

RESOLUTION NO. 86-64

A RESOLUTION AND DEVELOPMENT ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE APPLICATION FOR MASTER 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 Master 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 July 24, 1984, Developer, St. Johns County, and the Northeast Florida Regional Planning Council entered into an Agreement for Processing Development of Regional Impact ("Alternate Review Agreement"); 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 Master Development Approval, said June 28, 1985 supplement having been titled Application For Development Approval; 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 as hereinafter collectively referred to as the "AMDA" 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 AMDA is a planned community located on approximately 6,139 acres in St. Johns County, Florida consisting of 13,835 residential units and related commercial, institutional, recreational, industrial 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 AMDA; and

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

WHEREAS, the County on December 10, 1985 and on May 27, 1986 held public hearings on the AMDA 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 RPC, 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 AMDA, 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 5-6 of the AMDA, 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 master 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 AMDA 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 Attachment "B" which are made a part hereof by reference and shall be complied with and followed.

7. This resolution constitutes the Master Development Order ("MDO") pursuant to Section 380.06, Florida Statutes, for the St. Johns Harbour DRI. The AMDA 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 AMDA and this Master Development Order. The AMDA 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 the Development Order. The Developer shall submit to the County Planning Official the annual reports required by law and by this MDO 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 master 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 MDO shall take effect upon adoption and shall remain in effect for the duration of the development as described in the AMDA. The effectiveness of this MDO may be extended prior to its termination date (the scheduled termination date being thirty(30) 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 MDO. The period of effectiveness of this MDO 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 proposed by the Applicant to the AMDA, 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 MDO, 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 AMDA 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
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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 MDO, including the status of the compliance with the Master 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 shall be monitored for changes to the existing vegetation conditions through the use of visual survey annually. The data obtained 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, actual for the past calendar year and projected for the ensuing calendar year, for the roads and intersections 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.)

(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 Florida Statutes §380.06(15)(c)(4).

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

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 MDO.

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 MDO 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 MDO 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 M. Bulbaker
Its 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 Master Development Order:

1. Commencement of Development. The development shall be subject to further review and approval in the event significant physical development under a phase has not commenced within three (3) years of the commencement date for such phase as such commencement date is described in the AMDA at page 16 of the RPC Report. The three (3) year time period for a phase shall be tolled during any period of time that the applicant is prevented from commencing significant physical development within that phase 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 sufficient combination of those activities defined as "development" in Section 380.04, Florida Statutes. In the event significant physical development is described or defined in an incremental development order approving an Application for Incremental Development Approval (AIDA) concerning a phase, such description or definition shall apply to this MDO as it pertains to such phase.)

2. Housing. In submission of subsequent AIDAs, the applicant shall provide the actual number of workers employed within the development by income ranges as shown in the AMDA, and the additional number of workers by income ranges that are expected to be employed within that AIDA. The AIDA shall then identify by price and location in the development (or within a 7-mile radius of the entrance to Parcel D, if desired by the County) the affordable rental and sales units that cumulatively have been constructed to meet the needs of lower wage employees, and shall provide a plan to address that increment's demand for affordable housing for lower wage employees.

3. Wetlands. The applicant proposes to construct large lakes and/or water bodies adjacent to wetlands on Parcel B. These lakes have the potential for significant adverse impact on the integrity of these wetlands, resulting from hydroperiod alterations, construction damage.

(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.

(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) The main north/south road for the west portion of Parcel D shall be relocated by Developer to an approved location so as to minimize the linear footage of wetlands crossed. The intersection with Nine Mile Road shall be moved east or west so as not to interfere with the proposed Nine Mile Road / I-95 interchange. The revised road alignment shall be submitted to the RPC for review and comment prior to submittal to FDOT and St. Johns County for approval.

(e) The applicant shall establish exact locations of the DER and COE jurisdiction lines for the area proposed for the 85 stilt homes. The pads and units shall then be delineated on maps at the scale of 1:200 to indicate wetland impacted of fill, house and walkway footprints, and other associated alteration of wetlands. These maps and designs shall be submitted to the RPC for review and approval regarding impacts on regional resources prior to submittal to DER, SJRWMD and/or U.S. Army Corps of Engineers (COE) for any permits related to the stilt home area. Copies of permit applications shall be submitted to the RPC at the time of submission to the permitting agencies. No permits for the stilt homes shall be issued without prior RPC approval.

(f) 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 to their conditions prior to the changes. The corrective measures shall be implemented only with RPC approval in consultation with SJRWMD, DER and the St. Johns County during that year, with results reported in the next annual report. This requirement for monitoring will be reviewed for continuation at each incremental submittal.

(g) A twenty-five (25) foot buffer of natural native vegetation shall be preserved between preserved wetlands and development sites, including golf fairways. (This condition, as it relates to stilt homes in Pacetti Bay, may be reviewed for amending during the review of the AIDA containing these stilt homes.)

4. Vegetation/Wildlife.

(a) The applicant shall cause that part of the Development, which is located within Section 24, Township 6 South, Range 27 East, to be surveyed in the spring of 1986 for the plant Bartram's Ixia. Any occurrence of the plant (a threatened species) shall be mapped at the scale of 1" to 50' and results of the survey shall be submitted to the RPC. A viable size habitat shall be preserved if the plants are located within the development.

(b) The large tracts of wetlands (which include Pacetti Bay and wetlands along the creeks, in Parcel C and eastern edges of Parcel D and others), gopher tortoise habitat, and upland hammock shall be preserved through deed and plot restrictions. These documents shall contain language that allows the Developer, the RPC and the County to enforce the preservation requirements. All enforcement expenses and costs shall be paid by Developer. In addition, the applicant shall investigate the conveyance of these three areas to an environmental organization and/or the State for Management and/or ownership. A report regarding the conveyance or management of the areas shall be submitted to the RPC after construction on the I-95 / Nine Mile Road interchange has begun for areas in Parcel D, and 12 months after construction has begun for areas in Parcel B and C. The report shall designate those areas to be preserved and those areas to be conveyed to or managed by another entity.

5. 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) The Developer shall adhere to any policies, rules and/or regulations of general application adopted by the SJRWMD or County regulating the usage of heat pump systems.

(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 in consultation with DER, SJRWMD, St. Johns County for possible parameter modification and the 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 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 expenses and costs of enforcement.

(f) A connection between the Sweetwater Creek and the upland lake in Parcel B which is parallel to Six Mile Creek shall be deemed to constitute a substantial deviation which requires further development of regional impact review.

The review shall include an analysis of the impact of the upland connection on regional resources including but not limited to the following:

- i. Water quality of Six Mile Creek and St. Johns River; a water quality study shall be reviewed and approved by the RPC in consultation with SJRWMD and DER.
- ii. Wetlands.
- iii. Wildlife, including manatees. A manatee study design, including scope and duration, shall be reviewed and approved by the U.S. Fish and Wildlife Service.
- iv. Habitats.
- v. Erosion of Six Mile and Sweetwater Creeks.
- vi. Use of the lake and creeks by boats.

vii. Determination of Mean High Water line of Six Mile Creek as determined by the DNR approved survey methods.

(g) Any development plans by Developer for a marina on another parcel of land within one mile of Parcels B, C, or D shall be deemed to constitute a substantial deviation which requires further development of regional impact review and approval.

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

7. Drainage.

(a) Any water body constructed 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 RPC in consultation with SJRWMD, DER, and FGFWFC, and shall be submitted within 30 days of issuance of the MDO.

8. Water Supply.

(a) If the applicant does not construct the subregional water plant prior to certificates of occupancy being issued by the County, except for sales models and the sales center, 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.

9. Energy.

(a) All Incremental Development Orders shall require that 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) All Incremental Development Orders shall require that the applicant install or cause to be installed, bike racks or similar devices at the commercial and recreational facilities.

(c) The applicant shall submit the St. Johns Harbour Master Development Building Code with minimum energy standards equal to or greater than the State Model Energy Code and Energy Standards Manual to the County and the RPC for review and comment prior to the construction of units in Phase I.

(d) The language to be used in the Homeowners Association Restrictions requiring the retention of native vegetation and the use of energy-conscious landscaping shall be submitted to the RPC for review and comment prior to the adoption and filing of the Restrictions with St. Johns County.

(e) The applicant shall plant or cause to be planted, a minimum of two native trees with a total diameter equalling a minimum of 7 inches, with no single tree having a diameter 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.

10. Education. To partially mitigate the capital outlay demand imposed upon the School Board in serving the educational needs of children generated by the project, for each AIDA from Phase II to buildout:

(a) The applicant shall negotiate an appropriate financial arrangement with the School Board to aid in planning for additional school facilities required to educate children generated by the forthcoming phases.

(b) The applicant shall meet with School Board staff, prior to final development plan approval of each

increment, and negotiate the selection and dedication of an appropriately located and sized site(s) to provide for facilities to accommodate school children generated by residential and non-residential development of the project during the increment or the School Board's planning horizon, whichever is more appropriate for planning needs.

11. Transportation.

(a) It shall be a substantial deviation which requires further development of regional impact review and approval if at the completion of year 2 of Phase I 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 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 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) Upon determination by St. Johns County or FDOT, whichever has jurisdiction, that traffic conditions warrant constructing any of the following road improvements, new construction at St. Johns Harbour shall not be permitted until a funding commitment for such off-site road improvements has been made by the appropriate governmental agency in a current funded budget. These improvements are:

Phase I

Four-lane Nine Mile Road from SR 16 to I-95.
Four-lane Pacetti Road from Phase I entrance to SR 16.
Four-lane SR 16 from SR 13 to Nine Mile Road.

Phase II

No improvements anticipated.

Phase III

Four-lane Pacetti Road from Phase I entrance to the four lane section constructed in Phase I.

Four-lane SR 16 from CR 208 / I-95 interchange to Nine Mile Road.

Phase IV

Four-lane CR 208 from Pacetti Road to I-95.

Four-lane Pacetti Road from CR 208 to four lane section constructed in Phase III.

Phase V

Four-lane SR 13 from SR 16 to Shands Bridge, east approach.

Phase VI

No improvements anticipated.

The above improvements include intersection improvements, i.e., entrance configuration including acceleration/deceleration lanes and signalization, as well as bridge construction where required. Nothing herein shall be deemed to require such governmental body or agency to fund such commitment with government revenues.

12. Air Quality. All AIDAs after Phase I, shall provide information from computer modeling, such as Caline III or an equivalent performed to determine potential exceedences for air quality standards for carbon monoxide, for the intersections and road segments on-site and within the primary impact area which exhibit potential to decrease below Level of Service "C".

13. Conditions for Approval of Subsequent Phases.

(a) The review of subsequent incremental applications shall be as prescribed in Paragraph 380.06(21)(b)2, Florida Statutes. The applicant shall pay to the County such reasonable processing fees as the County shall require. Substantial changes in conditions underlying the approval of the Master Development Order (MDO), or substantially inaccurate information upon which the MDO was based, are to be construed to mean changed conditions or inaccurate information that creates a reasonable likelihood of additional adverse regional impact or any other regional impact not previously reviewed by the RPC.

(b) The issues under the following DRI areas have not been sufficiently addressed/verified in the AMDA to allow

elimination and shall therefore be the subject of further submission, and review and approval in each subsequent AIDA. Some of these areas could not be prepared at the AMDA level. In addition, each subsequent AIDA shall evaluate all regional and local impacts on a cumulative basis and shall include mitigative measures needed to offset negative impacts. Each subsequent AIDA shall, in relation to Questions listed in the DRI Application for Development Approval DSP - BLWM 11-76 ("DSP-BLWM 11-76"):

i. Soils - Address mitigative measures for erosion problems which reflect current technology.

ii. Air - Provide information from a Caline III computer model or its equivalent regarding potential air quality carbon monoxide exceedences for those road segments and intersections which have the potential to fall below St. Johns County's minimum level of service.

iii. Water

a. Ground: Provide verification from the SJRWMD that a sufficient supply of potable and non-potable water exists to supply the development.

b. Surface: Provide the results of the water quality monitoring program as required by the DER.

iv. Wetlands

a. Identify all wetlands and impacts to wetlands on Vegetation Map F at a scale of 1":400;

b. Describe alterations and disturbances;

c. Describe wetlands to be preserved in their natural or existing state and methods to be taken to maintain their natural state;

d. Present a mitigation plan for all wetlands which will be impacted;

e. In the appropriate Phase, provide maps of the stilt home sub-parcel 106 at the scale of 1" to 50' delineating fill areas, house and walkway footprints and other associated alteration of wetlands.

v. Floodplains - 100 year floodplains and flood elevations shall be determined.

vi. Vegetation/Wildlife

a. Identify the upland areas to be preserved for vegetation/wildlife habitat.

b. Identify and map at the scale of 1":400' any rare, endangered, threatened species or species of special concern actually occurring on site, and submit a plan for the preservation and management of these habitats, which shall be submitted to the RPC for review and approval in consultation with the Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service.

vii. Historical and Archeological Sites

a. In regard to prehistoric site 8SJ2523 (MC-6 in the archeologist's report) and historic site 8SJ2536 (MC-9 in the archeologist's report), answer Question 19B as to their mitigation or preservation in the respective AIDAs which involve development in their vicinity (AIDA-V and III respectively).

viii. Wastewater

a. Project wastewater flow and sludge generated at the end of each phase and a plan for the safe and effective means of sludge and effluent disposal.

b. Provide the information required by Questions 21B, 21C and 21D, as specified in the Alternative Review Agreement.

ix. Drainage

a. Provide the information required by DRI questions 22B, 22C and 22D, as specified in the Alternative Review Agreement.

x. Water Supply

a. Demonstrate that the sub-regional water plant is constructed and has capacity to supply the needs of the phase.

b. Provide the information required by all sections of Question 23, 23A, B, C, D, E and F, as specified in the Alternative Review Agreement.

c. Specify the water conservation measures to be used in the phase.

xi. Solid Waste

a. Identify the appropriate entity and verify the availability of adequate capacity to provide solid waste collection and disposal service for the phase.

b. Provide the information required by Question 24, 24A, B and C of DSP-BLWM 11-76.

xii. Energy

a. Provide the information for the phase as required by Question 25A, C, D and E, of DSP-BLWM 11-76 with detailed information on the status of the implementation conformance at the time of construction by builders with the Master Development Building Code and the status of the compliance by homeowners with retention of native vegetation and the use of energy-conscious landscaping.

xiii. Education

a. Answer Question 26A, of DSP-BLWM 11-76 basing projection of number of school children by level on the actual generation figures collected for annual reports on preceding development.

b. Answer Question 26B of DSP-BLWM 11-76 after meeting with school officials to select site(s) as needed for the increment, according to procedures in the AMDA.

c. Answer Question 26C of DSP-BLWM 11-76 with a letter from the School Board confirming the estimate in 26A and stating agreement with arrangements made in regard to 26B.

xiv. Recreation/Open Spaces - Provide information as to the location, type and size of recreational facilities to be provided as specified by the Alternative Review Agreement.

xv. Police - Provide verification from the appropriate entity regarding the existence of adequate police protection to serve the project.

xvi. Fire - Provide verification from the appropriate entity regarding the existence of adequate fire protection to serve the project.

xvii. Health Care - Provide verification from the appropriate entity regarding the existence of adequate medical service for the project.

xviii. Economy and Employment

a. Submit information as required in Question 20 of DSP-BLWM 11-76.

b. Provide a cumulative assessment of the net fiscal impacts of all increments prior to and including the AIDA. Resources for estimations in each increment should be derived from the actual project experience, i.e., number of construction employees, percent spent in Region, annual payroll, ad valorem basis, percentage homestead exemptions, etc., to the greatest extent possible.

xix. Housing.

a. Answer all of Question 32A-F of DSP-BLWM 11-76. Indicate whether the increments include low and moderate cost housing and, if so:

b. How will units be developed?

c. How many units?

d. Will year round rental units be built?

e. What sales prices/rent range?

f. Map the location(s) by parcel name and pod number.

xx. Transportation

a. Provide all information required in Question 31.

b. Provide detailed analysis of critical intersections, including:

(1) Existing and projected peak hour turning movements, and levels of service;

(2) Identification of necessary intersection improvements; and

(3) Analysis of intersection conditions with improvements and without improvements.

xxi. Provide directional split (percentage) of development traffic at all project entrances;

xxii. Provide a map depicting percent distribution of development traffic on the area road system.

xxiii. Provide methodologies and assumptions used when estimating future traffic;

xxiv. Estimates of background traffic using growth factors acceptable to County, FDOT, and the RPC. Traffic generated by the preceding phase(s) shall be identified by phase number and not combined with estimates of original background traffic volumes; and

xxv. Provide an analysis of area roads which provide estimates of future traffic conditions with and without required road improvements.

xxvi. Industrial Plants and Parks, Office Parks, Schools and Shopping Centers - Provide the information required by Questions 37, 39, 42 and 43 as specified in the Alternative Review Agreement.

xxvii. OTHER: Provide, when applicable, the information specifically described or required in other sections or portions of this Master Development Order.

14. 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 Master PUD Ordinance or the spirit and intent of the St. Johns County PUD Ordinance).

15. 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.

16. Fire Service. The Developer shall provide two (2) additional governmental services sites, one to be located on Parcel D and one to be located on Parcel B in locations and of sizes acceptable to the County for two additional fire stations. Said sites shall be located at such time as the Application for Incremental Development Approval (AIDA) for that portion of the project is filed.

17. Funding of Improvements. The St. Johns County Board of County Commissioners may 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.).

18. Dedication of Public Lands. Developer shall dedicate to the County without charge and with clear title all governmental

sites shown in the AMDA. 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).

19. 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 AMDA 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 Master PUD Ordinance.

20. Subsequent Review. The development shall be subject to further review and modification if: (a) substantial changes in conditions underlying the approval of the MDO have occurred; or (b) the MDO was based on substantially inaccurate information provided by the Developer (c) a substantial deviation occurs within the meaning of Section 380.06(19), Florida Statutes, or (d) other circumstances exist that are clearly established by the County to be essential to the public health, safety or welfare that would make such further review and modification appropriate under Florida law or under the terms of this MDO.

21. Subject to the conditions set forth in Section 380.06(15)(c)(3), Florida Statutes, the County agrees that until May 27, 2016 the development shall not be subject to down zoning, unit density reduction, or intensity reduction.

22. 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.

23. Conflict with Zoning. The Developer shall comply with the Master 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 Master PUD and this Order the more stringent provision shall control.

24. 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 AMDA and the RPC recommendations, the RPC recommendations shall control.

25. Approvals contingent on funding of improvements. No Master 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.

26. 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.

27. 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 that portion of:

(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 17 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 County or MSTU 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.

28. 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.

29. 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.

30. 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.