



PASCO COUNTY, FLORIDA

OFFICE OF THE COUNTY ATTORNEY

* Florida Bar Board Certified In City, County and Local Government Law

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Nicki H. Spirtos, Assistant County Attorney

December 22, 2014

Joel R. Tew, Esquire
Tew & Associates
2999 Palm Harbor Blvd.
Suite A
Palm Harbor, FL 34683

Re: Cannon Ranch DRI Abandonment/Required Master Planning
For Common Infrastructure

Dear Mr. Tew:

This letter is submitted to you in your capacity as legal counsel and authorized agent for CR Pasco Development Company, LLC, which is an owner and developer of a portion of what presently constitutes Cannon Ranch DRI in Pasco County, Florida. CR Pasco Development Company, LLC, also is the applicant/designated agent of record for all of the property owners which have executed consents to the abandonment of Cannon Ranch DRI, pursuant to Chapter 380, F.S.

Based upon the receipt of the letter of no objection from the State of Florida Department of Economic Opportunity, Pasco County is proceeding with the processing of the application for abandonment of the DRI. If requested by the applicant and approved by the Board of County Commissioners, this abandonment would not be effective until the concurrent approval by Pasco County of the respective MPUD applications which are expected to be submitted by the various owners/developers of the respective portions of what presently is the DRI property.

With respect to the requirements for consideration of the new applications for the separate sub-DRI threshold MPUD approvals by the separate/respective property owners (which then would supplant and replace the existing MPUD), please be aware and advise your client and the other property owners as follows:

Page Two

December 22, 2014

Joel Tew, Esq.

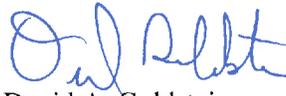
Re: Cannon Ranch DRI/Abandonment/Required Master Planning
For Common Infrastructure

Notwithstanding the pending abandonment of the DRI and potential termination of the Development Order, Pasco County will require that all of the separate MPUD areas comply with the following master planning/master infrastructure approval process, which is standard procedure by Pasco County. This master planning/master infrastructure requirement is mandatory and therefore will not be considered as a voluntary, common plan of development by the separate owners/developers within the project, for any application of DRI aggregation rules. The required master planning items, at a minimum, are as follows (the County reserves the right to add others as the separate applications for approval are received and processed):

- a. Master/Overall Transportation Timing/Phasing Analysis
- b. Master utility plans, which may include water, sewer, storm water, and/or reclaimed water
- c. Master roadway plan
- d. Master bicycle/pedestrian/golf cart/trail circulation plan(s)
- e. Master plan for school and park sites.

For the specific requirements/process for any of the aforementioned master plan items, please confer with appropriate County staff based upon the subject matter of the required master plan item.

Sincerely,



David A. Goldstein
Chief Assistant County Attorney

DAG:lr

cc: Carol Clarke, Assistant Planning and Development Administrator
Dawn Sutton, Planner I, Current Planning
Owen Young, Planner II, Current Planning
Jeffrey Briggs, Code Enforcement Officer



HEIDT
DESIGN

P: (813) 253-5311 | F: (813) 464-7629
5806-B Breckenridge Pkwy.
Tampa, FL 33610
www.heidtdesign.com

October 13, 2014

State of Florida
Attn: Donna Harris
Department of Economic Opportunity
Division of Community Planning & Development
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

Tampa Bay Regional Planning Council
Attn: John Meyer
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, Florida 33782

Pasco County, Florida
Attn: Owen Young
Planning & Development Department
West Pasco Government Center
8731 Citizens Drive, Suite 230
New Port Richey, Florida 34654

Re: Cannon Ranch DRI # 163/Application for Abandonment

Ladies & Gentlemen:

In concert with Tew & Associates, Palm Harbor, Florida, our firm represents CR Pasco Development Company, the owner of a substantial portion of the Cannon Ranch DRI property. For reasons set forth in the enclosed Application for Abandonment of a Development of Regional Impact (the "Application"), CR Pasco Development Company hereby submits the Application, along with the required filing fee to the above-referenced governmental agencies as required by applicable law.

As referenced in the Application, please note that the other landowners within the DRI property have submitted completed "Signatory Certification", Exhibit E and Pasco County, Florida, has advised that it will provide its requested Exhibit G statement upon its receipt and review of this Application.

Should you have any questions about the enclosed Application, please do not hesitate to contact me.

Regards,

Dianne Fenech Naeyaert
Community Planner

DFN/d

Enclosure

pc: Joel R. Tew, Esquire
CR Pasco Development Company
PEI-Cannon 1B, LLC
Clarke G. Hobby, Esquire
Daniel Santos, FDOT
David Goldstein, Esquire, Pasco County

APPLICATION FOR ABANDONMENT OF A
DEVELOPMENT OF REGIONAL IMPACT
FOR
CANNON RANCH DRI # 163

PREPARED FOR:

CR PASCO DEVELOPMENT COMPANY LLC
2502 NORTH ROCKY POINT DRIVE
SUITE 1050
TAMPA, FLORIDA 33607

PREPARED BY:

PLANNING CONSULTANT



HEIDT DESIGN, LLC
5806-B BRECKENRIDGE PARKWAY
TAMPA, FLORIDA 33610

LEGAL CONSULTANT
TEW & ASSOCIATES ATTORNEY AT LAW
2999 PALM HARBOR BOULEVARD, SUITE A
PALM HARBOR, FLORIDA 34683

SUBMITTED OCTOBER 13, 2014

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**APPLICATION FOR ABANDONMENT OF
A DEVELOPMENT OF REGIONAL IMPACT**

I, John M. Ryan, the undersigned owner or authorized representative of CR Pasco Development Company LLC (Cannon Ranch Parcels A & B) hereby request that the Pasco County, Florida (local government) issue a notice of abandonment for the Development of Regional Impact (DRI) which was issued on April 18, 1989, for the Cannon Ranch development. I agree to record the notice of abandonment, in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for each county in which land covered by the terms of the DRI is located.

I hereby certify that the plan of development identified in the development order as a DRI will no longer be pursued. Furthermore, I certify and acknowledge that, if this request for abandonment of the DRI is approved, the project will lose vested rights protection under Subsection 163.3167(5), Florida Statutes, for approved DRIs but may be entitled to other vested rights protection under that statute or otherwise under law.

I hereby certify that all information submitted with and pursuant to this application of abandonment of the DRI is true and correct to the best of my knowledge and belief and that on this date a copy of this application has been submitted to the appropriate local government, appropriate regional planning agency and the Division of Community Planning & Development in the Department of Economic Opportunity.

9-26-14
Date


Signature John M. Ryan, Manager
c/o Metro Development Group, LLC
2502 North Rocky Point Dr., Suite 1050
Street or P.O. Address

Tampa FL 33607
City State Zip

813-288-8078
Phone Number

A. Describe the actual amount of development completed, the size and scope of the resulting plan of development (after abandonment). Further, describe the extent to which existing permits or approvals authorize development which would exceed that allowed under the resulting plan of development (after abandonment) and:

1. Provide the amount of existing development as defined under Section 380.04, Florida Statutes (F.S.) that has occurred on site including the amount of existing vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the amount of infrastructure completed at the site; etc. Attach a copy of the approved site plan for this development as EXHIBIT A.

Only very minimal horizontal site development and has occurred within a limited geographic portion of this DRI since it was originally approved on April 18, 1989. No vertical development of the approved DRI entitlements (no residential dwelling units or office/commercial building square footage) has occurred, and therefore no dwelling units or non-residential building area was sold to any ultimate consumer or other third party owner. There was partial construction of a “temporary sales center” in approximately 2006, but the proposed sales center was not completed, was never opened to the public, and has since been removed. Attached as composite Exhibit A are the approved DRI Map H as well as the approved MPUD zoning site plan, as last approved by Pasco County, Florida, on October 26, 2004. The minimal level of horizontal site infrastructure that was installed, together with the fact that there was no vertical construction or sale of any DRI entitlements (over a ten year period), demonstrates there is no practical impediment to abandonment of the DRI.

2. Identify the amount of development that is planned (after abandonment) including the amount of vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the percentage of any applicable guidelines and standards identified in s.380.0651 F.S., or Rule 28-24, Florida Administrative Code (F.A.C.); the amount of infrastructure to be completed at the site; etc. Attach a site plan for the project as proposed after abandonment as EXHIBIT B.

The existing DRI property is now owned by four separate land owners, who have separately acquired the former DRI property after the economic failure of the original DRI owner/developer. All four owners of the DRI property have executed the required certification of consent to abandonment of the DRI and termination of the Development Order. The owners do not have any current plan of development for their respective portions of the DRI property, and will formulate their separate plan of development for their respective ownership parcel. It is not feasible for each landowner to formulate its future development plans prior to knowing that the existing DRI can be terminated as to all of the DRI property. Therefore, the individual owners do not yet have

their individual site plans for their proposed development on their portion of the DRI property.

However, based upon the pre-application meetings with Pasco County, Florida, the owners understand that each property owner will be required to limit its future development to not more than the applicable DRI threshold for their respective properties, dependent upon whether such owner proposes a single land use or multiple land uses. Subject to the applicable DRI threshold limits, it is anticipated that the prior DRI entitlements will be fairly allocated by Pasco County to the separate property owners among the various separate ownership parcels, with new, individual plans of development then requested by each property owner for their respective ownership parcels.

The proposed, individual site plans will be determined in the County's required MPUD approval process for each individual project. These respective areas were previously depicted within Exhibit A, referenced and incorporated in Section A.1., above; however, the individual site plans for the separate ownership parcels have not yet been created for post-DRI abandonment. The documents attached as Exhibit A are also submitted to meet the requirement for Exhibit B to this application.

3. Identify all state and federal permits applied for or obtained to date. Specify the agency, type of permit and function of each permit. Attach copies for each permit or permit application (if no permit has been issued) as EXHIBIT C.

Prior to this request for abandonment, the original DRI developer obtained nine (9) permits from agencies having jurisdiction over the property/project. A brief summary of each of the permits is set forth below, with a copy of each permit attached as composite Exhibit C.

SWFWMD Permit No. 44028080.000 Belle Verde (f/k/a Cannon Ranch) issued May 5, 2005

SWFWMD Permit No. 49028080.002 ERP issued June 29, 2005

SWFWMD Permit No. 49028080.021 ERP issued March 28, 2006

SWFWMD Permit No. 49028080.034 ERP issued August 28, 2007

SWFWMD Permit No.4902808.048 Bella Verde Golf Course Environmental Resource Permit modification issued January 7, 2008

Florida Department of Health Drinking Water Operating Permit No. 51-57-04446 issued July 25, 2005

U.S. Army Corps of Engineers Permit No. SAJ-2003-5739 dated November 29, 2005

U.S. Army Corps of Engineers Permit No. SAJ-2003-5739 modification #1 dated April 29, 2008

Florida Fish and Wildlife Conservation Commission Gopher Tortoise Incidental Take Permit No. PAS-132 issued May 9, 2005

4. Identify all undeveloped tracts of land (other than individual single family lots) sold to separate entities or developers. Specify the size and buyer of each tract or parcel. Attach a map identifying the undeveloped tracts as EXHIBIT D.

As stated above, no developed lots or parcels were sold to any ultimate consumers, builders or other third-parties. The vacant, undeveloped land now has been acquired by separate investment entities subsequent to the economic failure of the original DRI developer. Please see Exhibit D for the current ownership map for the separate ownership entities within the DRI property, which includes their respective ownership acreage for the undeveloped tracts.

B. Provide the following as attachments:

1. A certification of concurrence with abandonment from all DRI property owners who were owners at the time of the development order (D.O.) approval, or their successors. Use Attached Signatory Certification and attach as EXHIBIT E.

Please see Exhibit E for the executed certification(s) of concurrence from all of the current owners-of-record for the various portions of the DRI property.

2. An explanation of the reason for seeking an abandonment of the DRI. Attach as EXHIBIT F.

The property owners' reason(s) for seeking abandonment of the DRI are as follows:

The DRI property no longer is owned by a single entity which can function as the master developer and/or the developer-of record for the DRI. Also, there is no common plan of development and each property owner now desires to independently develop and/or sell their respective properties, which separate developments may be on completely different development and/or market schedules.

In addition, the existing DRI terms and conditions, including without limitation the transportation proportionate share obligations, are not market-feasible and

preclude any potential development of the individual owners' property which they now own and control.

Each individual owner understands that Pasco County will determine the level of sub-DRI threshold entitlements that may be utilized by each separate property owner, and that the County may mandate certain required master infrastructure (including transportation and utilities) pursuant to Comprehensive Plan and/or other local zoning requirements applicable to each of the separate MPUD zoning approvals, for the separate parcels.

3. Statement from local government of jurisdiction indicating whether all development to date is in compliance with all applicable local regulations. If evidence is presented that a request was made to the local government for such a statement but no statement is provided within 30 days of the request, the developer should provide evidence in support of such a claim of compliance. Attach as EXHIBIT G.

The property owners have held pre-application meetings with Pasco County, Florida, the local government having jurisdiction, concerning this Application to Abandon the DRI project. The County has indicated that, since no significant development has yet occurred on the DRI property, the project is in compliance with all applicable local regulations. The County also has indicated that it does not object to abandonment of the DRI, conditioned upon the County's mandatory requirements that the individual property owners submit separate MPUD rezoning applications for each of the individual ownership parcels. The property owners have agreed to follow the procedure that has been required by the County for the Abandonment of the DRI project, including the County's imposition of new but separate MPUD approvals/conditions for each of the individual property owner's parcels. The County has advised that it will submit the statement contemplated by the Application as Exhibit G, incident to its review of this Application.

4. A discussion of any material adverse impacts for the development on any existing resources or existing or planned facilities and the mitigation of these impacts. Attach as EXHIBIT H.

As noted above, there has been no meaningful horizontal site development and no vertical construction of the DRI entitlements, upon any of the DRI property. Therefore, there have been no material or adverse development impacts. With respect to the future development of the separate ownership parcels, the County has indicated that it will require new MPUD rezoning approvals which address any and all MPUD development impacts consistent with the County's Comprehensive Plan and applicable Land Development Code; therefore, the new MPUD approval conditions for each ownership parcel will address all such future development impacts in accordance with applicable law.

5. A list of each of the conditions in the DRI development order included to protect or mitigate the project's impact to resources or facilities. Include an explanation and documentation that each condition was adhered to by the developer. Attach as EXHIBIT I.

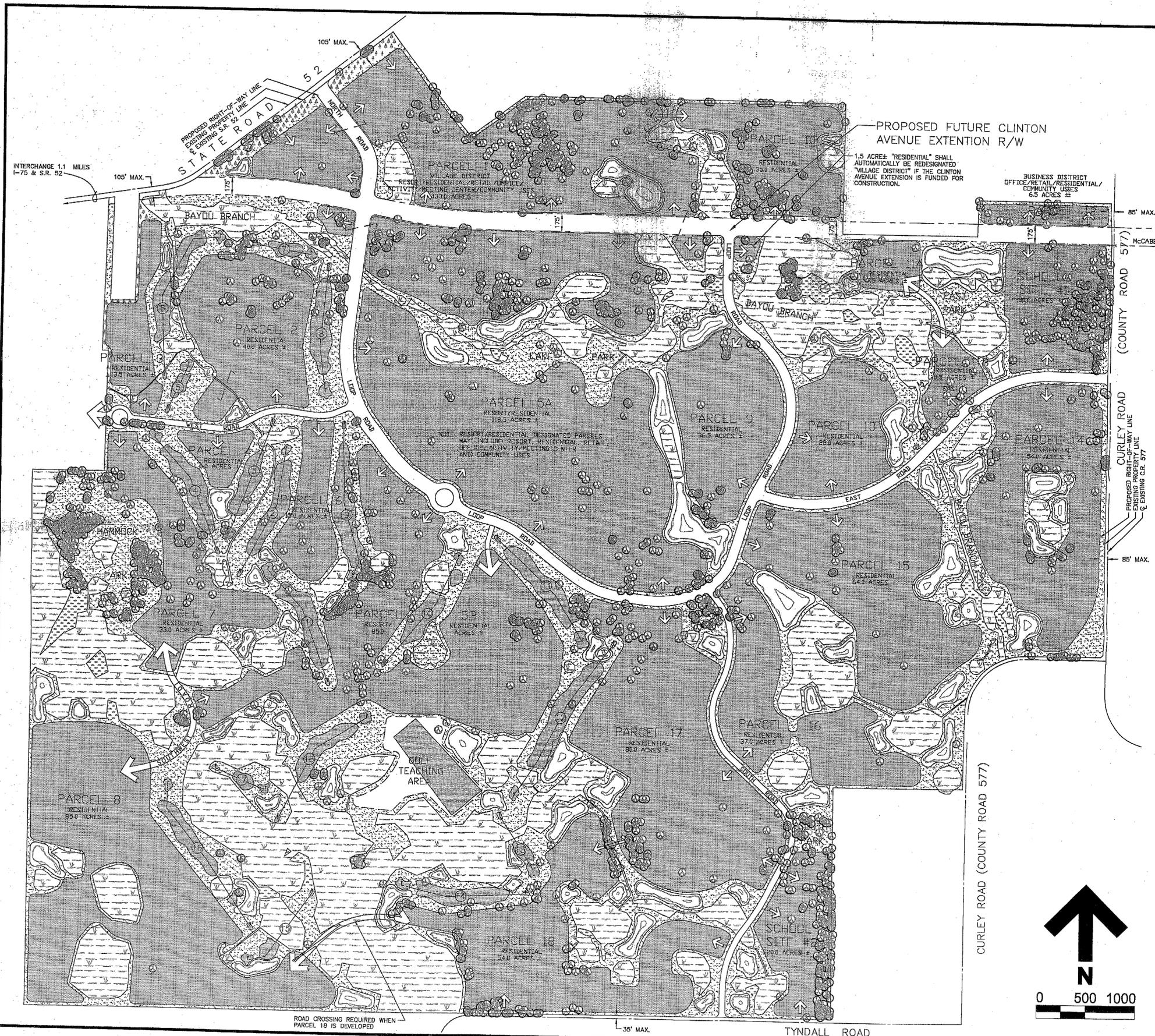
Exhibit I provides an excerpt from the DRI development order that includes conditions originally required of the developer to protect or mitigate the DRI project's impact to resources or facilities. As previously mentioned, no horizontal site development or vertical construction of consequence has occurred within the DRI since its approval, and no date-certain mitigation deadlines have occurred. The property owners understand that Pasco County will continue any application mitigation requirements/conditions into the respective MPUD rezoning approvals for the individual ownership parcels, as applicable to each.

6. A copy of the binding letter (Form DEO-BCP-BLID-1) identifying the DRI status for the proposed project which has been issued by the Division of Community Planning for disposition, in all cases where there is a proposal to abandon a project which has not commenced development under Section 380.04, F.S., and is proposed to consist of development which is between 80-120 percent of any applicable threshold after abandonment.

As stated in Section A, Item 2, above, the future, separate development of the individual ownership parcels will not reach 80% of any applicable DRI threshold. Therefore, the requirement for a binding letter does not apply.

**CANNON RANCH
DRI ABANDONMENT
EXHIBITS**

Exhibit A	Master Plan
Exhibit B	Post Abandonment Plans (see Section A.2)
Exhibit C	Permits
Exhibit D	Ownership Map
Exhibit E	Signatory Certifications
Exhibit F	Reason for Seeking Abandonment (see Section B.2)
Exhibit G	Statement from Local Government (see Section B.3)
Exhibit H	Material Adverse Impacts (see Section B.4)
Exhibit I	DRI DO



SITE DATA

TOTAL PROJECT AREA (ACRES)	1,965
MPUD AREA (ACRES)	1,965
SINGLE-FAMILY (DU)	2350
MULTI-FAMILY CONDO/TOWNHOUSE (DU)	250
MULTI-FAMILY/RESORT STYLE (DU)	1500
RETIREMENT HOUSING UNITS	2600
COMMERCIAL/RETAIL (000, KSF) ¹	183
OFFICE (000, KSF) ¹	52
MPUD DENSITY (UNITS/ACRE)	3.4

¹ THE PREDOMINANCE OF THE COMMERCIAL/RETAIL USE WILL OCCUR IN THE VILLAGE DISTRICT AND THE PREDOMINANCE OF THE OFFICE USE WILL OCCUR IN THE BUSINESS DISTRICT.

NOTE: THE MIX OF APPROVED LAND USES SHALL BE PURSUANT TO TABLE 1, FOOTNOTE 1 OF THE DEVELOPMENT ORDER.

OPEN SPACE

AREA (ACRES)	PERCENTAGE OF TOTAL SITE
TOTAL OPEN SPACE	913 46.5%
PROPOSED LAKES/PONDS	161 8.2%
FRESHWATER MARSH/PONDS	306 15.6%
ISLAND HABITAT	21 1.1%
GOLF COURSE & CLUBHOUSE FACILITIES (a)	285 14.5%
LAKE PARK	24 1.2%
HAMMOCK PARK	27 1.4%
EAST, CENTRAL AND SOUTH PARKS	10 0.5%
BUFFERS	48 2.4%
GREENBELTS & INTERNAL OPEN SPACE	31 1.6%

(a) If additional acreage is required in order to expand the golf course area to accommodate up to 45 holes, such additional area shall not reduce the overall open space area/percentage of the total site.

LEGEND

FRESHWATER MARSH	
PROPOSED LAKES	
MAJOR INTERNAL ROADWAYS	
PARCEL ACCESS	
ISLAND HABITAT	
EXISTING OAK HAMMOCK	
EXISTING SHELTERBELT	

CANNON RANCH

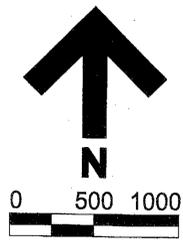
A Master Planned Community in Pasco County, Florida

REVISED MPUD MASTER DEVELOPMENT PLAN

Prepared For:
CANNON RANCH, LLC
 5700 SaddleBrook Way Suite 314,
 Wesley Chapel, Florida 33543-4499
 Greg Bennett: (949) 633-6371

Prepared By:
WilsonMiller
 Planners • Engineers • Ecologists • Surveyors
 Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
 322 West Bozars Avenue • Tampa, Florida 33613
 Phone: 813-963-6389 • Fax: 813-963-6635 • Web-Site: www.wilsonmiller.com



Date Prepared : August 31, 2004

REVISIONS
 No. _____
 Description _____

WETLAND MITIGATION AND STREAM RESTORATION PLANS
BELLA VERDE (F.K.A. CANNON RANCH)
 PREPARED FOR: CANNON RANCH, LLC



Post Office Box 270247
 Tampa, Florida 33668
 (813) 931-8040 (33-3762) (fax)
 www.ecologydesignstudio.com

These plans represent grading, site and planting required to create wetland mitigation areas for the project. Plans and details for construction of the stormwater management system, including these wetland areas, are provided on separate plans prepared by Wilson Miller, Inc. in accordance with the requirements of Chapter 405-4, F.S.

The designer hereby expressly reserves his copyright and other property rights in these plans. These plans and drawings are not to be reproduced, changed or copied in any form or manner whatsoever without first obtaining express written permission.

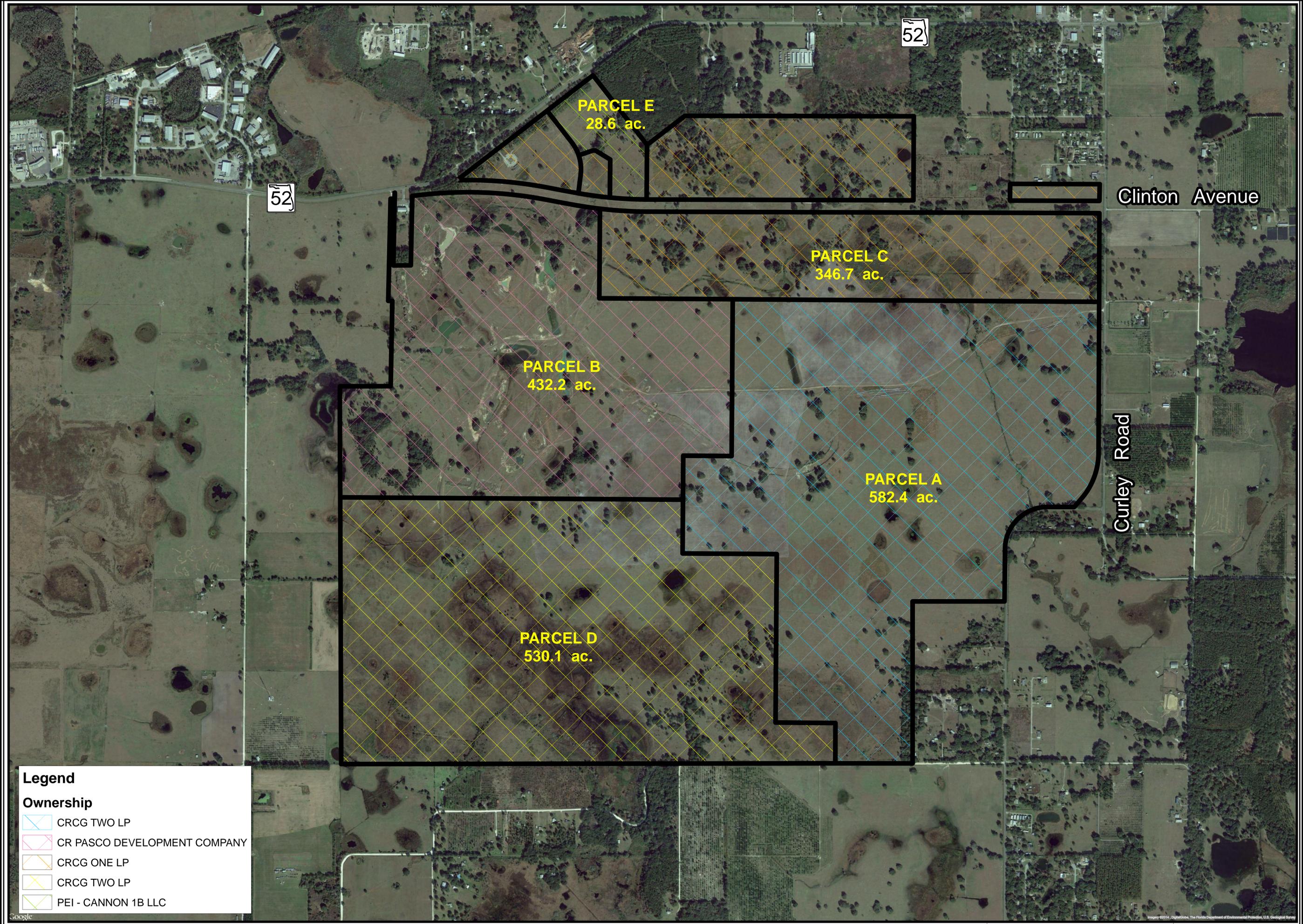
Greg Bennett
 Date: _____

MASTER DEVELOPMENT PLAN

Scale:	1"=500'
Sheet No.:	1-4



Please refer to response in Section A.2



52

52

PARCEL E
28.6 ac.

PARCEL C
346.7 ac.

PARCEL B
432.2 ac.

PARCEL A
582.4 ac.

PARCEL D
530.1 ac.

Clinton Avenue

Curley Road

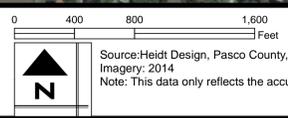
Legend

Ownership

-  CRCG TWO LP
-  CR PASCO DEVELOPMENT COMPANY
-  CRCG ONE LP
-  CRCG TWO LP
-  PEI - CANNON 1B LLC

Ownership
Cannon Ranch

Pasco County



Source: Heidt Design, Pasco County, FDOT, Google Earth Imagery, 2014
Note: This data only reflects the accuracy of its source.

HEIDT DESIGN
5806-B Breckinridge Parkway
Tampa, FL 33610
Phone: 813-253-5311
Fax: 813-464-7629

Date: 10/26/2014 1:45 PM Document: C:\GIS\Projects\Cannon_Ranch\MapDocs\Ownership_20140910.mxd

Please refer to response in Section B.2

Please refer to response in Section B.3

Please refer to response in Section B.4

E. All of the Developer's Commitments attached as Exhibit F hereto (which are those set forth in TBRPC's original, final DRI Report as modified hereby) shall be honored by the Developer, except for those commitments which have been superseded by specific terms of this DO.

F. The Developer shall adhere to the conditions of approval attached to the rezoning amendment for the subject property under Rezoning Petition No. 5634, approved by the Board on March 20, 2001, as the same shall be modified or amended pursuant to petition by the Developer approved by the Board.

IV. **SPECIFIC CONDITIONS:**

A. Project Authorization

1. Development of the Project is authorized to proceed pursuant to the applicable mix of approved land uses described in Table 1. DRI Annual Reports shall summarize the cumulative number of residential units and the cumulative amount of retail and office square footage for which Building Permits have been issued by Pasco County.

**Table No. 1
Pasco County DRI No. 163
Approved Land Uses¹**

Land Use	Project Size
Single-Family (du)	2,350*
Accessory Dwellings	400*
Multifamily Condo/Townhouse	250*
Multifamily/Resort Style (du)	1,500*
Retirement Housing Units	2,600*
Golf Course (Holes)	36
Park (Number)	2
Commercial/Retail (000,ksf)	183
Office (000, ksf)	52

* The total number of dwelling units shall not exceed 6,700.

2. The Developer shall be required to pay all applicable impact fees and receive any applicable credits pursuant to the applicable impact fee ordinance, this DO, and the DA.

B. Land Use

1. Prior to approval of the first preliminary plan/preliminary site plan, the Developer shall submit to the Pasco County Surveyor a recent (within six (6) months of approval of this DO) boundary survey of the Project which has been certified by a Florida registered land surveyor and is referenced

¹ The progression of the Project will be by dwelling units/square footage of development, as determined by market conditions. That is, the mix of multifamily, single-family residential units, and commercial (retail/office) square footage may vary within the geographic boundaries of the Project as shown on Revised Map H-2003, but the total development of the Project shall not exceed the net external trips approved for the Project. In order to qualify as a retirement residential unit, any such unit must be deed restricted for residents at least 55 years of age, or which otherwise qualifies for a deed-restricted community for purposes of the Federal Fair Housing Law. An accessory dwelling is one constructed on the same lot as the primary dwelling with its own cooking and bath facilities.

to a minimum of three (3) monuments to be provided by the Developer that are tied to State plane coordinates by Global Positioning System methods and approved by the Pasco County Surveyor. The coordinates of the monuments shall be shown on the said survey. Moreover, the monuments shall:

- a. Comply with the National Geologic Survey Data Base Standards, Chapter 21 HH-6, FAC, as amended, and approved by the Pasco County Surveyor.
- b. Be unobstructed and accessible on a twenty-four (24) hour basis and located on public property, unless otherwise approved by the Pasco County Surveyor.
- c. Be conveyed by the Developer to Pasco County at the time of final plat approvals.

C. Water Quality and Drainage

1. All drainage system components shall comply with Chapters 17-25, 40D-4, and 40D-40, FAC, as amended, as well as all other applicable local, State, and Federal rules and regulations.
2. The Developer shall, at minimum, institute and implement ground and surface water monitoring to ensure that there is no degradation of water quality caused by development of the Project. The program shall be initiated no later than six (6) months prior to the commencement of on-site construction activity in order to ensure adequate background data is obtained through Project build-out. The Southwest Florida Water Management District (SWFWMD) and other appropriate agencies, pursuant to applicable law, will approve the parameters proposed to be tested, sampling locations, methodologies, and frequencies, and shall review the monitoring results. All analytical methods and procedures used shall comply with the United States Environmental Protection Agency/Florida Department of Environmental Protection (FDEP) Quality Control Standards and Requirements. The water-quality monitoring program shall be expanded concurrent with development of the Project. Documentation that all required monitoring plans and mitigative measures have been implemented shall be provided to Pasco County as part of each annual report. Should the monitoring indicate that applicable State water-quality standards are not being met, the violation shall be reported to Pasco County immediately and, if caused by on-site activities, such causal on-site activity shall cease until the violation is corrected.
3. Stormwater discharge from impervious surfaces into the sinkhole pond located along the western boundary of the Project must be in compliance with the requirement of Chapter 62-25, FAC, as amended.
4. The Developer shall implement best management practices for reducing water-quality impacts as recommended by currently adopted regulations of Pasco County and the SWFWMD.
5. An Integrated Pest Management Program will be developed for the golf course and common areas of the Project as part of environmental, site-management planning.

2004-003866 09/08/04

D. Wetlands

1. The wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan and jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency; i.e., SWFWMD, FDEP, or the Army Corps of Engineers. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan and platted as conservation/preservation areas. Allowable activities therein will be regulated and the area delineated by the FDEP and SWFWMD permitting criteria except for exempted wetlands. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. The area contained therein shall be platted, or where no platting is required, designated as preservation or conservation areas, whichever is appropriate.

2. Lot lines shall not extend into wetland areas under the jurisdiction of the FDEP and SWFWMD. A minimum five (5) foot buffer shall be maintained around these areas, except wetlands altered in accordance with applicable dredge and fill permitting, both existing and proposed. Ownership and maintenance shall be provided by the mandatory homeowners'/property owners' association.

3. All modifications to on-site wetlands shall be carried out so as to maintain natural hydroperiods and flows pursuant to applicable local, State, and Federal regulations and as permitted by applicable regulatory agencies including any special conditions that may be attached to such permits. Documentation that the modifications meet regulatory and permitting criteria shall be reported as part of each annual report. Any variation from these requirements, mandated through the permitting process, shall be documented in the next annual report following issuance of the permit.

4. Use of on-site wetlands for stormwater treatment and disposal of treated wastewater effluent shall be carried out only where permitted by applicable local, State, and Federal regulations.

5. Monitoring of wetlands and wetlands hydroperiods shall be performed by the Developer and a report thereof, including any significant adverse alterations to wetlands hydroperiods, shall be part of the annual report. If it is apparent to applicable regulatory agencies that development regarding preservation/conservation areas is proceeding in violation of applicable permit conditions, Pasco County, and/or the applicable regulatory agency, shall notify the Developer and shall direct that the development activity which is in violation be corrected or cease until remedial measures have been taken to correct the violation and to cause the work to be in compliance with the permit conditions. Documentation that required remedial measures have been implemented shall be provided in the annual report, if applicable. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years. Monitoring shall include species diversity and composition and efforts to control nuisance species encroachment.

Additional planting shall be performed, as necessary, to maintain an eighty (80) percent survival of planted species at the end of three (3) years.

6. Wetlands encroachment shall be mitigated on a minimum one-to-one, in-kind basis elsewhere on site or off site as approved by Pasco County. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed.

E. Flood Plains

1. The Developer shall designate appropriate Project facilities as hurricane shelters/host facilities for residents of this Project.

2. There shall be no net loss of hydrologic storage capacity within the 100-Year Flood Plain as defined in surface-water management permit applications for the Project submitted to the SWFWMD.

3. Base floor elevations for all habitable structures shall be at or above the 100-Year Flood Plain elevation. All preliminary plan submittals shall show 100-Year Flood Plain elevations.

F. Soils

1. The Developer shall, at minimum, implement the soil conservation measures referenced on Page 14-5 of the Application for Development Approval (ADA).

G. Air Quality

1. Roadway and intersection improvements listed in Table 3 of the DO are not required for the purpose of meeting applicable National Ambient Air Quality Standards.

H. Natural Vegetation and Wildlife

1. Relocation and/or habitat (upland as well as wetland) preservation plans for all threatened and endangered species previously reported in the Application as being present on development tracts shall be implemented as approved by the Florida Fish and Wildlife Conservation Commission (FFWCC) and other applicable regulatory agencies pursuant to applicable law. Documentation of compliance shall be submitted as part of the annual report prior to the issuance of any Building Permits for the affected tracts.

2. Prior to the first preliminary plan/preliminary site plan approval, the Developer shall conduct an appropriate follow-up survey for the presence of on-site nesting locations of sandhill cranes, southern kestrels, Sherman fox squirrels, and wood stork roosts or rookeries. If this survey reveals the existence of such nesting sites and the impacts of the proposed development on these species cannot be satisfied by the habitat preservation/relocation plans referenced above, then the Developer shall take protection steps, and shall continue to monitor the status of those species on or near the site. The monitoring results, if required, shall be submitted as part of the annual report.

3. Should any species other than those mentioned above which are listed in Section 39-27.003.005, FAC, as amended, be observed frequenting the site for nesting, feeding, or breeding prior to or during development, proper protection/mitigation measures shall be employed in cooperation with the FFWCC.

I. Historical and Archaeological Sites

1. The discovery of any significant historical or archaeological sites shall be reported to the Florida Division of Historical and Archaeological Resources and to Pasco County; and the disposition of such sites shall be determined in cooperation with the Florida Division of Historical and Archaeological Resources and Pasco County.

2. The Developer shall comply with the recommendations of Exhibits 19.1-1 and 19.1-2 of the Sufficiency Resource. Archaeological Site 8Pa2O2 (the Egg Hole site) shall be excavated and surveyed by a professionally capable entity prior to ground clearing or ground disturbing activities within the affected area until the significance of the site has been determined and written authorization to proceed with such activities has been received from the Florida Department of State and Pasco County. Documentation of compliance and a report outlining the results of such excavations and surveys shall be provided as part of the annual report.

J. Utilities: Water Supply, Wastewater Treatment, and Electric Power Services

1. Water and wastewater treatment shall be provided pursuant to the Water and Wastewater Treatment Service Agreement for One Pasco Center, Colonial Village, and Route 347, dated February 10, 1987, as it may be amended from time to time. A Master Utility Plan for the entire development must be submitted to the Pasco County Utilities Department for review and to the DRC for approval prior to approval of the first preliminary plan/preliminary site plan. This Utility Plan shall minimally show the following:

- a. Trunk sewer lines and lift stations.
- b. Main potable water lines and nonpotable water lines.
- c. Any overhead electric lines.
- d. Method of lighting all major roads.
- e. Sewage treatment facility location.
- f. The proposed method of treatment and the possibility of a nonpotable water system for irrigation.

2. Upon a determination by Pasco County that a need for the same exists, then within 120 days of a written request from Pasco County, the Developer shall donate to Pasco County one (1) three (3) acre well site for a water production facility as shown on the approved MPUD Master Planned Unit Development Plan, as amended.

3. Water-saving devices shall be required in the Project as mandated by Chapter 533.14, F.S., 1985 (the Florida Water Conservation Act).

4. Native vegetation shall be used in landscaping wherever feasible. Deed restrictions will be designed to provide a drought-tolerant, plant list; required water-conserving, irrigation systems; and incentives to create "natural areas" with native plants.

5. Irrigation shall be from reuse of treated effluent as set forth in the agreement referenced in Condition No. IV.J.1 above, where available and as permitted by appropriate regulatory agencies. Responsibility for installation of a dual, water-supply system shall be in accordance with the appropriate Utilities Service Agreement.

6. At the option of the County, and in lieu of the donation of the three (3) acre well site, the County may request the Developer to pay the County the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) for use in the construction of any additional water production facilities that may become necessary to provide service to the area.

K. Solid/Hazardous Waste

1. The collection, transportation, and disposal of solid waste is controlled by Pasco County ordinance(s) and shall take place in accordance with the terms of the said ordinance(s).

2. Solid-waste recycling shall be given a high priority, and a specific plan shall be submitted to and approved by Pasco County to maximize solid-waste recycling for all phases of and all types of development within the Project.

L. Energy

1. The Developer shall implement the energy-conservation measures referenced on Page 25-6 to 25-8 of the ADA; however, the Developer shall not be required to build the percentage of attached housing or cluster buildings referenced in the pages identified.

2. Where economically feasible, all Project residents and businesses may use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration.

3. Energy-conservation programs shall be encouraged by the Developer to promote energy conservation and recycling by residents, employees, buyers, suppliers, and the public. A report on the implementation of and participation in energy-conservation programs shall be included in each annual report.

M. Transportation

1. Proportionate-share regional, roadway link and intersection improvements required to mitigate the transportation impacts of the Project are listed in Exhibit G of this DO, along with the costs thereof, the cost of necessary additional right-of-way, if any, and the Developer's proportionate share thereof as provided herein. The Developer's proportionate-share contribution for impacts of the build-out

Project is Two Million Four Hundred Seventy-Seven Thousand Eight Hundred Eighty-Eight and 00/100 Dollars (\$2,477,888.00) in Year 2001 dollars. This amount has been calculated pursuant to the determination of the FDCA dated March 13, 2001, as follows:

a. The Developer's proportionate share for the originally approved Phase One of the project is estimated as One Million Nine Hundred Fifteen Thousand Four Hundred Eighty and 00/100 Dollars (\$1,915,480.00), in 2001 dollars, pursuant to Old Rule, Rule 9J-2.0255, FAC.

b. The Developer's proportionate share for the balance of the project, that is now receiving specific approval, is Five Hundred Sixty-Two Thousand Four Hundred Eight and 00/100 Dollars (\$562,408.00), in 2001 dollars pursuant to the New Rule, Rule 9J-2.045, FAC.

c. The Developer's total proportionate share for transportation impacts, calculated with the hybrid approach, is Two Million Four Hundred Seventy-Seven Thousand Eight Hundred Eighty-Eight and 00/100 Dollars (\$2,477,888.00), in 2001 dollars.

d. The Developer has elected to design and construct the S.R. 52 Pipeline project (hereinafter Pipeline Project), as described in the attached DA, in order to mitigate the transportation impacts of the Project and the non-I-75 portion of its proportionate share obligation.

e. The portion of the DRI's proportionate share attributable to impact to I-75 (the I-75 Share), at build-out, is One Million Seven Hundred Fifty-Seven Thousand Six Hundred Thirty-Six and 00/100 Dollars (\$1,757,636.00), in 2001 dollars.

2. Traffic Monitoring. Prior to preliminary site plan approval/plat approval of fifty (50) percent of the DRI entitlement (including already build portion) in terms of p.m. peak-hour projected trip generation, the Developer shall institute an annual monitoring program and provide annual monitoring reports to Pasco County to verify that the allowable trips are not exceeded. The total driveway trips of the development shall not be allowed to exceed 1,975 inbound or 1,856 outbound p.m. peak-hour trips, for a total of 3,831 p.m. peak-hour trips. The monitoring program shall be in accordance with the following:

a. The monitoring program shall contain field traffic counts at appropriate locations to accurately measure the total and directional external trips. The counts shall be collected in accordance with acceptable engineering standards as approved by Pasco County.

b. If the monitoring reports indicate that the allowable trips are exceeded by more than five (5) percent, Pasco County shall conduct a substantial deviation determination and may amend the DO to change or require additional improvements.

3. Mitigation. The Developer shall fully mitigate its transportation impacts by means of constructing the Pipeline Project, payment of the I-75 Share, and payment of transportation impact fees (TIFs), all as more fully set forth in the DA attached hereto as Exhibit "I" and made a part hereof. In the

event of any conflict between this DO and the DA relating to transportation mitigation for the Project, the DA shall prevail.

a. Notwithstanding the foregoing, upon adoption of this DO, the Developer may proceed to develop 658 nonrestricted, single-family dwellings; 150,000 gross leasable square feet of commercial space; and an 18-hole golf course, or the equivalent thereof in terms of p.m. peak-hour trip-ends. During this initial increment of development, the Developer shall pay TIFs in accordance with the TIF Ordinance as it may be amended from time to time.

b. The DA includes the following:

(1) The final, detailed scope of the Pipeline Project improvement(s).

(2) A specification of the phasing of the Pipeline Project.

(3) A schedule for construction plans, permitting, right-of-way acquisition, and construction for each phase of the Pipeline Project to ensure the Pipeline Project is expeditiously constructed.

(4) A requirement that if the Developer should fail to adhere to the schedule of tasks in accordance with the DA, then no further Building Permits or development approvals shall be issued until the Pipeline Project has been recommenced to the satisfaction of the County.

(5) Provisions for assistance from Pasco County in the acquisition of right-of-way as needed.

(6) Requirements for financial performance guarantees to be provided by the Developer to ensure that the Pipeline Project improvements will be completed in accordance with the applicable schedule.

Subject to the terms of the DA and the County's remedies for failure to comply with such terms, the execution of the DA, together with completion of Phases One and Two of the Pipeline Project construction plans, the issuance of permits, and posting of the financial performance guarantee(s) for the cost of required right-of-way and construction for Phases One and Two of the Pipeline Project shall authorize the Developer to proceed with maximum development of 66.7 percent of the land uses in Table 1 of this DO; i.e., development that generates 2,555 external p.m. peak-hour trip ends.

c. The Developer will pay its I-75 Share (in the sum of One Thousand Seven Hundred Fifty-Seven Six Hundred Thirty-Six and 00/100 Dollars (\$1,757,636) in 2001 dollars to the County on or before January 2, 2006, to be used towards Florida Department of Transportation's (FDOT) six (6) laning of I-75 from I-275 to S.R. 52. The County shall enter into such agreements as it deems necessary to transfer the funds to the FDOT for such improvements or for a parallel facility if the FDOT cannot timely construct the subject six (6) laning.

2004-003866 09/08/04

Any material changes to the DA affecting the requirements in Sections IV.M.3.b and c above will be identified in the DO through the NOPC/DO process pursuant to Chapter 380, F.S., and Rule 9J-2, FAC. Other amendments to the DA shall not require an NOPC or DO amendment.

4. Site Access Timing. If the initial access point to the Project is on S.R. 52, then no preliminary plan/preliminary site plan shall be approved which would result in more than 851 outbound or 910 inbound p.m. peak-hour trips until a second access point to C.R. 577 (Curley Road) is constructed. If the original access point is to Curley Road, then no preliminary plan/preliminary site plan shall be approved which would result in more than 586 outbound or 589 inbound p.m. peak-hour trips until a second access point to S.R. 52 is constructed. In no case, shall there be any approvals of record plat or issuance of final site plan approval where no plat is required beyond the 2,000th dwelling unit until the internal road network connects S.R. 52 to C.R. 577 (Curley Road).

5. Site Access Improvements. The Developer shall construct the appropriate case-intersection improvement at all Project entrances which shall include at minimum left-turn storage and right-turn acceleration/deceleration lanes and install traffic-control signals when warranted. The exact configurations, which include the Project access roads, shall be approved by Pasco County at or before the time of approvals of the preliminary plan/preliminary site plans. The improvements referenced in this subparagraph shall be considered site-specific and not eligible for impact fee credits.

6. Further Traffic Study Required. There shall be no DO time extension beyond the Year 2010 unless a Chapter 380, F.S., traffic analysis is approved by the County and reviewed by the FDOT and TBRPC.

N. Educational Facilities

The Developer shall identify alternative plans for school sites. One plan shall identify two (2) school sites: one of which shall consist of a minimum twenty (20) upland useable acres and one of which shall consist of a minimum of thirty (30) upland useable acres. If feasible, a second plan may also identify one (1) site consisting of a minimum fifty (50) upland useable acres for two (2) schools. The District School Board of Pasco County (the "District") shall, under any and all conditions, have the absolute right to require conveyance of one (1) or both sites in accordance with this paragraph. The proposed sites shall be in a location and configuration that meet the District's needs, without material, adverse impact on the Developer's plan, and contemplate and give consideration to the location of age-restricted occupancy, if any. Conveyance of the selected site(s) shall take place within sixty (60) days of the written request by the District; i.e., within sixty (60) days of each request if both sites are separately requested. The proposed site(s) shall be free and clear of all liens, excluded from the boundaries of any special district, and exempt from all covenants and deed restrictions. In all events, the District shall be required to request the school site(s) within seven

2004-003866 09/08/04

(7) years from the date of the issuance of the first residential Certificate of Occupancy (CO) of the Project, or the District shall be deemed to have waived its right to request the same. The County shall issue school impact fee credits to the Developer in an amount of Fifteen Thousand and 00/100 Dollars (\$15,000.00) per usable upland acre that is actually conveyed to the District. The said credits shall be issued after proof of the conveyance of the site(s) to the District is produced by the Developer to the County. Credits may be utilized by the Developer at its discretion subject only to the requirements of the Pasco County School Impact Fee Ordinance (the "Ordinance"), as amended. Should the Developer record restrictions requiring occupancy of all or a portion of the Project to be by persons at least fifty-five (55) years of age and otherwise qualifying as retirement units for purposes of the Federal Fair Housing Law, Section 760.29, F.S., and meeting the waiver requirements of the Ordinance, as amended, the Developer, the District, and the County may enter into an agreement that extinguishes unused impact-fee credits in exchange for the balance of the purchase price of the school site(s) to be paid in cash. In no event shall the Developer receive more than the equivalent of Fifteen Thousand and 00/100 Dollars (\$15,000.00) per usable upland acre in any combination of credits and cash. The Developer may review the architectural and site plans for the proposed construction on the site(s); however, the Developer acknowledges that Pasco County has no control over this matter and the Developer shall communicate its comments directly to the District on this matter. The Developer further acknowledges that the District will only receive Developer's comments, and the District shall have no obligation to accept, apply or utilize such comments.

O. Fire and Police Protection

1. Fire protection shall be provided by the Pasco County Emergency Services Department, and police protection shall be provided by the Pasco County Sheriff's Office.

2. Within ninety (90) days of the adoption of the DO, the Developer shall convey to Pasco County a minimum of two (2) useable, contiguous, upland acres for the purpose of a public-service site. The site which shall be at a mutually agreed upon location to both the County and Developer within 1,500 feet of S.R. 52 and shall provide immediate and direct access to S.R. 52 unless otherwise approved by the DRC. In the event that the parties cannot agree on a site, the Developer agrees to pay Pasco County the amount of Fifty Thousand and 00/100 Dollars (\$50,000.00) to acquire off-site property within sixty (60) days of the County's request.

P. Library Facility

The Developer agrees to donate to the County a mutually acceptable site of up to five (5) acres in size within the Village District, Business District, or other approved location for a library facility. The Developer may have up to 120 days to donate such land from the time of formal written request from the County provided, however, that the County shall agree not to make such a request for the said site until funding is appropriated to construct the library facility. If the County makes such a request, then the donation

2004-003866 09/08/04

of the library site shall act as credit toward the land portion of the library impact fees according to the provisions of the Library Impact Fee Ordinance. The Developer shall be reimbursed for impact fees theretofore paid to the extent the land donation would amount to a duplicate payment. The Developer shall have the right to architectural and site plan review in order to ensure both the structure and site are compatible with the Project's Village District. However, if after platting and/or final site plan approval of fifty (50) percent of the 6,700 residential units allowed for the Project, the County has not appropriated the funds for construction and formally requested the donation of the library site, then the Developer shall no longer be required to make such a donation. The library site area may, with County approval, be reduced if the Developer can demonstrate to the County that shared parking is available at or near the library site and/or the Developer provides for the treatment and attenuation of stormwater from the library site within the Project's master stormwater system.

V. **DURATION**

- A. This DO shall take effect on April 18, 1989.
- B. The duration of the DO shall be a period of twenty-six (26) years, expiring April 18, 2015. The effective period may be extended by the Board upon a showing of good cause. Application for such extension shall be made at least sixty (60) days prior to the expiration date.
- C. If the development does not commence within three (3) years of the date of adoption of this Second Amended DO, Pasco County shall conduct a substantial deviation determination. Commencement of development shall mean development of infrastructure, roadways, or vertical development unless otherwise approved by Pasco County.
- D. Subject to compliance with the DO, DA, and applicable provisions of the Pasco County Comprehensive Plan and Land Development Code, the approved DRI shall not be subject to downzoning, unit density reduction, or intensity reduction before April 18, 2015, which is twenty-six (26) years from the date of adoption of this DO, unless Pasco County can demonstrate that substantial changes in the conditions underlying the approval of the DO have occurred, or that the DO was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
- E. In the event of an appeal of the DO, all schedules and deadlines set forth herein shall be extended by an amount of time equal to the time involved in the appeal.
- F. The build-out date for the entitlements in Table 1 is December 31, 2010.

VI. **MONITORING PROCEDURES**

- A. Monitoring of this DO shall be at the time of the annual report submittal and during review of the development approvals. Monitoring of the Project shall be carried out by the Developer, with review by the Pasco County Growth Management Department, FDOT, and TPRBC.