Subsection 4.18.a., Lot Table, revise the minimum house size for 50 foot wide lots to 1,110 square feet. Also switch the ordering so that the 40 foot minimum width is to the left of (before) the 50 foot wide lot standards. Please note that a 40 foot wide lot results in a 30 foot by 80 foot buildable area if the lot is configured to the minimum lot width and lot size (area). The developer may also wish to add – as a subsection f. under 4.18 – that corner lots must be a minimum of 15% wider than non-corner lots to accommodate for the additional street side setbacks.
 25. Specific comment: Site Plan at Exhibit C, please verify that information depicted matches the PUD agreement (example: garage/carport inclusion on the PUD Site Development Plan, but has been deleted from the PUD agreement).

PLAN SNAPSHOT REPORT (RZNE-000514-2021)

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Application Completeness Check v.1	Generic Action		11/10/2021 10:30
TRC Review v.1	Receive Submittal	11/10/2021 0:00	
Post Public Notice v.1	Plan Activity		
Staff report prepared and distributed v.1	Generic Action		
Planning and Development Board v.1			
Post Public Notice v.1	Plan Activity		
Staff report prepared and distributed v.1	Generic Action		
Planning Commission Hearing v.1	Hold Hearing		
BOCC Hearing v.1			
Post Public Notice v.1	Plan Activity		
Staff report prepared and distributed v.1	Generic Action		
Final Decision v.1	Plan Activity		
Notice Of Decision v.1	Create Report		
Invoice for public notice expenses v.1			

From: [Jerry Smith](#)
To: [Adam Mengel, AICP, LEED AP BD+C](#); [Gina Lemon](#); [Sean S. Moylan](#); [Michael Tucker](#); [Percy Sayles](#)
Subject: Eagle Lake Comments
Date: Thursday, December 16, 2021 2:56:20 PM
Attachments: [Eagle Lake Comments.doc](#)
[FIRE RESCUE_216c699c-3e92-45b9-8f55-fb7210e7be5b.png](#)
[Facebook_33_77638a49-01bb-45ae-89f2-175ec6820f55.png](#)
[Twitter_33_1f1bb168-0932-49bf-9a09-5956bf8c3dfd.png](#)
[YouTube_33_941d3e2d-5e55-47c1-be0e-fba48e8c5c4c.png](#)
[LinkedIn_33_5e62f243-4d9f-42dd-a777-ee3d3ca0e757.png](#)
[UGOV_33_71b73b88-2453-4b06-acef-896d1eeb1689.png](#)

Gina

Here are my comments for Eagle Lake.

Jerry Smith

Fire Marshal

E: jsmith@flaglercounty.gov | V: 386-313-4258 | W: www.flaglercounty.gov



Flagler County Fire Rescue

1769 E Moody Boulevard, Building 3
Bunnell, FL 32110



Flagler County's mission is to efficiently delivery the highest quality customer-focused services, to include safety and security, and create the greatest value to our community through integrity, innovation, and a culture of collaboration.

Fire & Rescue
1769 E. Moody Blvd Bldg 3
Bunnell, FL 32110
Michael Tucker, Fire Chief



www.flaglercounty.org

Phone: (386)313-4001

Fax: (386)313-4101

Eagle Lake North Land & South Land

PUD has the side setback at 5 Feet. At 5 feet, it leaves insufficient room for first responders to utilize this egress for medical emergencies in the back yard. In addition, 5-foot side setbacks leave no room for firefighters to be able to work safely in this area in the event of a fire. A 5-foot side setback makes it almost impossible to protect the structures on either side. With a maximum building height of 35 feet, a 5-foot setback will not give room for any type of ladder operations in the event of a fire. Side setbacks need to be, at least, 7.5 feet allowing first responders egress to the back yard for medical call and defensible space for fires to protect the next structure.

With the maximum building height of 35 feet, any residential structure over 20 feet will need to have installed 13 R sprinkler system. This is needed to reduce the damage from a fire and keeping the fire in check until fire crews arrive. Thus protecting the owner's investment as well as the protecting the investments of other property owners.

Roadways shall have a 50-foot turning radius. All travel lanes shall be a minimum of 12 feet for one-way traffic and 24 foot for two-way traffic.

Any subdivision over 50 units shall have a secondary means of ingress and egress connecting to a county roadway. Any gated ingress or egress to the development shall have a Knox key override switch and a siren activated switch installed.

Andrew Dance.
District 1

Greg Hansen
District 2

David Sullivan
District 3

Joe Mullins
District 4

Donald O'Brien Jr.
District 5



SUBMITTAL SUMMARY REPORT (RZNE-000514-2021) FOR FLAGLER COUNTY

PERMIT ADDRESS:

PARCEL: 22-12-31-0000-01010-0011

APPLICATION DATE: 09/13/2021

SQUARE FEET: 0

DESCRIPTION: App #3270 - Rezoning to PUD - Eagle Lakes

EXPIRATION DATE:

VALUATION: \$0.00

CONTACTS

NAME

COMPANY

ADDRESS

Agent	MICHAEL CHIUMENTO, III	CHIUMENTO LAW, PLLC	145 CITY PL SUITE 301 PALM COAST, FL 32164
Owner		VENTURE 8 LLC	P. O. DRAWER 2140 DAYTONA BEACH, FL 32115
		VENTURE 8 LLC	P. O. DRAWER 2140 DAYTONA BEACH, FL 32115
		VENTURE 8 LLC	P. O. DRAWER 2140 DAYTONA BEACH, FL 32115
		VENTURE 8 LLC	P. O. DRAWER 2140 DAYTONA BEACH, FL 32115
		VENTURE 8 LLC	P. O. DRAWER 2140 DAYTONA BEACH, FL 32115

SUBMITTAL

STARTED

DUE

COMPLETE

STATUS

TRC Review v.1	11/10/2021	12/30/2021	12/16/2021	REQUIRES RE-SUBMIT
TRC Review v.2	12/16/2021	01/19/2022	01/14/2022	REQUIRES RE-SUBMIT
TRC Review v.3				Not Received

SUBMITTAL DETAILS

TRC Review v.1

ITEM REVIEW NAME (DEPARTMENT)

ASSIGNED TO

DUE

COMPLETE

STATUS

Building (Building)	Robert Snowden	12/30/2021	11/10/2021	Approved
Comments	No comments.			
County Attorney (County Attorney)	Gina Lemon	12/07/2021	12/16/2021	Requires Re-submit
Comments				

SUBMITTAL SUMMARY REPORT (RZNE-000514-2021)

Comments pending at this time.

Updated - December 10, 2021

FLUM

The rezoning should be conditioned on the required FLUM amendment.

PUD Amendment

First whereas clause incorrectly cites to official record book page 0073. Should be 0235.

Second whereas, perhaps, "is allowed" should say something to the effect of "desires."

Third whereas could use clarification. I don't fully understand it.

Section 1.1c The Post Closing Agreement with Scott DeLanoy in 2007 limits the development of the two outparcels to four units. More explanation and justification is needed for this proposed amendment.

Section 2.1 This section allows the County Administrator to approve minor changes in roadways in the Master Plan that do not negatively impact existing lots. The developer proposes to amend this provision to limit the County Administrator's discretion to non-material changes in the roadways which do not negatively impact adjacent properties as opposed to existing lots. The change from existing lots to adjacent properties seems out of place. The existing lots are the ones that will feel the impact of changed roadways the most. Without more justification, it may be more appropriate to add adjacent properties but leave in existing lots.

Section 2.2 The 2014 approvals allow 725 units, not 742. (111 Phase I Final Plat; 4 Outparcels; 578 Conceptual Site Plan; and 32 reserved future density).

Section 3.6 We should expand the section heading, "Reclaim Water and Wells." The developer has stated developer's intention is to prevent individual lot owners from sinking irrigation wells. However, this is not stated in the PUD Agreement and should be added. The developer has also stated the intent to install pipes to irrigate the development. However, the proposed amendment specifically allows the developer to not install such pipes for reclaim water.

Section 3.7 The proposed amendment would provide the developer credits for parks and recreation impact fees based on installing water and wastewater utility lines. This is inappropriate. There is no dollar for dollar credit for providing utility infrastructure to service one's own development. Without water and wastewater available in some form or fashion, there can be no development. Even if there were credits available, parks and recreation has no nexus to the residential water and wastewater.

Section 4.0 40' wide lots with up to 65% impervious coverage is a very urbanized development. More importantly, despite reducing the lot size, Section 4.1 does not provide for additional open space. Without more information, it appears the developer is simply trying to squeeze more residential units on the land beyond what would otherwise be permitted without any corresponding benefit to the public or the residents of the development. Please provide a rationale upon which the County Commission should approve a more urbanized development as proposed.

Section 4.1 Previously, the PUD Agreement provided that open spaces are to be maintained by an owners' association. The proposed amendment seeks to also include as options a CDD and an "other entity approved by the County." What would this other type of entity be? Is there something specific in mind, or is the intent to provide flexibility?

Section 4.11 The increase in the previously agreed upon height and size of the entrance sign is too large for a residential development and should be revised.

Also the proposed language granting the Growth Mgt Director authority and obligation to alter the sign standards should be deleted because it delegates too much discretion, while the LDC allows anyone to appeal determinations of the Growth Mgt Director to the Planning Board. Alternatively, objective criteria and percentage limitations should be built in to the delegation of authority—the point being to avoid disputes/appeals over the director's determinations.

Section 4.18 5' side setbacks are too narrow for first responders.

Miscellaneous

Developer stated developer's intention is to build a sound barrier along western boundary to dampen I-95 noise. This is not stated in the PUD Agreement and should be added.

Transportation

Section 3.1 The Transportation Memo was issued by a planner. We need a transportation study signed and sealed by an engineer. Given the magnitude of this development on a two lane road with other development taking place in the area, the County would benefit from its own independent traffic analysis to compare and verify the study of the developer's engineer.

Section 3.1.a Developer seeks to reduce dedication of right of way land parallel and adjacent to Old Kings Road from 15' to 10'.

SUBMITTAL SUMMARY REPORT (RZNE-000514-2021)

The developer should dedicate 15' of right of way as agreed. The current 2014 agreement requires the developer to construct a sidewalk in the dedicated land. However presently in 2021, the County does not wish to own isolated pieces of sidewalk and would be amenable to eliminating this requirement. If the developer prefers to keep in place the obligation to construct the sidewalk, it does not make sense to obtain transportation impact fee credits for a facility that will only benefit the residents of the development for the foreseeable future. The right of way is in the County's ten year plan to be widened to four lanes.

Section 3.1b The developer proposes striking out previously agreed to obligations and inserting new language that greatly waters down those obligations without any corresponding benefit to the residents or the public. Most perplexing, this request is made in the context of adding hundreds of units to the project. Specifically, the developer proposes contributing a flat fee subject to inflation rather than paying 66% of the cost of signalization. The developer also proposes flexibility to wait until the 425th home is built before constructing a traffic signal rather than the County determining when a signal is warranted as previously agreed. The developer also wants a voucher equal to the value of the contribution even though the signal is to serve the entrance to the development. The developer wants the voucher immediately even though the signal may not be constructed until the 425th home is built. The entire proposal to revise what was previously agreed to in this section and section 4.10 amounts to a windfall for the developer to the detriment of the public.

There should be no impact fee credits for infrastructure required to serve the development. It would be more appropriate for the developer to uphold the existing, previously agreed to obligations regarding the project's entrances. Also, it would benefit the future residents of the development as well as the public to construct a roundabout rather than a traffic signal.

Section 4.10 The proposed amendment would reduce the current, binding obligation of the developer to construct four entrances to the development down to two despite adding hundreds of residential units to the project. The proposal makes the other two entrances optional. The proposal would only allow right turn into the development and right turn out. In other words, a vehicle travelling south on Old Kings Road would not be able to turn into the development, and a vehicle exiting the development would not be able to turn north on Old Kings Road.

Sections 2.1 and 4.10.c These sections state the developer is fully vested and not required to provide offsite mitigation or other transportation improvements beyond what is stated in the agreement. The current agreement had analogous vesting language. If the developer wishes to similarly vest rights, we need to bolster the transportation improvements necessitated by the additional units proposed. Again, the traffic study remains outstanding.

E-911 (E-911)	Gina Lemon	12/07/2021	11/10/2021	Approved
<i>Comments</i>	No comment at this time.			
Engineering (Engineering)	Susan Graham	12/30/2021	12/16/2021	Received
<i>Comments</i>	Comments pending at this time.			
Environmental Health (Health and Sanitation)	Gina Lemon	12/30/2021	11/10/2021	Approved
<i>Comments</i>	1 - No comments or objections to rezoning.			
Fire (Fire)	Jerry Smith	12/30/2021	11/10/2021	Approved
Planning/Zoning (Planning/Zoning)	Adam Mengel	12/30/2021	11/10/2021	Requires Re-submit
<i>Comments</i>				

SUBMITTAL SUMMARY REPORT (RZNE-000514-2021)

1. General comment: The PUD rezoning ordinance, if approved, will be conditioned upon the Future Land Use Map amendment for the Northern Lands becoming effective.
2. General comment: Is there an objective to initiate development on the Southern Land first? If so, the rezoning could be crafted so as to permit the Southern Land's rezoning (amending the existing PUD) to proceed and become effective prior to the Northern Land's rezoning (from AC to PUD) which is dependent on the FLUM amendment.
3. Specific comment: Subsection 1.1.c. as edited does not match up to the entitlements or obligations under Official Records Book 1614, Page 676, Public Records of Flagler County, Florida. Please revise as needed.
4. Specific comment: Subsection 2.2.b. lists an entitlement of 742 single family units for the Southern Lands. Where did the additional 17 units (over 725 as previously permitted) come from?
5. Specific comment: Subsection 3.1.a. calls out a dedication of 10 feet adjacent to Old Kings Road for development of a sidewalk. The plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida, provided for 15 feet dedicated as Tract "N". Revise to 15 feet.
6. Specific comment: Subsection 3.1.a. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits.
7. Specific comment: Subsection 3.1.b. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits. The addition "subject to inflation" should not be needed since the "true-up" will subsequently occur. This section should be further discussed, with the possibility of adding a roundabout in lieu of a signalized intersection.
8. Specific comment: Subsection 3.2 should be supplanted to state that: "No preliminary plats will be approved without water and sewer availability."
9. Specific comment: Subsection 3.5, in response to the side-bar comment, we will need to discuss park improvements to determine if they are subject to impact fee credits.
10. Specific comment: Subsection 3.6, the use of irrigation wells should be limited, with lowest quality water sources used first consistent with SJRWMD regulations. The location and number of stormwater ponds on the parcels should allow for irrigation water to be drawn from surface water sources first, with irrigation wells drawing on groundwater limited.
11. Specific comment: Subsection 3.7, the provision or extension of water and sewer infrastructure by the developer has nothing to do with Parks Impact Fees; these expenses should not be creditable against Parks Impact Fees. The developer should pursue an agreement with FGUA for the assumption of this infrastructure and credits against FGUA's connection and impact fees.
12. Specific comment: Subsection 4.1, the text that lot sizes may be changed at the discretion of the developer should be revised. It is assumed that the intent is that the number of 40, 50, and 60 foot lots may be changed at the developer's discretion; however, any adjustment to decrease or increase the lot widths to vary from the 40, 50, and 60 foot lots should be subject to the PUD amendment process.
13. Specific comment: Subsection 4.7, the County prohibits new billboards. If the existing billboards are damaged beyond 50% of their value, they may not be repaired or replaced.
14. Specific comment: Subsection 4.8, wetlands and their adjacent upland buffers should be part of separate tracts (dedicated to the HOA or the CDD) and not included within the area of any residential lots.
15. Specific comment: Subsection 4.10, for us the private roadway tracts are required so as to designate that roadways will not be dedicated to the County or maintained by the County.
16. Specific comment: Subsection 4.10.b., right-in, right-out configurations may still require additional design elements including dedicated turn lanes and tapers so as to maintain traffic safety. This should be revised so as to reference that entrances will be designed so as to meet applicable County requirements.
17. Specific comment: Subsection 4.10.c. will need to be discussed as the Technical Memorandum accompanying the rezoning does not demonstrate that the additional trips (generated by the additional units exceeding the 725 units originally approved through the PUD) do not result in offsite impacts that do not exceed established Level of Service (LOS) standards. In other words, what is the justification for the "fully vested" determination in the PUD?
18. Specific comment: Subsection 4.11, the signage at 20 feet in height and 400 square feet in sign area is excessive and more akin to commercial signage. If the intent is an entry feature inclusive of a monument sign to provide a gateway at each of the project's two full entrances, then the PUD Master Plan could include a specific graphic depicting the entry feature. The 20 feet and 400 square feet should be reduced: both the posted speed limit and the width of the Old Kings Road right-of-way make these sign dimensions unreasonably large, unless the developer can provide justification to substantiate the need for the sign height and sign area as listed in the PUD agreement.
19. Specific comment: Subsection 4.11, the Growth Management Director's approval authority for any deviation should be limited in some way, maybe as a percentage of the total. Any downward decrease in the height or area would not require an approval, so the approval would be limited to an increase. This section can alternatively track the existing LDC text and designate the Planning and Development Board (as the Sign Ordinance Board of Adjustment) to approve sign deviations over and above set limits.
20. Specific comment: Subsection 4.13.a. should include the requirement of the posting of a sidewalk performance bond by the developer at the time of final plat approval. If the intent is for each home to construct its portion of the sidewalk as part of each residential permit, then the bond should encompass the construction of the sidewalk across all lands except for the residential lots.
21. Specific comment: Subsection 4.13.b., this text should be revised as needed to coincide with Subsection 3.1.a. Please review the text in both sections regarding platting and impact fee credits to make sure that the text in both sections coincides with the developer's intent.
22. Specific comment: Subsection 4.14, revise the width of the berm adjacent to Old Kings Road as needed to coincide with the width of Tracts "D", "F", and "G" as dedicated in the plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida. Alternatively, respond as to why the reduction from a width of 35 feet to 25 feet achieves the same benefit or is no longer appropriate.

SUBMITTAL SUMMARY REPORT (RZNE-000514-2021)

23. Specific comment: Subsection 4.17, Subsection 2.3.a. has been deleted in this iteration of the PUD agreement. Revise as needed.
24. Specific comment: Subsection 4.18.a., Lot Table, revise the minimum house size for 50 foot wide lots to 1,110 square feet. Also switch the ordering so that the 40 foot minimum width is to the left of (before) the 50 foot wide lot standards. Please note that a 40 foot wide lot results in a 30 foot by 80 foot buildable area if the lot is configured to the minimum lot width and lot size (area). The developer may also wish to add – as a subsection f. under 4.18 – that corner lots must be a minimum of 15% wider than non-corner lots to accommodate for the additional street side setbacks.
25. Specific comment: Site Plan at Exhibit C, please verify that information depicted matches the PUD agreement (example: garage/carport inclusion on the PUD Site Development Plan, but has been deleted from the PUD agreement).

TRC Review v.2

ITEM REVIEW NAME (DEPARTMENT)	ASSIGNED TO	DUE	COMPLETE	STATUS
County Attorney (County Attorney)	Gina Lemon	01/11/2022	01/13/2022	Requires Re-submit
Comments	The PUD Agreement includes a “Joint Preparation” provision. I have made redline edits to the latest version of the agreement submitted by the applicant. I also embedded comments in the margin, most of which are reproduced here. There are other marginal comments not listed here that explain particular edits.			
	<p>1. As we refine the PUD Agreement and the vision for the development comes into focus, it is becoming increasingly clear that the Northern Lands and the Southern Lands should be two different PUD's.</p> <p>2. Please provide the transportation review signed by an engineer that was mentioned at our pre-Christmas meeting. Please include the data requested by Volusia County as well because Flagler County has committed to work with Volusia on developments near the county line that impact both counties. This development will have significant impacts on Old Kings Road and Old Dixie Highway in Volusia County.</p> <p>3. If the maximum number of dwelling units is being increased by 456 units, there should be a concomitant increase (not a decrease) in transportation improvements, especially if this agreement is going to vest the Developer's contributions in that regard. The Developer's predecessor in interest agreed to contribute 66% of the cost of a traffic signal in exchange for the right to develop 725 units. The present Developer wants to increase the total units from 725 to 1,181 but keep the payment for the traffic signal the same while decreasing the obligations to provide entrances to the development. Doesn't make sense.</p> <p>4. We have built flexibility into the agreement to opt between a traffic signal or traffic circle. However, the agreement as submitted would not obligate the Developer to provide an access on to Old Kings Road for both the Northern and Southern Lands. This is unacceptable. Both need an access onto Old Kings Road, entrances that are not merely right turn in and right turn out.</p> <p>5. The number of dwelling units listed throughout the agreement are inconsistent and sometimes incorrect. The Southern Lands are approved for 725 units. Taking away the 111 units of Phase I, Section 1 (which will continue to be governed by the 2014 version of the PUD Agreement) and also taking way the 4 units of the two outparcels (which are not owned by the Developer), the Southern Lands have 610 units available. This is correctly stated in Section 1.1. The Northern Lands are limited to 456 units identified in Section 2.2. Therefore the total number of units is 1,066 (excluding the 111 of Phase I, Section 1). Section 4.1 should be revised accordingly.</p> <p>6. As stated in my email of 01.07.22, Tracts J and K of the Eagle Lakes Plat were limited to four total units, not four units per acre. Regardless, those tracts are now under different ownership and no longer part of the PUD.</p> <p>7. FGUA does not impose or collect impact fees. Moreover, the County has no authority to bind FGUA to anything via this PUD Agreement. Any agreement regarding capacity reservation fees are matters for the Developer to work out with FGUA.</p> <p>8. If the Developer proposes to shrink the width of lots without increasing the open space, in other words, if the Developer seeks to sprawl rather than cluster the residences, the Developer should make firmer commitments to provide amenities. We discussed possibly utilizing the open spaces that are part of the plan, or at least some of them, as areas with walking trails, dog walks, boardwalks, etc. The PUD Agreement as submitted states that certain amenities may be built, and that at least one type of amenity shall be built, but does not specify exactly which amenities will be built and where. The PUD Agreement as submitted does not bind the Developer to providing an amenity center in the Southern Lands as was stated at the Town Hall meeting. The amenity center should be a binding obligation. The Northern and Southern Lands each need amenities, and it would be better if they were platted. The amenities are a primary reason the development would meet the purpose of PUD zoning under the Land Development Code, e.g., creative and flexible concepts, innovating techniques, economical public services, protection of valuable natural features, land use mix, and open space.</p> <p>9. Please provide proposed Exhibit E. With small five foot side yard setbacks, will mechanical equipment be restricted to one side of residences to free up space for emergency responders?</p> <p>10. We'll need a school concurrency determination for the additional units.</p>			
Engineering (Engineering)	Susan Graham	01/19/2022	01/14/2022	Received
Comments	Comments pending.			

SUBMITTAL SUMMARY REPORT (RZNE-000514-2021)

Fire (Fire)	Jerry Smith	01/19/2022	12/16/2021	Requires Re-submit
<i>Comments</i>	Eagle Lake North Land & South Land			
<p>PUD has the side setback at 5 Feet. At 5 feet, it leaves insufficient room for first responds to utilize this egress for medical emergencies in the back yard. In addition, 5-foot side setbacks leaves no room for firefighters to be able to work safely in this area in the event of a fire. A 5-foot side setback makes it almost impossible to protect the structures on either side. With a maximum building height of 35 feet, a 5-foot setback will not give room for any type of ladder operations in the event of a fire.</p> <p>Side setbacks need to be, at least, 7.5 feet allowing first responders egress to the back yard for medical call and defensible space for fires to protect the next structure.</p> <p>With the maximum building height of 35 feet, any residential structure over 20 feet will need to have installed 13 R sprinkler system. This is needed to reduce the damage from a fire and keeping the fire in check until fire crews arrive. Thus protecting the owner's investment as well as the protecting the investments of other property owners.</p> <p>Roadways shall have a 50-foot turning radius. All travel lanes shall be a minimum of 12 feet for one-way traffic and 24 foot for two-way traffic.</p> <p>Any subdivision over 50 units shall have a secondary means of ingress and egress connecting to a county roadway. Any gated ingress or egress to the development shall have a Knox key override switch and a siren activated switch installed.</p>				
Planning/Zoning (Planning/Zoning)	Adam Mengel	01/19/2022	01/14/2022	Received
<i>Comments</i>	Comments pending at this time.			

**AMENDED AND RESTATED PLANNED UNIT DEVELOPMENT
AGREEMENT FOR EAGLE LAKES**

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the "Agreement"), is made as of this ____ day of _____, 2022— by and between **VENTURE 8 LLC**, a Florida limited liability company ("Developer") and **FLAGLER COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as the "County") and, collectively, the Developer and County are sometimes hereinafter referred to as the "Parties"

WITNESSETH:

WHEREAS, Developer is the owner of a portion of land, described in **Exhibit "A"** (hereinafter referred to as the "Southern Lands"), within the original 535 acre Eagle Lakes Planned Unit Development approved in Ordinance 2014-03 and recorded in the Official Records Book 2027, Page 0235 Public Records of Flagler County, Florida (hereinafter the "2014 PUD Agreement"); and

WHEREAS, Developer desires to add land to this development Agreement, described in **Exhibit "B"** (hereinafter referred to as the "Northern Lands" and the Southern Lands and Northern Lands are collectively referred to herein as the "Property"); and

WHEREAS, Developer desires to to amend the 2014 PUD Agreement by limiting its application of the 2014 PUD Agreement to Phase 1, Section 1 of the Eagle Lakes PUD as depicted in the final plat thereof, recorded in Map Book 36, Page 10 of the Public Records of Flagler County, Florida (hereafter, referred to as the "Eagle Lakes Plat")~~to land not owned by Developer that is subject to the 2014 PUD Agreement~~; and

WHEREAS, the Eagle Lakes Plat, includes Tract J and Tract K (hereinafter the "Outparcels"), which tracts were limited by the 2014 PUD Agreement to the development of a

Commented [A1]: The more this development comes in to focus, the more it becomes apparent the Northern Lands should be a separate PUD.

total of four residential units, but which tracts were subsequently conveyed to other ownership and are no longer governed by this Agreement; and

~~WHEREAS, Developer desires to amend and restate the PUD with new development restrictions and standards on the remaining land in the 2014 PUD Agreement; and~~

WHEREAS, under the 2014 PUD Agreement, the Southern Lands were subject to certain utility agreements recorded as follows: 1) Flagler County - Eagle Lakes Developer's Agreement for Utilities, dated March 6, 2006, and recorded in Official Records Book 1405, Page 1219, Public Records of Flagler County, Florida; 2) Flagler County - Eagle Lakes 2nd Developer's Agreement for Utilities Phase 2 Permanent Utilities Program, dated April 3, 2006, and recorded in Official Records Book 1422, Page 830, Public Records of Flagler County, Florida (collectively the "2006 Utility Agreements"); 3) Agreement for Transfer of Water and Wastewater Assets and For the Future Expansion of the Utility System Located Within the Eagle Lakes Planned Unit Development, dated September 14, 2014 and recorded in Official Records Book 2027, Page 378; and 4) First Amendment to the Agreement For Transfer of Water and Wastewater Assets and For the Future Expansion of the Utility System Located Within the Eagle Lakes Planned Unit Development, dated February 16, 2015 and recorded in Official Records Book 2048, Page 1933 (the "2014 Utility Agreement"); and

WHEREAS, ~~the~~ 2006 Utility Agreements and the 2014 Utility Agreements are no longer applicable to the Property as the County transferred its utility assets to Developer is amending the agreements with the Florida Governmental Utility Authority ("FGUA"), and the Developer is coordinating the provision of water and wastewater utility services to Southern Lands and Northern Lands with FGUA or its designee; and

WHEREAS, Developer desires to amend and restate the 2014 PUD Agreement, establishing new development restrictions and standards on the remaining Southern Lands not included in the Eagle Lakes Plat and on the entirety of the Northern Lands; and

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed as follows:

I.

RECITALS

The above recitals are true and correct and are incorporated herein by specific reference.

II.

DEVELOPMENT PARAMETERS AND CONDITIONS

1.0. 2014 PUD AGREEMENT.

1.1. Previous PUD Approvals.

~~_____a. The 2014 PUD Agreement authorize~~^s~~d~~ the development of a maximum of 725 single-family residential units, to be constructed in multiple phases on the Southern Lands in accordance with~~and~~ the Eagle Lakes Plat ~~(as defined below).~~ -

~~_____b. After excluding the units governed by the Eagle Lakes Plat under the 2014 PUD Agreement as well as the four units of the Outparcels, In 2006, the County approved a final plat for Phase 1, Section 1 for 111 lots, which is recorded in Map Book 36, Page 10, Public Records of Flagler County, Florida (hereafter referred to as the "Eagle Lakes Plat").~~

~~_____ c. _____ The Eagle Lakes Plat included Tract J and Tract K (hereinafter the "Outparcels"), which shall receive the same development rights as provided in the 2014 PUD Agreement, granting density for up to four single family residential units per acre of land covered by this Agreement.~~

~~_____ d. _____ In addition to the development rights set forth in subsections (b.) and (c.);~~
~~above, t~~he remaining phases which ~~were~~ are to be located on the Southern Lands are approved for a maximum of 610 single-family residential units.

Commented [A2]: Yes, 725 - 111 - 4 = 610.

2.0. NEW PUD DEVELOPMENT PLAN APPROVALS.

2.1. PUD Master Plan. The Southern Lands, excluding the 111 residential units of Section 1, Phase 1 of the Eagle Lakes Plat, and Northern Lands shall be subject to the requirements provided for herein. The Developer's master plan (hereinafter the "Master Plan") is attached hereto as **Exhibit "C"**. The Master Plan provides an overview of the proposed lot layouts, common areas, development features, utility infrastructure, road construction and similar subdivision provisions. The County Administrator, or his/her designee, may approve minor changes to the Master Plan, when such changes will not cause: 1) an expansion to the land area covered by the approved application; 2) an increase in the number of dwelling units beyond that provided for in Section 2.2; 3) a decrease in the amount of open space by more than one 1% of ~~to~~ any area within the Property, or 4) a material change to the approved roadway system with respect to its width or a change in the general roadway alignment resulting in negative impacts to adjacent properties. All other changes to the Master Plan shall be processed as a PUD Amendment subject to the provisions of the Flagler County Land Development Code. It is understood and agreed by the Parties that any PUD Amendments which may be processed by the County shall not require transportation improvements in excess of the conditions required herein, providing that density does not exceed

the maximum set forth in Section 2.2. As such, and based on the level of detail provided in this Agreement and in the attached Exhibit “C”, Developer shall be deemed to have satisfied the requirements outlined in the Land Development Code at Section 3.04.03 in connection with all new development proposed herein and is entitled to proceed directly to the preliminary plat process.

Commented [A3]: If the number of dwelling units is increasing substantially, there should be a concomitant increase in transportation improvements before vesting the Developer's contributions.

2.2. Authorized Development Density - Development of the Property shall not exceed a maximum of ~~1,066~~²¹⁵ single-family residential units, not including the 111 units governed by the 2014 PUD Agreement, to be developed in multiple phases, consistent with the following unit breakdown:

Commented [A4]: 610 + 456 = 1,066

a. The Northern Lands shall be entitled to 456 single-family residential units contingent upon a revision of the Future Land Use Map designation for the Northern Lands which allows for such density.

b. The Southern Lands shall be entitled to ~~759~~⁶¹⁰ single family residential units in addition to the units governed by the 2014 PUD Agreement.

~~c. The Southern Lands shall be designated an age-restricted community and will follow all applicable Housing and Urban Development guidelines to operate as a 55 and up community.~~

Commented [A5]: This does not pertain to density. I've moved it to Section 3.7 below. Another approach would be to create a new Section 2.3.

3.0. PUBLIC FACILITIES. The following public facilities will serve the Property, subject to the following terms and conditions:

3.1. Transportation. County and State roads and highways will service the ~~Land~~^{Property}. Pursuant to the Lassitier Transportation Group technical Memorandum dated August 30, 2021, the project will not require any off-site improvements, other than as set forth below. The Developer has met all the concurrency requirements of the Flagler County Land Development Code and Comprehensive Plan regarding the provision of roads. Therefore, the Developer is vested to proceed with all development provided for in this PUD without providing

Commented [A6]: Where is the document signed by an engineer that was said to be forthcoming at the Pre-Christmas meeting?

for any other traffic improvements (including off-site improvements) except for those required herein. In furtherance of, and in addition to, those requirements the following conditions apply:

a. Sidewalks – Upon platting Phase I of the Southern Lands abutting Old Kings Road, the Developer shall convey to the County by quit claim deed, in a form satisfactory to the County, the additional parallel right-of-way for Old Kings Road of 15 feet, which is adjacent to the Property. The Developer shall be required to convey additional right of way in the same width and in same manner as future phases are platted along Old Kings Road. -

b. Traffic Control Device – The Parties acknowledge and agree that a traffic control device and associated intersection improvements will be required to serve the Eagle Lakes PUD at the intersection of Old Kings Road, ~~at the intersection of~~ Bulow Boulevard, and the corresponding future entrance of the development (shown on the Master Plan). The Parties further agree that said improvements bear a rational nexus to the development. Developer's fair share contribution toward the cost of these improvements shall be 66% of the total cost of the lesser to construct (traffic signal or traffic circle) as calculated by the County. The calculation will be performed by the County when the County determines that the ~~signal-traffic control device~~ device is warranted, or prior to the Developer receiving final plat approval for the 425th unit within the Development, whichever event is earlier. The County's cost calculation shall include design, permitting, mitigation (if applicable) and installation of the ~~signal-traffic control device~~ and associated intersection improvements. The Parties acknowledge and agree that the cost calculation will be based upon the traffic control device being designed in accordance with Florida

Commented [A7]: We have built flexibility into the Agreement regarding traffic signal vs. traffic circle. But we've done nothing to increase the Developer's contribution to transportation infrastructure. The Southern Lands and Northern Lands will each need access to Old Kings Road.

Department of Transportation (FDOT) "Green Book" standards, FDOT design standards, and FDOT plans preparation manuals, as amended by the County Administrator, or his/~~her~~ designee, at his/~~her~~ sole discretion, in order to ensure the design and finish of the traffic control device is consistent with other traffic control device construction within the corridor and is complimentary to traffic control device construction within the City of Palm Coast. Upon providing the Developer with written notice of the cost calculation, the Developer shall pay its fair share contribution to the County in the amount of 66% of the total cost, as determined by the County. Alternatively, if the County needs right-of-way to build its traffic control device, the Developer may contribute a combination of land and money to meet its obligation contained herein. No final plat approvals shall be granted by the County beyond the ~~427~~⁵th unit within the Eagle Lakes PUD until the County has received payment for the Developer's fair share contribution.

Commented [A8]: 425 is more logical.

3.2. Potable Water/Wastewater. Such services will be provided by Florida Governmental Utility Authority or other appropriate government entity. In no event shall a final plat for any portion of the Property be approved in advance of water and sewer availability to the particular portion of the Property.

3.3. Solid Waste. The solid waste will be collected by the County's franchised operation and disposed of as provided by County facilities or interlocal agreement.

3.4. Drainage. The Developer shall provide drainage in accordance with the St. Johns River Water Management District rules and the Flagler County Land Development Code.

3.5. Recreation. The Developer will provide local recreation within the Property to satisfy the adopted levels of service for neighborhood ~~P~~arks. All recreation will be consistent

with the Flagler County Comprehensive Plan as amended from time to time, as well as the development standards set forth below.

3.6 Reclaim Water and Wells. Developer is not required to install reclaim water pipes to service the Property. However, nothing herein shall be deemed to prohibit Developer, its successors or assigns from digging irrigation wells on the Property to service the property and running pipe to support such an endeavor. Irrigation wells shall be used as a last resort for irrigation purposes when other sources of water are available. Further, irrigation wells shall only be installed by the Developer, future homeowners association, or a future Community Development District. In no event shall wells be constructed on individual home sites.

3.7 Southern Lands to be Age Restricted. The Southern Lands, excluding the 111 units of Phase 1, Section 1 of the Eagle Lakes Plat, shall be designated an age restricted community and will follow all applicable Housing and Urban Development guidelines to operate as a 55 and up community. ~~Developer's Step-In Rights. Notwithstanding anything contained herein to the contrary, should Developer, its successors and assigns, come to a point in the development of the Property that it needs wastewater and potable water that has not been provided for yet by Florida Governmental Utility Authority or its appointed designee, Developer shall have the right, but not the obligation, to install the appropriate materials to support such utilities. Should Developer install wastewater and potable water lines and facilities in advance of the utility provider for the Property, Developer shall be entitled to a dollar for dollar credit in the amount of the actual cost of installation in the form of impact fee credits from Florida Governmental Utility Authority or its appointed designee.~~

Commented [A9]: FGUA does not impose or collect impact fees. The County has no authority to bind FGUA via this Agreement. Any arrangement regarding connection or capacity reservation fees is between the Developer and FGUA.

4.0. DEVELOPMENT STANDARDS.

4.1. Lot Sizes. The Project shall include a mix of 40', 50', and 60' wide lots. The number of 40', 50' and 60' lot sizes may be changed at the discretion of the Developer so long as the total number of residential units does not exceed the limits identified in Section 2.2 herein. The maximum number of each size lot on the Norther Lands and the Southern Lands are listed below. The number of units listed for the Northern Lands is contingent upon a revision of the County's Future Land Use Map from Agriculture and Timberlands to Residential Low Intensity, and the number of units listed for the Southern Lands excludes the 111 units depicted on the Eagle Lakes Plat and governed by the 2014 PUD Agreement.

Northern Lands		Southern Lands	
40'	221	40'	219
50'	235	50'	351
60'	0	60'	189

Commented [A10]: Northern = 456
Southern = 610
Total = 1,066

Commented [A11]: This totals 759 for the Southern Lands. It should be only 610 because we're excluding the 111 of Phase I, Section 1 and also excluding the 4 outparcels. The outparcels are no longer part of the PUD, and the 111 will be governed by the 2014 version of the PUD.
 $725 - 111 - 4 = 610$

4.2. Homeowner Associations/Community Development District. The residential development shall be governed by the management of property owners' associations or community development ~~district~~district. As the development is not interconnected, the property owners associations need not be controlled by a master owners association.

4.3. Mobile Homes. Mobile homes shall be a prohibited use in the Property.

4.4. Temporary Sales and Construction Trailers and Model Homes. No more than 10 lots within the Property may be utilized for placement of temporary sales trailers, construction trailers and model homes, subject to review and approval of the County Administrator, or his/her designee, and subject to any terms and conditions imposed in connection with the approval, if granted. If the temporary sales trailers, constructions trailers and/or model homes are allowed prior

to the recordation of the final plat, the issuance of the certificates of occupancy shall be contingent on final plat approval and the completion and approval of the subdivision infrastructure.

4.5. Common Areas. Common areas are located within the Property and shall include open space and landscape areas as depicted on **Exhibit "C"**.-

4.6. Cell Tower. No additional cellular towers are permitted on the Property.

4.7 Billboards. No additional billboards are permitted on the Property. In connection with the billboards already existing on the Property, if they are damaged beyond 50% of their value, they may not be repaired or replaced, but rather must be torn down and cannot be rebuilt. 50% of the billboards value shall be based on the actual cost to construct a new billboard at the time of the destruction of the existing billboard.

4.8. Wetland Buffer. A minimum fifteen (15) foot wide, average twenty-five (25) foot wide upland buffer shall be provided around all wetlands on the ~~Land~~Property, except where road crossings are necessary. The buffer areas shall be shown on the final plat(s) and shall be maintained in its natural state free of structures. The buffers identified herein shall be owned and maintained by a homeowner's association, a community development district, or other entity acceptable to the County.

4.9. Stormwater. Storm water runoff shall be conveyed to on-site storm water retention systems by means of grassed swales or curb and gutter and an underground drainage pipe system. The systems onsite may be interconnected with such systems on adjacent sites, subject to approval of the St. Johns River Water Management District ("SJRWMD") and the County Development Engineer.

4.10. Roadways/Rights-of-Way. Internal access for all phases shall be by roadway tracts, and all roadways within the Property shall be maintained by the property owners'

association, community development district, or other entity approved by the County, but in no event will the County be responsible for the construction or maintenance of such internal roadways.

a. The Developer shall limit vehicular access to the Property from Old Kings Road to a maximum of four (4) entrance roads. One (1) of the 4 potential entrance roads shall be right turn into the community and right turn out of the community.

The Northern Lands and the Southern Lands shall each have at least one~~The three~~
~~(3) potentially remaining intersection s shall be provided with either~~ right and left
turn lanes and tapers consistent with County standards or integrated into a
roundabout on Old Kings Road in coordination with the County.

Commented [A12]: At least one of them cannot be potential, but mandatory because the Northern Lands and Southern Lands each need at least one access to Old Kings Road. Neither of those two should be right turn in and right turn out.

b. The entrance road(s) may be gated at the Developer's discretion.

c. Developer is fully vested for all trips generated by the Property and will not be required, other than as outlined in this Agreement, to complete any offsite mitigation.

Commented [A13]: By adding over four hundred homes, Developer should commit to more access improvements, not less, than what was required in 2014 for three hundred less homes.

d. All interior roadways are interconnected. The Northern Lands and Southern Lands are connected via a gated emergency access. This emergency access shall be stabilized and reinforced as required by the County's Land Development Code.

e. All interior roadways shall be a minimum of twenty-four (24) foot wide, as measures from edge of stabilized roadway to edge of stabilized roadway. All cul-de-sacs shall provide for a fifty (50) foot turning radius.

4.11. Signage. The Property may be identified by either one (1) double faced or two (2) single faced entrance signs to be located at each entrance to the Property or at one location between adjacent entrances. Such signs and associated structure may be lighted (with lighting directed away

from traffic) and shall be a maximum of twenty (20) feet high as measured from the centerline of Old Kings Road, with a message area no greater than four hundred (400) square feet in size. A prototypical sign is attached hereto as **Exhibit “D”** Directional, identity and information signs for recreation and other amenities may be provided throughout the Property, provided that none of these signs exceed six (6) square feet in size, including advertising and/or “for sale” signs. The residential entrance signs shall be located adjacent to Old Kings Road. Signs shall be setback from adjacent roadways sufficient to protect public safety and view angles. Notwithstanding anything contained herein, Developer, its successors and assigns, may deviate from the design standards set forth herein so long as the County Growth Management Director approves of such deviation and such deviation does not increase the size of the sign and structure area by more 15% of the originally approved. Such approval of the County Growth Management Director shall not be unreasonably withheld. And decrease in signage and/or structure area is permissible as a matter of right.

4.12. Open space.

a. A minimum of 20% of the gross area of the Property shall remain as open space, which includes water, stormwater ponds, preserved wetlands, and recreation areas (active and/or passive). All open space and common areas shall be maintained by a property owners' association, community development district, or other entity approved by the County. The completion by the Developer of the required recreational amenities listed herein will satisfy the level of service requirements associated with Section 3.5. The amenities, open space, and common areas may be privatized and for community residents only or may be open to the public at the discretion of the Developer, property owners association, community development district, or other appropriate governing body as approved by the County.

Commented [A14]: If we're shrinking the width of lots without increasing the open space, in other words, if we're not clustering development to provide more open space amenities, then the amenities should be augmented to meet the purpose of a PUD.

b. The amenities identified in the concept herein shall be prototypical amenities of a homeowner's association type residence. This includes, but is not limited to, a club house/cabana, a swimming pool, pickle ball courts, walking trails, and other items of that nature. The aforementioned list is demonstrative of the type of amenity that may be constructed on the Property. Both the Northern Property Lands and Southern Property Lands shall have their own amenity. Construction of the amenities to be built on the Northern Property Lands shall commence on or before the issuance of the 200th building permit for the Northern Property Lands. The construction of such amenities shall be completed and available for residents use by the time the 425th certificate of occupancy is issued to the Northern Property Lands. Construction of the amenities to be built on the Southern Property Lands shall commence on or before the issuance of the 200th building permit for the Southern Property Lands. The construction of such amenities shall be completed and available for residents use by the time the 425th certificate of occupancy is issued to the Southern Property Lands.

Commented [A15]: This language does not obligate the Developer to construct an amenity center. My understanding from prior meetings and the town hall meeting is that the Developer is committed to building an amenity center on the Southern Lands. It should be spelled out as an obligation, "shall" not "may." It should be platted. Also be more specific as to what shall be, not what may be, constructed on the South as to the North.

Commented [A16]: Does this include the 111 already built?

4.13. Pedestrian Access.

a. Internal Roadways: Prior to the issuance of a certificate of occupancy for any building in any phase, a five (5) foot wide sidewalk system connecting all lots within that phase shall be constructed adjacent to the internal roadways. All sidewalks that will be located anywhere but a residential lot shall be constructed by, or caused to be constructed by, the Developer. Further, Developer shall post a cost of construction bond with the County to insure that all sidewalk systems shall be constructed as contemplated herein. Developer shall be entitled to withdraw proportionate amounts of the bond as the sidewalks contemplated herein are constructed. In any event, ~~should~~ the sidewalks not be constructed within fifteen

(15) years after the issuance of the initial building permit under this Agreement, the County shall have the absolute right to take down the cost of construction bond identified herein, and use the proceeds to construct, or cause to be constructed, the internal sidewalk system contemplated herein.

b. External Roadway: At this time, the County shall reserve its right to have Developer, its successors or assigns, construct a sidewalk along the West side of Old Kings Road in the 15 foot dedication to the County identified herein. This right to request Developer, or its successors and assigns, to construct the sidewalk along Old Kings Road shall expire, if not exercised for at least one phase of development on or before December 31, 2027.

4.14. Landscape Berm. A landscaped berm shall be constructed along the Old Kings Road frontage, except where the entrance lakes are adjacent to Old Kings Road, in order to provide view corridors to such lakes. This berm shall be a minimum of six (6) feet high as measured above the centerline of Old Kings Road and shall be located within a twenty-five (25) foot wide landscape buffer along the frontage to Old Kings Road. A minimum six (6) foot high berm or wall shall also be constructed along the property's boundary with the ~~I~~4-95 right-of-way, in those locations where the existing natural vegetation is less than two hundred (200) feet as measured horizontally between any lot and the I-95 right-of-way. Where provided, this berm may be located within a twenty-five (25) foot wide landscape buffer.

4.15. Lighting. Decorative pole mounted lighting fixtures no more than twelve (12) feet high as measured above the centerline of the adjacent roadway shall be provided throughout the Property. Additional landscape lighting may include low level lighting and occasional accent

lighting. The locations of such fixtures shall be further described at the time of Preliminary Plat approval.

4.16. Parking and Driveways. A minimum of two (2) parking spaces per unit shall be provided within driveways with minimum dimensions of nine (9) feet in width by twenty (20) feet of depth per space, on individual lots. Parking shall not be permitted within the curbed portion and/or paved street portion of internal rights-of-way. Driveways shall be setback a minimum of five (5) feet from any side property boundary and twenty (20) feet from any street intersection with another street. Each residential lot shall, when constructed, contain a garage large enough for one (1) automobile.

4.17. Fire Protection. Except as provided herein, fire protection requirements for the Property will be met through a system of fire hydrants installed on the Property by the Developer connected to a public water supply system approved by the County and in accordance with County standards. Further, in exchange for the County agreeing to five (5) foot side setbacks, Developer has agreed to keep all mechanical equipment (including but not limited to air conditioning units, backup emergency generators, swimming pool equipment, etc.) a minimum of ten (10) feet away from the nearest piece of mechanical equipment. Mechanical equipment shall only be permitted on the [blank] side of residences, unless a corner lot configuration does not allow it in which case the equipment may be placed on the non-street facing side. Attached hereto as **Exhibit "E"** are prototypical examples of the 10 feet spacing identified herein. Further, to provide fire access, each residential lot shall not be permitted to install a fence, of any kind, thate proceeds forward of the rear corner of any dwelling unit. Such fence may tie to the corner of the rears of the dwelling unit but shall in no event proceed any further towards the front of the property.

4.18. Table of Site Development Requirements.

Commented [A17]: This is suggested language along the lines of our pre-Christmas discussion.

Commented [A18]: Please provide Exhibit E.

a. The following table lists the site development requirements that are applicable to the principal uses and structures within the Property. Amendments to these standards shall require an amendment to this Agreement.

<u>Lot Type</u>	<u>40'</u>	<u>50'</u>	<u>60'</u>
Minimum Lot size	4,800 sf	6,000 sf	7,000 sf
Minimum Lot width	40'	50'	60'
Minimum front setback ⁽¹⁾	20'	20'	20'
Minimum rear setback	20'	20'	20'
Minimum side yard setback	5'	5'	5'
Maximum building height	Two Stories	Two Stories	Two Stories
Maximum impervious coverage	65%	60%	55%
Minimum House Size ⁽²⁾	1,000 sf	1,110 sf	1,500 sf
Minimum Garage	1 Car Garage Fully Enclosed with door	1 Car Garage Fully Enclosed with door	1 Car Garage Fully Enclosed with door

(1) For corner lots with two (2) front setbacks, the front yard without a driveway connection may be reduced to ten (10) feet.

(2) Minimum house size is calculated as the principal dwelling unit's heated and cooled space under roof.

b. All detached structures (gazebos, pavilions, etc.) shall be a maximum height of twelve (12) feet and shall be located in a rear or side yard and shall be set back five (5) feet from side property boundaries, and ten (10) feet from rear property boundaries (except where a side yard is also a road frontage, where the accessory setback shall be ten (10) feet). The minimum separation of accessory structures from principal and other accessory structures shall be ten (10) feet.

c. Pools, screen enclosures, and screen rooms shall only be located in rear ~~or~~ side yards.

Commented [A19]: To be consistent with the prohibition on fences in side yards.

d. All setbacks as stated above will be measured from the lot line and will apply to principal and accessory structures and pools (as stated above) but not sidewalks, patios and similar non-vertical elements.

e. No buildings or accessory structures shall be permitted within easements or buffers, regardless of the setback.

~~f. all corner lots must be a minimum of 15% wider than non-corner lots to accommodate for additional side street setbacks.~~

Commented [A20]: This is not needed since subpart a. above reduces the side setback for corner lots.

4.19. Code Applicability. The requirements of this Agreement supersede any inconsistent provisions of the Flagler County Land Development Code. Otherwise, all building codes, zoning ordinances, land development regulations, the Flagler County Comprehensive Plan and/or any similar plans adopted by the County, as may be amended from time to time, will be applicable to the Property, unless otherwise stated herein

5.0. PERMITS. The Developer hereby acknowledges its obligation to obtain all necessary development permits which may be needed for development of the Property. The failure of this Agreement to address any particular permit, condition, term, or restriction applicable to the development of the Property shall not relieve the Developer or any successor or assigns of the necessity of complying with federal, state, and local permitting requirements, conditions, terms, or restrictions as may be applicable.

6.0. TERMINATION. ~~Upon execution of this Agreement by the Parties and upon recordation in the Public Records of Flagler County, Florida as set forth in Section 7.0, the Prior Land Development Agreements shall have no further force and effect on the Property.~~

Commented [A21]: This is a term that was defined in the whereas clauses of the 2014 PUD Agreement and is deleted from this PUD Agreement. The 2014 PUD already eliminated the application of the 2005 development agreements.

~~7.0~~ **RECORDATION.** Within fourteen (14) days after the County executes this Agreement, the County shall record it in the Public Records with the Clerk of the Circuit Court for Flagler County, Florida, at the Developer's expense.

~~78.0.~~ **BINDING EFFECT.** The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

~~98.0.~~ **APPLICABLE LAW; JURISDICTION OF VENUE.** This Agreement, and the rights and obligations of the County and the Developer shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in Flagler County, Florida. If any provision of this Agreement or the application thereof to any person or circumstances shall be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restriction that must be satisfied to complete the development contemplated by this Agreement shall not relieve the Developer or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

~~949.0.~~ **JOINT PREPARATION.** Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

~~104.0.~~ **EXHIBITS.** All exhibits attached hereto contain additional terms of this Agreement and are incorporated herein by reference.

~~112.0.~~ **CAPTION OR PARAGRAPH HEADINGS.** Captions and paragraph headings contained in this Agreement are for convenience and reference only, and in no way define,

describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision hereof.

132.0. COUNTERPARTS. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.

134.0. EFFECTIVE DATE. This Agreement shall become effective upon recordation in the Public Records of Flagler County, Florida.

145.0. AMENDMENT. This Agreement may be amended by written mutual consent of the Parties.

156.0. FURTHER ASSURANCES. Each of the parties hereto agrees to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances as shall be reasonably requested by the other party in order to carry out the intent of this Agreement and give effect thereto to the extent allowed and, in a manner, permitted by law. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the County, the parties hereby declare their intention to cooperate with each other in effecting the terms of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

167.0. NOTICES. Any notices or reports required by this Agreement shall be sent to the following:

For the County

County Administrator
1769 East Moody Blvd., Bldg. 2
Bunnell, FL 32110

With a Copy to

Albert J. Hadeed, Esquire
1769 East Moody Blvd., Bldg. 2

Bunnell, FL 32110

For Venture 8 LLC

Venture 8 LLC
125 N. Ridgewood Avenue, Suite 100
Daytona Beach, Florida 32114

With copy to

Chiumento Law, PLLC
Attn: Michael Chiumento III, Esquire
145 City Place Suite 301
Palm Coast, Florida 32164

Passed and Duly Adopted by the Board of County Commissioners of Flagler County,
Florida, this _____ day of _____, 2022.

Attest:

Board of County Commissioners
Flagler County

Tom Bexley, Clerk of the Circuit —
Mullins, Chairman
Court and Comptroller

Donald O'Brien, Jr. Joseph F.

Approved as to Form:

Al Hadeed, County Attorney

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this agreement on the day(s) and year set forth below.

VENTURE 8 LLC, a Florida limited liability company

By: _____
Name: _____
Its: _____

Name: _____ Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument is hereby acknowledge before me, by means of []
physical presence or [] remote online notarization, on this ____ day of _____, 2022____,
by _____, as _____ of Venture 8
LLC, who [] has produced _____ as valid government identification or
[] is personally known to me, and (did/did not) take an oath.

(SEAL)

NOTARY PUBLIC, State of Florida
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Formatted: Justified

EXHIBIT "A"
("Southern Lands")

A parcel of land lying in Sections 26, 27, 34 and 35, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 3500.55 feet to the POINT OF BEGINNING; thence departing said Easterly Right-of-way line, run N 61°47'39" E, a distance of 3350.34 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following four (4) courses: 1) S 26°38'09" E, a distance of 466.61 feet; 2) Southeasterly, 259.33 feet along the arc of a tangent curve to the left having a radius of 5779.65 feet and a central angle of 02°34'15" (chord bearing S 27°55'17" E, 259.31 feet); 3) S 29°12'24" E, a distance of 1631.99 feet; 4) Southeasterly, 81.96 feet along the arc of a tangent curve to the right having a radius of 2814.93 feet and a central angle of 01°40'06" (chord bearing S 28°22'22" E, 81.96 feet); thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 374.05 feet; thence S 22°30'26" E, a distance of 614.01 feet; thence N 89°00'32" E, a distance of 374.32 feet to a point on said Westerly Right-of-way line; thence run S 20°36'54" E along said Westerly Right-of-way line, a distance of 53.09 feet; thence departing said Westerly Right-of-way line, run S 89°00'32" W, a distance of 968.74 feet to a point on the East line of said Section 27; thence S 01°01'16" E along said East line, a distance of 660.16 feet to the Northeast corner of Section 34, Township 12 South, Range 31 East; thence S 01°50'43" W, a distance of 200.27 feet; thence N 88°59'35" E, a distance of 547.76 feet; thence S 15°12'02" W, a distance of 1089.80 feet; thence S 00°55'04" E, a distance of 1281.08 feet; thence S 09°25'13" W, a distance of 627.21 feet; thence S 67°07'09" W, a distance of 835.39 feet to the center of the Korona Canal as recorded in O.R. Book 28, Page 94 and O.R. Book 459, Page 127; thence run along the Center line of said Korona Canal, N 73°59'58" W, a distance of 1007.87 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line the following two (2) courses: 1) N 20°45'40" W, a distance of 1579.44 feet; 2) N 34°47'51" W, a distance of 206.16 feet; thence departing said Easterly Right-of-way line, run N 06°06'10" W, a distance of 276.62 feet; thence N 20°45'41" W, a distance of 40.00 feet; thence S 69°14'19" W, a distance of 70.00 feet to a point on said Easterly Right-of-way line of Interstate 95, thence run along said Easterly Right-of-way line the following three (3) courses: 1) N 20°45'40" W, a distance of 39.97 feet; 2) northerly, 1453.63 feet along the arc of a tangent curve to the right having a radius of 34227.47 feet and a central angle of 02°26'00" (chord bearing N 19°32'40" W, 1453.52 feet); 3) N 18°19'40" W, a distance of 343.18 feet; thence departing said Easterly Right-of-way line, run N 03°40'43" W, a distance of 276.61 feet; thence N 18°20'14" W, a distance of 40.00 feet; thence S 71°39'46" W, a distance of 69.95 feet to a point on said Easterly Right-of-way line of Interstate 95; thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 1141.08 feet to the POINT OF BEGINNING.

Containing 400.945 acres, more or less.

EXHIBIT "B"
("Northern Lands")

DESCRIPTION: A parcel of land lying in Sections 22 and 27, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of Government Section 27, Township 12 South, Range 31 East, thence run N 88°51'59" E along the North line of said Section 27 a distance of 883.12 feet to a point on the Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run S 18°19'40" E along said Easterly Right-of-way line a distance of 122.00 feet to the POINT OF BEGINNING and a non-tangent curve being the Easterly line of a 200' Perpetual Drainage Easement, as recorded in Official Records Book 549, Page 961-964; thence departing said Easterly Right-of-way line, run Easterly along said Easterly line of the 200' Perpetual Drainage Easement, 216.02 feet along the arc of a curve to the left having a radius of 499.93 feet and a central angle of 24°45'26" (chord bearing N 77°18'42" E, 214.34 feet); thence departing the Easterly line of said 200' Perpetual Drainage Easement, run N 64°55'59" E, a distance of 2688.10 feet to a point on the Westerly Right-of-way line of Old Kings Road (a 100' Right-of-way); thence run along said Westerly Right-of-way line the following three (3) courses: 1) S 26°39'09" E, a distance of 1575.64 feet; 2) Southeasterly, 271.36 feet along the arc of a tangent curve to the right having a radius of 5679.65 feet and a central angle of 02°44'15" (chord bearing S 25°17'02" E, 271.34 feet); 3) S 23°54'54" E, a distance of 178.81 feet; thence departing said Westerly Right-of-way line, run S 61°47'39" W, a distance of 1000.04 feet; thence S 26°37'56" E, a distance of 394.86 feet; thence N 61°47'39" E, a distance of 230.32 feet; thence S 26°37'56" E, a distance of 705.14 feet; thence S 61°47'39" W, a distance of 2600.34 feet to a point on said Easterly Right-of-way line of Interstate 95 (a variable width Right-of-way); thence run along said Easterly Right-of-way line, N 18°19'40" W, a distance of 3378.55 feet; to the POINT OF BEGINNING.

Containing 209.779 acres, more or less.

Exhibit “C”

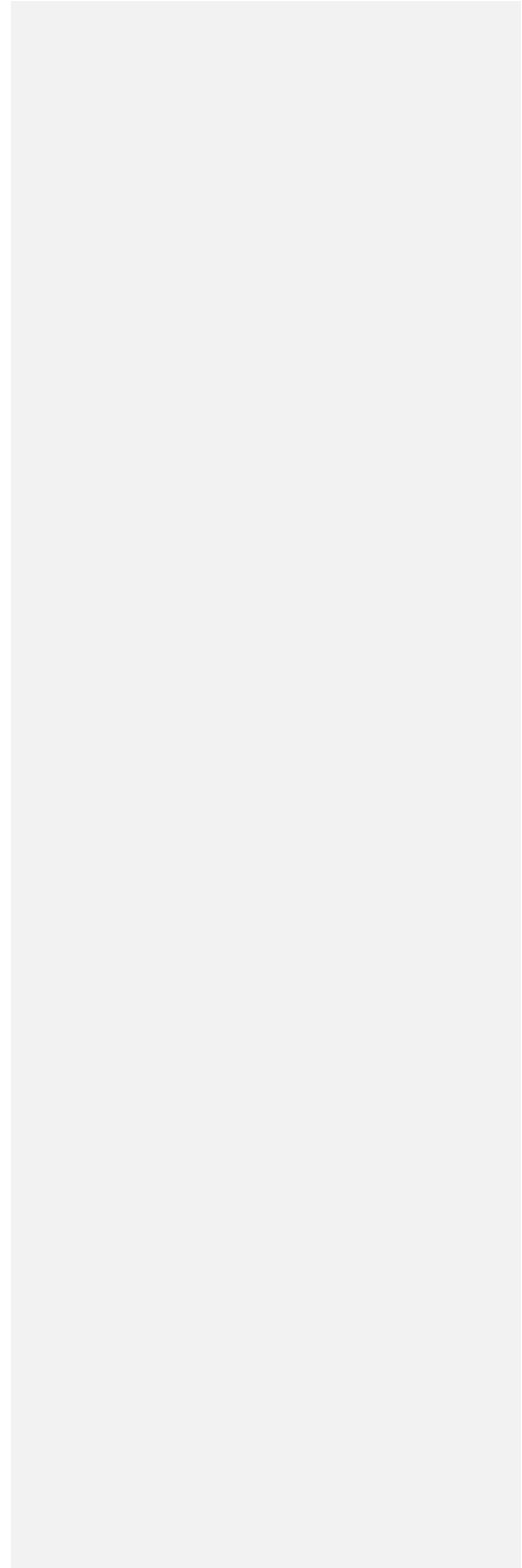


Exhibit “D”



COUNTY ATTORNEY OFFICE COMMENTS

January, 2022

The PUD Agreement includes a “Joint Preparation” provision. I have made redline edits to the latest version of the agreement submitted by the applicant. I also embedded comments in the margin, most of which are reproduced here. There are other marginal comments not listed here that explain particular edits.

1. As we refine the PUD Agreement and the vision for the development comes into focus, it is becoming increasingly clear that the Northern Lands and the Southern Lands should be two different PUD’s.
2. Please provide the transportation review signed by an engineer that was mentioned at our pre-Christmas meeting. Please include the data requested by Volusia County as well because Flagler County has committed to work with Volusia on developments near the county line that impact both counties. This development will have significant impacts on Old Kings Road and Old Dixie Highway in Volusia County.
3. If the maximum number of dwelling units is being increased by 456 units, there should be a concomitant increase (not a decrease) in transportation improvements, especially if this agreement is going to vest the Developer’s contributions in that regard. The Developer’s predecessor in interest agreed to contribute 66% of the cost of a traffic signal in exchange for the right to develop 725 units. The present Developer wants to increase the total units from 725 to 1,181 but keep the payment for the traffic signal the same while *decreasing* the obligations to provide entrances to the development. Doesn’t make sense.
4. We have built flexibility into the agreement to opt between a traffic signal or traffic circle. However, the agreement as submitted would not obligate the Developer to provide an access on to Old Kings Road for both the Northern and Southern Lands. This is unacceptable. Both need an access onto Old Kings Road, entrances that are not merely right turn in and right turn out.
5. The number of dwelling units listed throughout the agreement are inconsistent and sometimes incorrect. The Southern Lands are approved for 725 units. Taking away the 111 units of Phase I, Section 1 (which will continue to be governed by the 2014 version of the PUD Agreement) and also taking away the 4 units of the two outparcels (which are not owned by the Developer), the Southern Lands have 610 units available. This is correctly stated in Section 1.1. The Northern Lands are limited to 456 units identified in Section 2.2. Therefore the total number of units is 1,066 (excluding the 111 of Phase I, Section 1). Section 4.1 should be revised accordingly.
6. As stated in my email of 01.07.22, Tracts J and K of the Eagle Lakes Plat were limited to four total units, not four units per acre. Regardless, those tracts are now under different ownership and no longer part of the PUD.

7. FGUA does not impose or collect impact fees. Moreover, the County has no authority to bind FGUA to anything via this PUD Agreement. Any agreement regarding capacity reservation fees are matters for the Developer to work out with FGUA.
8. If the Developer proposes to shrink the width of lots without increasing the open space, in other words, if the Developer seeks to sprawl rather than cluster the residences, the Developer should make firmer commitments to provide amenities. We discussed possibly utilizing the open spaces that are part of the plan, or at least some of them, as areas with walking trails, dog walks, boardwalks, etc. The PUD Agreement as submitted states that certain amenities *may* be built, and that at least one type of amenity shall be built, but does not specify exactly which amenities will be built and where. The PUD Agreement as submitted does not bind the Developer to providing an amenity center in the Southern Lands as was stated at the Town Hall meeting. The amenity center should be a binding obligation. The Northern and Southern Lands each need amenities, and it would be better if they were platted. The amenities are a primary reason the development would meet the purpose of PUD zoning under the Land Development Code, e.g., creative and flexible concepts, innovating techniques, economical public services, protection of valuable natural features, land use mix, and open space.
9. Please provide proposed Exhibit E. With small five foot side yard setbacks, will mechanical equipment be restricted to one side of residences to free up space for emergency responders?
10. We'll need a school concurrency determination for the additional units.

Gina Lemon

From: Jerry Smith
Sent: Friday, January 21, 2022 3:05 PM
To: Adam Mengel, AICP, LEED AP BD+C; Gina Lemon
Subject: Eagle Lake Comments Second TRC
Attachments: Eagle Lake Comments Second TRC.doc

Adam

Please share this with the people from Eagle Lakes North and South. Thank you sir.

Jerry Smith
Fire Marshal

E: jsmith@flaglercounty.gov | V: 386-313-4258 | W: www.flaglercounty.gov



Flagler County Fire Rescue
1769 E Moody Boulevard, Building 3
Bunnell, FL 32110



Flagler County's mission is to efficiently delivery the highest quality customer-focused services, to include safety and security, and create the greatest value to our community through integrity, innovation, and a culture of collaboration.

Eagle Lake North Land & South Land

The 2014 PUD has a 50', 60', and 90' lot size with a side setback of 5', 6.5', and a 9' side yard setback. The changes in the proposed PUD creates lot sizes of 40', 50', and 60' with all having a side yard setback of 5'. Fire Rescue has requested a 7.5' side yard setback as this creates defensible space between combustible structures. This setback also allows firefighters to navigate between structures with ladders, hoses, and other equipment

Sent back to Fire Rescue was exhibit E with the 5' side yard setback with staggered HVAC units. With this setup, it is creating an obstacle course for crews. The 5' side setbacks makes it difficult to protect the structure on either side, as the potential for fire to extend from one structure to the next increases. Fire rescue goal and focus is to protect lives and property. A 5' side yard setback makes this difficult by moving combustible structures closer together and adding obstacles to move around with ladders, hoses, and other equipment necessary to protect life and property.

In the 2014 PUD there are three different side yard setbacks. Fire Rescue believes a 6.5' side yard setback for all lots with no HVAC units, no pool pumps, no fencing, and no landscaping in this area will allow for more optimal protection of life and property

With the use of NFPA 5000, as a basis can reach a desired outcome that serves the community can be reached.

NFPA 5000 Chapter 7 Section 7.3.2.2.2 can be used to facilitate this.

7.3.2.2.2

For residential subdivision developments where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with [22.3.5.2](#), the fire separation distance for non-fire-resistance-rated exterior walls and for fire-resistance-rated projections shall be permitted to be reduced to 0 ft (0 mm), and unlimited unprotected openings and penetrations shall be permitted where the adjoining lot provides an open setback yard that is 6 ft (1830 mm) or more in width on the opposite side of the property line.

Roadways shall have a 50-foot turning radius. All travel lanes shall be a minimum of 12 feet for one-way traffic and 24 foot for two-way traffic.

Any subdivision over 50 units shall have a secondary means of ingress and egress connecting to a county roadway. Any gated ingress or egress to the development shall have a Knox key override switch and a siren activated switch installed.

Chiumento Law, PLLC
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Michael D. Chiumento III
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Diane A. Vidal
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By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

December 10, 2021

Via E-mail and Hand Delivery

Mr. Adam Mengel
C/O Flagler County
1769 E. Moody Blvd.
Bunnell, FL 32110
E-mail: amengel@flaglercounty.org

Re: Application #3270 – Rezoning to PUD

Dear Mr. Mengel,

As you know, this Firm and I represent the applicant and owner in connection with Application #3720. We are in receipt of the County's first comments provided to us on November 10, 2021. After our TRX meeting, below are the applicant's responses to the County's Comments:

1. The PUD rezoning ordinance, if approved, will be conditioned upon the Future Land Use Map amendment for the North Lands becoming effective.
RESPONSE: Ok, agreed and understood.
2. Is there an objective to initiate development on the Southern Land First? If so, the rezoning could be crafted so as to permit the Southern Land's rezoning (amending the existing PUD) to proceed and become effective prior to the North Land's rezoning (from AC to PUD) which is dependent on the FLUM amendment.
RESPONSE: Applicant is open to approving the rezoning on the Southern Lands PUD and making the Northern Lands PUD rezoning approval conditioned upon approval of the FLUM amendment.
3. Subsection 1.1.c. as edited does not match up to the entitlements or obligations under Official Records Book 1614, Page 676, Public Records of Flagler County, Florida. Please revise as needed.
RESPONSE: 1.1.c. of the PUD states that density can be 4 single family units per acre. As we are adding more land to the overall PUD, the entitlements should increase accordingly.

4. Subsection 2.2.b. lists an entitlement of 742 single family units for the Southern Lands. Where did the additional 17 units (over 725 as previously permitted) come from?

RESPONSE: The entitlements are for the entire PUD property and is amending the underlying PUD. Thus, we believe the project should be viewed as a whole and not separately from each tract.

5. Subsection 3.1.a. calls out a dedication of 10 feet adjacent to Old Kings Road for development of a sidewalk. The Plat for Eagle Lakes – Phase 1 – Section 1 recorded at Map Book 36, Page 10, Public Record of Flagler County, Florida, provided for 15 feet dedicated as Tract “N”. Revise to 15 feet.

RESPONSE: We would like to keep the sidewalk dedication at 10 feet.

6. Subsection 3.1.a. described Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee Credits.

RESPONSE: Understood and correction has been made.

7. Subsection 3.1.b. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits. The addition “subject to inflation” should not be needed since the “true-up” will subsequently occur. This section should be further discussed with the possibility of adding a roundabout in lieu of a signalized intersection.

RESPONSE: Understood and corrections have been made. In connection with the roundabout idea, Developer cannot commit to constructing a roundabout in this area as this would require right-of-way acquisition from the property owner across the street from the Property. If the County desires to construct a roundabout, Developer would be willing to enter into discussions with the County about remitting funds and land in exchange for not being required to construct the roundabout.

8. Subsection 3.2 should be supplanted to state that “No preliminary plats will be approved without water and sewer availability.”

RESPONSE: The PUD has been updated to show that no Final Plat will be approved until water and sewer utilities are available at the Property.

9. Subsection 3.5, in response to the side-bar comment, we will need to discuss park improvements to determine if they are subject to impact fee credits.

RESPONSE: We withdraw our request for park impact fee credits

10. Subsection 3.6, the use of irrigation wells should be limited, with the lowest quality of water sources used first consistent with SJRWMD regulations. The location and number of stormwater ponds on the parcels should allow for irrigation water to be drawn from surface water sources first, with irrigation wells drawing on groundwater limited.

RESPONSE: Understood and agreed – will update as appropriate.

11. Subsection 3.7, the provision or extension of water and sewer infrastructure by the developer has nothing to do with Parks Impact Fees; these expenses should not be creditable against Parks Impact Fees. The developer should pursue an agreement with

FGUA for the assumption of this infrastructure and credits against FGUA's connection and impact fees.

RESPONSE: Removed Park Impact Fee credit request and indicated that any impact fee credit would come from FGUA or its designee.

12. Subsection 4.1, the text that lot sizes may be changed at the developer's discretion should be revised. It is assumed that the intent is that the number of 40, 50, and 60 foot lots may be changed at the developer's discretion; however, any adjustment to decrease or increase the lot widths to vary from the 40, 50, and 60 foot lots should be subject to the PUD amendment process.

RESPONSE: The intent was for the developer to be able to adjust the number of 40, 50, and 60 foot lots without the need for a PUD amendment. If the Developer is adding a 70-foot type lot, we agree, that is subject to a PUD amendment. If Developer seeks to exceed the density rating of 4 single family dwelling units per acre, this too should be subject to the PUD amendment process. Language has been added indicating that the number of 40', 50', and 60' lot sizes may be changed at the discretion of the Developer.

13. Subsection 4.7, the County prohibits new billboards. If the existing billboards are damaged beyond 50% of their value, they may not be repaired or replaced.

RESPONSE: We will add limiting language regarding destruction beyond 50% of the then market value.

14. Subsection 4.8, wetlands and their adjacent upland buffers should be part of separate tracts (dedicated to the HOA or CDD) and not included within the area of any residential lots.

RESPONSE: The HOA and/or CDD taking ownership of the wetlands and upland buffers are fine.

15. Subsection 4.10, for us the private roadway tracts are required so as to designate the roadways will not be dedicated to the County or maintained by the County.

RESPONSE: Because the CDD will be created for the public infrastructure, the County will need to be named on the Plat as having received dedication of the public ROW. However, the CDD will be responsible for the maintenance.

16. Subsection 4.10.b., right-in, right-out configurations may still require additional design elements including dedicated turn lanes and tapers so as to maintain traffic safety. This should be revised so as to reference that entrances will be designed so as to meet applicable County Requirements.

RESPONSE: Understood and agreed – section 4.10.a states that all intersections shall be consistent with the County design standards.

17. Subsection 4.10.c. will need to be discussed as the Technical Memorandum accompanying the rezoning does not demonstrate that the additional trips (generated by the additional units exceeding the 725 units originally approved through the PUD) do not result in offsite impacts that do not exceed established Level of Service (LOS) standards. In other words, what is the justification for the "fully vested" determination in the PUD?

RESPONSE: It is our understanding that Mr. West and Mr. Mengel are discussing traffic in detail on December 8, 2021.

18. Subsection 4.11, the signage at 20 foot in height and 400 square feet in sign area is excessive and more akin to commercial signage. If the intent is an entry feature inclusive of a monument sign to provide a gateway at each of the project's two full entrances, then the PUD Master Plan could include a specific graphic depicting the entry feature. The 20 feet and 400 square foot should be reduced, both the posted speed limit and the width of Old Kings Road right-of-way make these sign dimensions unreasonably large, unless the developer can provide justification to substantiate the need for the sign height and sign area listed in the PUD Agreement.

RESPONSE: A conceptual entry feature has been added to the PUD agreement to show what the anticipated entry area will look like when constructed. Developer believes that this entry feature warrants a 20 foot high and 400 square foot. Please note that the Developer is asking for the sign and associated structure to be 20 foot high and 400 square foot – and not just a sign in that size.

19. Subsection 4.11, the Growth Management Director's approval authority for any deviation should be limited in some way, maybe as a percentage of the total. Any downward decrease in the height or area would not require an approval, so the approval would be limited to an increase. This section can alternatively track the existing LDC text and designate the Planning and Development Board (as the Sign Ordinance Board of Adjustment) to approve sign deviations over and above set limits.

RESPONSE: Would a 15% deviation be acceptable to the County?

20. Subsection 4.13.a. should include the requirement of the posting of a sidewalk performance bond by the developer at the time of final plat approval. If the intent is for each home to construct its portion of the sidewalk as part of each residential permit, then the bond should encompass the construction of the sidewalk across all lands except for residential lots.

RESPONSE: Sidewalks that are on each lot will be the responsibility of lot owner. Developer will do sidewalks in all common areas (HOA owned area or CDD areas).

21. Subsection 4.13.b., this text should be revised as needed to coincide with Subsection 3.1.a. Please review the text in both sections regarding platting and impact fee credits to make sure that the text in both sections coincides with the developer's intent.

RESPONSE: Both sections reflect that an 8 foot sidewalk will be constructed.

22. Subsection 4.14, revise the width of the berm adjacent to Old Kings Road as needed to coincide with the width of Tracts "D", "F", and "G" as dedicated in the plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida.

RESPONSE: Developer believes that so long as the berm matches the berm to the South from Old Kings Road, the berm is harmonized and is consistent with the berm to the South. The 10 foot difference does not impact the functionality of the berm.

23. Subsection 4.17, Subsection 2.3.a has been deleted in this iteration of the PUD agreement. Revise as needed.

RESPONSE: Updated as appropriate.

24. Subsection 4.18.a., Lot Table, revise the minimum house size for 50 foot wide lots to 1,110 square feet. Also switch the ordering so that the 40 foot minimum width is to the left of (before) the 50 foot wide lot standards. Please note that a 40 foot wide lot results in a 30 foot by 80 foot buildable area if the lot is configured to the minimum lot width and lot size (area). The Developer may also wish to add – as a subsection f. under 4.18 – that corner lots must be a minimum of 15% wider than non-corner lots to accommodate for the additional street side setbacks.

RESPONSE: We will adjust the ordering of the lot sizes within the table. We will review with the engineer team the increased 15% corner lot size.

25. Site Plan at Exhibit C, please verify that information depicted matches the PUD agreement (example: garage/carport inclusion on the PUD Site Development Plan, but has been deleted from the PUD Agreement).

RESPONSE: The conceptual site plan has been updated to reflect the removal of carports and the PUD has been updated to reflect only garages are allowed.

We trust the above responses, together with updated documents which accompany this cover letter, is sufficient to cure the County's questions in connection with this proposed PUD. If County has any questions about the foregoing, please do not hesitate to contact me or my office. I can be reached most easily at michael3@legalteamforlife.com. Assuming that the above responses and enclosed documents satisfy the County's comments in connection with the original application, Developer would request to be placed on the next available Planning and Development Board Agenda.

Sincerely,



Michael D. Chiumento, III

Enclosure: As Noted
CC: File
Client

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William J. Bosch
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By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

December 19, 2021

Via E-mail Only

Mr. Adam Mengel
C/O Flagler County
1769 E. Moody Blvd.
Bunnell, FL 32110
E-mail: amengel@flaglercounty.org

Re: Application #3270 – Rezoning to PUD

Dear Mr. Mengel,

As you know, this Firm and I represent the applicant and owner in connection with Application #3720. We are in receipt of the County Attorney's first comments provided to us on December 10, 2021. As we discussed in our most recent meeting, my office would review the comments and get responses to the County in advance of our meeting set for December 12, 2021. To that end, please see the below in connection with the County Attorney's comments:

FLUM

1. The rezoning should be conditioned on the required FLUM amendment.

RESPONSE: We agree that the rezoning of the Northern parcel is conditioned on the FLUM amendment process. However, the Southern portion should not be as there is not FLUM amendment in connection with the Southern property.

PUD Amendment

2. **First whereas clause** incorrectly cites to official record book page 0073. Should be 0235.

RESPONSE: This has been updated.

3. **Second whereas**, perhaps, "is allowed" should say something to the effect of "desires."

RESPONSE: This has been updated as requested/suggested.

4. **Third whereas** could use clarification. I don't fully understand it.

RESPONSE: The intent of this whereas clause is for the County and Developer to agree that the 2014 version of the PUD for Eagle Lakes will be applicable to the currently existing

lots within Eagle Lakes. In essence, the 2014 version of the PUD still controls the development standards and that moving forward, only the land identified in the current version of the PUD are subject to the current version of the PUD.

5. **Section 1.1c** The Post Closing Agreement with Scott DeLanoy in 2007 limits the development of the two outparcels to four units. More explanation and justification is needed for this proposed amendment.

RESPONSE: Please provide a copy of the 2007 post closing agreement for review and is contrary to what the 2014 PUD states.

6. **Section 2.1** This section allows the County Administrator to approve minor changes in roadways in the Master Plan that do not negatively impact existing lots. The developer proposes to amend this provision to limit the County Administrator's discretion to non-material changes in the roadways which do not negatively impact *adjacent properties* as opposed to *existing lots*. The change from existing lots to adjacent properties seems out of place. The existing lots are the ones that will feel the impact of changed roadways the most. Without more justification, it may be more appropriate to add adjacent properties but leave in existing lots.

RESPONSE: Correct, limiting the change scope to material changes in width or alignment means that to change the width or alignment (because these are material changes to the roadway segment) will require approval from the County Administrator. However, the type of curbing that is used is not a change that the County Administrator needs to spend their time on reviewing. The roadway cannot be changed internally after there are existing lots without going through the plat amendment process. Thus, it is more appropriate to consider the impact of the roadway segment on neighboring/adjacent properties when considering a change at this point.

7. **Section 2.2** The 2014 approvals allow 725 units, not 742. (111 Phase I Final Plat; 4 Outparcels; 578 Conceptual Site Plan; and 32 reserved future density).

RESPONSE: Correct. The current version requests 1,193 lots.

8. **Section 3.6** We should expand the section heading, "Reclaim Water and Wells." The developer has stated developer's intention is to prevent individual lot owners from sinking irrigation wells. However, this is not stated in the PUD Agreement and should be added. The developer has also stated the intent to install pipes to irrigate the development. However, the proposed amendment specifically allows the developer to *not* install such pipes for reclaim water.

RESPONSE: The change in heading name has been made. We can discuss adding language to the PUD about restricting installation of personal irrigation wells. As for the "purple pipe" not being required, this was done to amend the current LDC. The pipe the developer seeks to install is only for irrigation and not reclaim water from a utility service provider.

9. **Section 3.7** The proposed amendment would provide the developer credits for parks and recreation impact fees based on installing water and wastewater utility lines. This is

inappropriate. There is no dollar for dollar credit for providing utility infrastructure to service one's own development. Without water and wastewater available in some form or fashion, there can be no development. Even if there were credits available, parks and recreation has no nexus to the residential water and wastewater.

RESPONSE: Developer withdrew its request for park impact fee credit in the most current version of the PUD and updated it to say something to the effect of any impact fees that developer may be eligible for based on installation of utilities to the property will be negotiated with the utility service provider.

10. **Section 4.0** 40' wide lots with up to 65% impervious coverage is a very urbanized development. More importantly, despite reducing the lot size, Section 4.1 does not provide for additional open space. Without more information, it appears the developer is simply trying to squeeze more residential units on the land beyond what would otherwise be permitted without any corresponding benefit to the public or the residents of the development. Please provide a rationale upon which the County Commission should approve a more urbanized development as proposed.

RESPONSE: Developer questions what this comment is in relation to from a legal perspective. While individual lots may have more impervious area, the lot sizes are smaller thus allowing for more contiguous open space in the overall project.

11. **Section 4.1** Previously, the PUD Agreement provided that open spaces are to be maintained by an owners' association. The proposed amendment seeks to also include as options a CDD and an "other entity approved by the County." What would this other type of entity be? Is there something specific in mind, or is the intent to provide flexibility?

RESPONSE: The intent of "other entity approved by the County" is for flexibility for the Developer and for assurances for the County that the entity that will maintain the open spaces is acceptable to the County. The current vision is that a CDD will be created to maintain many items like open space. Currently an application for CDD creation has been submitted to the County.

12. **Section 4.11** The increase in the previously agreed upon height and size of the entrance sign is too large for a residential development and should be revised. Also the proposed language granting the Growth Mgt Director authority and obligation to alter the sign standards should be deleted because it delegates too much discretion, while the LDC allows anyone to appeal determinations of the Growth Mgt Director to the Planning Board. Alternatively, objective criteria and percentage limitations should be built in to the delegation of authority—the point being to avoid disputes/appeals over the director's determinations.

RESPONSE: The size of the requested signage is akin to Palm Coast Plantation and Grand Haven. The most current iteration of the PUD submitted on December 10, 2021 has a graphic that is proposed to be incorporated into the design standards of the PUD. Please review and advise. Also, the current PUD limits the approval for growth deviation to 15% of the originally approved area.

13. **Section 4.18** 5' side setbacks are too narrow for first responders.

RESPONSE: The PUD, as it currently sits today, allows for 5' yard setbacks. The current land development code allows for 5' yard setbacks in certain zoning districts. From a legal perspective, this is allowed in Flagler County and is not an issue from a legal perspective. If any of the First responders wish to discuss 5' setbacks, we would be happy to discuss with them, however, as of the date of this letter we have not received any comments from any first responder in connection with the applications made in September 2021.

Miscellaneous

14. Developer stated developer's intention is to build a sound barrier along western boundary to dampen I-95 noise. This is not stated in the PUD Agreement and should be added.

RESPONSE: Is there a legal requirement for the Developer to add this to the PUD or is this a planning idea? At this time, the developer does desire to install some type of noise damping device along I-95. However, the type and design of the noise dampening device is currently unknown.

Transportation

15. **Section 3.1** The Transportation Memo was issued by a planner. We need a transportation study signed and sealed by an engineer. Given the magnitude of this development on a two lane road with other development taking place in the area, the County would benefit from its own independent traffic analysis to compare and verify the study of the developer's engineer.

RESPONSE: If the County desires to commission its own traffic study, that is fine by Developer, however, Developer cannot find a legal obligation for the County to conduct one at this time. Also, Matt West with Lassiter Transportation Group and the County traffic expert are working together on the traffic requirements.

16. **Section 3.1.a** Developer seeks to reduce dedication of right of way land parallel and adjacent to Old Kings Road from 15' to 10'. The developer should dedicate 15' of right of way as agreed. The current 2014 agreement requires the developer to construct a sidewalk in the dedicated land. However presently in 2021, the County does not wish to own isolated pieces of sidewalk and would be amenable to eliminating this requirement. If the developer prefers to keep in place the obligation to construct the sidewalk, it does not make sense to obtain transportation impact fee credits for a facility that will only benefit the residents of the development for the foreseeable future. The right of way is in the County's ten year plan to be widened to four lanes.

RESPONSE: It is Developer's understanding, based on the TRC meeting with the County on December 15, 2021, that this comment was going to be refined in advance of the meeting on December 21, 2021.

17. **Section 3.1b** The developer proposes striking out previously agreed to obligations and inserting new language that greatly waters down those obligations without any corresponding benefit to the residents or the public. Most perplexing, this request is made in the context of adding hundreds of units to the project. Specifically, the

developer proposes contributing a flat fee subject to inflation rather than paying 66% of the cost of signalization. The developer also proposes flexibility to wait until the 425th home is built before constructing a traffic signal rather than the County determining when a signal is warranted as previously agreed. The developer also wants a voucher equal to the value of the contribution even though the signal is to serve the entrance to the development. The developer wants the voucher immediately even though the signal may not be constructed until the 425th home is built. The entire proposal to revise what was previously agreed to in this section and section 4.10 amounts to a windfall for the developer to the detriment of the public.

There should be no impact fee credits for infrastructure required to serve the development. It would be more appropriate for the developer to uphold the existing, previously agreed to obligations regarding the project's entrances. Also, it would benefit the future residents of the development as well as the public to construct a roundabout rather than a traffic signal

RESPONSE: The proposed version of the PUD requires that the Developer pay for the full cost of the signalization instead of 66% of the cost. Certainly, this is a benefit to the county. Also, Developer is proposing that the requirement be a payment of the cost of signalization that way the County can construct any traffic control device it would like at the time it deems most appropriate. The tying of such payment to a building permit issuance guarantees that the proposed development cannot proceed beyond the 425th permit without the County being given the money for a traffic control device. Developer fails to see how giving more than the initially agreed upon amount to the County and letting the County determine when and what type of traffic control device is installed is a "windfall" as indicated. Please explain further.

As for impact fee credits, this signalization is beneficial for all residents of Flagler County. If it is the County's belief that the traffic control device that the Developer is obligating itself to is only to benefit the development, then the development is willing to forego this "benefit" at this time and would propose changing the obligation of a traffic control device to be completely removed if it is of no benefit to the County at large. Also, as discussed in the TRC meeting on December 15, 2021, the Developer cannot guarantee to build a roundabout at this location because Developer does not have control of enough land to insure completion of this.

18. **Section 4.10** The proposed amendment would reduce the current, binding obligation of the developer to construct four entrances to the development down to two despite adding hundreds of residential units to the project. The proposal makes the other two entrances optional. The proposal would only allow right turn into the development and right turn out. In other words, a vehicle travelling south on Old Kings Road would not be able to turn into the development, and a vehicle exiting the development would not be able to turn north on Old Kings Road.

RESPONSE: From a legal perspective, emergency access points are sufficient to satisfy the multiple entrance requirement of the land development code. Also, please where in the

PUD that Developer is obligated to construct four (4) entrances? The Developer reads this section as a “maximum of four (4) entrance roads”. Please identify where the requirement to build 4, as opposed to may build 4, is in the PUD.

19. Sections 2.1 and 4.10.c These sections state the developer is fully vested and not required to provide offsite mitigation or other transportation improvements beyond what is stated in the agreement. The current agreement had analogous vesting language. If the developer wishes to similarly vest rights, we need to bolster the transportation improvements necessitated by the additional units proposed. Again, the traffic study remains outstanding.

RESPONSE: As identified above, if the County wishes to commission a traffic study, it certainly can do so, but there is nothing that is legally compelling such a study at this time. Further, Mr. West and the County are having discussions regarding the traffic. At this time, the current approved version of the PUD has vested traffic to the Southern Lands. Developer is simply wishing to demonstrate that there is capacity on the current road segment and be vested for the same.

We trust the above responses, together with updated documents which were submitted on December 10, 2021, is sufficient to cure the County Attorney’s questions in connection with this proposed PUD. We look forward to meeting with everyone on December 21, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read 'MDC', with a long horizontal stroke extending to the right.

Michael D. Chiumento, III

Enclosure: As Noted
CC: File
Client

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January 27, 2022

Via E-mail Only

Mr. Adam Mengel
C/O Flagler County
1769 E. Moody Blvd.
Bunnell, FL 32110
E-mail: amengel@flaglercounty.org

Re: Application #3270 – Rezoning to PUD

Dear Mr. Mengel,

As you know, this Firm and I represent the applicant and owner in connection with Application #3720. We are in receipt of the County's latest round of comments provided to us on January 14, 2022. After our TRX meeting of January 19, 2022, below are the applicant's responses to the County's Comments. Please note that all comments that were provided to applicant in the January 14, 2022 comment letter are outlined below, inclusive of comments that have been previously discussed and settled. As such, applicant and owner request to be placed on the February Planning and Development Board meeting schedule.

County Attorney's Comments Provided December 10, 2021

FLUM

1. The rezoning should be conditioned on the required FLUM amendment.

RESPONSE: We agree that the rezoning of the Northern parcel is conditioned on the FLUM amendment process. However, the Southern portion should not be as there is not FLUM amendment in connection with the Southern property.

PUD Amendment

2. **First whereas clause** incorrectly cites to official record book page 0073. Should be 0235.

RESPONSE: This has been updated.

3. **Second whereas**, perhaps, "is allowed" should say something to the effect of "desires."

RESPONSE: This has been updated as requested/suggested.

4. **Third whereas** could use clarification. I don't fully understand it.

RESPONSE: The intent of this whereas clause is for the County and Developer to agree that the 2014 version of the PUD for Eagle Lakes will be applicable to the currently existing lots within Eagle Lakes. In essence, the 2014 version of the PUD still controls the development standards and that moving forward, only the land identified in the current version of the PUD are subject to the current version of the PUD.

5. **Section 1.1c** The Post Closing Agreement with Scott DeLanoy in 2007 limits the development of the two outparcels to four units. More explanation and justification is needed for this proposed amendment.

RESPONSE: Agreed, the two outparcels are limited to a total of 4 dwelling units.

6. **Section 2.1** This section allows the County Administrator to approve minor changes in roadways in the Master Plan that do not negatively impact existing lots. The developer proposes to amend this provision to limit the County Administrator's discretion to non-material changes in the roadways which do not negatively impact *adjacent properties* as opposed to *existing lots*. The change from existing lots to adjacent properties seems out of place. The existing lots are the ones that will feel the impact of changed roadways the most. Without more justification, it may be more appropriate to add adjacent properties but leave in existing lots.

RESPONSE: Correct, limiting the change scope to material changes in width or alignment means that to change the width or alignment (because these are material changes to the roadway segment) will require approval from the County Administrator. However, the type of curbing that is used is not a change that the County Administrator needs to spend their time on reviewing. The roadway cannot be changed internally after there are existing lots without going through the plat amendment process. Thus, it is more appropriate to consider the impact of the roadway segment on neighboring/adjacent properties when considering a change at this point.

7. **Section 2.2** The 2014 approvals allow 725 units, not 742. (111 Phase I Final Plat; 4 Outparcels; 578 Conceptual Site Plan; and 32 reserved future density).

RESPONSE: Correct. The current version requests 1,193 lots.

8. **Section 3.6** We should expand the section heading, "Reclaim Water and Wells." The developer has stated developer's intention is to prevent individual lot owners from sinking irrigation wells. However, this is not stated in the PUD Agreement and should be added. The developer has also stated the intent to install pipes to irrigate the development. However, the proposed amendment specifically allows the developer to *not* install such pipes for reclaim water.

RESPONSE: The change in heading name has been made. We have adjusted the PUD to limit the installation of irrigation wells to only the HOA and/or CDD – whichever is responsible for irrigation. The pipe the developer seeks to install is only for irrigation and not reclaim water from a utility service provider.

9. **Section 3.7** The proposed amendment would provide the developer credits for parks and recreation impact fees based on installing water and wastewater utility lines. This is inappropriate. There is no dollar for dollar credit for providing utility infrastructure to service one's own development. Without water and wastewater available in some form or fashion, there can be no development. Even if there were credits available, parks and recreation has no nexus to the residential water and wastewater.

RESPONSE: Developer withdrew its request for park impact fee credit in the most current version of the PUD and updated it to say something to the effect of any impact fees that developer may be eligible for based on installation of utilities to the property will be negotiated with the utility service provider.

10. **Section 4.0** 40' wide lots with up to 65% impervious coverage is a very urbanized development. More importantly, despite reducing the lot size, Section 4.1 does not provide for additional open space. Without more information, it appears the developer is simply trying to squeeze more residential units on the land beyond what would otherwise be permitted without any corresponding benefit to the public or the residents of the development. Please provide a rationale upon which the County Commission should approve a more urbanized development as proposed.

RESPONSE: The total open space of the overall project is a net increase of open space as to what is currently permitted under the existing PUD Agreement.

11. **Section 4.1** Previously, the PUD Agreement provided that open spaces are to be maintained by an owners' association. The proposed amendment seeks to also include as options a CDD and an "other entity approved by the County." What would this other type of entity be? Is there something specific in mind, or is the intent to provide flexibility?

RESPONSE: The intent of "other entity approved by the County" is for flexibility for the Developer and for assurances for the County that the entity that will maintain the open spaces is acceptable to the County. The current vision is that a CDD will be created to maintain many items like open space. Currently an application for CDD creation has been submitted to the County.

12. **Section 4.11** The increase in the previously agreed upon height and size of the entrance sign is too large for a residential development and should be revised. Also the proposed language granting the Growth Mgt Director authority and obligation to alter the sign standards should be deleted because it delegates too much discretion, while the LDC allows anyone to appeal determinations of the Growth Mgt Director to the Planning Board. Alternatively, objective criteria and percentage limitations should be built in to the delegation of authority—the point being to avoid disputes/appeals over the director's determinations.

RESPONSE: The size of the requested signage is akin to Palm Coast Plantation and Grand Haven. The most current iteration of the PUD submitted on December 10, 2021 has a graphic that is proposed to be incorporated into the design standards of the PUD. Please review and advise. Also, the current PUD limits the approval for growth deviation to 15% of the originally approved area.

13. **Section 4.18** 5' side setbacks are too narrow for first responders.

RESPONSE: The PUD, as it currently sits today, allows for 5' yard setbacks. From a legal perspective, this is allowed in Flagler County and is not an issue from a legal perspective.

Miscellaneous

14. Developer stated developer's intention is to build a sound barrier along western boundary to damper I-95 noise. This is not stated in the PUD Agreement and should be added.

RESPONSE: We have added language to PUD to build a sound barrier along the I-95 border of the project.

Transportation

15. **Section 3.1** The Transportation Memo was issued by a planner. We need a transportation study signed and sealed by an engineer. Given the magnitude of this development on a two lane road with other development taking place in the area, the County would benefit from its own independent traffic analysis to compare and verify the study of the developer's engineer.

RESPONSE: If the County desires to commission its own traffic study, that is fine by Developer, however, Developer cannot find a legal obligation for the County to conduct one at this time. Transportation update was submitted on January 11, 2022.

16. **Section 3.1.a** Developer seeks to reduce dedication of right of way land parallel and adjacent to Old Kings Road from 15' to 10'. The developer should dedicate 15' of right of way as agreed. The current 2014 agreement requires the developer to construct a sidewalk in the dedicated land. However presently in 2021, the County does not wish to own isolated pieces of sidewalk and would be amenable to eliminating this requirement. If the developer prefers to keep in place the obligation to construct the sidewalk, it does not make sense to obtain transportation impact fee credits for a facility that will only benefit the residents of the development for the foreseeable future. The right of way is in the County's ten year plan to be widened to four lanes.

RESPONSE: Based on the County's desire not to have scattered sidewalks, this obligation to construct such sidewalk has been removed from the proposed PUD.

17. **Section 3.1b** The developer proposes striking out previously agreed to obligations and inserting new language that greatly waters down those obligations without any corresponding benefit to the residents or the public. Most perplexing, this request is made in the context of adding hundreds of units to the project. Specifically, the developer proposes contributing a flat fee subject to inflation rather than paying 66% of the cost of signalization. The developer also proposes flexibility to wait until the 425th home is built before constructing a traffic signal rather than the County determining when a signal is warranted as previously agreed. The developer also wants a voucher equal to the value of the contribution even though the signal is to serve the entrance to the development. The developer wants the voucher immediately even though the signal may not be constructed until the 425th home is built. The entire proposal to revise what was

previously agreed to in this section and section 4.10 amounts to a windfall for the developer to the detriment of the public.

There should be no impact fee credits for infrastructure required to serve the development. It would be more appropriate for the developer to uphold the existing, previously agreed to obligations regarding the project's entrances. Also, it would benefit the future residents of the development as well as the public to construct a roundabout rather than a traffic signal

RESPONSE: The Developer agrees to pay 66% of the cost of signalization for the identified intersection as outlined in the 2014 PUD Agreement. Developer seeks to turn this percentage into a steadfast number that can be tendered to the County on or before a time certain – the issuance of the 425th building permit for the Northern and Southern Lands combined.

As for impact fee credits, this signalization is beneficial for all residents of Flagler County. If it is the County's belief that the traffic control device that the Developer is obligating itself to is only to benefit the development, then the development is willing to forego this "benefit" at this time and would propose changing the obligation of a traffic control device to be completely removed if it is of no benefit to the County at large. Also, as discussed in the TRC meeting on December 15, 2021, the Developer cannot guarantee to build a roundabout at this location because Developer does not have control of enough land to insure completion of this.

18. **Section 4.10** The proposed amendment would reduce the current, binding obligation of the developer to construct four entrances to the development down to two despite adding hundreds of residential units to the project. The proposal makes the other two entrances optional. The proposal would only allow right turn into the development and right turn out. In other words, a vehicle travelling south on Old Kings Road would not be able to turn into the development, and a vehicle exiting the development would not be able to turn north on Old Kings Road.

RESPONSE: From a legal perspective, emergency access points are sufficient to satisfy the multiple entrance requirement of the land development code. Also, please identify where in the PUD that Developer is obligated to construct four (4) entrances? The Developer reads this section as a "maximum of four (4) entrance roads". Please identify where the requirement to build 4 in the PUD there is a requirement to build four (4) entrances into the PUD.

19. **Sections 2.1 and 4.10.c** These sections state the developer is fully vested and not required to provide offsite mitigation or other transportation improvements beyond what is stated in the agreement. The current agreement had analogous vesting language. If the developer wishes to similarly vest rights, we need to bolster the transportation improvements necessitated by the additional units proposed. Again, the traffic study remains outstanding.

RESPONSE: As identified above, if the County wishes to commission a traffic study, it certainly can do so, but there is nothing that is legally compelling such a study at this time. At this time, the 2014 PUD has vested traffic to the Southern Lands for 725 dwelling Units. The change in use of the Southern Lands from standard residential to a 55+ active adult community reduces the number of trips on this road segment. Based on this reduction in trips from the Southern Lands, the Southern Lands should, at a minimum, be vested for traffic.

Staff Comments from County provided November 11, 2021

1. The PUD rezoning ordinance, if approved, will be conditioned upon the Future Land Use Map amendment for the North Lands becoming effective.

RESPONSE: Ok, agreed and understood.

2. Is there an objective to initiate development on the Southern Land First? If so, the rezoning could be crafted so as to permit the Southern Land's rezoning (amending the existing PUD) to proceed and become effective prior to the North Land's rezoning (from AC to PUD) which is dependent on the FLUM amendment.

RESPONSE: Applicant is open to approving the rezoning on the Southern Lands PUD and making the Northern Lands PUD rezoning approval conditioned upon approval of the FLUM amendment.

3. Subsection 1.1.c. as edited does not match up to the entitlements or obligations under Official Records Book 1614, Page 676, Public Records of Flagler County, Florida. Please revise as needed.

RESPONSE: 1.1.c. of the PUD states that density can be 4 single family units per acre. As we are adding more land to the overall PUD, the entitlements should increase accordingly.

4. Subsection 2.2.b. lists an entitlement of 742 single family units for the Southern Lands. Where did the additional 17 units (over 725 as previously permitted) come from?

RESPONSE: The entitlements are for the entire PUD property and is amending the underlying PUD. Thus, we believe the project should be viewed as a whole and not separately from each tract.

5. Subsection 3.1.a. calls out a dedication of 10 feet adjacent to Old Kings Road for development of a sidewalk. The Plat for Eagle Lakes – Phase 1 – Section 1 recorded at Map Book 36, Page 10, Public Record of Flagler County, Florida, provided for 15 feet dedicated as Tract "N". Revise to 15 feet.

RESPONSE: Sidewalk dedication has been revised to 15 foot.

6. Subsection 3.1.a. described Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee Credits.

RESPONSE: Understood and correction has been made.

7. Subsection 3.1.b. describes Traffic Impact Fee Credits; these should be referenced as Transportation Impact Fee credits. The addition “subject to inflation” should not be needed since the “true-up” will subsequently occur. This section should be further discussed with the possibility of adding a roundabout in lieu of a signalized intersection.

RESPONSE: Understood and corrections have been made. In connection with the roundabout idea, Developer cannot commit to constructing a roundabout in this area as this would require right-of-way acquisition from the property owner across the street from the Property. If the County desires to construct a roundabout, Developer would be willing to enter into discussions with the County about remitting funds and land in exchange for not being required to construct the roundabout.

8. Subsection 3.2 should be supplanted to state that “No preliminary plats will be approved without water and sewer availability.”

RESPONSE: The PUD has been updated to show that no Final Plat will be approved until water and sewer utilities are available at the Property.

9. Subsection 3.5, in response to the side-bar comment, we will need to discuss park improvements to determine if they are subject to impact fee credits.

RESPONSE: We withdraw our request for park impact fee credits

10. Subsection 3.6, the use of irrigation wells should be limited, with the lowest quality of water sources used first consistent with SJRWMD regulations. The location and number of stormwater ponds on the parcels should allow for irrigation water to be drawn from surface water sources first, with irrigation wells drawing on groundwater limited.

RESPONSE: Understood and agreed – will update as appropriate.

11. Subsection 3.7, the provision or extension of water and sewer infrastructure by the developer has nothing to do with Parks Impact Fees; these expenses should not be creditable against Parks Impact Fees. The developer should pursue an agreement with FGUA for the assumption of this infrastructure and credits against FGUA’s connection and impact fees.

RESPONSE: Removed Park Impact Fee credit request and indicated that any impact fee credit would come from FGUA or its designee.

12. Subsection 4.1, the text that lot sizes may be changed at the developer’s discretion should be revised. It is assumed that the intent is that the number of 40, 50, and 60 foot lots may be changed at the developer’s discretion; however, any adjustment to decrease or increase the lot widths to vary from the 40, 50, and 60 foot lots should be subject to the PUD amendment process.

RESPONSE: The intent was for the developer to be able to adjust the number of 40, 50, and 60 foot lots without the need for a PUD amendment. If the Developer is adding a 70-foot type lot, we agree, that is subject to a PUD amendment. If Developer seeks to exceed the density rating of 4 single family dwelling units per acre, this too should be subject to the PUD amendment process. Language has been added indicating that the number of 40’, 50’, and 60’ lot sizes may be changed at the discretion of the Developer.

13. Subsection 4.7, the County prohibits new billboards. If the existing billboards are damaged beyond 50% of their value, they may not be repaired or replaced.

RESPONSE: We will add limiting language regarding destruction beyond 50% of the then market value.

14. Subsection 4.8, wetlands and their adjacent upland buffers should be part of separate tracts (dedicated to the HOA or CDD) and not included within the area of any residential lots.

RESPONSE: The HOA and/or CDD taking ownership of the wetlands and upland buffers are fine.

15. Subsection 4.10, for us the private roadway tracts are required so as to designate the roadways will not be dedicated to the County or maintained by the County.

RESPONSE: Because the CDD will be created for the public infrastructure, the County will need to be named on the Plat as having received dedication of the public ROW. However, the CDD will be responsible for the maintenance.

16. Subsection 4.10.b., right-in, right-out configurations may still require additional design elements including dedicated turn lanes and tapers so as to maintain traffic safety. This should be revised so as to reference that entrances will be designed so as to meet applicable County Requirements.

RESPONSE: Understood and agreed – section 4.10.a states that all intersections shall be consistent with the County design standards.

17. Subsection 4.10.c. will need to be discussed as the Technical Memorandum accompanying the rezoning does not demonstrate that the additional trips (generated by the additional units exceeding the 725 units originally approved through the PUD) do not result in offsite impacts that do not exceed established Level of Service (LOS) standards. In other words, what is the justification for the “fully vested” determination in the PUD?

RESPONSE: Updated traffic information was submitted on January 11, 2022 and included as an attachment to this letter.

18. Subsection 4.11, the signage at 20 foot in height and 400 square feet in sign area is excessive and more akin to commercial signage. If the intent is an entry feature inclusive of a monument sign to provide a gateway at each of the project’s two full entrances, then the PUD Master Plan could include a specific graphic depicting the entry feature. The 20 feet and 400 square foot should be reduced, both the posted speed limit and the width of Old Kings Road right-of-way make these sign dimensions unreasonably large, unless the developer can provide justification to substantiate the need for the sign height and sign area listed in the PUD Agreement.

RESPONSE: A conceptual entry feature has been added to the PUD agreement to show what the anticipated entry area will look like when constructed. Developer believes that this entry feature warrants a 20 foot high and 400 square foot. Please note that the Developer is asking for the sign and associated structure to be 20 foot high and 400 square foot – and not just a sign in that size.

19. Subsection 4.11, the Growth Management Director's approval authority for any deviation should be limited in some way, maybe as a percentage of the total. Any downward decrease in the height or area would not require an approval, so the approval would be limited to an increase. This section can alternatively track the existing LDC text and designate the Planning and Development Board (as the Sign Ordinance Board of Adjustment) to approve sign deviations over and above set limits.

RESPONSE: Would a 15% deviation be acceptable to the County?

20. Subsection 4.13.a. should include the requirement of the posting of a sidewalk performance bond by the developer at the time of final plat approval. If the intent is for each home to construct its portion of the sidewalk as part of each residential permit, then the bond should encompass the construction of the sidewalk across all lands except for residential lots.

RESPONSE: Sidewalks that are on each lot will be the responsibility of lot owner. Developer will do sidewalks in all common areas (HOA owned area or CDD areas). We have added language requiring the Developer to put up a sidewalk performance bond for all common areas.

21. Subsection 4.13.b., this text should be revised as needed to coincide with Subsection 3.1.a. Please review the text in both sections regarding platting and impact fee credits to make sure that the text in both sections coincides with the developer's intent.

RESPONSE: Both sections reflect that an 8-foot sidewalk will be constructed.

22. Subsection 4.14, revise the width of the berm adjacent to Old Kings Road as needed to coincide with the width of Tracts "D", "F", and "G" as dedicated in the plat for Eagle Lakes – Phase I – Section 1 recorded at Map Book 36, Pages 10, Public Records of Flagler County, Florida.

RESPONSE: Developer believes that so long as the berm matches the berm to the South from Old Kings Road, the berm is harmonized and is consistent with the berm to the South. The 10-foot difference does not impact the functionality of the berm.

23. Subsection 4.17, Subsection 2.3.a has been deleted in this iteration of the PUD agreement. Revise as needed.

RESPONSE: Updated as appropriate.

24. Subsection 4.18.a., Lot Table, revise the minimum house size for 50 foot wide lots to 1,110 square feet. Also switch the ordering so that the 40 foot minimum width is to the left of (before) the 50 foot wide lot standards. Please note that a 40 foot wide lot results in a 30 foot by 80 foot buildable area if the lot is configured to the minimum lot width and lot size (area). The Developer may also wish to add – as a subsection f. under 4.18 – that corner lots must be a minimum of 15% wider than non-corner lots to accommodate for the additional street side setbacks.

RESPONSE: We will adjust the ordering of the lot sizes within the table. We have added language regarding the 15% increase.

25. Site Plan at Exhibit C, please verify that information depicted matches the PUD agreement (example: garage/carport inclusion on the PUD Site Development Plan, but has been deleted from the PUD Agreement).

RESPONSE: The conceptual site plan has been updated reflect the removal of carports and the PUD has been updated to reflect only garages are allowed.

TRC Review v.2 Comments Provided January 14, 2022

County Attorney Comments and Responses

1. As we refine the PUD Agreement and the vision for the development comes into focus, it is becoming increasingly clear that the Northern Lands and Southern lands should be two different PUD's.

RESPONSE: We disagree and believe that for both projects to be viable that they need to be interconnected under one PUD and ultimately one CDD. As such, we request to keep the projects connected under one PUD as the essential elements such as an I-95 berm, berm along Old Kings Road, right of way dedication along Old Kings Road, impervious to pervious surface area, setbacks and building heights, and many other features of the two developments are identical. While there are minor changes for the Northern and Southern Lands, the differences are believed to be *de minimus*.

2. Please provide the transportation review signed by an engineer that was mentioned at our pre-Christmas meeting. Please include the data requested by Volusia County as well because Flagler County has committed to work with Volusia County on developments near the county line that impact both counties. This development will have significant impacts on Old Kings Road and Old Dixie Highway in Volusia County.

RESPONSE: The updated documents are included herewith.

3. If the maximum number of dwelling units is being increased by 456 units, there should be a concomitant increase (not a decrease) in transportation improvements, especially if this agreement is going to vest the Developer's contributions in that regard. The Developer's predecessor in interest agreed to contribute 66% of the cost of a traffic signal in exchange for the right to develop 725 units. The present Developer wants to increase the total units from 725 to 1,181 but keep the payment for the traffic signal the same while decreasing the obligation to provide entrances to the development. Doesn't make sense.

RESPONSE: The Southern Lands should be vested for traffic as the net result, even after including the additional units requested in the current PUD, is a decrease in traffic produced by the Southern Lands. Thus, the Southern Lands should remain vested. Further, since there is additional traffic capacity based on the reduction of trips from the Southern Lands, the Northern Lands should share in this excess vested capacity from the Southern Lands. Further, Developer has significantly increased the financial, and non-financial, contribution to the County by agreeing to construct the roundabout on Old Kings Road and maintain the landscaping thereon.

4. We have built flexibility into the agreement to opt between a traffic signal or traffic circle. However, the agreement as submitted would not obligate the Developer to provide an access on to Old Kings Road for both the Northern and Southern lands. This is unacceptable. Both need an access onto Old Kings Road, entrances that are not merely right turn in and right turn out.

RESPONSE: There are currently planned 3 entrances onto Old Kings Road. The Northern Land will have one entrance with full accessibility. The Northern Land will be connected, internally, to the Southern Land by way of a stabilized emergency access. The Southern Land will have a full access entrance at the roundabout to be constructed by Developer. The most southern entrance on the Southern Land will be the right in and right out only entrance to the Property.

5. The number of dwelling units listed throughout the agreement are inconsistent and sometimes incorrect. The Southern Lands are approved for 725 units. Taking away the 111 units of Phase I, Section 1 (which will continue to be governed by the 2014 version of the PUD Agreement) and also taking [a]way the 4 units of the two outparcels (which are not owned by the Developer), the Southern Lands have 610 units available. This is correctly stated in Section 1.1. the Northern Lands are limited to 456 units identified in Section 2.2. therefore the total number of units is 1,066 (excluding the 111 of Phase I, Section 1). Section 4.1 should be revised accordingly.

RESPONSE: The total number of units to be developed under the now proposed PUD have been verified throughout the entirety of the proposed PUD Agreement. The total amount of dwellings to be constructed are 1,215. As agreed, the Northern Land is currently entitled to construct 40 units. The Southern Land is currently entitled to construct 610 making a total of 650 units spread across the entire project. With the rezoning of the Northern Land to allow 3 units per acre, that means the Northern Land would be entitled to a maximum of 606 units. Based on the proposed zoning for the Northern Land and the proposed zoning on the Southern Land, this would permit 1,216 units to be constructed.

6. As stated in my e-mail of 01.07.22, Tracts J and K of the Eagle Lakes Plat were limited to four total units, not four units per acre. Regardless, those tracts are now under different ownership and no longer part of the PUD.

RESPONSE: Agreed, the out parcels are limited to a total of 4 units for development. Thank you for the confirmation and Developer is in agreement that Tracts J and K can only develop a total of 4 units. However, Developer is not comfortable opining as to whether or not Tracts J and K are part of the PUD at this time.

7. FGUA does not impose or collect impact fees. Moreover, the County has no authority to bind FGUA to anything via this PUD Agreement. Any agreement regarding capacity reservation fees are matters for the Developer to work out with FGUA.

RESPONSE: Agreed. Section 3.7 is revised to say that Developer may step in if Developer so chooses and does so at its own risk. Further, it says that Developer may work with FGUA to obtain impact fee credits. Thus, this section has been updated to show that the County is consenting, but not obligating itself, for the Developer to negotiate with FGUA.

8. If the Developer proposes to shrink the width of the lots without increasing open space, in other words, if the Developer seeks to sprawl rather than cluster the residences, the Developer should make firmer commitments to provide amenities. We discussed possibly utilizing the open spaces that are part of the plan, or at least some of them, as areas with walking trails, dog walks, boardwalks, etc. the PUD Agreement as submitted states that certain amenities may be built, and that at least one type of amenity shall be built, but does not specify exactly which amenities will be built and where. The PUD Agreement as submitted does not bind the Developer to providing an amenity center in the Southern Lands as was stated at the Town Hall meeting. The amenity center should be a binding obligation. The Northern and Southern Lands each need amenities, and it would be better if they were platted. The amenities are a primary reason the development would meet the purpose of PUD zoning under the Land Development Code, e.g..., creative and flexible concepts, innovating techniques, economical public services, protection of valuable natural features, land use mix, and open space.

RESPONSE: The open space under the Developer's currently proposed plan is an increase in open space over what is currently allowed under the 2014 PUD. Thus, Developer disagrees with this comment. In regard to Amenities, Developer has committed to developing amenities as outlined in Section 4.12(b) of the PUD and specifically identified certain amenities in Section 4.12(c) of the PUD.

9. Please provide proposed Exhibit E. With small five-foot yard setbacks, will mechanical equipment be restricted to one side of residences to free up space for emergency responders?

RESPONSE: No, mechanical equipment is set off from each other to allow room for emergency responders. Proposed Exhibit E is attached to the PUD. Further, the mechanical setback proposed by Developer is outlined in Section 4.17 of the PUD.

10. We'll need a school concurrency determination for the additional units.

RESPONSE: As the Southern Land is going to be a 55+ age restricted community, there will be a reduction in impact on the School District resulting in a net decrease in student generation based on what is currently approved for development. The increase of dwelling units to the Northern Land still results in a net reduction in student generation rates to the Flagler County School District. However, I can assure you that the Flagler County School District is over capacity in the middle school and high school. At the time of final plat, developer will have all school issues resolved with the Flagler County School District.

Fire Comments and Responses

1. PUD has side setback at 5 feet. At 5 feet, it leaves insufficient room for first respond[ers] to utilize this egress for medical emergencies in the back yard. In addition, 5-foot setbacks leaves no room for firefighters to be able to work safely in this area in the event of a fire. A 5-foot side setback makes it almost impossible to protect the structures on either side. With a maximum building height of 35 feet, a 5-foot setback will not give room for any type of ladder operations in the event of a fire.

RESPONSE: Developer proposes setbacks as identified in Section 4.17 of the PUD.

2. Side setbacks need to be, at least, 7.5 feet allowing first responders egress to the back yard for medical calls and defensible space for fires to protect the next structure.

RESPONSE: There is 7.5 feet minimum provided in between the dwellings for access.

3. With the maximum building height of 35 feet, any residential structure over 20 feet will need to have installed 13 R sprinkler system. This is needed to reduce the damage from a fire keeping the fire in check until fire crews arrive. Thus protecting the owner's investment as well as the protecting the investments of other property owners.

RESPONSE: Developer cannot find this requirement in the County's Land Development Code or in the Florida Building Code. Regardless, Developer agrees to limit the height of the dwellings to two (2) stories.

4. Roadways shall have a 50-foot turning radius. All travel lanes shall be a minimum of 12 feet for one-way traffic and 24 foot for two-way traffic.

RESPONSE: Agreed. This minimum 50 foot turning radius in cul-de-sacs and 24-foot stabilized roadway requests have been incorporated into the PUD agreement.

5. Any subdivision over 50 units shall have a secondary means of ingress and egress connecting to a county roadway. Any gated ingress or egress to the development shall have a Knox key override switch and a siren activated switch installed.

RESPONSE: Agreed. There is a gated emergency access between the Northern Lands and Southern Lands. The Northern Lands are proposed to have 1 point of access to Old Kings Road and the Southern Lands will have 2 points of access to Old Kings Road. Any and all gated entrances will have the ability to allow access to first responders.

We trust the above responses, together with updated documents which accompany this cover letter, is sufficient to cure the County's questions in connection with this proposed PUD. If County has any questions about the foregoing, please do not hesitate to contact me or my office. I can be reached most easily at michael3@legalteamforlife.com. Assuming that the above responses and enclosed documents satisfy the County's comments in connection with the original application, Developer would request to be placed on the February Planning and Development Board Agenda.

Sincerely,



Michael D. Chiumento, III

Enclosure: As Noted
CC: File
Client

NOTICE OF ADOPTION OF AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT Pursuant to Chapter 155, Florida Statutes, the Flagler County Board of County Commissioners hereby provides notice of consideration of Application K200 submitted by WL Residential Land, LLC, by Houshi Ventures L.L.P. by West David Investments, Inc. and possible adoption of the following Ordinance filed similar to:

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, AMENDING ATTACHMENT #1 IN ANTI-TION RAY SECTION 2A-F UNITS 5, & 7, 8, 9, 10, 11B, 13 AND 14 SUPPLEMENTAL PUD DEVELOPMENT AGREEMENT TO FLAGLER COUNTY ORDINANCE NO. 2019-16 AS AMENDED BY FLAGLER COUNTY ORDINANCE NO. 2020-01, ORDINANCE NO. 2016-06, ORDINANCE NO. 2016-16, ORDINANCE NO. 2019-02, ORDINANCE NO. 2014-03, ORDINANCE NO. 2019-16 AND ORDINANCE NO. 2011-11; AMENDING THE SUPPLEMENTAL PUD DEVELOPMENT AGREEMENT FOR UNIT 6 AND PROVIDING SPECIFIC DEVELOPMENT STANDARDS FOR UNIT 6; 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 - February 8, 2022 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 129 E. Moody Blvd., Building 2, Bunnell, Florida.

BOARD OF COUNTY COMMISSIONERS - March 21, 2022 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 129 E. Moody Blvd., Building 2, Bunnell, Florida.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend in person 30-35-409 or write to: Flagler County Planning Department, 129 E. Moody Blvd., Building 2, Bunnell, FL 32119 or email to: mgadeoff@flaglercounty.org. Copies of the proposed, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 129 East Moody Boulevard, Building 2, Bunnell, Florida 32119.

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.

881249 Y04 II

Public Notices

NOTICE OF ADOPTION OF AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT Pursuant to Chapter 155, Florida Statutes, the Flagler County Board of County Commissioners hereby provides notice of consideration of Application K200 submitted by Aspirant Michael D. Chlumenko, III, Esq., on behalf of property owner, Venture 8, LLC, and possible adoption of an Ordinance filed similar to:

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, AMENDING THE EAGLE LAKES PLANNED UNIT DEVELOPMENT LOCATED IN SECTIONS 22, 24 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; AMENDING THE DEVELOPMENT STANDARDS ADOPTED PURSUANT TO ORDINANCE NO. 2014-02; ADOPTING A PUD SITE DEVELOPMENT PLAN; 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 - February 8, 2022 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 129 E. Moody Blvd., Building 2, Bunnell, Florida.

BOARD OF COUNTY COMMISSIONERS - March 21, 2022 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 129 E. Moody Blvd., Building 2, Bunnell, Florida.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may

Public Notices

attend, telephone 386-313-4009 or write to: Flagler County Planning Department, 1709 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planningdept@flaglercounty.org. 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., 1709 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.

01/23/22 1/24 11

NOTICE OF MEETINGS OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST VOLUSIA HOSPITAL DISTRICT and BOARD OF DIRECTORS OF BERT FISH MEDICAL CENTER, INC.

The Joint Boards will convene on Thursday, February 3, 2022 @5:30pm for a meeting. The meeting will be held at the City of Edgewater Council Chamber, 104 N Riverside Dr, Edgewater FL.

Pursuant to Florida Statute 286.0105, if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made. The District does not prepare or provide such record. Persons with disabilities who require assistance to participate in the meeting are requested to call District Administration at (386) 423-0001 at least five (5) days in advance so that their needs can be accommodated.

Public Sale

NOTICE OF SALE TO WHOM IT MAY CONCERN:

NOTICE is hereby given, by the undersigned, that on February 5, 2022 at 10:00 A.M.

Will Be Held At 313 B State Avenue, Daytona Beach, FL 32117 Volusia County, Florida, sale of the following:

2016 Ram

VIN: 3C6JR6AT8GG130546

2014 Mitsubishi

VIN: JA4AD2A37E2004413

Inspection thereof may be made at Time of Sale

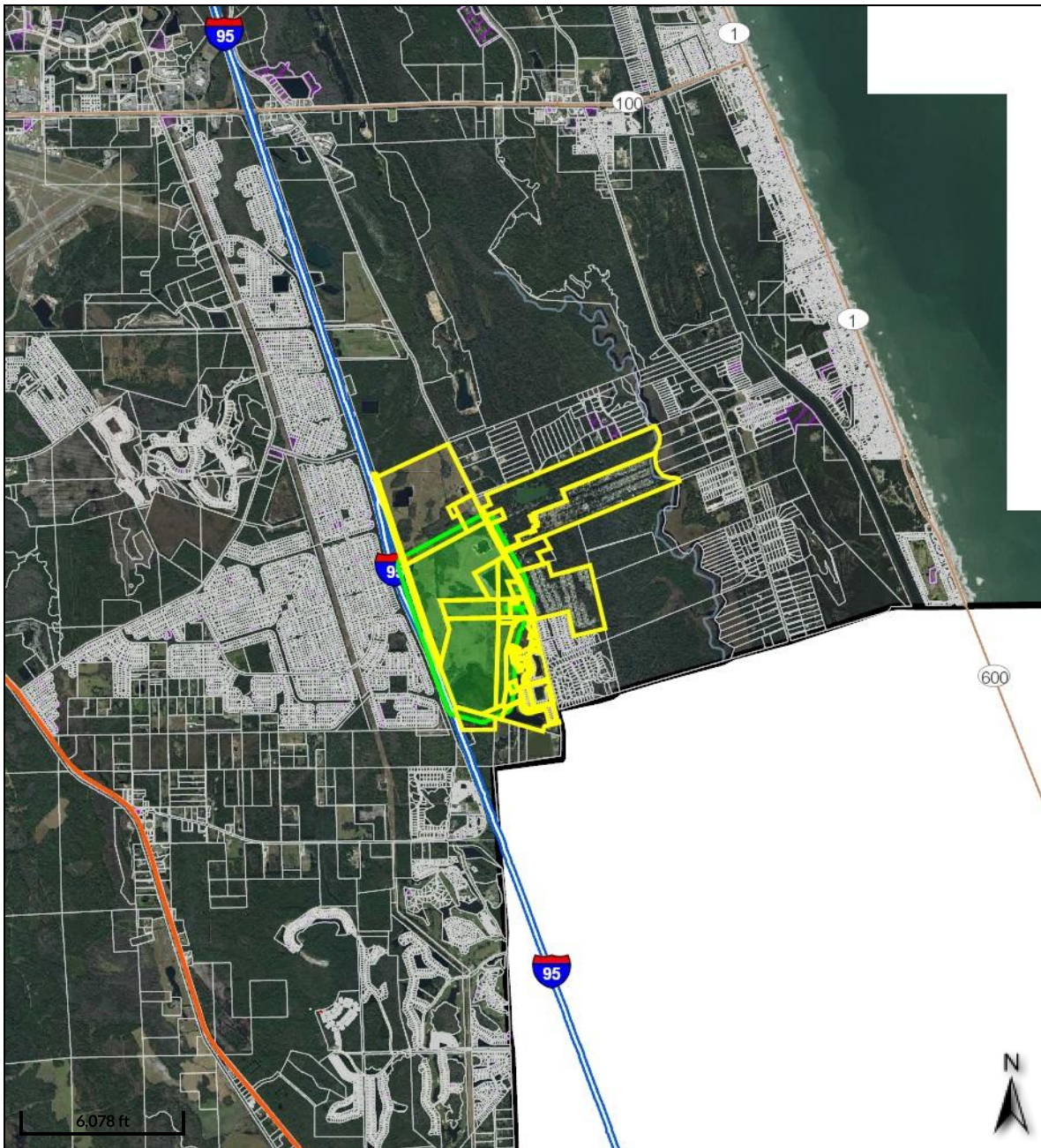
The undersigned reserves the right to bid.

RAYMOND'S RECOVERY SERVICE LLC.

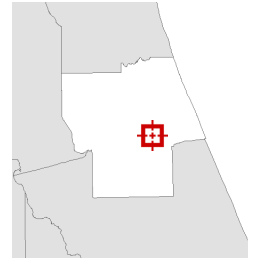
P.O. Box 6467

Daytona Beach, FL 32122




L16796473 1/26/2022 11



Overview



Legend

-  Parcels
-  MLS Listings
-  Streams and River

Date created: 1/21/2022
Last Data Uploaded: 1/21/2022 8:07:06 AM

Developed by  Schneider
GEOSPATIAL

Application #3270
Rezoning - Amend Eagle Lakes PUD

22-12-31-0000-01010-0011	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
26-12-31-0000-01010-0010	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
26-12-31-0000-01010-0011	FEDUN WILLIAM M		3650 OLD KINGS RD S	FLAGLER BEACH, FL 32136
26-12-31-0000-04010-0000	DANCE NANCY H TRUSTEE		3800 S OLD KINGS RD	FLAGLER BEACH, FL 32136
26-12-31-0000-04020-0000	DANCE NANCY H, LIFE ESTATE		3800 S OLD KINGS RD	FLAGLER BEACH, FL 32136
26-12-31-0000-04030-0000	DANCE JOHN R & MARILYN T		3780 OLD KINGS RD SOUTH	FLAGLER BEACH, FL 32136
27-12-31-0000-01010-0000	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
27-12-31-0000-01010-0010	FLORIDA GOVERNMENTAL UTILITY AUTHORITY		1500 MAHAN DRIVE SUITE 250	TALLHASSEE, FL 32308
27-12-31-0000-01010-0030	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
27-12-31-0000-01020-0000	BULOW CREEK LC		800 HIGHLAND AVE SUITE 200	ORLANDO, FL 32803
27-12-31-0000-01020-0010	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
27-12-31-0000-01020-0020	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
27-12-31-0000-01020-0030	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
34-12-31-0650-000D0-0010	COLLINS JOHN & ANN RODGERS COLLINS		2249 OLD DIXIE HWY	ORMOND BEACH, FL 32174
34-12-31-0650-000D0-0071	BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FL		1769 E MOODY BLVD, BLDG 2	BUNNELL, FL 32110
34-12-31-0650-000D0-0072	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
34-12-31-0650-000D0-0080	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
35-12-31-0000-02010-0040	VENTURE 8 LLC		PO DRAWER 2140	DAYTONA BEACH, FL 32115
35-12-31-2010-00000-00C0	EAGLE LAKES HOMEOWNERS ASSOC., INC.	ATTN: VESTA PROPERTY SERVICES	411 SOUTH CETRAL AVE SUITE B	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-00H0	EAGLE LAKES HOMEOWNERS' ASSOCIATION, INC.		C/O BB&T (PID 2056) 2501 20TH PLACE SOUTH	BIRMINGHAM, AL 35223
35-12-31-2010-00000-00I0	EAGLE LAKES HOMEOWNERS' ASSOCIATION, INC.		C/O BB&T (PID 2056) 2501 20TH PLACE SOUTH	BIRMINGHAM, AL 35223
35-12-31-2010-00000-00J0	DANCE NANCY H. TRUSTEE		3800 OLD KINGS RD S	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-00K0	DANCE NANCY H, TRUSTEE		3800 OLD KINGS RD S	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-00M0	AMERICAN TOWER LP		PO BOX 723597	ATLANTA, GA 31139
35-12-31-2010-00000-00O0	EAGLE LAKES HOMEOWNERS ASSOC., INC.		125 N RIDGEWOOD AVE STE 100	DAYTONA BEACH, FL 32114
35-12-31-2010-00000-0470	COREY ELIAS R & ANDREA B H&W, TRUSTEES		PO BOX 354269	PALM COAST, FL 32135
35-12-31-2010-00000-1060	DAGOSTINO PAUL R III & CYNTHIA J DAGOSTINO H&W		7 GREEN VIEW PLACE	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-1070	RUGENSTEIN WILLIAM F & LINDA J, H&W		5 GREEN VIEW PLACE	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-1080	SEGER ARTHUR A & BARBARA A, H&W		3 GREEN VIEW PLACE	FLAGLER BEACH, FL 32136
35-12-31-2010-00000-1090	KROLL BRIAN S		1 GREEN VIEW PL	FLAGLER BEACH, FL 32136
37-12-31-0000-05070-0020	PLANTATION OAKS MHC-NM, LLC	C/O NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY	720 E WISCONSIN AVE	MILWAUKEE, WI 53202
37-12-31-0000-05074-0000	ARRIGONI JOHN W		3481 OLD KINGS RD S	FLAGLER BEACH, FL 32136
38-12-31-0000-04050-0010	MHC BULOW PLANTATION LLC	C/O DUFF & PHELPS, A KROLL BUSINESS	917 W WASHINGTON MS 316	CHICAGO, IL 60661
38-12-31-0000-04050-0030	MHC BULOW PLANTATION TWO LLC	C/O DUFF & PHELPS, A KROLL BUSINESS	917 W WASHINGTON MS 316	CHICAGO, IL 60661

I hereby affirm mailed notice to each owner on 1 / 24 / 2022 for the Planning and Development Board meeting on 2/8/2021 at 6:00 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)313-4003
Fax: (386)313-4102

January 2, 2022

VENTURE 8 LLC
PO DRAWER 2140
DAYTONA BEACH, FL 32115

RE: Notice of Public Hearing – Rezoning Application #3270

Dear Property Owner:

As an owner of land lying within 300' of property that is subject of a proposed Rezoning, Flagler County hereby gives notice of two public hearings to consider approval of a request by Michael D. Chiumento, III, Esquire on behalf of owner Venture 8, LLC, and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, AMENDING THE EAGLE LAKES PLANNED UNIT DEVELOPMENT LOCATED IN SECTIONS 26, 27, 34, AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; AMENDING THE DEVELOPMENT STANDARDS ADOPTED PURSUANT TO ORDINANCE NO. 2014-03; ADOPTING A PUD SITE DEVELOPMENT PLAN; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Board Hearing on Tuesday, February 8, 2022 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, March 21, 2022 at 5:30 p.m.

You are welcome to attend and express your opinion.

**Andy Dance
District 1**

**Greg Hansen
District 2**

**David Sullivan
District 3**

**Joe Mullins
District 4**

**Donald O'Brien, Jr.
District 5**

Sincerely,

A handwritten signature in purple ink that reads "Gina Lemon". The signature is fluid and cursive, with the first name "Gina" and last name "Lemon" clearly distinguishable.

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.

