

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

March 10, 2009

1. **Approval of the minutes of the meeting held January 27, 2009.** Deferred from the February 10, 2009, meeting.

2. **Request for approval to publish a Notice of Proposed Rule to create Rule Chapter 42MMM-1, to establish the Wiregrass Community Development District. Petitioner: Locust Branch, LLC (FLWAC Case No. CDD-08-003).** Deferred from the February 10, 2009, meeting.

On April 18, 2008, Locus Branch, LLC, submitted a Petition to the Commission requesting creation of the Wiregrass Community Development District in Pasco County, Florida. (The Petition was supplemented with additional information at the request of the Secretary of the Commission.) The land area proposed to be served by the District comprises approximately 3,974.216 acres. There are no parcels within the proposed external boundaries of the District which are to be excluded. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The Petitioner seeks authorization for the District “to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructures that may include, without limitation: water management and control, water supply, sewer, wastewater management, reclamation and reuse or any combination thereof, bridges or culverts, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, mitigation areas and wildlife habitat, parks and facilities for indoor and outdoor recreational, cultural and educational uses, fire prevention and control, schools, security, mosquito control, waste collection and disposal, or any other project, within or without the boundaries of the District as required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.”

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the Petition from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The DCA submitted a comment letter on July 8, 2008, indicating a review of the Petition had been completed and the Department had identified no potential inconsistency with Chapters 163, Part II, and 380, F.S.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings on August 15, 2008. Judge Johnston submitted a Report to the Commission on September 2, 2008.

Staff Recommendation:

Authorize the Secretary to publish a Notice of Proposed Rule creating Rule Chapter 42MMM-1, Wiregrass Community Development District.

Back-Up: (Distributed with the February 10, 2009, Agenda.)

Petition and Supplement to the Petition received on April 18, 2008, and May 29, 2008, respectively.

DCA's comment letter received on July 8, 2008.

Division of Administrative Hearings Report received on September 2, 2008.

Proposed Rule Chapter 42MMM-1, Wiregrass Community Development District.

3. **Request for approval to publish rule amendment notices to expand the boundaries of the Crossings at Fleming Island Community Development District. Petitioner: Crossings at Fleming Island Community Development District (FLWAC Case No. CDD-07-007).**

On March 16, 2007, the Crossings at Fleming Island Community Development District filed a Petition with the Commission to expand the District located in Clay County. (The Petition was supplemented with additional information at the request of the Secretary of the Commission.) The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add 20.7 acres to the District. The District Board of Supervisors adopted Resolution 2007-04 authorizing the boundary amendment on January 15, 2007. The District currently covers approximately 2,848 acres of land and after amendment the District will consist of approximately 2,868.7 acres. The District is generally located northwest, southwest and southeast of the intersection of U.S. 17 and C.R. 220 on Fleming Island. There are no parcels within the expansion parcels or the proposed amended boundaries of the District that are to be excluded from the District. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcels. The District intends to provide the following improvements or provide the following facilities or services for the expansion parcels: master surface water management and drainage system; internal roadways; potable water distribution; wastewater collection system; and reclaimed water system.

Upon request of the Secretary, the Northeast Florida Regional Planning Council (RPC) reviewed the Petition from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The RPC submitted a comment letter on January 10, 2008, indicating the proposed amendment appears consistent with the Development of Regional Impact Development Order condition.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings on February 28, 2008. Administrative Law Judge Alexander submitted a Report to the Commission on April 30, 2008.

Staff Recommendation:

Authorize the Secretary to publish the rule amendment notices to expand the boundaries of the Crossings at Fleming Island Community Development District.

Back-Up:

Petition received on March 16, 2007.

Petitioner's supplement to the Petition received on September 7, 2007.

Petitioner's letter received on November 13, 2007.

Northeast Florida RPC's comment letter received on January 10, 2008.

Petitioner's supplement to the Petition received on March 7, 2008.

E-mail comments from District resident Ron Dill received on April 5, 2008.

Division of Administrative Hearings Report received on April 30, 2008.

Petitioner's analysis of statutory language submitted on February 12, 2009.

Proposed Amendment to Rule 42H-1.002, Boundary, Crossings at Fleming Island Community Development District.