

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
WINSLOW'S POINT COMMUNITY)
DEVELOPMENT DISTRICT)
_____)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF

I, Marc D. Stehli, P.E., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Marc D. Stehli, P.E., and I am employed by Poulos & Bennett, LLC, as Project Manager and a Professional Engineer.
3. The prepared written, pre-filed testimony consisting of nine (9) pages, submitted under my name to the Board of County Commissioners of Polk County, Florida, relating to the *Petition to Establish the Winslow's Point Community Development District* and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning land development and the construction of public infrastructure as a professional engineer and related matters are accurately set forth in my pre-filed testimony.
6. No corrections or amendments to my pre-filed testimony are required.

I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

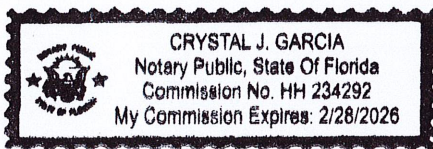
Executed this 12 day of December, 2024.

M. Stehli
Marc D. Stehli, P.E.

SWORN TO and SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 12th day of December 2024, by Marc Stehli, for _____, who ☒ is personally known to me or ☐ has provided _____ as identification.

Crystal J. Garcia
(Official Notary Signature)
Name: Crystal J. Garcia
Personally Known Marc Stehli
OR Produced Identification _____
Type of Identification _____

[notary seal]



**TESTIMONY OF MARC D. STEHLI, P.E. FOR THE ESTABLISHMENT OF THE
WINSLOW'S POINT COMMUNITY DEVELOPMENT DISTRICT**

- 1. Please state your name and business address.**

My name is Marc D. Stehli, P.E. and my business address is 2602 East Livingston Street, Orlando, Florida 32803.

- 2. By whom are you employed and in what capacity?**

I am employed by Poulos & Bennett, LLC, as a Practice Team Leader and Professional Engineer.

- 3. How long have you held that position?**

I have held this position for over ten (10) years.

- 4. Does your firm, Poulos & Bennett, LLC, represent Forestar (USA) Real Estate Group, Inc. ("Petitioner")?**

Yes. My firm serves as Project Engineer.

- 5. Please give your educational background, with degrees earned, major areas of study and institutions attended.**

University of Central Florida Bachelor of Science in Civil Engineering, December 12, 1992.

- 6. Do you have any professional licenses, registrations, or certifications?**

Board of Professional Engineers, Licensed Professional Engineer, P.E. No. 52781, February 18, 1998.

- 7. Have you been involved in any developments of the type and nature similar to those in the proposed Winslow's Point Community Development District ("District")?**

Yes. I am District Engineer for a number of similar Community Development Districts.

- 8. Are you familiar with the *Petition to Establish the Winslow's Point Community Development District* ("Petition") filed by the Petitioner with the Board of County Commissioners of Polk County, Florida ("City"), filed on or around November 18, 2024, seeking the establishment of the proposed District?**

Yes. My firm assisted the Petitioner with the preparation of some of the exhibits filed with the Petition.

- 9. Are you familiar with those parcels of land proposed to be included in the District that are located within the County?**

Yes, I am.

- 10. Are you generally familiar with the geographical area, type, and scope of development and the available services and facilities in the vicinity of the proposed District?**

Yes, I am.

- 11. Which documents did you prepare or have others prepare under your supervision?**

Exhibits 1, 4, 5 and 6.

- 12. Do any of those exhibits require any change or correction?**

Not to my knowledge.

- 13. Are Exhibits 1, 4, 5 and 6 attached to the Petition true and correct?**

Yes, to the best of my knowledge.

- 14. In general, what do Exhibits 1, 4, 5 and 6 attached to the Petition demonstrate?**

Exhibit 1 is the general location map of the proposed District.

Exhibit 4 is the map of the future general distribution, location and extent of the existing and future land uses within and adjacent to the proposed District.

Exhibit 5 is the map of existing and proposed major potable and reclaimed water distribution mains and wastewater collection and transmission mains.

Exhibit 6 describe the type of facilities the Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as, the estimated costs of construction.

- 15. What capital facilities are presently expected to be provided by the District?**

At present, the District is expected to provide the roadways, storm sewer and pedestrian improvements with the public rights-of-way, stormwater management systems, onsite and offsite potable and reclaim water systems, onsite and offsite wastewater collection and transmission systems, offsite roadway improvements, conservation areas and buffers, and other public infrastructure.

- 16. Based upon your training and experience as an engineer, do you have an opinion as to whether the proposed District is of sufficient size, compactness, and sufficient contiguity to be developed as a functional interrelated community?**

Yes. Based on my experience, the proposed District is of sufficient size, compactness and contiguity to be developed as a one functional interrelated community.

- 17. What is the basis from your opinion?**

For many reasons the proposed District facilities can be provided in an efficient, functional and integrated manner.

First, there are sufficient, significant infrastructure needs for the area within the proposed District to allow development as a functionally interrelated community.

Second, the specific design of the community allows infrastructure to be provided in a cost effective manner. The land included within the proposed District area is contiguous, which facilitates an efficient and effective planned development.

Third, the provision of services and facilities through the use of one development plan provides a contiguous and homogenous method of providing services to lands throughout the District.

- 18. In your opinion, you said the proposed District is sufficiently compact and contiguous to be developable as a functionally interrelated community. Would you please explain what you mean when stating that the proposed District is of sufficient compactness?**

The District will encompass approximately 242.24 acres and will provide a range of residential and residential-support land uses that require the necessary elements of infrastructure including the improvements described in the Petition. The proposed District will have sufficient overall residential density to require all the above-mentioned necessary elements of infrastructure of a comprehensive community. These facilities and services require adequate planning, design, financing, construction, and maintenance to provide the community with appropriate infrastructure. The preferred method of developing land, especially for higher density residential uses, is for the development to be spatially compact. This augments the District's ability to construct and maintain improvements, and provide services, in a cost efficient manner.

- 19. Can you provide an example of a service or facility and explain why a community development district ("CDD") is a preferred alternative for long-term operation and maintenance?**

Yes. A good example would be a stormwater management system. Both a CDD and a homeowner association are permitted to operate and maintain such systems under applicable Southwest Florida Water Management District ("SWFWMD") rules. However, SWFWMD rules generally require homeowners' associations to provide significantly more information and documentation before the SWFWMD. This additional information is required to ensure that the association has the financial, legal and administrative capability to provide for long-term maintenance of the stormwater management system. Such documentation generally must (1) indicate that the association has the power to levy assessments; (2) mandate that the association will operate and maintain such systems; and (3) provide that the association cannot be dissolved until another entity is found to maintain the system.

In comparison, a CDD is a perpetual local government unit, which by law has the requisite assessment authority, including the ability to collect such assessments on the county tax roll. Thus, a CDD generally must simply provide a letter to the SWFWMD stating that the CDD will accept operation and maintenance responsibility. All things being equal, a CDD is preferred over a homeowners' or property owners' association for operation and maintenance of a stormwater management system.

- 20. Does the establishment of the proposed District obviate the need for local land development regulations, ordinances or plans?**

No. Section 190.004, *Florida Statutes*, explicitly provides that the establishment of a CDD does not in any way impact or change the applicability of any governmental planning, environmental and land development laws, regulations, and ordinances. A CDD cannot take any action that is inconsistent with the comprehensive plan, code of ordinances or regulations of the city or county within which it is located.

- 21. Based on your experience, do you have an opinion as to whether the services and facilities to be provided by the proposed District will be incompatible with the capacities and uses of existing local and regional community facilities and services?**

Yes. It is my opinion that the proposed services and facilities of the proposed District will not be incompatible with the capacity and uses of existing local or regional community development services and facilities.

- 22. What is the basis for your opinion?**

Currently, none of the planned infrastructure improvements that the proposed District plans to provide exist on the subject property in a manner which is useful to the proposed development. Each of the elements of infrastructure for the necessary services and facilities will connect into the existing, surrounding systems according to criteria, review and approval of the existing operational entity; there will be no incompatibility issues.

- 23. Based on your experience, do you have an opinion as to whether the area to be included within the proposed District is amenable to being served by a separate special district government?**

Yes. In my opinion, and to the best of my knowledge, the area identified in the Petition is amenable to being served by a separate special district government.

- 24. What is the basis for your opinion?**

The proposed District is limited in purpose and the infrastructure improvements to be provided by the proposed District are limited in scope. This infrastructure is expected to directly benefit the development and may be adequately served by a special district government. In addition, special district governance provides a mechanism whereby long-term maintenance obligations can be satisfied by the persons primarily using the facilities and services.

- 25. Do you have an opinion, as someone experienced in land planning, as to whether the proposed District is a viable alternative for delivering community services and facilities to the areas that will be served by the proposed District?**

Yes. It is my opinion that the proposed District is a viable alternative for providing the proposed services and facilities to the land to be included within the proposed District.

- 26. What are the alternatives contemplated in rendering this opinion?**

There would be two alternatives to the establishment of the proposed District. First, to facilitate economic development, accommodate new growth, and provide new services, the County could perhaps provide the selected facilities. The second alternative would be for the developer or property owners association ("POA") to provide the infrastructure using private financing.

- 27. How does the proposed District compare to these alternatives?**

By comparison of the alternatives referenced above, from a planning perspective, the proposed District is the best alternative available to provide the necessary infrastructure improvements. As a special-purpose "local government," the proposed District is a stable, long-term public entity capable of constructing, maintaining and managing the proposed elements of infrastructure of the

necessary facilities and services. The limited purpose and scope of the District, combined with the statutory safeguards in place, such as notice of public hearings and access to district records, would ensure that the proposed District would be able to obtain low-cost financing to provide the necessary improvements and then impose special or non-ad valorem assessments upon the property owners within the District to fund the infrastructure.

Only a CDD allows for the independent financing, administration, operations and maintenance of the land within the District. Only a CDD allows district property owners, and eventually residents, to completely control the district board and, therefore, the timing and extent of the infrastructure improvement and maintenance. Knowing when, where and how infrastructure will be needed to service the projected population of an area allows for the smooth delivery of those facilities. The proposed District exceeds other available alternatives at focusing attention to when and where and how the next system of infrastructure will be required for this specific area. This results in a full utilization of existing facilities before new facilities are constructed. It reduces the delivered cost to the citizens being served. All other alternatives do not have these characteristics.

28. In the course of your work in Florida, have you had an opportunity to work with the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes. In the course of producing planning documents for private development proposals, I have often referred to the State Comprehensive Plan.

29. In the course of your work in Florida, have you had an opportunity to review local government comprehensive plans?

Yes. In fact, I have reviewed the Polk County Comprehensive Plan in the course of my work.

30. At this point, I will ask you to address certain matters that are related to land use and comprehensive planning. Are you familiar with the development approvals that have been obtained or are being sought by the Petitioner to govern the lands within the proposed District?

Yes, I am.

31. Based upon your training and experience as a civil engineer specializing in land development, do you have an opinion as to whether the proposed District is inconsistent with any portion or element of the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?

Yes.

32. What is that opinion?

In my professional opinion, the proposed District is not inconsistent with the applicable provisions of Chapter 187, *Florida Statutes*.

33. What is the basis for your opinion?

I have reviewed, from a planning perspective, applicable portions of the State Comprehensive Plan which relate to CDDs. The State Comprehensive Plan "provides long-range policy guidance for the orderly social, economic, and physical growth of the state." The State Comprehensive Plan provides twenty-five (25) subjects, and numerous goals and policies. Three subjects are particularly

relevant, from a planning perspective, to the establishment of CDDs: No. 15 – Land Use, No. 17 – Public Facilities, and No. 25 – Plan Implementation. Several of the policies and goals are particularly supportive of the establishment of the proposed District.

34. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment of the proposed District?

This goal recognizes the importance of enhancing the quality of life in the State of Florida and attempts to do so by ensuring that development is located in areas that have fiscal abilities and service capacity to accommodate growth. CDDs are designed to provide services and facilities in the fiscally responsible manner to areas which can accommodate development. The proposed District is consistent with this goal because it will continue to have the fiscal capability to provide a range of services and facilities to a population in a designated growth area.

35. Are any of the policies under subject No. 15 relevant?

Yes. Policy 1 promotes efficient development activities in areas which will have the capacity to service new populations and commerce. The proposed District will be a vehicle to provide high quality services in an efficient and focused manner over the long term.

36. What is Subject 17 and why is it relevant?

Subject 17 addresses public facilities. The goal is to finance new facilities in a timely, orderly and efficient manner. In particular, Policy 3 states that the cost of new public facilities should be allocated to existing and future residents on the basis of the benefits received. Policy 6 also encourages the identification and implementation of innovative but fiscally sound and cost-effective techniques for financing public facilities. Establishment of the proposed District will further this goal and related policies.

37. Why is subject No. 25, the other subject you mentioned, relevant to the establishment of the proposed district?

Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning capabilities be integrated into all levels of government throughout the state, with particular emphasis on improving inter-governmental coordination and maximizing citizen involvement. The proposed District will operate through a separate and district Board of Supervisors who will systematically plan the construction, operation and maintenance of public improvements and community facilities authorized under Chapter 190, *Florida Statutes*, subject to and not inconsistent with the local government comprehensive plan and land development regulations. Further, meetings held by the Board of Supervisors are publicly advertised and open to the public.

38. Are there any relevant policies in this portion of the State Comprehensive Plan?

Yes. Policy 6 encourages public citizen participation at all levels of policy development, planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD, the election of the Board of Supervisors begins to transition from a landowner-elected Board to a resident-elected Board. Regardless of whether the board is elected by the landowners or the residents, the District must convene its meetings in accordance with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This encourages citizen participation in the planning and operational activities of the District.

- 39. Based upon your training and experience as a land development engineer, do you have an opinion as to whether establishment of the proposed District is inconsistent with any portion or element of the Comprehensive Plans of the County?**

Yes, I do.

- 40. What is that opinion?**

In my professional opinion, the establishment of the proposed District is not inconsistent with any applicable provisions of the County's Comprehensive Plans.

- 41. What is the basis for that opinion?**

Since Chapter 190, *Florida Statutes*, prohibits any community development district from acting in a way inconsistent with the local government's comprehensive plan, the exercising of any power must be done with the comprehensive plan in mind. Any construction activities of the District, will require County permitting review under established procedures. Therefore, the use of those powers granted to the District does not make it inconsistent with the County's Comprehensive Plan.

It is my opinion, therefore, that with respect to the establishment of the proposed District, the proposed District will not be inconsistent with any applicable element or portion of the County's Comprehensive Plan.

- 43. Does this conclude your testimony?**

Yes, it does.