

**STEPS FOR DEVELOPING AN
Unspecified Site Strategy for Housing Related Activities**
as identified in 24 CFR Part 58.35(a) as of April 2008



Project Identification:

Neighborhood Stabilization Program

Contract Number: #B-08-UN-12-0008

Preparer:

J. Corbett Alday, CEO Guardian CRM Inc.
Typed Name and Title

Responsible Entity:

LAKE COUNTY, FLORIDA
Name of Local Government

Month/Year:

August 2009

**STEPS FOR DEVELOPING AN
Unspecified Site Strategy for Housing Related Activities
Subject to 24 CFR Part 58.35(a)**

- Step 1. Describe the project in writing listing all related housing activities. List all funding sources and the approximate amount of funding. Include maps and other information to define the covered functional or geographic area. Depending on how your community allocates funds, the geographic area may be city-wide or by target areas. Use the consolidated plan (currently covers 2005-2010) to indicate the number of years that you plan to carry out the activities specified. (Refer to 24 CFR Part 58.32 on Project Aggregation and 24 CFR Part 58.38 (a) on the Environmental Review Record (ERR) requirements.)
- Step 2. Determine the Level of Review required by reviewing the activities listed in the project description and make a written determination certifying that the project is Categorical Exclusion using the form titled "Certification of Categorical Exclusion Subject to 58.5". Only activities listed at 24 CFR Part 58.35 (a)(3), (4), (5), or (6) should be included. The type of activities may include various "eligible housing activity classifications" under the listed HUD Programs.
- Step 3. Conduct the "Broad Review" of environmental impacts on the overall project or service area. A project is a group of related activities (24 CFR Part 58.2(a)(1), which can be functionally (all single family actions) or geographically related (the unincorporated areas of a region). Address as many of the compliance factors and provide documentation on the Laws and Authorities on HUD's Statutory Worksheet (24 CFR Part 58.5 and 6). Place the Statutory Worksheet and all related documentation supporting your determinations in the ERR (24 CFR Part 58.38(a)(3)). Be sure to include all map documentation and use the acceptable floodplain map if applicable. For items that need more specific site information, indicate "see the Written Strategy" in the documentation section of the Statutory Worksheet.

Example: For properties over 50 years old, you would need to contact SHPO and the documentation submitted with the ERR. Once compliance is documented, no further action is required for the compliance factor.
- Step 4. Develop a "Written Strategy" for addressing the compliance factors that could not be addressed for the entire functional or geographic area. This document is written so that it explains how each compliance factor will be complied with as each site is identified. (Example strategies provided: The Written Strategy must be modified for local conditions.)
- Step 5. Based on the information in the Written Strategy, develop a "Site Specific Review Checklist" which will be used to evaluate the individual sites and contains only the items that could not be documented in compliance during the "Broad Review". Make it very specific and user friendly so that staff without specific environmental knowledge can observe conditions at the site and provide information to the individual who will conduct the technical analysis, if required.
- Step 6. Publish or post the Notice of Intent to Request Release of Funds (NOI/RROF). In the NOI/RROF, indicate that the project is for multiple years, the funding sources with approximate amount if funding, the geographic or functional area and the activities covered. Upon conclusion of the waiting period, sign, date and submit the Request for Release of Funds (RROF) (7015.15) to the Department. Do not commit funds until an Authority to Use Grant Funds (ROF) (7015.16) is issued from the Department. Submit the original documentation in Steps 1-6 to the Department of Community Affairs.
- Step 7. Proceed with mitigation of the project. If any of the laws and authorities are triggered, those issues must be addressed. Upon receipt or notification of the ROF, implement the Written Strategy by conducting the "Site Specific Review" as sites are identified. Do not commit funds for a site until the site specific review is complete, documentation is attached, and the form is signed and dated.
- Step 8. Place the site specific checklist and supporting documentation in the ERR, and submit a copy to the Department. Continue to implement the strategy for all activities that are included in the project description.
- Step 9. Repeat these steps at the end of the project period as described or if environmental conditions change (24 CFR Part 58.47).

Step 1
Unspecified Site Strategy
The Project Description

Describe the service area and or geographic area, include maps, if necessary.

The general area is described as the County limits of Lake County, Florida. Lake County was formed from a portion of Orange and Sumter counties in 1887. Lake County is approximately 1,156-square-miles of diverse landscape and terrain ranging from 0 to 315 feet above sea level containing hundreds of pristine lakes and rolling hills. Tavares is the county seat. The County is known for its expansive parks and recreational activities. The County economy is predominately based on tourism. The housing stock in the County is primarily less than fifty years old with 67% of households earning less than 120% of the area median income of \$49,600.00. The majority of foreclosed homes are located within the city limits of the County's CDBG entitlement partner communities and non-partner small Cities throughout the County.

List housing related activities.

Homeownership: The County intends to use the funds for acquisition/rehabilitation assistance for 25 foreclosed single-family residential dwellings on scattered sites within areas of greatest need identified in the County's NSP1 action plan amendment. All homebuyers assisted must meet the national objective of an income less than the 120% of the area median income. The County intends to work through Affordable Housing Partners (non-profit community benefit organizations or CBO's) by providing loans and grants for eligible homebuyers to acquire, rehab, and occupy as their primary residence 25 bank owned residential units. The foreclosed single-family, scattered, residential dwelling (1-4) units will be acquired by CBO partners of the County, rehabilitated without exceeding 20% of the original density, and sold to income eligible Homebuyers. Lake County plans to address these 25 units with \$2,580,000.00 of NSP funds within Lake County Areas of Greatest Need including the cities of Eustis (Zip Codes 32726 & 32736); Clermont (Zip Code 34711); Leesburg (Zip Codes 34748 & 34788); and Lady Lake (Zip Code 32159). The CBO Partners of the County will guide the applicant in-take and ranking process. Beneficiaries of this activity are expected to be 8 Very Low Income (VLI) and 17 Low Income (LI) total.

Rental: The County intends to use funds for the acquisition/rehabilitation of 3 foreclosed residential dwellings (1-4 family dwellings) that meet the national objective of an income less than the 120% of the area median income. The County intends to work through CBO Partners to provide loans and grants to create 3 residential households that will provide permanent rental housing opportunities in the form of Community Residences (small group homes with Supportive Services provided) for special needs populations. The foreclosed multi-family residential dwelling units will be acquired by CBO partners of the County, rehabilitated without exceeding 20% of the original density, and rented to eligible families with a household income of less than 50% AMI. Lake County plans to address these 3 units at a cost of within the Area of Greatest Need of NSP funds within Lake County, including the cities of Eustis (Zip Codes 32726 & 32736); Clermont (Zip Code 34711); Leesburg (Zip Codes 34748 & 34788); and Lady Lake (Zip Code 32159).

List funding sources and projected dollar amount for the project period.

Neighborhood Stabilization funds \$2,805,000.00 (minimum of 25% for VLI special needs housing)

List number of years this strategy covers.

3 years

Step 2
Determine the "Level of Review"
CERTIFICATION OF CATEGORICAL EXCLUSION (subject to 58.5)
Per 24 CFR 58.35 (a)

Contract Number: #B-08-UN-12-0008

Housing Related Activities Unspecified Site Strategy

I hereby certify that the following activities comprising the **Lake County Neighborhood Stabilization Program Housing Grant** have been reviewed and determined Categorical Excluded Activity per 24 CFR 58.35 (a) as follows:

(1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20% (e.g. replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).

(2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

(3) **Rehabilitation of buildings and improvements when the following conditions are met:**

(i) In the case of multifamily residential buildings:

(A) Unit density is not changed more than 20%

(B) The estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation

(C) The project does not involve changes in land use from residential to non-residential: and

(ii) In the case of non-residential structures, including commercial, industrial, and public buildings:

(A) The facilities and improvements are in place and will not be changed in size of capacity by more than 20%: and

(B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, of from one industrial use to another.

(4) **An individual action on a one-to-four family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.**

(5) **Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained on any one site.**

(6) Combination of the above activities.

Responsible Entity Certifying Official Signature:

Signature: _____ Date: **August 6, 2009**

Printed Name: **Welton G. Cadwell** Title: **BCC Chairman**

Step 3
Unspecified Site Strategy Process
Conduct the "Broad Review" Using the Statutory Worksheet

...iering, or Unspecified Site Strategy, as it is sometimes called, should be used for projects when sites have not been identified. The Tiered review allows the Responsible Entity (RE) to review broad environmental impacts at the early stage of the project and the site-specific impacts when the sites are identified. It also allows the RE to obtain a release of funds for a particular project and timeframe prior to identification of the individual sites. (24 CFR Part 58.15)

To begin the environmental review for a project where the sites are not yet known, the "level of review" must be determined by completing the Statutory Worksheet. Each compliance factor should be evaluated. The compliance factors that can be documented not to occur in the service area or project area should be eliminated when developing the site-specific strategy and checklist. For example, since Coastal Zones do not occur in Macon, Georgia; the Coastal Zone element for Macon, GA can be determined to have "no effect", and the documentation for that determination submitted with the Environmental Review Record to the Department of Community Affairs. Please note: Each community has different physical, environmental and geographic conditions and your documentation may be different from this example. Refer to 24 CFR 58.38 (a) and (b).

The site-specific review checklist (of the now identified sites) must be completed for each site and should contain all elements that were not documented to be in compliance at the broad level of the review (statutory worksheet).

STATUTORY WORKSHEET

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Use this worksheet only for projects that are **Categorically Excluded** per 24 CFR § 58.35(a).
NOTE: Compliance with the laws and statutes listed at 24 CFR §58.6 must also be documented.

PROJECT NAME and DESCRIPTION - Include all contemplated actions that logically are either geographically or functionally part of the project: **Lake County Neighborhood Stabilization Program**

This proposal is determined to be **Categorically Excluded** according to: **24 CFR § 58.35(a)**

DIRECTIONS - Write "A" in the Status Column when the proposal, by its scope and nature, does not affect the resources under consideration; or write "B" if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

Compliance Factors:

STATUTES, EXECUTIVE ORDERS AND REGULATIONS LISTED AT 24 CFR §58.5	A/B	COMPLIANCE DETERMINATION AND DOCUMENTATION
HISTORIC PRESERVATION 36 CFR PART 800	A	See Unspecified Site Strategy Below.
FLOODPLAIN MANAGEMENT 24 CFR §55 & EXECUTIVE ORDER 11988	A	See Unspecified Site Strategy Below.
WETLAND PROTECTION EXECUTIVE ORDER 11990	A	See Unspecified Site Strategy Below.
COASTAL ZONE MANAGEMENT ACT SECTIONS 307(c) & (d)	A	Coastal Zone compliance has been documented by a Clearinghouse review. This activity is compliant and exempt. Letter attached.
SOLE SOURCE AQUIFERS 40 CFR 149	A	Area does not lie within either of 2 sole source aquifers in Florida. See Sole Source Aquifer Program Ground Water Protection - Region 4 US EPA . Map attached.
ENDANGERED SPECIES ACT 50 CFR 402	A	Work will occur on existing developed, single family residential sites only. The footprint will not be expanded. See unspecified site strategy.
WILD AND SCENIC RIVERS ACT SECTIONS 7(b) & (c)	A	There are only two in Florida; neither in the area of work. See map attached.
CLEAN AIR ACT SECTIONS 176(c)(d) & 40 CFR 6, 51, 93	A	Rehab does not require additional compliance with the CAA because no development is created that would contribute to air pollution.
FARMLAND PROTECTION POLICY ACT 7 CFR 658	A	Work will occur on existing developed, single family residential sites only. No farmland will be affected.
ENVIRONMENTAL JUSTICE EXECUTIVE ORDER 12898	A	Work will occur on existing developed, single family residential sites only. No off site impacts.
NOISE ABATEMENT & CONTROL 24 CFR §51B	A	There will be no new projects exposing more persons to potential hazards. All units will be single family rehabilitation on site.
EXPLOSIVE & FLAMMABLE OPERATIONS 24 CFR §51C	A	See Unspecified Site Strategy Below.
HAZARDOUS, TOXIC OR RADIOACTIVE MATERIALS & SUBSTANCES 24 CFR 58.5(i)(2)	A	See Unspecified Site Strategy Below.

AIRPORT CLEAR ZONES & ACCIDENT POTENTIAL ZONES 24 CFR 51D	A	See Unspecified Site Strategy Below.
---	---	--------------------------------------

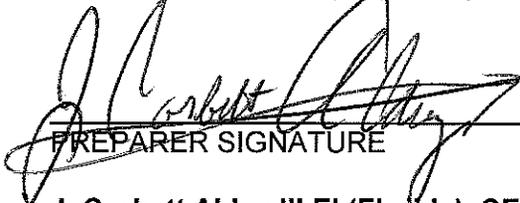
Other Factors	A/B	Source or Documentation
Flood Disaster Protection Act [Flood Insurance - §58.6(a)]	A	Flood Insurance is required for any units within the 100 year flood plain.
Coastal Barrier Resources Act [Coastal Barrier Improvement Act - §58.6(c)]	A	Not in the project area. Will not be addressed with Federal Funds. See location map.
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	A	Airport, Regional Planning Agency, County Planning and Homeowner will be Notified. Any comments with be addressed.

Determination:

This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be committed and drawn down** for this (now) EXEMPT project; **or**

This project cannot convert to Exempt status because one or more statutes or authorities require formal consultation or mitigation. Complete consultation / mitigation protocol requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down funds; **or**

The unusual circumstances of this project may/will result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.



PREPARER SIGNATURE

J. Corbett Alday III EI (Florida), CEO Guardian CRM Inc.

PREPARER NAME & TITLE

July 30, 2009

DATE

RESPONSIBLE ENTITY AGENCY OFFICIAL SIGNATURE

Welton G. Cadwell, BCC Chairman

NAME & TITLE:

August 6, 2009

DATE

Step 4
Unspecified Site Strategy Process
"The Written Strategy"
EXAMPLE

This written strategy describes the method for the phased environmental review of housing related activities as described in the project description. The sites will be evaluated using the site specific review checklist. The site specific review must be used ONLY for activities described in the attached project description. All documentation for the compliance factors included in the site specific review must be completed prior to committing funds for the individual sites.

Unspecified Site Strategy:

Historic Preservation:

The National Historic Preservation Act of 1966 as amended (see Sections 106, 110 in particular) mandate that agencies with jurisdiction over Federal assisted, licensed or approved activities afford the Advisory Council on Historic Preservation and State Historic Preservation Office (SHPO) reasonable opportunity to comment on the project's impact to historic properties. All projects having a potential impact on historic property (50 years and older) will be submitted to the SHPO for comment. Any determined impacts will be mitigated, in cooperation with the SHPO.

Floodplain Management:

In response to Executive Order 11988 Floodplain Management (see 24 CFR Part 55, Flood Disaster Act 1973 each project site shall be reviewed to determine if in the 100 Year Floodplain. Floodplain determination shall be a part of the project site specific checklist (form include in Environmental Review Record (ERR)). FIRM maps will be consulted for each site. For any activities not excluded at 24 CFR Part 55.12, the "Eight Step Decision Making Process" will be completed to determine if there is an alternative to funding the project in the flood plain. If there is no alternative to funding a project in the floodplain, mitigating measures will be developed to minimize effects. All actions in the 100 Year Floodplain require flood insurance. The County participates in the National Flood Insurance Program.

Wetlands Protection:

In accordance with Executive Order 11990, each site will be visually observed and USFW National Wetlands Inventory Maps will be consulted. However, only single family residential rehabilitation will be addressed. Newly developed property and the associated disturbance of soil will not be addressed. The footprints of residential units being rehabilitated on site will not be increased more than codes and zoning allow for the existing residential site.

Coastal Areas Protection:

Hazards:

Each specific site will be observed for potential hazards and property history will be considered as required (24 CFR Part 56.5). Rehabilitation units will not increase the number of persons who can live on the residential site, so no requirements are triggered by the work. Rehabilitation units will not disturb the site or soil with new construction.

Runway Clear Zones:

The County Planning Office and Regional Planning Council will be notified if a rehabilitation unit is within the clear zone, as will the resident. Footprints of residential units will not be increased beyond zoning and code compliance for the existing residential property.

Step 5 Sample Site Specific Review Checklist (Sample Form)

This checklist is for categorically excluded activities as listed in the unspecified site strategy.

Address of Site _____
Signature of Person Who Inspected Site _____
Initial Signature _____
Date of Completed Review _____

If there are more than 4 new construction units together, this form cannot be used. Refer to 24 CFR Part 58.35 (a)(4). Develop the Site Specific Review checklist which contains only the items that could not document compliance on the Broad Review.

1. Floodplain Management:

Check the Flood Insurance Rate Map (FIRM) to determine if the site is in the Floodplain (500 year for critical actions, 100 year for all other activities) _____ yes _____ no

If yes, and site involved new construction or major rehabilitation, the eight step decision making process is required as described at 24 CFR Part 55.20.

If no, attach a photocopy of the portion of the map that indicates your site is not in the Flood Plain.

2. Historic Preservation:

Is the structure on the site or structure adjacent to the site more than 50 years old?

_____ age of structure on your site _____ age of structure on adjacent sites
_____ yes, _____ no, OR

Is the site in a historic district?

_____ yes, _____ no, OR

If you are disturbing the soil, does your site have potential to contain archeological properties?

_____ yes, _____ no, OR

If yes to any of the above, then contact State Historic Preservation Office (SHPO) to determine if the property is eligible for the National Register of Historic Places.

3. Hazardous Operations

b. Hazardous Operations

For rehabilitation, determine the acceptable separation distance ONLY is increasing the number of individuals subjected to potential hazard.

For new construction, continue below:

Are there any above ground storage tanks of more than 100 gallons within 1 mile of the site that contain explosive or flammable liquids? _____ yes _____ no

If yes, refer to page 51 and 52 of HUD Hazard Guidebook. Collect information about the size, contents and determine if the tank is under pressure. **A site located at a distance less than the ACCEPTABLE SEPARATION DISTANCE should be rejected or mitigated.**

For example, if the separation distance is 150 feet, a site that is located at 125 feet should be rejected.

c. Toxics

Observe the site for any evidence that a toxic material could be present on the site such as: distressed vegetation, vent or fill pipes, storage tanks, pits, ponds or lagoons, stained soil or pavement, pungent, foul or noxious odors, past uses of the site. _____ yes _____ no

Reject any site that has a presence of Toxics or require cleanup prior to purchasing the site.