

RESOLUTION NO. 86-65

A RESOLUTION AND DEVELOPMENT ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE APPLICATION FOR
FIRST INCREMENTAL DEVELOPMENT APPROVAL
OF ST. JOHNS HARBOUR, INC. FOR ST. JOHNS HARBOUR,
SUBJECT TO CERTAIN CONDITIONS

WHEREAS, on July 9, 1984 St. Johns Harbour, Inc., a Florida Corporation, hereinafter referred to as "Applicant" or "Developer", submitted to St. Johns County, Florida an initial Application for Incremental Development Approval for a development of regional impact (DRI) known as "St. Johns Harbour", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on June 28, 1985 Applicant responded to requests from the Northeast Florida Regional Planning Council (RPC) for additional information by filing a supplement to said Application for Incremental Development Approval, said June 28, 1985 supplement having been titled - Application For Development Approval First Incremental; and

WHEREAS, the RPC submitted its Development of Regional Impact Assessment Report for St. Johns Harbour AMDA and AIDA dated August 1, 1985 (RPC Report); and

WHEREAS, the RPC Report, as amended, and the June 28, 1985 Application for Development Approval First Incremental are hereinafter collectively referred to as the ("AIDA") with any conflicts between the two documents being controlled by the RPC Report and with the recommendations within the RPC Report being deemed to be mandatory requirements; and

WHEREAS, St. Johns Harbour as proposed in the AIDA is a planned community located on approximately 1,799.21 acres in St. Johns County, Florida consisting of 2,910 residential units and related commercial, institutional, recreational, manufacturing and other uses; and

WHEREAS, pursuant to Section 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of St. Johns County, Florida (hereinafter referred to as either "Commission" or "County"), as the local government having jurisdiction, is authorized and required by law to consider the St. Johns Harbour DRI AIDA; and

WHEREAS, the County has received and reviewed the report and recommendations of the RPC, which recommends approval of the AIDA subject to certain conditions; and

WHEREAS, the County on December 10, 1985 and on May 27, 1986 held public hearings on the AIDA at which all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence, and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, all persons and parties present at the hearing were given fourteen (14) days after the December 10, 1985 public hearing to file written comments and submit further written evidence and no person or group chose to do so; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice of said hearing was duly published in the St. Augustine Record on November 2, 1985, and March 27, 1986, and was duly provided to the Florida Department of Community Affairs (DCA), the RCP, and other persons designated by DCA rules; and

WHEREAS, the County conducted a further public hearing on January 28, 1986 where it fully considered the AIDA, the report of the RPC, and the evidence of record presented at the several public hearings, and was otherwise fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THAT SAID BOARD OF COUNTY COMMISSIONERS MAKES THE FOLLOWING FINDINGS OF FACT:

1. The legal description of the property comprising the proposed St. Johns Harbour DRI is set forth on pages 5-1 through 5-7 of the AIDA, which is incorporated herein by reference.

2. When developed in accordance with the conditions imposed by this development order, the St. Johns Harbour DRI:

A. will not have a significant negative impact on the environment and natural resources of the region;

B. will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

C. will efficiently use water, sewer, solid waste disposal, public schools, and other necessary public facilities;

D. will efficiently use public transportation facilities;

E. will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

F. will not create an unreasonable additional demand for, or additional use of, energy.

BE IT FURTHER RESOLVED AND ORDERED THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ENTERS THE FOLLOWING CONCLUSIONS OF LAW:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and all conditions precedent to the granting of incremental development approval required by Chapter 380, Florida Statutes, have occurred.

2. The proposed St. Johns Harbour DRI is not located in an area of critical concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

3. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

4. The proposed St. Johns Harbour DRI, subject to the conditions imposed by this development order, is consistent with the St. Johns County Comprehensive Plan, subdivision regulations, and other local land development regulations.

5. The proposed development is in all material aspects consistent with the report and recommendations of the RPC submitted pursuant to Section 380.06(12), Florida Statutes.

6. The AIDA for the St. Johns Harbour DRI is hereby approved conditioned upon compliance with and subject to the general and special conditions of development contained in Attachment "A" and those conditions or portions thereof contained in Attachment "B" that are generally or specifically applicable to that portion of the overall master St. Johns Harbour Master Development Order contained in this Phase I First Incremental Development Order (AIDA). Both Attachment "A" and the applicable

portions of Attachment "B" are made a part hereof by reference and shall be complied with and followed.

7. This resolution constitutes the First Incremental Development Order ("IDO") pursuant to Section 380.06, Florida Statutes, for the St. Johns Harbour DRI. The AIDA and supplemental information filed by the Applicant are incorporated herein by reference and the proposed development shall be carried out substantially in conformance with the AIDA and the First Incremental Development Order. The AIDA is amended by any inconsistent terms of this resolution and the attachments incorporated herein by reference and the terms of this resolution and attachments shall prevail.

8. The County Planning Official is designated as the local official responsible for receiving and monitoring the annual reports and assuring compliance by the Developer with this development order. The Developer shall submit to the County Planning Official the annual reports required by law and by this IDO and such other reports as the County Planning Official may reasonably require. The procedure for review of Planned Unit Developments under Article 8 of the St. Johns County Zoning Ordinance and the County Subdivision Regulations shall both be followed to facilitate such compliance monitoring by the County Planning Official. The provisions of Section 380.06(17), Florida Statutes as amended, shall apply to this Incremental development order. Section 380.06(17), Florida Statutes, currently provides:

"The local government issuing the development order is primarily responsible for monitoring the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order."

9. This IDO shall take effect upon adoption and shall remain in effect for the duration of the development as described in the AIDA. The effectiveness of this IDO may be extended prior to its termination date (which is 6 years from the date hereof) by the County upon a timely showing by the Applicant of excusable delay and a showing that the completed portions of the development substantially comply with the conditions of this IDO. The period of effectiveness of this IDO shall be tolled during any period of time during which there is any building permit moratorium affecting the property within the St. Johns Harbour DRI boundary imposed by St. Johns County, Florida or other governmental agency having authority to do so.

10. Unless otherwise specifically provided in Attachment "A", any changes or cumulative changes proposed by the Applicant to the AIDA, as amended herein, which meet or exceed the limits established in Section 380.06(19)(a) through (d), Florida Statutes, which limits are presumed to be substantial deviations, shall be submitted to the Commission for further review pursuant to Section 380.06, Florida Statutes.

11. Pursuant to Section 380.06(18), Florida Statutes, Applicant shall provide an annual report relating to its activities to the County Planning Official, the RPC, the DCA, and all affected permit agencies no later than January 15 of each year during the term of this IDO, commencing January 15, 1987. The annual report shall contain the following information:

A. A description of any changes made in the proposed plan of development, phasing, or in the representations contained in the AIDA since the DRI received approval and any actions (substantial deviation or non-substantial deviation determinations) taken by local government to address these changes.

B. A summary comparison of development activity proposed and actually conducted during the preceding calendar year, and projected for the ensuing calendar year, to include: site improvements, number of dwelling units constructed by type, and gross floor area constructed by land use, type and location, with appropriate maps.

C. If any undeveloped tracts of land in the development (other than individual single-family lots) have been sold to a separate entity or developer, identify location, size, and the buyer, with map(s) which show the parcel and pod involved.

Parcel/Pod(s)

Buyer Name and Address

D. A description of any lands purchased or optioned within 1/2 mile of the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

E. A listing of any substantial local, state and federal permits which have been obtained, applied for, or denied, during this reporting period. Specify the agency, type of permit, parcel, location(s), and activity for each.

F. The number of permanent employees on all parcels of the project who regularly commute in car or van pools.

G. The number of school children from all parcels enrolled in County schools, by grade.

H. The energy conservation measures which have been implemented in the preceding calendar year, as contained in the energy-related Developers Commitments and Conditions to this IDO, including the status of the compliance with the Incremental Development Building Code by all builders, and status of the compliance by the homeowners with the retention of native vegetation and use of energy-conscious landscaping in initial construction.

I. Water quality data from monitoring of runoff during construction phases through buildout and until such time as determined by the RPC.

J. All wetlands identified as preserved wetlands in the "AMDA" as AMDA is defined in the Master Development Order ("MDO") that pertains to the lands regulated by this IDO (said MDO having been enacted by St. Johns County on the same date as the enactment of this IDO) shall be adequately monitored for changes to the existing vegetation conditions through the use of visual survey annually. The data from such monitoring and a summary thereof shall be included in the report.

K. Traffic reports [which shall be submitted to the Florida Department of Transportation (FDOT) District Office in Deland in addition to the County, RPC and DCA] providing the following information:

(i) The data and maps required in A and B of this section.

(ii) Traffic counts, a.m. and p.m. peak hour turning movements where applicable, and levels of service on the roads and intersections listed below, actual for the preceding calendar year and projected for the ensuing calendar year as detailed in each AIDA; Actual FDOT traffic counts shall be used where possible. If actual FDOT counts are not available for any or all road segments or intersections, the applicant shall retain, at his expense, an FDOT - or County - approved traffic engineering firm to collect the necessary counts, as follows:

(a) Pacetti Road (CR 13A) (CR 208 to the CR 13A/SR 16/Nine Mile Road intersection);

(b) SR 16;

(c) Nine Mile Road (CR 13A/SR 16/Nine Mile Road intersection to US 1);

(d) CR 13A/SR 16/Nine Mile Road intersection;

(e) US1/Nine Mile Road intersection;

(f) SR 16/CR 16A intersection;

(g) SR 16/SR 13/CR 13 intersection.

(iii) A discussion of actual and projected traffic volumes in terms of the percentage relationship of St. Johns Harbour traffic and non-project traffic using the roads and the intersections identified in (ii) above.

L. Provide a statement certifying that the RPC, DCA and the County and all affected agencies have been sent copies of the annual report in conformance with Subsections 380.06 (15) and (18), F. S.

M. Such other information as the County or RPC shall reasonably request within the scope of the rules adopted by the state land planning agency as provided in §380.06(15)(c)(4), F.S.

12. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation of this IDO.

13. The obligations of this development order shall run with the land. This development order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this IDO.

14. In the event that any portion or any section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this IDO shall remain in full force and effect.

15. Notice of the adoption of this resolution and a certified copy of this resolution shall be recorded in accordance with section 380.06(15)(f)(1), Florida Statutes. This Order shall constitute a land development regulation applicable to the entire property described and incorporated herein by reference and until modified shall be binding as a land development regulation in accordance with its terms on Developer and all subsequent owners of the property.

16. The County Clerk shall transmit a certified copy of this IDO by certified mail to the DCA, the RPC, and the Applicant.

PASSED AND ADOPTED this 27th day of May,
1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Francis N Brubaker
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: Cheryl Kent
Deputy Clerk

ATTACHMENT "A"

The following general conditions are hereby included in the St. Johns Harbour First Incremental Development Order:

1. Commencement of Development. The development shall be subject to further review and approval in the event significant physical development has not commenced within three (3) years from the date hereof. The three (3) year time period shall be tolled during any period of time that the applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the applicant. (Significant physical development can include land preparation, streets, and infrastructure and a substantial combination of those activities defined as "development" in Section 380.04, Florida Statutes.)

2. Wetlands.

(a) The applicant shall demonstrate to the St. Johns River Water Management District ("SJRWMD") at the time of permit application that construction of the lakes/water bodies shall not cause alterations in hydrological cycles or the biological integrity of the wetlands either during construction or during the life of the project. The applicant shall provide for spreader swale discharge from multiple points along the lake/water body/wetland interfaces to stimulate sheetflow from the uplands. The redesign shall be submitted to the RPC for approval in consultation with the SJRWMD and DER.

(b) Planned wetland crossings shall be limited to the narrowest practical portion with roadway, bicycle and golf cart crossings combined at the same locations.

(c) Nature trails/walks shall be minimized so as to reduce direct and indirect wetland and habitat impacts.

(d) All wetlands identified as preserved wetlands in the AMDA shall be monitored for changes to the existing vegetation conditions through the use of remote sensing every five (5) years. The results shall be reported in the annual monitoring report along with a proposed corrective measure for any detected changes in the wetland systems. The developer shall implement such corrective measures as are reasonably necessary to substantially restore the wetland systems effected by development within this IDO to their conditions prior to the changes. The corrective measures shall be implemented only with RPC approval in consultation with SJRWMD, DER and the County during that year, with results reported in the next annual report. This requirement for monitoring will be reviewed for continuation at each submittal.

(e) A twenty-five (25) foot buffer of natural native vegetation shall be preserved between preserved wetlands and development sites, including golf fairways.

(f) Phase One development on Parcel B shall be confined to the northern portion of the parcel, specifically, the southernmost nine golf fairways and lake (east of pods 62 and 63 and proposed fairways #15 and #16) shall not be developed until after 1200 dwelling units have been constructed on Parcel B, or construction begun on the I-95/Nine Mile Road interchange, whichever occurs first.

3. Water Resources.

(a) Prior to the issuance of the certificate of occupancy by the County the applicant will be required to obtain a consumptive use permit from the SJRWMD. In addition, the applicant shall submit the final monitoring results to the SJRWMD and RPC to demonstrate availability of an adequate supply of water.

(b) Prior to any land clearing or development, the applicant shall complete the assessment of the ambient conditions of Six Mile Creek and its tributaries, quarterly, over a 12-month period. The quarterly assessment shall incorporate parameters as stipulated on p. 15-10 of the AMDA. Two additional seasons, July-August and October shall be submitted. A copy of the assessment shall be provided to the RPC, SJRWMD, DER, and the County. Land clearing and development shall not unduly effect such ambient conditions.

(c) In the annual report, the applicant shall provide DER a copy of data resulting from quarterly monitoring of outfall discharges from the site during the construction phases and until one year after buildout. At that time, the annual monitoring plan shall be reviewed by the RPC with input from SJRWMD, DER and the County for possible modification to the parameters and time frame for continued monitoring.

(d) The annual monitoring program shall consist of the parameters for background assessment as stipulated on p. 15-10 of the AMDA. In addition to these parameters, the following shall be included:

- i. Turbidity
- ii. Total Phosphates and Phosphorus
- iii. Fecal Coliform

- iv. Transparency as secchi depth
- v. Suspended solids.

(e) The applicant shall ensure that only biodegradable fertilizers and EPA/DER approved pesticides and fungicides are used within the commercial development and on the golf courses. The applicant shall ensure that buyers/managers of residential sites also adhere to this condition through deed restrictions and covenants that allow the restrictions and covenants to be enforced by the Developer or the County. Developer shall pay the reasonable expenses and costs of enforcement.

(f) The Developer shall adhere to any policy, rules and/or regulation of general application adopted by the SJRWMD or County regulating the use of heat pump systems.

4. Wastewater. In the event the subregional plant is not on line at such time as wasteloadings reach .6 mgd this shall constitute a substantial deviation requiring further development of regional impact review and approval.

5. Drainage.

(a) Any constructed water body shall have the following slopes to a depth of three feet, which will create littoral zones to provide nutrient uptake and habitat areas.

Water bodies with littoral zones:

- i. Adjacent to golf course(s) 10:1
- ii. All water bodies over one acre 7:1
- iii. No more than 20% of the shore line shall be bulkheaded on any water body.

(b) Copies of all permit applications regarding storm water shall be submitted to the RPC for review and comment at the time of submission to the permitting agencies.

(c) The applicant shall prepare a planting and management plan for the littoral zone that surrounds the created water bodies. The plan shall include the types, extent, and timing of planting that will be provided in the littoral zone. The plan shall also identify the management activities which will ensure the continuance and health of the littoral zone and the prevention of mosquito production. The plan shall be subject to approval of the plan by the RPC in consultation with SJRWMD, DER, FGFWFC, and shall be submitted within 30 days of issuance of the IDO.

Developer shall develop and continuously maintain said littoral zone in accordance with the plan.

6. Water Supply.

(a) If the applicant does not construct the sub-regional water plant prior to certificates of occupancy being issued by the County, this shall constitute a substantial deviation requiring further development of regional impact review.

(b) To maximize water conservation, the applicant shall install or cause to have installed water conserving (low volume) water closets, and faucet and shower flow restrictors in all structures, and to the maximum extent feasible shall retain and use storm water for irrigation and indigenous plants for landscaping.

7. Energy.

(a) All outdoor lighting systems in areas such as parking and recreation shall use energy efficient lighting such as high pressure sodium or low pressure sodium or its equivalent.

(b) The applicant shall install, or cause to be installed, bike racks or similar devices at the commercial and recreational facilities.

(c) The applicant shall plant or cause to be planted, a minimum of two native trees with a total diameter equaling a minimum of 7 inches, with no single tree having a caliper of less than 2-1/2 inches to shade each single family residential unit if fewer exist on the lot. The diameter shall be measured at 48 inches above ground level.

8. Education. To partially mitigate the capital outlay demand and impact imposed upon the School Board in serving the education needs of children generated by the project, and to aid the St Johns County School Board in providing convenient educational facilities to serve school age residents of the project and surrounding area, the Developer shall make available to the School Board a 50-acre site as depicted on the Conceptual Development Plan, Map H1, Pod 9 of the AIDA, Phase One. Within one (1) year after the later of (1) the effective date of the ordinance creating the St. Johns Harbour Phase One PUD or (2) the date upon which the right of appeal from this Order expires, or (3) the date of any final decision upon an appeal from this Order, the School Board shall request that the appropriate state agency determine whether the school site depicted on the Conceptual Development Plan meets state standards. Failure of the School Board to make such request within the one year shall

not relieve the Developer of its duties herein. The Developer shall cooperate with the School Board in obtaining state approval of the school site by providing necessary information to the School Board and by providing access to the property for inspection of the site. If requested by the School Board, the Developer shall convey the site to the School Board by Warranty Deed within six (6) months of being requested by the School Board and the School Board shall accept the site. In all deeds granting school sites to the School Board, the Developer may reserve the rights to sub-surface potable water to accommodate potential well sites to serve residents of the project (but no well site shall be located so that it unreasonably interferes with any school activity). The deed shall provide that notwithstanding the reservation by Developer the School Board may drill one or more wells on the site to obtain water for irrigation and recreational use on the site. Developer shall also be entitled to reserve necessary easements for utilities and drainage (provided that such easements do not unreasonably interfere with the use of the site for school purposes) and a right-of-first refusal. The right-of-first refusal shall provide that should the School Board determine that a site will not be used for school or educational purposes within ten (10) years of the later of (1) the effective date of the ordinance creating the St. Johns Harbor Phase One PUD or (2) the date upon which the right of appeal from this Order expires, or (3) the date of any final decision upon an appeal from this Order the School Board shall first offer to convey the property back to the Developer at no charge.

After each site is dedicated, the Developer shall provide the necessary infrastructure, within six (6) months after being requested to do so by the School Board, unless doing so would unreasonably accelerate the Developer's commitment to provide infrastructure within the area of the site (in which case the infrastructure shall be provided within a reasonable time after being requested by the School Board).

To allow the School Board to plan for and construct additional school facilities within the area of, or impacted by, the project as they are needed, the applicant shall pay to the School Board for the first phase, annually for a maximum of six (6) years, or until such earlier time as St. Johns County enacts a Countywide impact fee which contains an element for educational purposes, the following amounts:

Year 1:	\$ 75,000.00
Year 2:	75,000.00
Year 3:	125,000.00
Year 4:	125,000.00
Year 5:	175,000.00
Year 6:	<u>175,000.00</u>

TOTAL DUE:

\$750,000.00

The first annual payment shall be due one (1) year after the latter of (1) the effective date of the ordinance creating the St. Johns Harbour Phase One PUD or (2) the date on which the time for appeal from this Order expires or (3) the date on which the decision on any appeal from this Order becomes final. All such payments made by the Developer to the School Board shall be deposited in a separate trust account and shall constitute a trust fund for use in planning and constructing educational facilities to serve the residents of the project and surrounding area and for no other purpose.

If St. Johns County adopts a Countywide impact fee containing an element for educational purposes, any impact fee applicable to land within the Phase One project that would otherwise be subject to the education impact fee shall, if legally permissible, be reduced by a pro rata credit (which shall be available for 10 years after the date of this Order) for the value of the land, improvements and money previously donated to the School Board by the Developer under the terms of this Order.

For the purpose of calculating the amount of such credit, the value of the 50 acres of land to be dedicated by the Developer shall be the fair market value of the land as determined on the earlier of (a) the conveyance of the site to the School Board; or (b) the imposition of Countywide impact fees. Any improvements made to the site by the Developer shall be credited against future impact fees at the actual cost of such improvements, properly allocated to the school site, at the time the improvements are made. Credit shall be given for monetary contributions on a dollar for dollar basis. Credit shall be allocated among the parcels of land in Phase One subject to the impact fee on a per-acre basis or in such other way as shall fairly apportion the credit under the fee structure created by the ordinance.

9. Transportation.

(a) It shall be a substantial deviation, if at the completion of year 2 of Phase One development or 708 dwelling units at St. Johns Harbour, the applicant has not:

i. Obtained approval from the Federal Highway Administration (FHWA) to construct the Nine Mile / I-95 interchange.

ii. Escrowed the necessary funds with the appropriate governmental entity or filed an acceptable letter of credit with the appropriate governmental entity to construct the Nine Mile Road / I-95 interchange and the relocation of Francis Road; and

iii. Acquired or optioned the needed right-of-way to construct the Nine Mile Road / I-95 interchange and relocate the existing Francis Road located in the southwest quadrant of the proposed interchange site.

In addition, prior to any development occurring on Parcel D, the Developer shall have:

i. obtained approval from the Federal Highway Administration (FHWA) to construct the Nine Mile / I-95 interchange.

ii. Escrowed the necessary funds with the appropriate governmental entity or filed an acceptable letter of credit with the appropriate governmental entity to construct the Nine Mile Road / I-95 interchange and the relocation of Francis Road; and

iii. Acquired or optioned the needed right-of-way to construct the Nine Mile Road / I-95 interchange and relocate the existing Francis Road located in the southwest quadrant of the proposed interchange site.

(b) If the above requirements have not been fully satisfied within the established time period, the applicant may request the Northeast Florida Regional Planning Council (RPC) to extend the time limit for a period not to exceed 12 months. The applicant must demonstrate to the RPC that a concerted effort has been made on his part to comply with the provisions of Recommendation (a).

(c) The applicant shall construct or contract with the appropriate governmental entity for the construction of acceleration, deceleration, and left turn lanes on County and State roads at all entrances to St. Johns Harbour prior to dwelling unit occupancy. These improvements shall be constructed when such entrances are created. The applicant shall provide signalization at all St. Johns Harbour entrances when deemed warranted by St. Johns County or the FDOT, whichever has jurisdiction.

(d) Prior to the occupancy of dwelling units in Parcel C, the applicant shall:

i. Pave, to County standards, Scaff Road from CR 13A (Pacetti Road) to the entrance to Parcel C (St. Johns Harbour Estates);

ii. Construct left and right turn lanes on CR 13A (Pacetti Road) and Scaff Road at the CR 13A / Scaff Road intersection;

iii. Construct the necessary turn lanes on Scaff Road at the Parcel C entrance.

(e) Upon determination by St. Johns County or the FDOT in Phase One, that level of service "C" has been exceeded on the following road segments, new construction at St. Johns Harbour shall not be permitted, until a funding commitment for widening the identified roadways to four lanes has been made by the appropriate governmental agency in a current funded budget. These road segments are:

i. Nine Mile Road (From CR 13A / SR 16 / Nine Mile Road intersection to I-95)

ii. Pacetti Road (CR 13A) (From Parcel B entrance to the CR 13A / SR 16 / Nine Mile Road intersection)

iii. SR 16 (Parcel B entrance to the CR 13A / SR 16 / Nine Mile Road intersection)

iv. The above shall include improvements to the CR 13A / SR 16 / Nine Mile Road intersection, i.e. turn lanes, signalization (when warranted), etc., if such improvements have not already been constructed.

Nothing herein shall be deemed to require such governmental body or agency to fund such commitment with government revenues.

10. Site Development.

(a) Commercial. Each of the commercial sites will be developed as an integrated unit. To achieve this end, plans for each such site shall be submitted for County approval as a single Final Development Plan notwithstanding separate ownership of parcels within the site.

(b) Residential. All residential subdivisions, as defined in the St. Johns County subdivision regulations, that are within the development shall be platted and recorded subdivisions. Although within a PUD and thus normally exempt from subdivision regulations, the residential subdivisions shall nevertheless comply with the County Subdivision Regulations (including those relating to bonding) applicable at the time of platting (except those regulations which are inconsistent with this Order, the St. Johns Harbour Phase One PUD Ordinance or the spirit and intent of the St. Johns County PUD Ordinance).

11. Transfer Station. At the County's request, the Developer shall donate to the County a site and design

satisfactory to the County and Developer for a transfer station for the temporary placement and compaction of household solid waste to be constructed by the County. The County agrees to use reasonable efforts to keep the site and the immediate vicinity clean, to promptly remove all debris deposited at the site and to prevent creation of unsightly conditions on the site. If the transfer station becomes undesirable to the developer in its initial location because of odor, debris or other material scattered in the vicinity, Developer may request the County to relocate the transfer station to another mutually agreeable location in the development. The County shall not unreasonably withhold its approval of either Developer's request or an alternative site proposed by the Developer. Provided the County has otherwise performed its obligations hereunder, Developer shall pay the cost of relocation. When relocation has been effected, Developer shall convey the new site to the County in exchange for the County's reconveyance to Developer of the land containing original site.

12. Utilities. No entity shall provide water and sewer service to the development without a franchise from the Board of County Commissioners. The Board shall grant a franchise to the Developer or to an entity designated by the Developer upon receiving a proper application for such franchise, provided the applicant meets such standards as are generally applicable to utilities in St. Johns County at the time of application. The franchise shall be in substantially the same form and content as the Board then intends to use for other future water and sewer franchises to be granted in the County. Upon mutual agreement between the Developer and the Board, the franchise shall be expandable at a later date to serve adjacent property owners if the Board deems such service appropriate. Developer will cause utilities to be provided to recreation, school and similar sites that have been dedicated pursuant to this Order within 6 months after being requested to do so by the appropriate government agency unless provision of utilities at that time would unreasonably accelerate the Developer's commitment to provide utilities within the area of the site in which case utilities shall be provided within a reasonable time after the appropriate government agency requests them.

13. Lighting. Applicant shall be required to provide street lights within the project. The number, locations, and installation shall be in accordance with the standards approved by St. Johns County during the Final Development plan review and approval process.

14. Fire Service. After year three, or at such time as the Developer has constructed 1,000 dwelling units, St. Johns County may request and the Developer shall construct, within one (1) year of such request, a fire station on the governmental services site located within the Phase One boundaries for permanent use by

the County or its assigns. The fire station shall meet County Fire Service requirements, but shall not exceed a three (3) bay standard station. St. Johns County shall equip the station upon completion of construction. Should the Developer employ or cause to be employed residential sprinkler systems throughout the project, acceptable to the County, the construction of this fire station shall not be required.

The Developer shall install fire hydrants pursuant to County standards. In addition, dry hydrants as per County Fire Service requirements shall be installed in lake or natural water areas where requested by the Fire Service.

Prior to the issuance of permits for any building in excess of thirty-five (35) feet in height, the Developer shall make provisions for fire protection equipment adequate to service such buildings, which is acceptable to St. Johns County.

15. Funding of Improvements. The St. Johns County Board of County Commissioners shall create one or more Municipal Service Taxing Units (MSTU) encompassing the project. To the extent permitted by law, the MSTU shall be used as a vehicle to provide for maintenance of certain capital improvements constructed by the Developer and dedicated or donated to the County or the MSTU from the time the improvements which have been donated and completed according to specifications approved by the County. No such improvements shall be donated unless they are constructed to County standards and accepted by the County or the MSTU.

To the extent allowed by law and deemed necessary by the County or the MSTU, the MSTU shall be responsible for maintenance of:

- (a) All internal major roadways within the project;
- (b) All internal major drainage systems within the project;
- (c) Solid waste removal, as contracted with a county franchised operator;
- (d) Police protection in the project;
- (e) Mosquito control;
- (f) Street lighting; and
- (g) Major recreation facilities (i.e. parks, ball fields, etc.).

16. Water-oriented recreation. On or before June 30, ¹⁹⁸⁷~~1990~~, the Developer will donate to the County not more than ~~two~~ ^{five} acres

of land (the location, size and configuration of which are acceptable to the County) to provide the public with water-oriented access. Developer will construct on the land so donated at its expense a boat ramp, a paved access road, and adequate paved parking area, provided all necessary permits and approvals have been obtained (including approval by the Northeast Florida Regional Planning Council). This shall not preclude the Developer from constructing such facilities on property already owned by the County, should the County request such. *Construction shall be completed within 18 months of donation or selection of the site.*

17. Dedication of Public Lands. Developer shall dedicate to the County without charge and with clear title all governmental sites shown in the AIDA. Except as otherwise provided in this Order, the sites shall be dedicated within 60 days after the Developer receives the County's request to dedicate. If, at or before the time of platting, the County finds any such site to be unacceptable, it may request that the Developer move the site to a mutually agreeable location. In addition, Developer shall, if County so elects, dedicate all or any portion of the internal drainage and roadway improvements to the site to the County. Developer shall provide the necessary roadway and drainage improvements to the governmental sites which have been dedicated to the County within 90 days after being requested to do so by the County unless doing so would unreasonably accelerate the Developer's commitment to provide infrastructure within the area of the site (in which case the improvements shall be provided within a reasonable time after the request).

18. Review Fees. On or before August 30, 1986, Developer shall pay an additional \$3,250.00 to the County for costs incurred in connection with its review of the AIDA and the preparation of this Order. Developer will also pay any review processing fees (such as final development plan review and subdivision review fees) required countywide under duly enacted ordinances or resolutions. Additional reasonable payments and fees may be required if an appeal is taken from this Order or if any action is brought challenging the Phase One PUD Ordinance.

19. Subsequent Review. The development shall be subject to further review and modification if: (a) critical assumptions made in the AIDA prove to be inaccurate to a significant extent, thus rendering the analysis and conclusions based on them significantly in error, or (b) a substantial deviation occurs within the meaning of Section 380.06(19), Florida Statutes, or (c) other circumstances exist that would make such further review and modification appropriate under Florida law or under the terms of this IDO or the MDO.

20. Time. When no specific time limit is provided for performance by the Developer of a requirement contained in this Order, as amended, a reasonable time shall be set by future resolutions of the Board of County Commissioners.

21. Conflict with Zoning. The Developer shall comply with the Phase One PUD zoning for the development area and with all ordinances and regulations of the County that affect the unincorporated areas of the County. In the event of conflict between the Phase One PUD and this Order the more stringent provision shall control.

22. Recommendations of Planning Council. The recommendations contained in the report of the Northeast Florida Regional Planning Council dated August 1, 1985 concerning this development, except where in conflict with this Resolution, as amended, are hereby adopted by this Resolution and incorporated herein, and the Developer shall comply with those recommendations. In the event of a conflict between the RPC recommendation and the AIDA, the RPC recommendations shall control.

23. Approvals contingent on funding of improvements. No Phase One PUD final development plan shall be given by the County until all Developer funding of improvements required by this Development Order which are due at the time the application for Final Development Plan Approval is submitted have been paid in full.

24. Contracts to be Recordable. All contracts for the Sale of Land made by Developer and all other instruments evidencing, or reflecting agreements to sell homesites within the development, whether they are in the form of agreements for deed, contracts for purchase, leases with option to purchase, or otherwise, shall be in recordable form and shall contain a numbered paragraph that contains substantially the following language:

Recording This Contract. This Contract for the Sale of Land is in recordable form, and it may be recorded at Buyer's expense in the official public records of St. Johns County, Florida. Recording may have potential advantages and disadvantages to buyer. Buyer may wish to consult his attorney to determine whether recording this contract would be in his best interests.

25. Impact Fees. This DRI Resolution shall not prevent the County from requiring the payment of impact fees and/or other fees for development or construction within the area described in this resolution when such impact fees and/or other fees are also charged for similar activities within other unincorporated areas of the County. If the County enacts an impact fee ordinance that is applicable on a countywide basis, it shall, to the extent allowed by law, give credit against impact fees so enacted for:

(a) all land, equipment, utilities and infrastructure (including all engineering, planning, design and architectural costs), and funds contributed to the MSTU by the Developer under paragraph 15 hereof or to the County and any other governmental entity in the County, the value of which shall be calculated, unless otherwise provided, as of the time of the contribution; and

(b) all fees and taxes paid to the MSTU by property owners beginning the year in which the impact fee ordinance becomes effective,

to the extent such items and monies were received by the MSTU or the County for the express purpose of financing the same improvements as the impact fee is intended to finance. This provision is intended to assure that the Developer and its property owners will not be required to pay impact fees to the extent they have already made payments to the County, MSTU or other County governmental entities, for the same improvements that the impact fee is intended to provide.

26. Restrictions. All residential lots in the development shall be subjected to recorded use restrictions. When Developer applies to the County for approval of any final development plan within the development, it shall submit a copy of the restrictions that will apply to lots within the plan. Upon approval of the plan and restrictions by the County, the Developer shall immediately record the restrictions in the official public records of the County.

27. State and Federal Law. Developer shall at all times during the buildout of the development comply with the laws and regulations of the State of Florida and the United States of America as they apply to the development.

28. Effective Date. This resolution shall become effective immediately upon its adoption.

ATTACHMENT "B"

DEVELOPERS COMMITMENTS AND CONDITIONS FOR DEVELOPMENT WITHIN THE ST. JOHNS HARBOUR DEVELOPMENTS.

The subtitles and reference numbers relate to the section numbers in the state DRI Application for Development Approval DSP-BLW-11-76.

13. AIR QUALITY

1. No stationary or point sources of air pollution, non-polluting light manufacturing, no heavy industry.
2. Use of water or environmentally safe chemicals to prohibit airborne dust during construction.
3. Roadway network planned to minimize traffic congestion; State ambient air guide standards met after project development.
4. Provide labor/work centers, recreational and convenience commercial facilities in close proximity to residential units to minimize automobile emissions.
5. Provide bike/pedestrian path network to serve as non-motorized transportation alternative.
6. Utilize state of the art planning concepts to maintain high percentages of open space and buffers in all development areas.

14. and 22. ENVIRONMENTAL AND NATURAL RESOURCES: LAND & DRAINAGE

1. Implementation of surface water management plan designed to meet or exceed all existing standards, utilizing best management practices; procure all applicable permits from the St. Johns Water Management District.
2. Utilize naturally low areas for stormwater control ponds; all ponds built below grade utilizing outlet structures to control water levels and filter underdrains where necessary.
3. No water areas will be constructed that will drain jurisdictional Wetlands.
4. Strict adherence to erosion control practices: banks and disturbed areas sprayed with protective covering materials to retard dust in construction; use of grading, seeding, mulching and silt barriers during construction to prevent erosion and siltation.
5. All building and utility plants construction above the 100 year flood plain, all road construction above the 10 year flood elevation.

6. The development site has no known mineral deposits and no mineral extraction will occur. However, small amounts of clay are found in scattered areas near the surface. This material may be used on-site for seepage control.
7. Design storm discharge rates will approximately equal predevelopment rates; detain first 1/2 stormwater run off and retain first 1" of rainfall.

15. ENVIRONMENTAL AND NATURAL RESOURCES: WATER

1. Implement surface water management plan to mitigate runoff and subsequent pollution of receiving waters; enhance recharge of the water table aquifer and eliminate fluctuations in stream discharge.
2. Maintain or improve existing surface water quality (i.e. creeks and streams).
3. Provide acceptable water quality monitoring program coordinated with State agencies.

16. ENVIRONMENTAL AND NATURAL RESOURCES: WETLANDS

1. Minimal disturbance of jurisdictional Wetlands to accommodate roads, golf course crossings, minor residential applications as permissible.
2. No Wetland alteration without appropriate permits.
3. The policy of the developer is to maintain Wetlands in their natural state with certain exceptions where such is impractical or impossible.

17. ENVIRONMENTAL AND NATURAL RESOURCES: FLOOD PLAINS

1. No residential floor construction below 100 year flood elevations; all base floor elevations at least 18 inches above crown of adjacent streets.
2. No net loss of storage within 10 year flood plain; no encroachment into floodway limits.

18. ENVIRONMENTAL AND NATURAL RESOURCES: VEGETATION AND WILDLIFE

Definitions:

Preservation - Limited recreational opportunities requiring no significant site development, e.g., hiking trails, nature walks and riding trails.

Conservation - Open space recreation, low intensity parks which would not change materially the basic character of the existing features.

1. The natural site vegetation is to be maintained wherever practical. It will be enhanced and complemented by the use of indigenous vegetation incorporated into an overall landscaping plan.
2. Of the 6138+ total acres that comprise the project, 1876+ acres (= to 30% of the total site) will be preserved/conserved.
3. No more than 3% of the jurisdictional Wetlands (i.e.: 611, 621, 631) will be impacted by development.
4. Any endangered, threatened and/or rare plant species encountered on the site shall be either preserved (where practicable) or relocated.
5. Existing Wildlife habitat will be preserved and left interconnected, as practicable. Lakes and freshwater marshes will be created to increase wildlife diversity.
6. Ten acres of gopher tortoise burrows (*Gopherus Polyphemus*) shall be maintained.
7. Any active nest trees discovered for the red-cockaded woodpecker will be protected from development.

19. HISTORICAL AND ARCHAEOLOGICAL SITES

1. Should any significant archaeological sites be discovered, they will be preserved or fully tested and salvaged prior to any development in that area.

20. ECONOMY: EMPLOYMENT AND ECONOMICS

(All dollar figures in 1985 constant dollars)

1. Provide a regional commercial light manufacturing, warehousing and office facility.
2. Create more jobs within County and Region (projected at 15,600 non-construction jobs per year at build out).
3. An estimated \$297,353,651 in ad valorem tax generation during project build out. Providing an estimated \$18,300,000 per year thereafter.
4. An estimated \$527,224,000 which will be spent for construction labor during the project life averaging 760 jobs per year.
5. An estimated total construction material expenditure of \$814,804,000.

21. WASTEWATER

1. Developer will construct Wastewater Treatment Facilities with on-site effluent disposal to meet all regulatory standards. Operation and maintenance shall be provided by the Developer.
2. Effluent will be utilized for irrigation.

23. WATER SUPPLY

1. Design and construct Water Supply facilities and systems to all regulatory standards.

Operation and maintenance shall be provided for by the developer.
2. The design of the system will incorporate the provision of Fire Hydrants, to be located not exceeding 300 feet from any habitable structure.

24. SOLID WATER

1. No "on site" disposal of residential or commercial solid waste.
2. The developer will provide a transfer station site, of sufficient size to allow installation of 40 foot tract containers, in a mutually agreed location.

25. ENERGY

1. Final development planning shall take into account where feasible:
 - a. Siting of structure for maximum use of:
 - i. breeze
 - ii. cooling effect of water
 - iii. Present and future solar technology.
 - b. Maximum retention of natural vegetation and the addition of indigenous plant material for summer shading and winter protection.
 - c. Use of clustering of residential units.
 - d. Use of active and passive energy systems.
2. Develop a master building code with new minimum energy standards equal to or greater than the State model energy code.

3. Provision of bike/pedestrian paths.

26. EDUCATION

1. Developer will make available, if required, sites for:
 - a. 3 Elementary schools,
 - b. 1 middle school,
 - c. 1 high school,
 - d. Total number of acres available on site plan 89.92.
2. Developer will provide for a Private school.
3. Estimated ad valorem tax generated for schools -
\$139,775,772.

27. RECREATION AND OPEN SPACE

A - Recreation

The developer will provide:

1. 4 - 18 hole Golf Courses/open space of approximately 570 acres.
2. 4 - Golf Club Houses including Tennis and Social Centers.
3. Equestrian Center with associated Riding Trails.
4. Lake system to allow for water activities, approximately 115 acres.
5. Storage area for boats and recreational vehicles in Parcel "B".
6. Active recreation:
 - a. Bike paths
 - b. 6 # Baseball diamonds
 - c. 6 # Soccer fields
 - d. 2 # Football fields
 - e. Fitness Trail
 - f. Basketball, volleyball, and horseshoe areas to meet demand

Passive recreation:

- a. Nature trails
 - b. Picnic areas
8. Within the pod developments, and subject to residential mixture and market demand, the following will be provided:
- a. Swimming pool and ancillary amenities
 - b. Play area
 - c. Tot area
 - d. Covered structures
 - e. Shuffleboard

B - Open Space

1. Parks - upland 60+ acres
2. Areas preserved in natural state 2017+ acres

28, 29, 30, 31. PUBLIC FACILITIES

The developer will make available, at no cost, one government service site of 6 acres.

28. Health Care - Estimate ad valorem tax contribution for health unit \$1,592.714 over project period.
29. Police - The developer will provide an internal security system, which will be tied into and coordinate into the County system.
30. Fire - Estimated ad valorem tax contribution for fire \$12,096,560, plus approximately \$1,700,000 generated by impact fees, not taking into account permit fees.
31. Transporation Consideration
 1. The developer will provide, at the developer's cost, for the design, permit and construction of interchange at I-95 and Nine Mile Road.
 2. The developer will install acceleration, deceleration and left hand turning lanes at all entrances to the project off County and State Roads.
 3. Construct all road systems within boundaries of project to County Standards, at developer's cost.

4. Maintain and upkeep all road systems within boundaries of project at no expense to the County, i.e., by Homeowners Associations or other entity.

32. HOUSING

The developer will provide, as part of their total marketing strategy, affordable housing for the lower wage scale employees.

GENERAL

The developer will develop, prior to commencing construction of the residential units, a Developer's Brief for the project.