

BEFORE THE GAINESVILLE CITY COMMISSION

IN THE MATTER OF:  
PETITION PB-15-115 PDA  
NEW GENERATION HOMES, LLC, APPLICANT

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STATE OF FLORIDA  
COUNTY OF ALACHUA

**AFFIDAVIT OF LARRY ROSS**

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared LARRY ROSS, who being first duly sworn, under oath deposed and said:

1. I am over 18 years of age, have personal knowledge of the facts contained in this Affidavit, have no legal disabilities, and have never been adjudged mentally incompetent.

2. I was the principal developer of real property identified as Blues Creek Planned Development located in Alachua County, Florida. I was involved in the project's start in July 1981, when Alachua County for approved a PUD and preliminary plan for approximately 840 units on 300 acres. I remained the principal developer in the intervening years, including efforts in 2008-2011 to plat Unit 5 Phases 2 and 3. I am generally familiar with the currently proposed PD Amendment for Unit 5, Phases 2 and 3.

3. I give this statement to provide the factual history leading up to the June 1988 execution of a stipulated settlement agreement ("Settlement") in a third-party administrative challenge to the Water Management District's ("District") issuance to Blues Creek of a surface water and storm water management permit.

4. The Settlement was the fruit of a concerted, lengthy, multi-venue effort to pressure me into giving concessions for a PUD that Alachua County had already approved in 1981.

5. Just after the County amended its Comprehensive Plan and Future Land Use Element, staff in early 1984 began to pressure me to “re-design” the project. When I resisted, the County Commission on September 24, 1985 initiated a special area study that included Blues Creek PUD. Immediately, staff initiated down-zoning petitions (from PUD to Agricultural) for the property, and scheduled a hearing in October 1985 (which stayed on the agenda until at least May 1985) to expedite any recommended, retroactive changes that likely were coming at the end of the study. The findings dated November 25, 1986, recommended the entire western portion of the PUD be set aside, among other things (see attached map). We conceded to reducing the density from 840 units to 662, and ultimately, to new development standards. In return, the County dropped its move to downzone my property. Notably, the western portion of the property was not set aside as preservation, as staff had recommended.

6. We resumed development activity, receiving preliminary master concept plan approval from Alachua County in July 1986. On June 29, 1987, the water management district issued its conceptual surface water management system permit no. 4-87-00067 for the entire project.

7. Opponents in 1987 commenced an administrative hearing (DOAH Case No. 87-4508) to oppose the water management district’s permit. They also sought amendment of our existing storm water permit (RC 01-92547) from the Florida Department of Environmental Regulation.

8. With our company's significant real estate investment in peril, I had no choice but to negotiate a so-called universal settlement that would bind these government entities and the opponent group. There was nothing voluntary in the classic sense on my part about this Settlement. As a result of the Settlement, I was required to re-engineer a master storm water management plan that the government had both required me to provide and previously approved<sup>1</sup>; I was required to demolish and remove at my expense an existing, approved water control (i.e. filter berm) structure in Unit 1. The only benefit accruing to me from the Settlement was the ability to continue seeking plat and construction approvals – which were not certain as time has shown -- for the development's future phases.

9. I now know that the opponents did not intend to rest. During the very time period that the Settlement was circulating for all parties' signatures, opponents' counsel urged GRU by letter dated June 10, 1988 to rescind the wastewater master plan's requirement that our project install a gravity sewer line from Unit 2 of the project to Unit 5 as part of our looped system; a copy of the letter is attached. Three days later, he signed the Settlement.

10. The last signature was affixed to the Settlement on June 17, 1988. See, *Joint Motion for Entry of Stipulated Order* (filed in DOAH Case No. 876-4508); *Conservation Planning Coalition of Alachua County, Inc. v. SRWMD, Larry Ross and FDER*.

11. In a letter dated June 20, 1988, GRU responded to opponents' counsel, reiterating the requirement of a gravity sewer main being "constructed from Unit II to Unit V across the wetlands area...". GRU said our project would be required to use appropriate construction methods for the sewer line; a copy of the GRU letter is attached.

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<sup>1</sup> The Settlement returned the project to our original plan of using the 90-acre natural area for stormwater management instead of being required to dig retention basins.

12. A few weeks later, the water management district advised me by letter dated July 8, 1988, that our permit (4-87-00067) did not permit a sewer line to Unit 5 “if it would result in adverse impacts (sic) areas.” Note that he did not say the permit prohibited the sewer line, or that anyone had demonstrated there would be adverse impacts; a copy of the letter is attached.

13. After my attorney’s July 20, 1988 response letter, the water management district official in a letter dated August 9, 1988, revised his position taken in the earlier letter to me. Having received more details about the proposed sewer line construction and after additional review was done, the District now acknowledged that the sewer line would be installed from the extreme end of Unit 5 through an area already cleared upstream of the existing control structure, onto the right-of-way for roads in Unit 2, and would not require any additional clearing or construction within the 90-acre drainage area. Construction details, and presumably techniques, would be dealt with as part of any future permit applications (i.e. Unit 5). A copy of the letter is attached.

14. Subsequent to the Settlement’s execution in June 1988, the Alachua County Commission on November 22, 1988 approved a development order -- the Unit 5 final development plan and plat -- for 62 units on 45 acres. Notably, no one sought judicial review of that development order.

15. The approved final plat for Unit 5 showed the easement for public utilities connecting between Unit 5 and Unit 2 – just as we had always planned; a copy of the approved plat and BOCC Minutes are attached. The custom in those days was to obtain plat approvals but not to record plats until we were ready to break ground in order to preserve ad valorem classifications.

16. The June 1988 Settlement did not require me to remove the utility lines between Unit 2 and Unit 5 from the November 1988 Unit 5 plat, and I did not agree or volunteer to do so.

17. We also were permitted by the County, District and GRU to cross the Blues Creek wetlands with public utilities (e.g. water, sewer and electric) and a road connecting Unit 1 to the platted lots in Unit 2. No one sought judicial review of any of these development orders.

18. After annexing into the City of Gainesville, we had to re-apply for development plan and plat approvals for Unit 5 since we had not recorded the original Alachua County plat.

19. The District issued a permit in 2005 for Unit 5, Phases 2 and 3, based in part on our master plan that showed the sewer and utility crossing for Unit 5 to Unit 2. No one sought administrative review of this District permit.

20. In short, the 1998 Settlement was a leveraged agreement that I had no choice but to sign, and have abided by. Subsequent agency and government approvals show that sewer and utility crossings of the Blues Creek wetlands per se are not inconsistent with that Settlement.


FURTHER AFFIANT SAYETH NAUGHT.

  
LARRY ROSS, AFFIANT

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of July 2016, by LARRY ROSS, who is personally known to me or who has produced a Florida driver's license as identification.



  
NOTARY PUBLIC  
Printed Name: Patrice Boyes  
Commission Expires: 2-7-2020  
Commission No.: FF950416



*Ed Culp*

**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
 10 S.W. Second Avenue—2nd Floor • Gainesville, Florida 32601  
 (904) 374-5249 SUNCOM 631-1249

York L. Phillips, AICP  
 Director

*Teresa FTI*  
*File*  
 59

CITY BOARD  
 CHIEF CLERK

**MEMORANDUM**

March 13, 1986

To: Development Review Committee

Via: Robert F. Fernandez,  
 County Administrator

Via: V. Peter Schneider,  
 Assistant County Administrator

From: York L. Phillips, AICP  
 Director of Planning and Development

*[Signature]*

*file PUD*

Subject: Review of Blues Creek Revised Development Plans

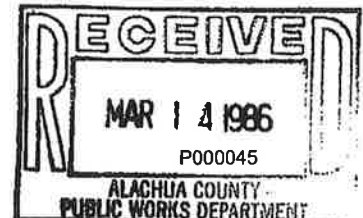
The Board of County Commissioners acted on September 24, 1985, to initiate a review of the Comprehensive Plan as it applies to the Blues Creek, Deer Run, San Felasco Villas area. At the same time, the Board instructed staff to initiate two rezoning cases, one for a change in the zoning of the Blues Creek development from PUD to A-1, and the other for a change in the zoning of the San Felasco Villas property from R1-aa and A to C-1 (Conservation). At the same time, the Board directed that no action be taken on any request for development approval until after the study was completed and final action taken.

Staff initiated the study, known as the Blues Creek Area Special Area Study (CPA-8-85) and advertised the Plan amendment and rezoning petitions for consideration by the LPA/Planning Commission and the Board of County Commissioners.

At an early stage in the study, staff began a series of meetings with the landowner, and encouraged him to undertake additional research and the preparation of more detailed development plans. This furthered the recommendation made by staff to the owner in early 1984, but which was not pursued by the owner at that time. The purpose of this additional research and planning was to determine if some or all of the issues being raised concerning the development could be addressed through general development plan modifications and design limitations.

Pending the receipt of this additional information, staff recommended (and the owner concurred) that the Plan amendment (CPA-8-85) and the associated rezoning petitions be continued.

*An Equal Opportunity Employer M F V H*



In early January, when it appeared that completion of the additional material was imminent, I met with the owner to discuss how the review of these materials would proceed, with consideration given to a number of factors. Among other points, it was considered appropriate for staff to evaluate the revised development plans. Subsequently, the Community Development Team considered the review process, and with the County Attorney determined that, because the review of the revised development plans by the DRC could be construed as a step leading to a development approval (ie: an action which would be inconsistent with the Board's action of September 24), the review process should take place outside of the normal DRC process.

Staff has been and continues to review the additional information and the revised development plans, and has held several meetings on the subject, including one general meeting with the owner. Based on the new information and the staff review, the Planning department is preparing a final recommendation concerning the revisions of the Comprehensive Plan (CPA-8-85) and the two zoning petitions.

The LPA is scheduled to consider CPA-8-85 at a continued hearing at 7:30 PM, Wednesday, March 26, with the Planning Commission to consider the zoning cases at the same time. The Board is scheduled to take up these items in continued hearings at 1:30 PM, Tuesday, April 1.

If there are any further questions, please let me know.

cc: Community Development Team  
Larry Ross  
Frank Matthews

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting  
Date: 10/15/85

ITEM:

Proposed Zoning Changes -  
Blues Creek Special Area Study

DEPARTMENT:

Planning and Development

AGENDA SECTION:

Departmental Matters

AMOUNT: N/A

ACCOUNT CODE:

Background:

At its meeting of September 24, 1985, the Board authorized staff to advertise public hearings on a Comprehensive Plan Amendment (designated as CPA-8-85) dealing with the Blues Creek/Deer Run area. These hearings are scheduled for the evening of November 12 (LPA) and the afternoon of November 26 (BoCC).

Among other issues, the plan amendment which is under consideration addresses the issue of the zoning which should apply to the remaining undeveloped portions of the Blues Creek PUD and to the undeveloped parcel (previously known as the San Felasco Villas project) now owned by the United States Government. The recommendations of the special area study call for a review of the existing zoning and for modification where necessary to comply with the objectives of the adopted Comprehensive Plan. The study leading to the proposal of the amendment includes specific findings addressing the unique character of the lands within the study area.

While no action would be appropriate on any zoning case until after completion of the public hearings and a decision on the plan amendment, it is appropriate to initiate the rezoning process in order to permit its timely completion in the event a decision on the plan amendment warrants some rezoning action.

Recommended Action:

1. That staff be directed to initiate an application to rezone the undeveloped portion of the Blues Creek PUD (i.e. that portion for which no final development plan approval has been given) from "PUD" to "A-1".
2. That staff be directed to initiate an application to rezone the 197 acre parcel previously referred to as the San Felasco Villas PUD from "Agr" and "R-1aa" to "C-1" (Conservation).

DEPARTMENT  
HEAD  
APPROVAL

APPROVAL

LEGAL  
APPROVAL

COUNTY ADM.  
APPROVAL  
FOR AGENDA

COMMISSION  
ACTION:

Approved:

Denied:

Additional Action:



ALACHUA COUNTY  
NOTICE OF PUBLIC HEARINGS

The Planning Commission Will Meet  
Wednesday, March 26, 1986 at 7:30 p.m.

The Board of County Commissioners will meet  
and hear the recommendations of the Planning Commission on  
Tuesday, May 6, 1986 at 7:30 p.m.  
and  
Tuesday, May 13, 1986 at 1:30 p.m.

and hold public hearings on the following Zoning matters:

A. CONSIDERATION OF MINUTES: February 25, 1986

B. OLD BUSINESS:

1. Application #ZOX-4-85 (Special Exception):

A request by James Temple, Agent for First Baptist Church, Owner, for an exception to Section 4.5 (d) (i.) of Zoning Ordinance 80-3 (minimum lot frontage) in an "A-1" (Agriculture A-1) District on 5.03 acres located at 2902 S.W. 75th Street.

2. Application #ZOS-4-86 (Special Use Permit):

A request by David H. Hansen and Nancy A. Hansen, Owners, for a Special Use Permit to allow a dog kennel in an "A" (Agriculture) District on twenty (20) acres located 1-1/4 mile east of State Road 241 on the south side of County Road S.W. 24.

3. Application #ZOM-45-85 (Rezoning):

A request by the Alachua County Board of County Commissioners to rezone from "PUD" (Planned Unit Development) District to "A-1" (Agriculture A-1) District on 280.20 acres located in the 7000 block of N.w. 56th Terrace.

4. Application #ZOM-46-85 (Rezoning):

A request by the Alachua County Board of County Commissioners to rezone from "A-1" (Agriculture A-1) District and "R-1aa" (Single-Family, Very Low Density) district to "C-1" (Conservation) District on 197 acres located in the 6400 block of N.W. 43rd Street.

5. Application #ZOM-54-85 (Rezoning):

A request by Frank Smith, Agent for Sans Souci Development and Construction Company, Inc., Owner, to rezone from "A-1" (Agriculture A-1) District to "PUD" (Planned Unit Development) District on 169.4 acres located in the 9800 block of Newberry Road (State Road 26). (Located in the Gainesville Urban Area)



**DEPARTMENT OF ENVIRONMENTAL SERVICES**

825 N.W. 23rd Avenue, Suite F-10  
Gainesville, FL 32609  
(904) 373-8509

**JOHN D. SCHERT**  
Director

November 25, 1985

MEMORANDUM

TO: Robert Fernandez  
County Administrator

THROUGH: V. Peter Schneider  
Asst. Co. Administrator

THROUGH: John D. Schert *JDS*  
Department Director

FROM: John Hendrix *JH*  
Environmental Engineer

SUBJECT: Blues Creek PUD - Environmental Assessment

A field and aerial survey has been conducted by this department to identify and describe the natural resource features of the above referenced planned unit development. Blue print aerial photography (Scale 1" = 300') has been mapped to delineate these features. A diagrammatic overlay of the aerial photo map is provided which depicts the surface and near surface hydrologic character of the depression basin which dominates the PUD landscape. Also, a second overlay is provided which broadly discriminates recommended land use zones of the parcel, consisting of areas in existing development (Unit 1), areas best suited to future development, and areas recommended as conservation zones.

GENERAL DESCRIPTION

Blues Creek PUD is a 300 acre parcel located in Section 10, Township 9 South, Range 19 East, in Alachua County. The parcel lies about 1.5 miles NNW of the intersection of N.W. 53rd Avenue and N.W. 43rd Street. Blues Creek, which is an Outstanding Florida Water in lower reaches within the San Felasco Hammock State Preserve, originates in flatwoods terrain lying just east of the PUD parcel. Wooded wetlands of this flatwoods headwater region occur on both sides of N.W. 43rd Street extension. Blues Creek exits these swamps as a recognizable stream just east of the Blues Creek PUD, and flows westerly through the southern part of the PUD parcel on its course to San Felasco hammock.

SRWMD-00182

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The topography of the PUD area varies in elevation from a high of approximately +185 feet, MSL, in the northeast corner of the parcel, to a low of approximately +155 feet, MSL, in a depression basin which dominates the west central area of the parcel. This depression basin and associated basin slopes comprise more than half the land area of the PUD. The watershed slopes of this basin are distinguished by seepage, and a number of discreet ponds, intermittent watercourses and small valley wetlands occurring between the crest of the slope and the basin bottom.

The surficial geohydrology of the basin and its seepage slopes involves ponding and lateral movement of shallow (water table) groundwater on near surface clay strata of the basin rim. Below the crest of the slope, particularly under surcharged conditions, the laterally moving groundwater begins to seep out of the ground across the face of the slope. Simultaneously, ponds of the basin rim discharge downslope via intermittent watercourses and seepage valleys. Due to the limited capacity for water table storage in this terrain, seepage response to rainfall is immediate under antecedent conditions of average precipitation or greater. Base flow of seepage is sufficient to sustain hydric communities such as wooded ponds, bayhead and hydric hammock.

Near the bottom of these slopes the surface waters of seepage reenter the ground, recharging the water table of the depression bottom itself. The silty clays of the basin bottom continue to retard downward movement of surface water so that hydric conditions prevail, as evidenced by the presence of hydric hammock and bayhead across the bottom. As such, this prominent depression basin is hydrologically supported not so much by Blues Creek, as by seepage from surrounding slopes.

The land of the Blues Creek PUD is heavily forested, being a significant remnant of what was the eastern margin of the original, contiguous San Felasco hammock ecosystem. Varieties of hammock predominate in the 300 acre parcel, ranging from extensive mesic hammock on upper slopes of the depression basin and hydric hammock of lower slopes and the basin bottom, to patchy xeric hammock on sands along Blues Creek. The ponds and seepage features of the basin rim and slopes add community diversity to this hammock ecosystem through inclusions of minor associations of bayhead, pine flatwoods and both temporal and perennial forest ponds.

There is tremendous variety in the ponds of this hammock forest. Black gum/fetterbush (*Lyonia lucida*), black gum/Virginia chain fern, and black gum/buttonbush ponds occur on north slopes of the basin. Black gum and red maple ponds occur in the floodplain adjacent to Blues Creek. Pond cypress ponds and a combination swamp/marsh pond are present on the eastern rim of the basin at the ecotone between hammock and Blues Creek headwater flatwoods.

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A microcosm of this terrain exists in the northwest corner of the parcel in the form of a small black gum/fetterbush pond and sinkhole. The pond lies just east of a sinkhole, which is a characteristically round depression falling approximately thirty feet below surrounding land surface. The pond collects seepage from adjacent perched water table, fills to a natural control elevation, and then discharges through an intermittent watercourse a distance of about fifty feet to the rim of the sinkhole where it plunges to rapid recharge in the sides and bottom of the sink. Water marks on trees in the sinkhole indicate levels of maximum temporary ponding in the sink bottom up to about 12 feet of depth. Limerock in the sink bottom permits rapid vertical drainage, and the receding pool recharges deeper aquifer strata.

This simple example illustrates the concept of stream to sink basins, whereby surface waters originating on the Hawthorne plateau flow westerly down its eroded scarp to recharge in sinkholes of the Ocala Uplift fracture zone. The Blues Creek watershed is typical of this type of geohydrological system.

#### Conclusions and Recommendations

The aerial photo map delineates the natural features of the Blues Creek PUD parcel which should be retained in a natural, undeveloped condition. These consist of streams, ponds, sinks, seepage valleys, the major depression basin and the variety of natural community associations existing in this striking hammock ecosystem. The features of the seepage slopes are especially dependent on maintenance of the existing hydrologic regime.

As such, a mapping of recommended land use zones for the parcel is provided. The recommendation outlines existing developed areas (Unit 1), conservation zones, and zones of future development. Essentially, future development should be limited to the uplands of the plateau and upper ridges in the northern and eastern areas of the parcel. Conservation zones should include the major feature of the landscape which is the Blues Creek/depression basin/seepage slope complex, and the two perched wetlands on the east side of the parcel. Consideration should be given to a specific use of the Blues Creek/depression basin area which is compatible with conservation objectives. The depression basin bottom may be appropriate for use in stormwater management, thus reducing potential space loss in the future development zone to this design necessity.

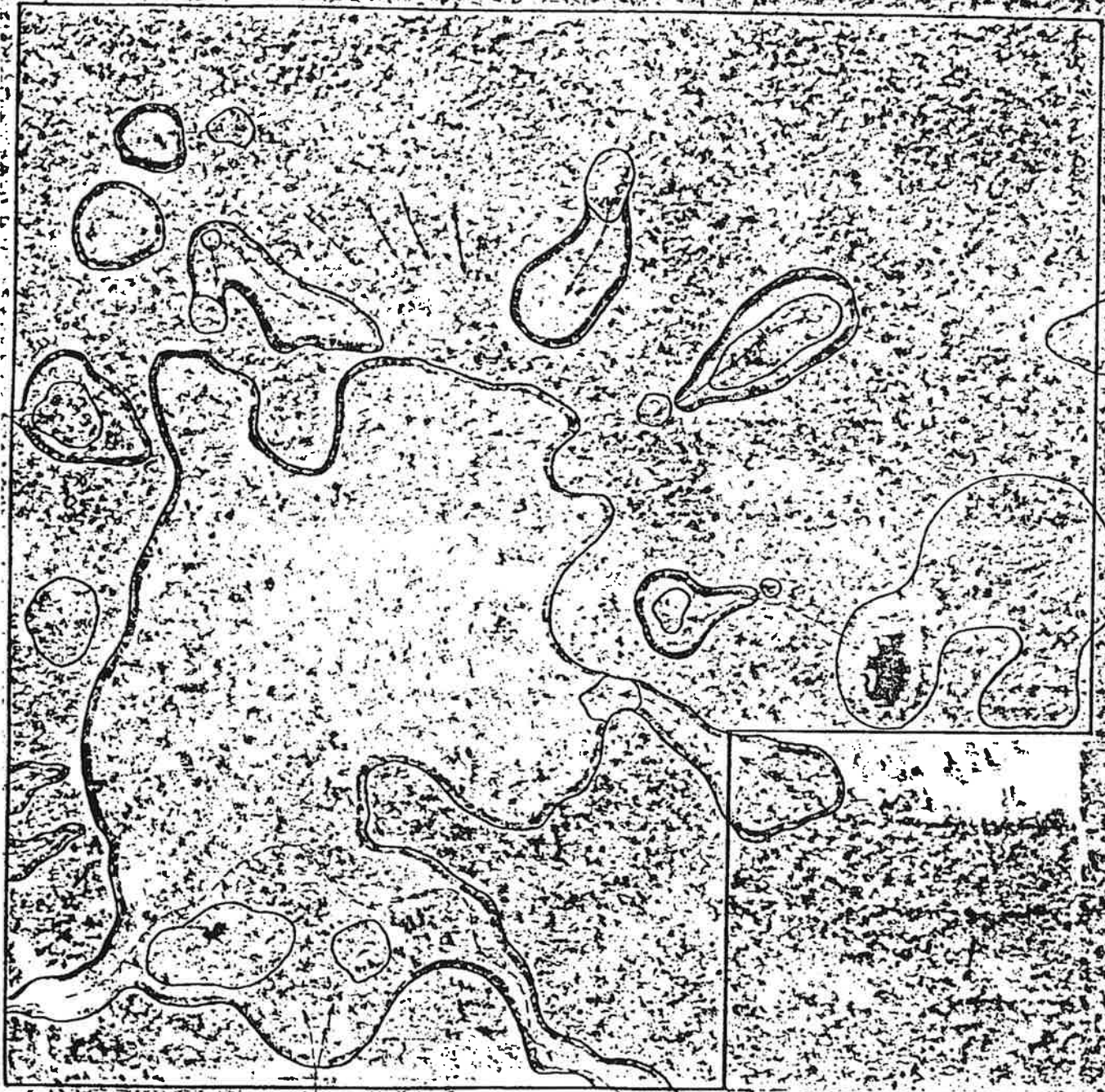
Three broad environmental objectives would be accomplished through the implementation of this recommendation: 1) the critical aquifer recharge

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characteristic of stream to sink basins such as Blues Creek would be recognized and provided for; 2) the "no degradation" standard for Outstanding Florida Water classification could be met; and 3) the "carrying capacity" of a geologically, hydrologically and ecologically important part of Alachua County would not be exceeded.

JWH/eb

cc: York Phillips  
Director of the Department of Planning & Development  
Larry Ross  
Developer for Blues Creek, PUD



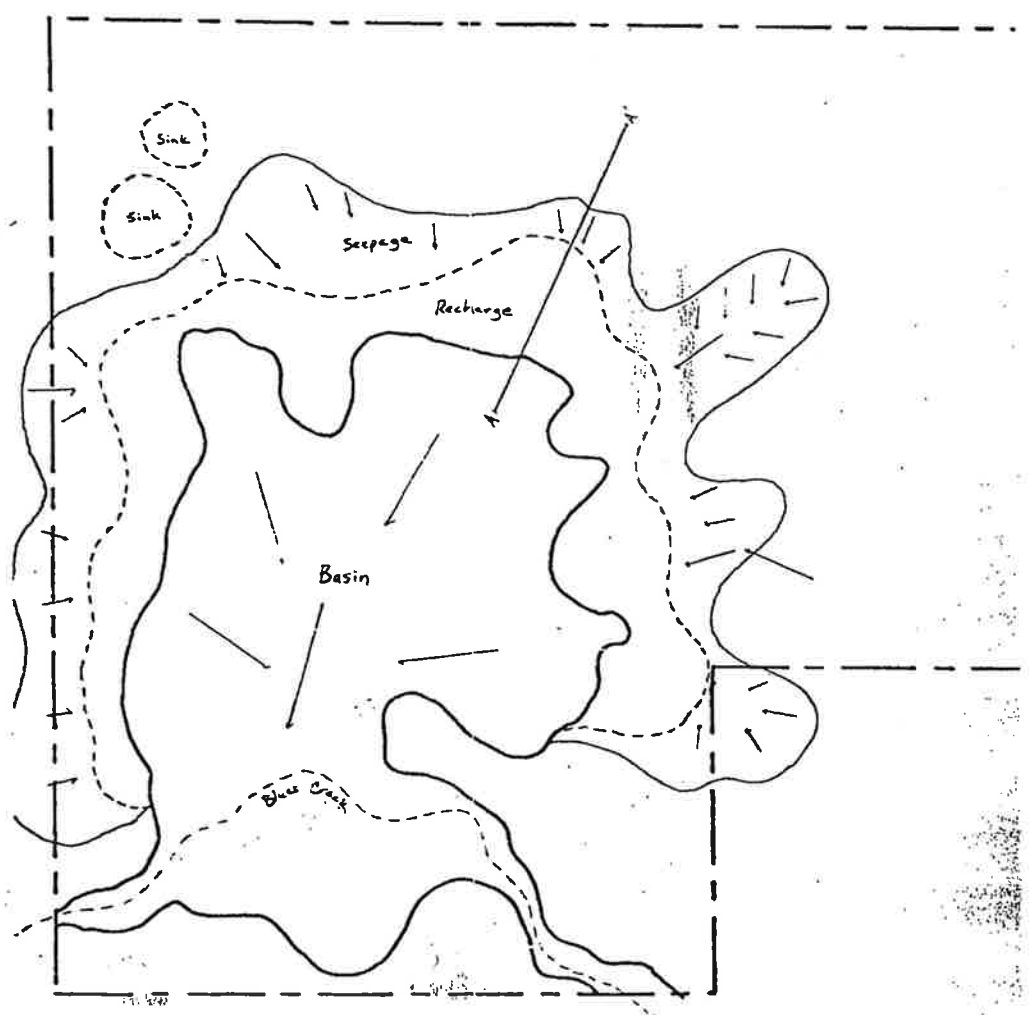
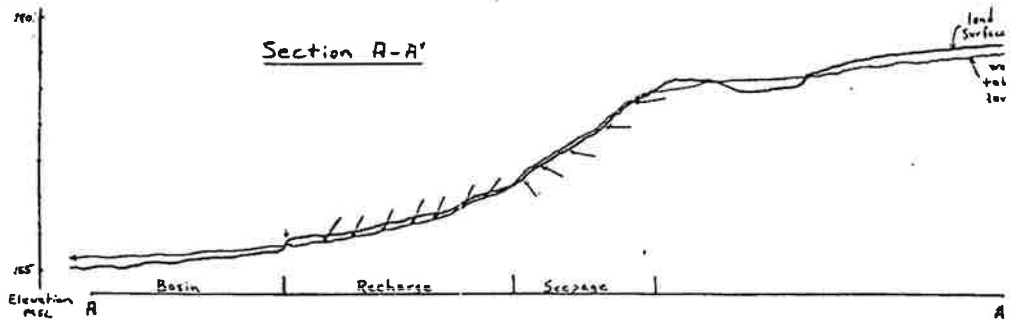
Blue Creek PUD - Natural Features Photo Map



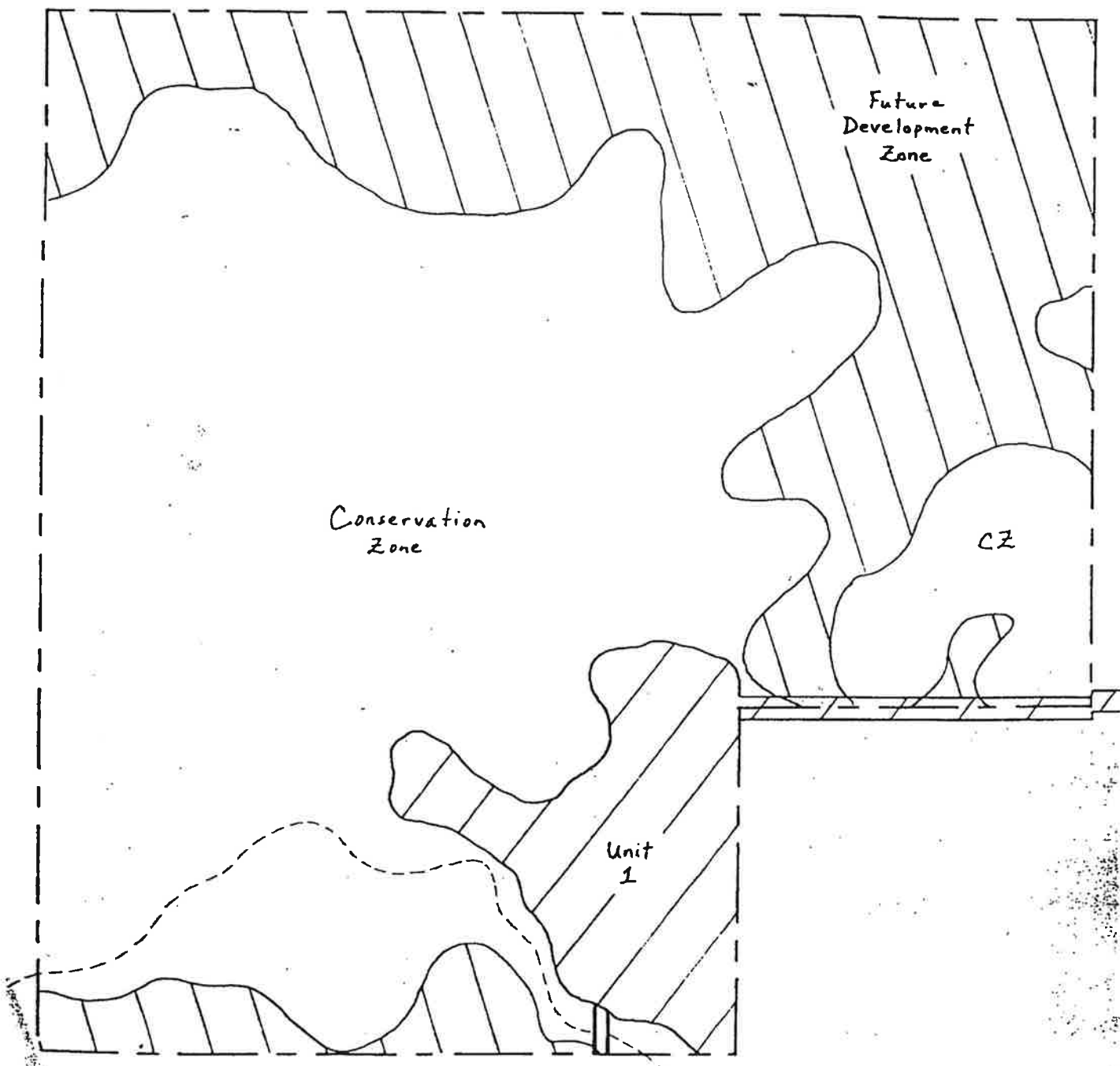
HON. ED CRAPO

SCALE 1" = 400' 1978  
PROJECT DATE FEB. 1978

SRWMD-00186



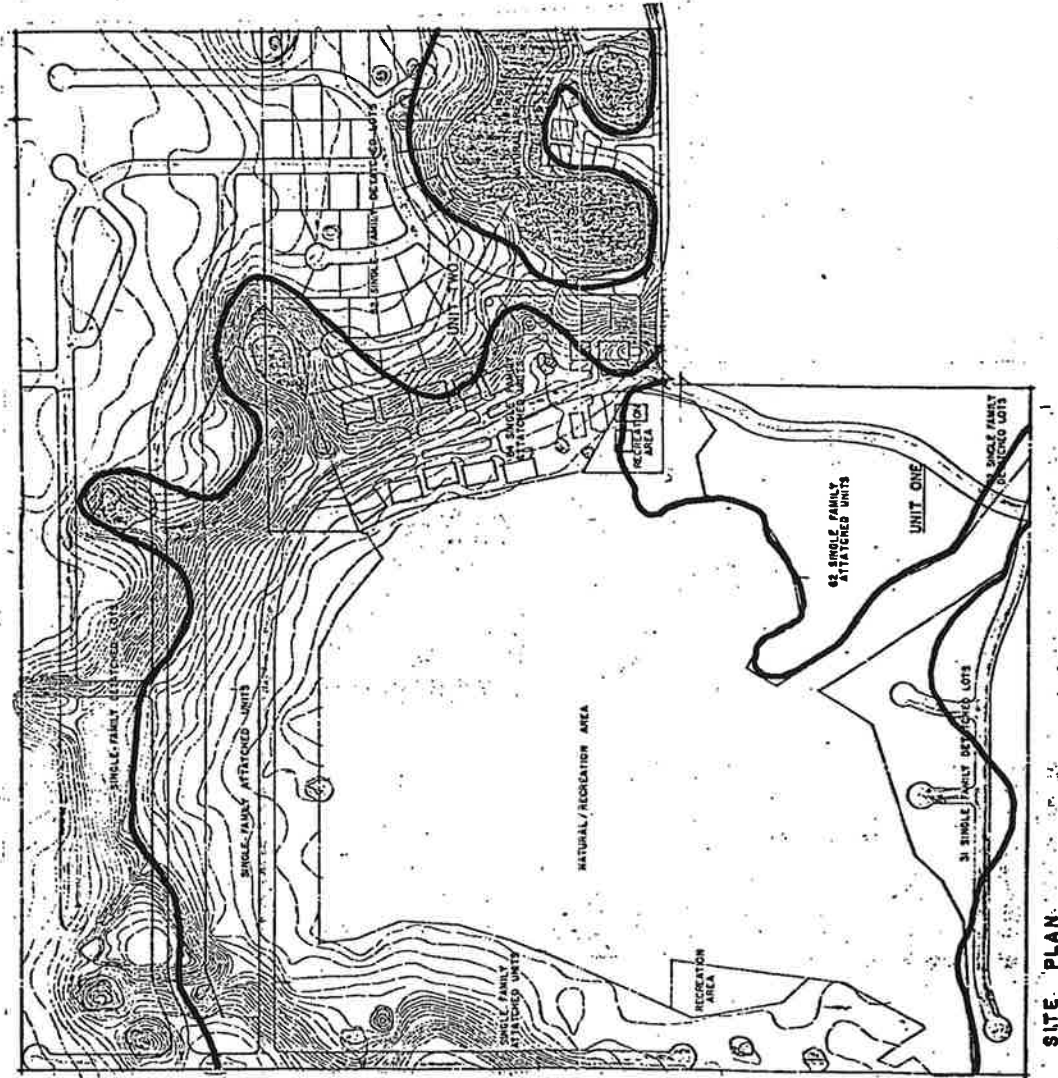
Blues Creek PUD - Seepage / Recharge Characteristics



Blues Creek PUD - Recommended Land Use Zones



# MASTER PLAN FOR BLUES CREEK



SITE PLAN

Southern Legal Counsel, Inc.

Suite A, 115 NE 7th Avenue • Gainesville, Florida 32601 • (904) 377-8298 336-2144

Blues  
Creek

BOARD OF DIRECTORS

LeRoy Collins  
Lois Harrison  
Michael McIntosh  
Jon L. Mills  
Roderick N. Petrey  
Chesterfield Smith  
Randolph W. Thrower  
EXECUTIVE DIRECTOR  
Albert J. Hadeed

June 10, 1988

Sewer Department  
Gainesville Regional Utilities  
200 E. University Avenue  
Gainesville, FL 32601

RE: Blues Creek Development

Dear Ladies and Gentlemen:

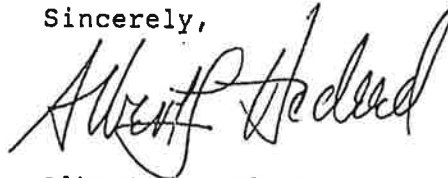
It is my understanding that you are requiring the developer to run a sewer line through the 90-acre designated conservation area from Unit V of the project to Unit II. The permitting agencies which include Alachua County, the Department of Environmental Regulation and the Suwannee River Water Management District have determined that there shall be no disturbance of this wetland area. Even recreation is limited to nature trail walkovers for which no filling is permitted. The combined DER-SRWMD permit also specifies there shall be no construction or disturbance of the area.

Obviously, then, any action on your part to require the burial of a sewer line is of significant concern.

I would appreciate the responsible official contacting me to discuss this matter before any authorizations or permits, or otherwise, issue from your office.

Thank you for your cooperation.

Sincerely,



Albert J. Hadeed

AJH:jsm

① A

SRWMD-00058



# Gainesville Regional Utilities

JUN 22 1988

Post Office Box 490 • Gainesville, Florida 32602

June 20, 1988

Albert J. Hadeed  
Southern Legal Counsel, Inc.  
115 NE 7th Avenue  
Gainesville, FL 32601

Re: Blues Creek Development -  
Wastewater Collection System

Dear Mr. Hadeed:

The wastewater master plan for Blues Creek calls for a lift station located in Unit I to serve the eastern and northern portions of Blues Creek and a lift station in Unit II to serve the southern and western portions. This requires that a gravity sewer main be constructed from Unit II to Unit V across the wetlands area as you mentioned in your letter dated June 10, 1988. There will be no filling or impervious areas required as a result of the sewer line and thus its construction will not increase run-off or reduce the storage area of this wetland area.

At the time of development of Unit V, the developer will be responsible to obtain the necessary permits and utilize whatever construction methods may be required to construct this sewer line. The only alternatives to this plan are the construction of another lift station to serve only Unit V, which is against the current lift station policy of G.R.U. and will not be permitted, or the utilization of on-site treatment and disposal systems.

If you have any questions concerning this matter, please feel free to contact me at 374-2954.

Sincerely,

Stephen L. Ball, Section Chief  
Wastewater Engineering

SLB:tc  
xc: Larry Ross  
Ellen Underwood

① B

SRWMD-00059



## SUWANNEE RIVER WATER MANAGEMENT DISTRICT

July 8, 1988

DR EARL M STARNES  
Chairman  
Alachua, Florida

JONATHAN WERSHOW  
Vice Chairman  
Alachua, Florida

LYNETTA USHER GRINER  
Secretary/Treasurer  
Fanning Springs, Florida

ROBERT MORRIS  
Ashville, Florida

KEVIN CAMPBELL  
Perry, Florida

MITZI C HENDRICK  
Mayo, Florida

SAM THOMPSON  
Lake City, Florida

J. D. GRIFFIS  
Ratford, Florida

DONNY McCALLISTER  
Live Oak, Florida

DONALD O MORGAN  
Executive Director  
Lake City, Florida

Mr. Larry Ross  
Larry Ross Builders, Inc.  
Route 2, Box 631  
Newberry, FL 32669

SITE VISIT JUNE 27, 1988--BLUES CREEK DEVELOPMENT CONCEPTUAL APPROVAL PERMIT NUMBER 4-87-00067 AND BLUES CREEK, UNIT II, GENERAL PERMIT APPLICATION NUMBER 4-88-00091

Mr. Ross, please accept this letter as confirmation of the district's understanding of the consensus reached during the site visit of June 27, 1988, attended by Bill Pearce, David White, Al Hadeed, you, and me. I appreciate the opportunity to meet with you personally and spend time clearing the air on a number of issues. The visit was very helpful for us and I think the extra time was well worth the time it took to schedule. It is our understanding that you will now be contacting your engineer/consultant to insure compliance with the provisions of limiting condition numbers 13, 14, and 15 (permit 4-88-00091, Blues Creek, Unit II). Because of the extra time it took to schedule the site visit and discussion of issues, we consider it reasonable to begin measuring the 30-day compliance period for the conditions from the date of our site visit. Specifically, we expect compliance on or before July 29, 1988. In order to insure compliance with the permit conditions, you need to do the following.

You need to have your engineers/consultants schedule a pre-application meeting with Bill Pearce, P.E., SRWMD District Engineer, to review engineering details and calculations for any future permit applications (phases III, IV, V, etc.).

To satisfy the requirements of limiting condition number 13 (permit 4-88-00091, Blues Creek, Unit II) you need to submit a general permit application if any structural changes are necessary to correct erosion problems with the NW 52nd Terrace crossing on the tributary. During our site visit it was apparent that you had repaired much of the problem on the eastern (up stream) side of the box

ROUTE 3, BOX 64

LIVE OAK, FLORIDA 32060

TELEPHONE (904) 362-1001

SRWMD-00253

Mr. Ross  
July 8, 1988  
Page Two

culverts with new sod, etc. We suggested that certain areas of the steeper sections needed stapling to hold the sod until it can establish a secure root zone. If the sod becomes established and no future erosion occurs, all that remains to satisfy limiting condition number 13 is to remove sediment and debris from the stream bed. The district is agreeable to your suggestion of removing the sediment and debris by hand excavation (wheelbarrow), through the box culverts and using the sediment to shape the western (downstream) banks and then stabilize them with sod, etc. Please note that any debris, paper, cans, trash, etc., should be removed from the streambed and disposed of properly. As we advised during the site visit, you might want to consider having a landscape contractor perform a planting of native shrubbery to assist in the bank stabilization and to deter pedestrian access. We will continue to monitor the success of erosion control at the crossing and will advise you if we see problems. We would ask that you make plans to remove the sediment and debris from the streambed in accordance with the above scenario by July 29, 1988. Please note that if the erosion control measures you have already taken work, and all you need to do is remove the sediment and plant sod or shrubbery, no permit is required, however, we would like notification of when any such work will occur. If you have any questions please contact Bill Pearce.

To satisfy the requirements of limiting condition number 14 (permit 4-88-00091, Blues Creek, Unit II) you need to submit a general permit application to dismantle or alter the berm in Blues Creek, Unit I. Based on our site inspection, the district is agreeable to alteration (i.e. breaching of sections of the berm) provided we see adequate information/calculations to insure such alteration will restore the hydrology of the area to pre-development conditions. You should apply; or, at a minimum, have your engineer/consultant hold a pre-application with Bill Pearce by July 29, 1988, to review preliminary plans.

To satisfy the requirements of limiting condition number 15 (permit 4-88-00091, Blues Creek, Unit II) you need to prepare and submit to the district a proposal that covers the listed items for the performance monitoring plan. You indicated that the Department of Environmental Regulation had been monitoring water quality at three locations across the project. The district is agreeable to reviewing that data (please submit copies with your

Mr. Ross  
July 8, 1988  
Page Three

proposal) to see if it satisfies the requirement for frequent monitoring to establish baseline conditions. As we noted during the site visit, the district would prefer to install our own rainfall and water level monitoring equipment at the existing discharge structure near the western perimeter of the project. Therefore, you need not address rainfall or water level monitoring as part of your performance monitoring plan. We did not have an opportunity to discuss the requirement for establishing some method for monitoring sediment depth along the stream bed. I suggest that some established frequency of inspection and photography might be the easiest way to accomplish this requirement. Please address this element in your proposal and please submit your proposal by July 29, 1988.

We also discussed several other items worth noting in this summary. The three areas in Phase II where culverts or swales approach the conservation area were cleared to the boundary of the conservation area and silt/sediment fences were installed. It is our understanding that no further clearing or construction that would encroach into the conservation area is contemplated or will occur. We viewed that area along the southern property line (power line right-of-way) that was cleared and is being used for borrow material. We understand that this area is to be backfilled, regraded, and planted to stabilize the soil (control erosion). We walked up your western property line to investigate recent work on property adjacent to yours. It revealed work that appeared to be a violation of district rules and we are proceeding with the adjacent owner to correct the problems or face an enforcement action. We confirmed that David White, the district's field representative who will be responsible for routine inspections will visit the project occasionally and may contact your general contractor for any assistance he may need.

A final item has come to our attention that may need further discussion. We have been informed that you have been requested or required to run a sewage or other utility line across the conservation area for service of one of the future phases of development (in order to limit the number of lift stations??). Please note that such construction was not authorized by permit 4-87-00067 or 4-88-00091 and in fact such construction cannot be allowed under the terms of the Stipulated Order and district's conceptual approval permit (4-87-00067) if it would result in adverse impacts wetland areas. We should probably make sure this item is discussed at the pre-application conference for future phases of the development referenced above.

Mr. Ross  
July 8, 1988 -  
Page Four--

If you have any further questions please contact Bill  
Pearce, P.E., District Engineer.

DAVID W. FISK - ASSISTANT EXECUTIVE DIRECTOR

DWF/dr

cc: Al Hadeed  
Frank Matthews  
Bill Pearce  
David White

HOPPING BOYD GREEN & SAMS

ATTORNEYS AND COUNSELORS  
SUITE 420, FIRST FLORIDA BANK BUILDING  
POST OFFICE BOX 6526  
TALLAHASSEE, FLORIDA 32314  
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CARLOS ALVAREZ  
BRIAN H. BIBEAU  
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RICHARD S. BRIGHTMAN  
PETER C. CUNNINGHAM  
WILLIAM H. GREEN  
WADE L. HOPPING  
FRANK E. MATTHEWS  
RICHARD D. NELSON  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPLE  
GARY R. SAMS  
ROBERT P. SMITH, JR.

JAMES S. ALVES  
KATHLEEN BLIZZARD  
THOMAS M. DE ROSE  
KATHLEEN E. MOORE  
LAURA BOYD PEARCE  
DAVID L. POWELL  
CECELIA C. SMITH  
CHERYL G. STUART

OF COUNSEL  
W. ROBERT FOKES

July 20, 1988

Mr. David W. Fisk  
Suwannee River Water  
Management District  
Route 3, Box 64  
Live Oak, Florida 32060

Re: Larry Ross  
Permit No. 4-87-00067

Dear David:

I received a copy of your July 8, 1988 correspondence to Larry Ross, and I appreciate your copying me. In reviewing the letter, I wanted note one exception I had to the conclusions stated on page 3 regarding the compatibility of the placement of the sewage or utility line across the conservation area referenced in the stipulated order and conceptual approval for the Blues Creek project. I disagree with your general assertion that such construction cannot be allowed under the terms of the stipulated order and the District's conceptual approval. In my opinion, the placement of such a line may well be consistent and compatible with the District approval and stipulated order, and this determination simply cannot be made in the absence of a specific construction approval request.

I greatly appreciate your efforts to coordinate the permitting activities for this project and your assistance in working with Mr. Ross on this matter. I don't believe the issue raised by my letter is particularly material at this time. However, I did want you to be alerted to our potentially differing interpretations of the stipulated order and District's conceptual approval.

JUL 21 1988

SUWANNEE RIVER WATER  
MGMT. DISTRICT



Mr. David W. Fisk  
Page 2  
July 20, 1988

If you have any questions or if wish that I elaborate on my view of this matter, please don't hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank E. Matthews". The signature is written in dark ink and is positioned above the printed name.

Frank E. Matthews

/lsd

cc: Larry Ross  
Albert J. Hadeed

SRWMD-00252



# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

August 9, 1988

DR. EARL M. STARNES  
Chairman  
Alachua, Florida

JONATHAN WERSHOW  
Vice Chairman  
Alachua, Florida

LYNETTA USHER GRINER  
Secretary/Treasurer  
Fanning Springs, Florida

ROBERT MORRIS  
Ashville, Florida

KEVIN CAMPBELL  
Perry, Florida

MITZI C. HENDRICK  
Mayo, Florida

SAM THOMPSON  
Lake City, Florida

J. D. GRIFFIS  
Raiford, Florida

DONNY McCALLISTER  
Live Oak, Florida

DONALD Q. MORGAN  
Executive Director  
Lake City, Florida

Mr. Larry Ross  
Larry Ross Builders, Inc.  
Route 2, Box 631  
Newberry, FL 32669

PERMIT CONDITIONS AND PERFORMANCE MONITORING PLAN--BLUES  
CREEK DEVELOPMENT CONCEPTUAL APPROVAL PERMIT NUMBER  
4-87-00067 AND BLUES CREEK, UNIT II, GENERAL PERMIT  
APPLICATION NUMBER 4-88-00091

Mr. Ross, on behalf of district staff, I wanted to thank you for your input at our meeting on August 1, 1988, at our headquarters in Live Oak. The following is a brief summary of the meeting and subsequent telephone conversations:

Your project engineer, Mr. Dunn, reviewed with our staff the need and scope for calculations of runoff and routing as part of the permit applications for Units III, IV, and V. Without belaboring the point, I will simply point out that our staff and Mr. Dunn have reached consensus as to the details of such information. If it is provided, the applications will be complete, and there should be no delay in processing of the permit.

The remedial erosion control work on the NW 52nd Terrace crossing, including removal of the sediment deposited in the streambed, has been accomplished. If the remedial work eliminates erosion problems, the district will consider that condition of the permit to be satisfied. We will make periodic inspections to determine the stability of the erosion control, and we will immediately advise you of any problems.

The "filter berm" in Phase I will be breached so as to restore pre-development flows and hydrology to the area. The breach will be approximately four feet wide, down to natural grade and is being allowed as the least impact alternative. We will continue routine inspections, and if the four-foot breach does allow for natural flows and hydrology, we will consider that condition of the permit

ROUTE 3, BOX 64

LIVE OAK, FLORIDA 32060

TELEPHONE (904) 362-1001

SRWMD-00309

to be satisfied. However, if there is any impoundment noted in our inspections, if there is any scour or erosion, or if there is any channelization of flows leaving the area of the "filter berm", we reserve the right to ask for its additional removal.

Suwannee River Water Management District (SRWMD) is following up on the discharge from the Institute of Food and Agricultural Sciences (IFAS) farm to your project. The district will require that IFAS perform remedial work to either restore pre-development hydrology or provide for the management of all runoff on their property. We will continue to advise you of any correspondence or discussions of this issue that might impact your project.

We agree that a reasonable method of assuring that the tributary is not receiving significant sediment load is periodic inspection and photography of the tributary channel. It is our understanding that you have taken an initial set of photographs. It was agreed that based on such visual inspection of the tributary channel, supported by photography, that this would satisfy the portion of the limiting condition of the permit requiring such surveillance. Please establish the locations and schedule for such surveillance and include it as part of your written performance monitoring plan. We would suggest that, at a minimum, you provide this information at each site where you take water samples and at each site where there has been a problem in the past (i.e., NW 52nd Terrace, the "filter berm"). These submittals will be supplemented by routine inspections by district staff.

We reviewed the issue regarding the routing of a gravity sanitary sewer line through the conservation area to the (existing) lift station in Unit II (from Unit V). We understand that your plans are to use ductile iron pipe and that the route will be from the extreme southern end of Unit V, through the cleared area immediately upstream of the existing control structure, and onto the right-of-way for the roads in Unit II. We understand that this route will not require any additional clearing or construction within the conservation area. Please make sure you include the construction and erosion control details as part of any future permit applications (Unit V ?).

We have reviewed the water quality data submitted by you [the data collected by Department of Environmental Regulation (DER)]. In general, we feel that the data is typical of a north Florida intermittent stream. There are what appears, at first glance, to be some elevated

phosphate values symptomatic of runoff from fertilized areas and other minor abnormalities in the data; but the data is acceptable to help you meet the requirement for establishing background for the tributary. When we specified monthly sampling for the first six months, we wanted to accomplish two things. First, we need a valid number of samples (experience indicated 6-8 samples are needed). Secondly, we wanted the samples spread over time to reduce any seasonal bias. Given the availability of the DER data, the lack of rainfall/runoff to date and the desire to complete the background sampling, the district is willing to consider a sampling plan based on bi-monthly sampling (every other month) until three consecutive samples are collected, then start the bi-annual sampling. For example, you could collect samples in September, November, and January to complete the background period, then establish March and September as the bi-annual sampling targets. March and September would be particularly useful as those months are typical of increasing rainfall and runoff following periods of low rainfall and runoff.

Finally, the question of the Volatile Organic Carbon (VOC) data and its cost can be handled a couple of ways. First, I would like to clarify that the VOC test is a scan not intended to identify individual species or quantities. Second, I would note that DER did not perform any VOC tests, so there does need to be a background established. Third, the requirement for VOC analysis was agreed to as part of the stipulated order and subsequent permits; and the district cannot simply waive the requirement. We can consider an option of reducing the number of sites that need this analysis, but you should consider the implications seriously. The district's primary interest in the VOC data is to qualify the discharge from the project--specifically, the sampling station downstream of the existing control structure. The district is willing to consider a performance monitoring plan that limits VOC analysis to that one location at the frequency specified by the permit--if there is provision for additional samples to be taken; when, or if the single sample shows an anomaly. Such provision must be at the district's option. This would effectively reduce the cost of VOC sampling by 2/3 as long as the data does not show any VOC trace above background. The obvious implication of single-site sampling is that you have no protection to show that VOC anomalies, if they occur, are not being generated by the Blues Creek project. For example, if the contamination source turns out to be upstream of your

Mr. Larry <sup>ss</sup>  
August 9, 1988  
Page 4

project. You should consider this and other possible implications with your consultants and attorney.

As to timing of the completion of the performance monitoring plan (a written plan approved by the district), you are currently beyond the deadline for submittal. The district is quite satisfied with your progress to date (allowing that we reserve the option of requiring additional work if needed) on the alteration of the "filter berm" in Unit I and the repair of the correction of erosion problems on NW 52nd Terrace. The simple fact that there has not been adequate rainfall to produce runoff to be sampled and our desire to review the DER data has allowed the district to be patient in requiring submittal of the performance monitoring plan. We are not in a position to grant extensions of time to comply with the deadlines and request that you submit a written performance monitoring plan covering the required items as soon as possible. Based on our telephone conversations subsequent to our meeting of August 1, 1988, I am going to proceed to set up a meeting with Mr. Swallows (your consultant) as soon as possible to move this process along.

If you have any further questions, please contact me or Bill Pearce, P.E., District Engineer.



DAVID W. FISK - ASSISTANT EXECUTIVE DIRECTOR

DWF/ss

cc: Albert Hadeed  
Frank Matthews  
Todd Dunn  
Charles Swallows  
Bill Pearce  
David White

SRWMD-00312

COUNTY COMMISSIONERS MINUTE BOOK 139  
OFFICE BOARD OF COUNTY COMMISSIONERS  
ALACHUA COUNTY, FLORIDA  
GAINESVILLE, TUESDAY, NOVEMBER 22, 1988

This Meeting of the Board of County Commissioners of Alachua County, Florida, was held in the John R. "Jack" Durrance Auditorium in the Alachua County Administration Building at 1:30 P.M. on the above date.

**PRESENT:** Commissioners Leveda Brown and Penelope Wheat; Clerk of the Circuit Court A. Curtis Powers; County Attorney Thomas Dustin; County Manager Robert Fernandez; and Deputy Clerk Shirley A. Lane.

**INVOCATION**

The invocation was delivered by the Rev. William Shen, Highlands Presbyterian Church.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mrs. Brown.

**SWEARING IN OF NEW COMMISSIONERS AND ELECTION OF 1988-89 OFFICERS**

Circuit Court Judge Rick Smith presided at the installation ceremony of the three newly elected Commissioners. Judge Smith gave the Oath of Office to Commissioners Kate Barnes, Thomas Coward and George Dakin, each of whom will serve a four year term.

Clerk of the Circuit Court A. Curtis Powers congratulated each of the new Commissioners and announced that election of officers for the 1988-89 year will now be held.

Ms. Wheat nominated Mr. Coward as Chairman of the Board of County Commissioners. Mr. Coward was duly elected as Chairman of the Board.

Ms. Barnes nominated Mrs. Brown as Vice Chairman of the Board of County Commissioners. Mrs. Brown was duly elected as Vice Chairman of the Board.

EXHIBIT 588

tabbler

NOVEMBER 22, 1988 COUNTY COMMISSIONERS MINUTE BOOK 139 PAGE 9

4. Revised Preliminary Master Development Plan - Rockwood Villas, Unit III (containing 140 units on 14.32-acres of land) - located in Section 10-10-19 in the 900 Block of South West 62nd Street for Mr. Larry Ross be approved.
5. Revised Development Plan - Rockwood Villas, Unit III (containing 140 units on 14.32-acres of land) - located in Section 10-10-19 in the 900 Block of South West 62nd Street for Mr. Larry Ross be approved.
6. Final Development Plan & Plat - Blues Creek P.U.D., Unit 5 (containing 62 units on 45.10-acres of land) located in Section 10-9-19 in the 7000 Block of North West 52nd Terrace for Larry Ross Builders be approved.
7. Final Site Plan - Butler Shopping Center, Phase 2 - located in Section 12-10-19 in the 3500 Block of Archer Road for Mr. Clark Butler be approved.
8. Final Site Plan - Daihatsu Car Dealership - located in Section 21-9-20 in the 4000 Block of North Main Street for Regency Daihatsu be approved.
9. Revised Final Development Plan & Replat - Halls Plantation, P.U.D. Unit 9, (Phase 1B) - located in Section 10-10-19 in the 8300 Block of South West 45th Boulevard for Preserve, Inc. be approved.
11. Approval of the request of Mr. Norman Rivers to create four (4) 5.1-acre lots and one (1) 11.2-acre lot to be served by a private ingress-egress easement on property located in Section 16-8-19 approximately 1.5 miles north of Hague on the west side of CR-237.
12. Approval of the request of Mr. Jerry LaFever to create one (1) 5.57-acre lot to be served by a private ingress-egress easement on property located in Section 6-9-18 approximately 1/2 mile west of SR-235 and 600 feet south of CR NW-30.

Other Business:

1. Cancellation of DRC meeting to be held on November 24, 1988 and rescheduled for Wednesday, November 23, 1988 at 10:00 A.M.

## Finance Committee Report - November 8, 1988

The Finance Committee met on Tuesday, November 8, 1988 at 10:30 a.m. to consider the following agenda. Committee members Coward, Brown, Notestein, and Aurlington were present. The Committee considered the following items and recommended:

Agreements

## 1. Administrative Services

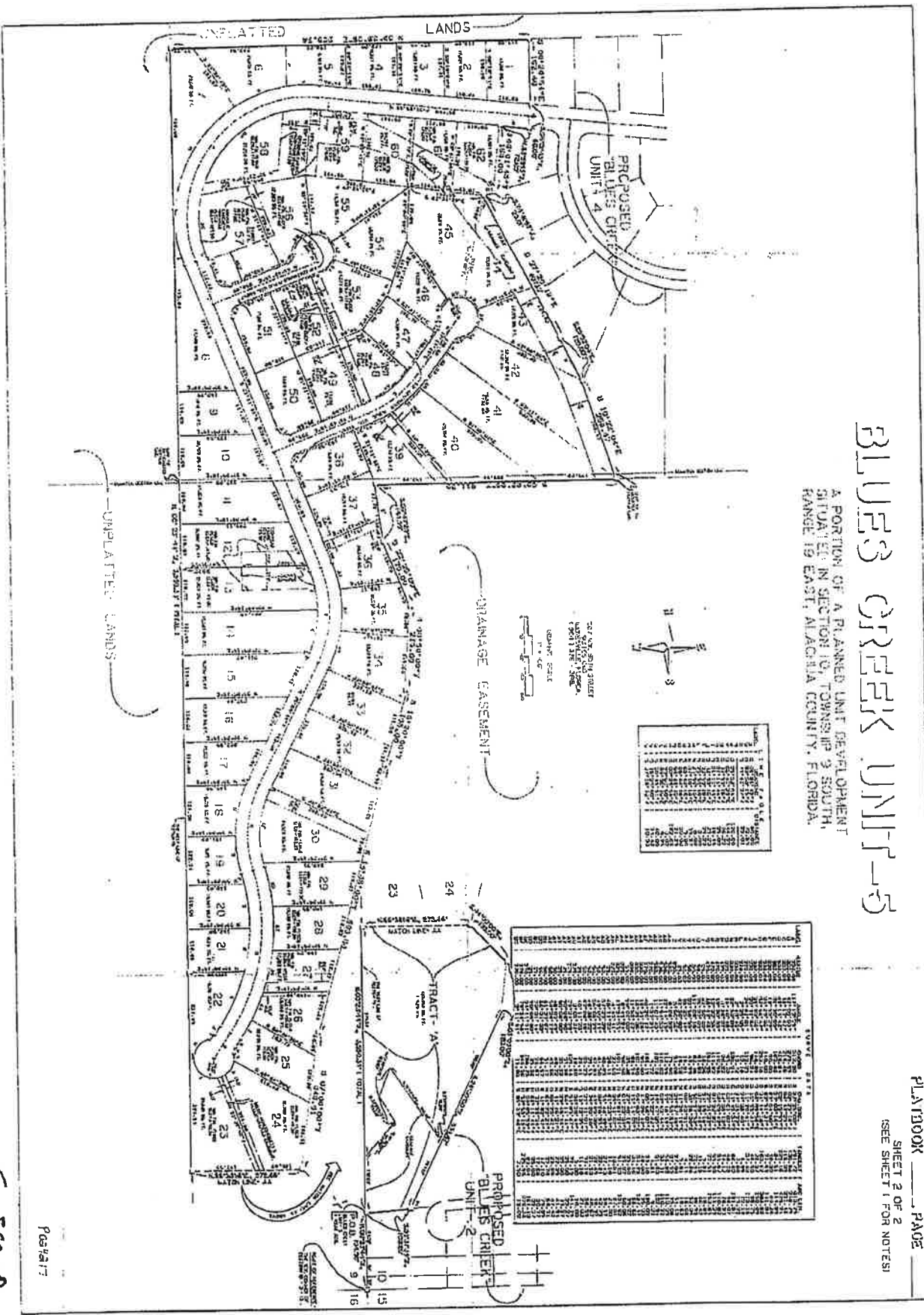
Approval of agreement with Tillinghast, a Towers Perrin Company, for management consultant services. Term of Agreement: 10/1/88 - 9/30/89. Amount: \$27,000. 9





# BLUES CREEK UNIT-5

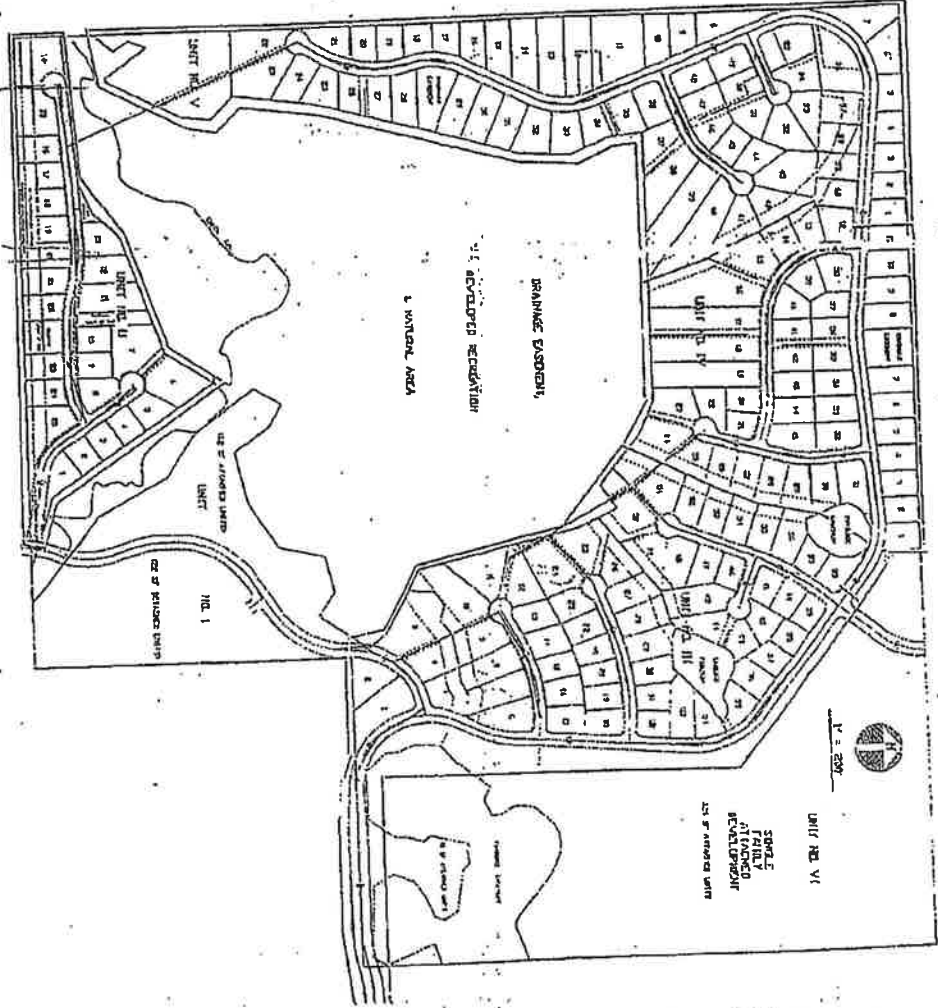
A PORTION OF A PLANNED UNIT DEVELOPMENT  
SITUATED IN SECTION 101, TOWNSHIP 3 SOUTH,  
RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.



588-0



EXHIBIT  
504 H



BLUES CREEK

GENERAL NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

UNIT NO. VI  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. VII  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. VIII  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. IX  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. X  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XI  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XII  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XIII  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XIV  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
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UNIT NO. XV  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XVI  
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UNIT NO. XVII  
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 25 SINGLE UNITS

UNIT NO. XVIII  
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 25 SINGLE UNITS

UNIT NO. XIX  
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 25 SINGLE UNITS

UNIT NO. XX  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

UNIT NO. XXI  
 SINGLE FAMILY ATTACHED DEVELOPMENT  
 25 SINGLE UNITS

EXHIBIT 504H

4-88-0009 Final Plans 5/2/92  
 DUNN ENGINEERING  
 2015 W. 10th St.  
 DENVER, CO 80202  
 REVISION MASTER PLAN  
 1A  
 APPROVED  
 [Signature]