

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
CLAY COUNTY, FLORIDA

IN RE:            PETITION TO ESTABLISH            )  
                     LAKES AT BELLA LAGO COMMUNITY        )  
                     DEVELOPMENT DISTRICT            )

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

STATE OF FLORIDA  
COUNTY OF   Duvall  

I, Peter Ma, 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 Peter Ma, P.E., and I am employed by England-Thims & Miller, Inc., as a Civil Engineer.
3.        The prepared written, pre-filed testimony consisting of nine (9) pages, submitted under my name to the Board of County Commissioners of Clay County, Florida relating to the Petition to Establish Lakes at Bella Lago 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 Lakes at Bella Lago Community Development District 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 are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the nature of the proposed development plan of public infrastructure of the Petition to Establish Lakes at Bella Lago Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, 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 6th day of January, 2023.

  
Peter Ma, P.E.

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 6<sup>th</sup> day of January, 2023, by Peter Ma, P.E., who is personally known to me or who has produced \_\_\_\_\_ as identification.

ALEX JACOBS  
Notary Public, State of Florida  
My Comm. Expires 02/19/2025  
Commission No. HH79522

  
\_\_\_\_\_  
(Official Notary Signature & Seal)

Name: Alex Jacobs  
Personally Known   
OR Produced Identification \_\_\_\_\_  
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**TESTIMONY OF PETER MA FOR THE  
LAKES AT BELLA LAGO COMMUNITY DEVELOPMENT DISTRICT  
ESTABLISHMENT**

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

Peter Ma, 14775 Old St. Augustine Road, Jacksonville, Florida 32258

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

Executive Vice-President at England-Thims & Miller, Inc.

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

I have progressed in the company for 30 years and held this position for the last 8 years.

**4. Does your firm, England-Thims & Miller, Inc. represent Mattamy Homes Jacksonville, LLC (“Petitioner”)?**

Yes. My firm serves as the Engineer of Record.

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

Obtained Bachelor of Science in Civil Engineering in 1988 from the University of Florida.

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

Obtained Professional Engineer license in the state of Florida in 1993 and the state of Georgia in 2008.

**7. Have you been involved in any developments of the type and nature similar to those in the proposed Lakes at Bella Lago Community Development District (“District”)?**

I have over 34 years of Engineering experience. I am the Engineer of Record for large master planned communities, large and small residential developments, commercial and industrial developments, public roadways and recreational projects.

**8. Are you familiar with the Petition filed by Petitioner with the Clay County Board of County Commissioners on or around December 9, 2022, 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.

- 1 **9. Are you familiar with those parcels of land proposed to be included in the District**  
2 **that are located within Clay County, Florida (“County”)?**  
3  
4 Yes, I am.  
5
- 6 **10. Are you generally familiar with the geographical area, type, and scope of development**  
7 **and the available services and facilities in the vicinity of the proposed District?**  
8  
9 Yes, I am.  
10
- 11 **11. Which documents did you prepare or have others prepare under your supervision?**  
12  
13 Exhibit 1, Exhibit 2, and Exhibits 4 through 7.  
14
- 15 **12. Do any of those exhibits require any change or correction?**  
16  
17 Not to my knowledge.  
18
- 19 **13. Are Exhibits 1 and 2, and Exhibits 4 through 7 to the Petition true and correct?**  
20  
21 Yes, to the best of my knowledge.  
22
- 23 **14. In general, what do Exhibit 1, Exhibit 2, Exhibit 4, Exhibit 5, Composite Exhibit 6**  
24 **and Exhibit 7 to the Petition demonstrate?**  
25  
26 These exhibits demonstrate the general location and nature of the proposed improvements,  
27 as well as legal descriptions of the proposed District boundaries. They also describe the  
28 types of facilities, future ownership, operation and maintenance, and the estimated costs of  
29 construction.  
30
- 31 **15. What capital facilities are presently expected to be provided by the District?**  
32  
33 At present, the District is expected to provide a stormwater management system, roadway  
34 improvements, water and sanitary sewer systems, landscape and hardscape, amenities and  
35 related improvements.  
36
- 37 **16. Based upon your training and experience as an engineer, do you have an opinion as**  
38 **to whether the proposed District is of sufficient size, compactness, and sufficient**  
39 **contiguity to be developed as a functional interrelated community?**  
40  
41 Yes. Based on my experience, the proposed District is of sufficient size, compactness, and  
42 contiguity to be developed as a one functional interrelated community.  
43
- 44 **17. What is the basis for your opinion?**  
45

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

3  
4 First, there are sufficient, significant infrastructure needs for the area within the proposed  
5 District to allow development as a functionally interrelated community.

6  
7 Second, the specific design of the community allows infrastructure to be provided in a cost-  
8 effective manner. The land included within the proposed District area is contiguous, which  
9 facilitates an efficient and effective planned development.

10  
11 Third, the provision of services and facilities through the use of one development plan  
12 provides a contiguous and homogenous method of providing services to lands throughout  
13 the District.

14  
15 **18. In your opinion, you said the proposed District is sufficiently compact and contiguous**  
16 **to be developable as a functionally interrelated community. Would you please explain**  
17 **what you mean when stating that the proposed District is of sufficient compactness?**

18  
19 The District will encompass approximately 254.16 acres, more or less and will provide a  
20 range of residential and residential-support land uses that require the necessary elements  
21 of infrastructure including roadways, potable water systems, wastewater systems, surface  
22 water management systems, landscape and recreational facilities and other improvements  
23 described in the Petition. The proposed District will have sufficient overall residential  
24 density to require all the above-mentioned necessary elements of infrastructure of a  
25 comprehensive community. These facilities and services require adequate planning,  
26 design, financing, construction, and maintenance to provide the community with  
27 appropriate infrastructure. The preferred method of developing land, especially for higher  
28 density residential uses, is for the development to be spatially compact. This augments the  
29 District's ability to construct and maintain improvements, and provide services, in a cost-  
30 efficient manner.

31  
32 The lands within the proposed District will be developed in phases within the boundaries  
33 of the proposed District as shown in the Petition, being constructed independent from the  
34 others, but with a common overall design and functionality. Also, all the lands will share a  
35 common recreational element(s).

36  
37 **19. Can you provide an example of a service or facility and explain why a CDD is a**  
38 **preferred alternative for long-term operation and maintenance?**

39  
40 Yes. A good example would be a stormwater management system. Both a CDD and a  
41 homeowner association are permitted to operate and maintain such systems under  
42 applicable St. Johns River Water Management District ("SJRWMD") rules. However,  
43 SJRWMD rules generally require homeowners' associations to provide significantly more  
44 information and documentation before the SJRWMD. This additional information is  
45 required to ensure that the association has the financial, legal, and administrative capability

1 to provide for long-term maintenance of the stormwater management system. Such  
2 documentation generally must (1) indicate that the association has the power to levy  
3 assessments; (2) mandate that the association will operate and maintain such systems; and  
4 (3) provide that the association cannot be dissolved until another entity is found to maintain  
5 the system.  
6

7 In comparison, a CDD is a perpetual local government unit, which by law has the requisite  
8 assessment authority, including the ability to collect such assessments on the county tax  
9 roll. Thus, a CDD generally must simply provide a letter to the SJRWMD stating that the  
10 CDD will accept operation and maintenance responsibility. All things being equal, a CDD  
11 is preferred over a homeowners' or property owners' association for operation and  
12 maintenance of a stormwater management system.  
13

14 **20. Does the establishment of the District obviate the need for local land development**  
15 **regulations, ordinances or plans?**  
16

17 No. Section 190.004 of the *Florida Statutes* explicitly provides that the establishment of a  
18 CDD does not in any way impact or change the applicability of any governmental planning,  
19 environmental and land development laws, regulations, and ordinances. A CDD cannot  
20 take any action that is inconsistent with the comprehensive plan, code of ordinances or  
21 regulations of the city or county within which it is located.  
22

23 **21. Based on your experience, do you have an opinion as to whether the services and**  
24 **facilities to be provided by the proposed District will be incompatible with the**  
25 **capacities and uses of existing local and regional community facilities and services?**  
26

27 Yes. It is my opinion that the proposed services and facilities of the proposed District will  
28 not be incompatible with the capacity and uses of existing local or regional community  
29 development services and facilities.  
30

31 **22. What is the basis for your opinion?**  
32

33 Currently, none of the planned infrastructure improvements that the proposed District plans  
34 to provide exist on the subject property in a manner which is useful to the proposed  
35 development. Each of the elements of infrastructure for the necessary services and facilities  
36 will connect into the existing, surrounding systems according to criteria, review and  
37 approval of the existing operational entity; there will be no incompatibility issues.  
38

39 **23. Based on your experience, do you have an opinion as to whether the area to be**  
40 **included within the proposed District is amenable to being served by a separate**  
41 **special district government?**  
42

43 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is  
44 amenable to being served by a separate special district government.  
45

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

2 The proposed District is limited in purpose and the infrastructure improvements to be  
3 provided by the proposed District are limited in scope. This infrastructure is expected to  
4 directly benefit the development and may be adequately served by a special district  
5 government. In addition, special district governance provides a mechanism whereby long-  
6 term maintenance obligations can be satisfied by the persons primarily using the facilities  
7 and services.  
8

9 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**  
10 **proposed District is a viable alternative for delivering community services and**  
11 **facilities to the areas that will be served by the proposed District?**  
12

13 Yes. It is my opinion that the proposed District is a viable alternative for providing the  
14 proposed services and facilities to the land to be included within the proposed District.  
15

16 **26. What are the alternatives contemplated in rendering this opinion?**  
17

18 There would be two alternatives to the establishment of the proposed District. First, to  
19 facilitate economic development, accommodate new growth, and provide new services, the  
20 County could perhaps provide the selected facilities. The second alternative would be for  
21 the developer or property owners association (“POA”) to provide the infrastructure using  
22 private financing.  
23

24 **27. How does the proposed District compare to these alternatives?**  
25

26 By comparison of the alternatives referenced above, from a planning perspective, the  
27 proposed District is the best alternative available to provide the necessary infrastructure  
28 improvements. As a special-purpose “local government”, the proposed District is a stable,  
29 long-term public entity capable of constructing, maintaining and managing the proposed  
30 elements of infrastructure of the necessary facilities and services. The limited purpose and  
31 scope of the District, combined with the statutory safeguards in place, such as notice of  
32 public hearings and access to district records, would ensure that the proposed District is  
33 responsive to the infrastructure needs of the proposed District. The proposed District  
34 would be able to obtain low-cost financing to provide the necessary improvements and then  
35 impose special or non-ad valorem assessments upon the property owners within the District  
36 to fund the infrastructure.  
37

38 Only a CDD allows for the independent financing, administration, operations and  
39 maintenance of the land within the District. Only a CDD allows district property owners,  
40 and eventually residents, to completely control the district board and, therefore, the timing  
41 and extent of infrastructure improvement and maintenance. Knowing when, where and how  
42 infrastructure will be needed to service the projected population of an area allows for the  
43 smooth delivery of those facilities. The proposed District exceeds other available  
44 alternatives at focusing attention to when and where and how the next system of  
45 infrastructure will be required for this specific area. This results in a full utilization of

1 existing facilities before new facilities are constructed. It reduces the delivered cost to the  
2 citizens being served. All other alternatives do not have these characteristics.

3  
4 **28. In the course of your work in Florida, have you had an opportunity to work with the**  
5 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

6  
7 Yes. In the course of producing planning documents for private development proposals, I  
8 have often referred to the State Comprehensive Plan.

9  
10 **29. In the course of your work in Florida, have you had an opportunity to review local**  
11 **government comprehensive plans?**

12  
13 Yes. In fact, I have reviewed the Clay County Comprehensive Plan in the course of my  
14 work.

15  
16 **30. At this point, I will ask you to address certain matters that are related to land use and**  
17 **comprehensive planning. Are you familiar with the development approvals that have**  
18 **been obtained or are being sought by the Petitioner to govern the lands within the**  
19 **proposed District?**

20  
21 Yes, I am.

22  
23 **31. Based upon your training and experience as a civil engineer specializing in land**  
24 **development, do you have an opinion as to whether the proposed District is**  
25 **inconsistent with any portion or element of the State Comprehensive Plan found in**  
26 **Chapter 187, *Florida Statutes*?**

27  
28 Yes.

29  
30 **32. What is that opinion?**

31  
32 In my professional opinion, the proposed District is not inconsistent with the applicable  
33 provisions of Chapter 187, *Florida Statutes*.

34  
35 **33. What is the basis for your opinion?**

36  
37 I have reviewed, from a planning perspective, applicable portions of the State  
38 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides  
39 long-range policy guidance for the orderly social, economic, and physical growth of the  
40 state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous  
41 goals and policies. Three subjects are particularly relevant, from a planning perspective, to  
42 the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 -  
43 Plan Implementation. Several of the policies and goals are particularly supportive of the  
44 establishment of the proposed District.

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

3  
4 This goal recognizes the importance of enhancing the quality of life in the State of Florida  
5 and attempts to do so by ensuring that development is located in areas that have fiscal  
6 abilities and service capacity to accommodate growth. CDDs are designed to provide  
7 services and facilities in a fiscally responsible manner to areas which can accommodate  
8 development. The proposed District is consistent with this goal because it will continue to  
9 have the fiscal capability to provide a range of services and facilities to a population in a  
10 designated growth area.

11  
12 **35. Are any of the policies under subject No. 15 relevant?**

13  
14 Yes. Policy 1 promotes efficient development activities in areas which will have the  
15 capacity to service new populations and commerce. The proposed District will be a vehicle  
16 to provide high quality services in an efficient and focused manner over the long term.

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

19  
20 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,  
21 orderly and efficient manner. In particular, Policy 3 states that the cost of new public  
22 facilities should be allocated to existing and future residents on the basis of the benefits  
23 received. Policy 6 also encourages the identification and implementation of innovative but  
24 fiscally sound and cost-effective techniques for financing public facilities. Establishment  
25 of the proposed District will further this goal and related policies.

26  
27 **37. Why is subject No. 25, the other subject you mentioned, relevant to the establishment**  
28 **of the proposed district?**

29  
30 Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning  
31 capabilities be integrated into all levels of government throughout the state, with particular  
32 emphasis on improving inter-governmental coordination and maximizing citizen  
33 involvement. The proposed District will operate through a separate and distinct Board of  
34 Supervisors who will systematically plan the construction, operation and maintenance of  
35 public improvements and community facilities authorized under Chapter 190, *Florida*  
36 *Statutes*, subject to and not inconsistent with the local government comprehensive plan and  
37 land development regulations. Further, meetings held by the Board of Supervisors are  
38 publicly advertised and open to the public.

39  
40 **38. Are there any relevant policies in this portion of the State Comprehensive Plan?**

41  
42 Yes. Policy 6 encourages public citizen participation at all levels of policy development,  
43 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the  
44 establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD,  
45 the election of the Board of Supervisors begins to transition from a landowner-elected

1 Board to a resident-elected Board. Regardless of whether the board is elected by the  
2 landowners or the residents, the District must convene its meetings in accordance with  
3 government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This  
4 encourages citizen participation in the planning and operational activities of the District.  
5

6 **39. Based upon your training and experience as a land development engineer, do you**  
7 **have an opinion as to whether establishment of the proposed District is inconsistent**  
8 **with any portion or element of the Comprehensive Plans of the County?**  
9

10 Yes, I do.

11  
12 **40. What is that opinion?**  
13

14 In my professional opinion, the establishment of the proposed District is not inconsistent  
15 with any applicable provisions of the County's Comprehensive Plan.  
16

17 **41. What is the basis for that opinion?**  
18

19 Since Chapter 190, *Florida Statutes*, prohibits any community development district from  
20 acting in a way inconsistent with the local government's comprehensive plan, the  
21 exercising of any power must be done with the comprehensive plan in mind. Any  
22 construction activities of the District will require County permitting review under  
23 established procedures. Therefore, the use of those powers granted to the District does not  
24 make it inconsistent with the County's Comprehensive Plan. In addition, the following  
25 elements of the County's Comprehensive Plan generally relate to and are consistent with  
26 establishment of the proposed District.  
27

28 Development Policies

- 29 • Future Land Use - Development Areas
- 30 • Conservation - Surface Water and Development  
31 Regulations
- 32

33 Public Facilities Policies – The District will have both the funding source  
34 and the authority to provide needed infrastructure and services to this  
35 compact, urban growth including:

- 36 • Infrastructure Element - Sanitary Sewers, Storm-water  
37 Management, Potable water
- 38 • Recreation and Open Space Element  
39

40 Implementation Policies

- 41 • Intergovernmental Coordination Element
- 42 • Capital Improvement Element  
43

1 It is my opinion, therefore, that with respect to the establishment of the proposed District,  
2 the proposed District will not be inconsistent with any applicable element or portion of the  
3 Capital Improvement Element.

4 **42. Does this conclude your testimony?**

5  
6 Yes, it does.