

RESOLUTION 22-R71

A RESOLUTION OF THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA AMENDING RESOLUTION 89-R26B INCLUDING THE PROVISIONS OF RESOLUTIONS 92-RI, 93-R38, 95-R61, 98-R64, 05-R09, 08-R79, ~~AND 09-R135, AND R12-101~~ APPROVING AN AMENDMENT TO THE AMENDED DEVELOPMENT ORDER FOR THE DEVELOPMENT OF REGIONAL IMPACT KNOWN AS THE RESERVE.

WHEREAS, the City Council of Port St. Lucie, St. Lucie County, Florida, has made the following determinations:

1. Callaway Land & Cattle Company filed a Development of Regional Impact Application for Development Approval with St. Lucie County, Florida, and the City of Port St. Lucie, Florida, in accordance with Chapter 380.06, Florida Statutes.
2. The developer originally proposed to construct 4,100 dwelling units; 1,600,000 square feet of industrial space; 390,000 square feet of retail space; 100,000 square feet of office space; and 250 hotel rooms, constituting a Development of Regional Impact on the real property legally described in attached Exhibit A, located in St. Lucie County and the City of Port St. Lucie, all located in the State of Florida.
3. The developer proposes that in lieu of some industrial space it may elect to construct up to 400 retirement homes, a 72-bed nursing home, a 225-bed ACLF or 120,000 square feet of medical office within the Reserve Commerce Centre in the City of Port St. Lucie provided the previously approved level of traffic impact is not exceeded and if in compliance with Future Land Use Map of the Comprehensive Plan and in compliance with the Conceptual Master Development Plan attached as exhibit "B".
4. The City Council of Port St. Lucie as the governing body having jurisdiction over that portion of this project located in the incorporated areas of the City of Port St. Lucie, pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact.
5. On December 5, 1988, the Port St. Lucie Planning and Zoning Commission held a public hearing of which due notice was published in the Port St. Lucie Tribune, and recommended to this Board that the Development Order approval for the Development of Regional Impact known as the Reserve, be granted.
6. The City Council of Port St. Lucie, Florida, on the 15th day of December 1988, held a public hearing on the Development of Regional Impact Application for Development Approval for The Reserve, and has heard and considered the testimony taken there at.

RESOLUTION 22-R71

7. At this public hearing, and following its closure, the City Council of Port St. Lucie continued any further action on the application until Monday, December 19, 1988.
8. On Monday, December 19, 1988, the City Council of Port St. Lucie removed from the table the request of The Reserve Development of Regional Impact, for Development Order approval.
9. The City Council of Port St. Lucie has received and considered the assessment report and recommendations of the Treasure Coast Regional Planning Council.
10. On December 20, 1988, the Council adopted Resolution No. 88-R76, effective December 20, 1988, granting development order approval to the Reserve.
11. On January 20, 1989, the Treasure Coast Regional Planning Council voted to appeal the City's and County's Development Order to the Florida Land and Water Adjudicatory Commission.
12. On March 27, 1989 the City Council adopted Resolution 89-R26B incorporating the terms of the settlement and granting development order approval to The Reserve.
13. Representatives of the new project developers and the Treasure Coast Regional Planning Council reached a settlement in regard to the items under appeal.
14. On August 27, 1991, Callaway Land and Cattle Company filed a Notification of Proposed Change to an Approved Development of Regional Impact, pursuant to Chapter 38006(19), Florida Statutes.
15. The City Council decided to modify the Development Order.
16. On January 22, 1993, Callaway Land and Cattle Company filed a Notification of Proposed Change to an Approved Development of Regional Impact pursuant to Chapter 380.06(19), Florida Statutes, for a second amendment to Resolution 89-R26B;
17. On January 27, 1992, the City Council adopted Resolution 92-R1, modifying Resolution 89-R26B granting development order approval to The Reserve and determined that the modifications did not constitute a substantial deviation to the approved Development Order;
18. On June 7, 1993, the Port St. Lucie Planning and Zoning Board held a public hearing of which due notice was published in the Port St. Lucie Tribune and recommended to the City Council that the Development Order approval for the Development of Regional Impact known as The Reserve, be granted;

RESOLUTION 22-R71

19. On June 28, 1993, the City Council of the City of Port St. Lucie held a public hearing, of which due public notice was published in the Port St. Lucie Tribune 10 days prior to the hearing on the proposed amendments to Resolution 89-R26B;
20. The City Council considered the comments of the Treasure Coast Regional Planning Council Staff, dated April 16, 1993, and the evidence presented by the applicant;
21. The City Council concluded that approving this second amendment to the amended Development Order for The Reserve was in the best interest of the public health, safety, and public welfare of the citizens of the City of Port St. Lucie;
22. Following the public hearing on the proposed amendments to Resolution 89-R26B, the City Council determined that the proposed amendments did not constitute a Substantial Deviation to the approved Development Order and was not subject to further Development of Regional Impact review;
23. In 1993, the Florida Legislature determined that there was a need for a comprehensive and consistent policy for protecting and conserving its environment and natural resources and that the elimination of duplicative and overlapping regulatory programs would enhance efficiency in providing services to the public; and
24. In 1993, the Florida Legislature implemented recommendations of the ELMS III Committee including, among other things, providing for the elimination of the DRI program for local governments whose comprehensive plans meet the tests set out in Section 380.06(27), Florida Statutes, providing that standards included in strategic regional policy plans may be used for planning purposes only and not for permitting or regulatory purposes, eliminating the regional planning councils as parties with standing to unilaterally appeal DRI development orders and otherwise clarifying the role of the regional planning councils in review and enforcement of DRI development orders; and
25. On November 18, 1992, Callaway Land and Cattle Company held a pre-application conference with representatives of the Treasure Coast Regional Planning Council and other state and local agencies to discuss certain changes to the development order for the Reserve which would amount to a substantial deviation; and
26. On November 18, 1992, Callaway Land and Cattle Company submitted the review fee of \$15,000.00 for substantial deviation review to Treasure Coast Regional Planning Council; and
27. On January 31, 1994, Callaway Land and Cattle Company filed a Notification of Proposed Change to an Approved Development of Regional

RESOLUTION 22-R71

impact/Substantial Deviation ADA pursuant to Chapter 380.06(19), Florida Statutes, for a third amendment to Resolution 89-R26B, covering the matters as to which substantial deviation review is required as well as other matters; and

28. On November 6, 1995, the Port St. Lucie Planning and Zoning Board held a public hearing of which due notice was published in the Port St. Lucie Tribune and recommended to the City Council that the Development Order approval for the Reserve be granted; and
29. On November 27, 1995, the City Council of the City of Port St Lucie held a public hearing, of which due notice was published in the Port St. Lucie Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B; and
30. The City Council considered the report and recommendations of the Treasure Coast Regional Planning Council, dated August 25, 1995, and the information and materials submitted by the applicant, dated January 31, 1994, August 5, 1994 and February 3, 1995;and
31. The City Council concluded that approving this third amendment to the amended Development Order for The Reserve was in the best interest of the public health, safety, and public welfare of the citizens of the City of Port St. Lucie;
32. On April 21, 1998, Callaway Land and Cattle Company sold the development known as The Reserve Development of Regional Impact to the new developer Reserve Homes Ltd., L.P., a Delaware limited partnership.
33. On May 5, 1998, Reserve Homes Ltd., L.P. filed a Notification of Proposed Change to an Approved Development of Regional Impact, pursuant to Chapter 380.06(19), Florida Statutes, for a fourth amendment to Resolution 89-R26B.
34. On August 3, 1998, the Port St. Lucie Planning and Zoning Board held a public hearing, of which due notice was published in the Port St. Lucie Tribune on July 17, 1998, on the proposed amendments to Resolution 89-R26B, as previously amended, and recommended to the City Council that the Development Order approval for the Reserve be granted; and
35. On August 24, 1998, the City Council of the City of Port St Lucie held a public hearing, of which due notice was published in the Port St. Lucie Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended; and
36. The City Council has considered the report and recommendations of the Treasure Coast Regional Planning Council, dated June 4, 1998, and the information and materials submitted by the applicant, dated May 5, 1998;

RESOLUTION 22-R71

and

37. The City Council believes that approving this fourth amendment to the amended Development Order for the Reserve is in the best interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie, and further that the proposed amendments do not constitute a substantial deviation to the original Development Order, as amended; and
38. On August 22, 2003, Reserve Homes, Ltd., L.P., filed a Notification of Proposed Change to an Approved Development of Regional Impact pursuant to Chapter 380.06(19), Florida Statutes, for a fifth amendment to Resolution 89-R26B to, among other things, amend the DRI Development Order to be as follows: 3,200 residential units; 500,000 square feet of industrial space; 290,000 square feet of retail space; 100,000 square feet of office space; 250 hotel rooms; 4 golf courses with accessory buildings, and a passive and an active recreation area which may include: baseball and multipurpose recreation fields; operational offices; welcome center; parking for 750 vehicles; and a children's team sports training center; on 81± acres. The NOPC also amends the boundary of the DRI to eliminate 10 acres from the DRI. See revised Map "H" attached herewith as Exhibit "B" for delineation of this area.
39. On December 6, 2004, the Port St. Lucie Planning and Zoning Board held a public hearing, of which due notice was published in the Port St. Lucie Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended, and recommended to the City Council that the Development Order approval for the Reserve be granted; and
40. On January 24, 2005, the City Council of the City of Port St Lucie held a public hearing, of which due notice was published in the Port St. Lucie Tribune on January 9, 2005, on the proposed amendments to Resolution 89-R26B, as previously amended; and
41. The City Council believes that approving the fifth amendment to the amended Development Order for the Reserve is in the best interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie, and further that the proposed amendments do not constitute a substantial deviation to the original Development Order, as amended; and
42. On March 19, 2007, Reserve Homes, Ltd., L.P., filed a Notification of Proposed Change to an Approved Development of Regional Impact pursuant to Chapter 380.06(19), Florida Statutes, for a sixth amendment to the original Resolution 89-R26B to, among other things, amend condition of approval numbers, to reflect changes made in the fifth amendment and amend the DRI Development Order to be as follows: delete the approval for baseball and multipurpose fields; operational offices; welcome center; parking for 750 vehicles; and a children's team sports training center and replace with 76,500 square feet of additional general office use. This

RESOLUTION 22-R71

replacement square footage being equivalent in the amount of traffic generated as the deleted use.

43. On August 5, 2008, the Port St. Lucie Planning and Zoning Board held a public hearing, of which due notice was published in the Port St. Lucie News prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended, and recommended to the City Council that the Development Order approval for the Reserve be granted; and
44. On August 25, 2008, the City Council of the City of Port St Lucie held a public hearing, of which due notice was published in the Port St. Lucie News prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended; and
45. The City Council believes that approving this sixth amendment to the amended Development Order for the Reserve is in the best interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie, and further that the proposed amendments do not constitute a substantial deviation to the original Development Order, as amended; and
46. On August 25, 2008 the City Council granted approval of Resolution 08-R79, which provided for a sixth amendment to Resolution 89- R26B, the approved Development Order for the Development of Regional Impact known as the Reserve.
47. On July 24, 2009, in accordance with the Settlement Agreement between St Lucie County and Reserve Homes Ltd., L.P., St Lucie County filed an application for a Substantial Deviation pursuant to Chapter 380.06(19), Florida Statutes, (NOPC) for a seventh amendment to Resolution 89-R26B to; a) reduce the Native Upland Habitat requirement to 327.5 acres; b) delete all requirements for deed restriction for microsited lands; c) remove each of the Pre-Development parcels from their lands and acreage described in the Development Order; and d) preserve the provisions of the Development Order that permit micrositing on Reserve homes' land and on commercial or industrial parcels.
48. On August 11, 2009, the Treasure Coast Regional Planning Council notified the City it had issued a report, dated February 27, 2009, and published findings that pursuant to Section 380.06(19)(f)(4), Florida Statutes, it determined the proposed change will not create additional regional impacts on regional resources that were not previously reviewed by the Council. Further, the Council does not object to the proposed 0.0. amendments described in the Substantial Deviation application received by the Council on July 24, 2009.
49. On October 6, 2009, the Port St Lucie Planning and Zoning Board held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89-

RESOLUTION 22-R71

R26B, as previously amended; and

50. On October 26, 2009, the City Council of the City of Port St. Lucie held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended; and
51. The City Council believes that approving this seventh amendment to the amended Development Order for the Reserve is in the nest interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie, and further that the proposed amendments do constitute a substantial deviation to the original Development Order, as amended; however, the proposed changes do not create additional regional impacts on regional resources or facilities that were no previously reviewed.
52. Section 380.06(19){c), Florida, Statutes, provides that a developer may file a notice letterwith a local government to extend the DRI phase, buildout, and expiration dates by four years, subject to certain procedural requirements. The developer filed the required noticeletter to effectuate the extensions, and this 8th amendment to the Development Order incorporates the statutorily authorized extensions. Pursuant to s. 380.06(19)(c), F.S., thisamendment is not subject to further development-of-regional-impact review. Chapter 2007-204, Laws of Florida, provides that a developer may file a notice letter with a local government to extend the DRI phase, buildout, and expiration dates by three years, subject to certain procedural requirements. The developer filed the required notice to effectuate the extensions, and this 8th amendment to the Development Order incorporates the statutorily authorized extensions. Pursuant to Chapter 2007-204, Laws of Florida, this amendment is not subject to further development-of-regional-impact review; and
53. On October 27, 2011, Reserve Homes Ltd., L.P. filed an application for a Notice of Proposed Change pursuant to Chapter 380.06(19), Florida Statutes, for an eighth amendment to Resolution 89-R26B to amend Map H (Map H use thresholds legend) and among other things, amend the DRI Development Order to: delete 105,400 square feet of general office use; delete 300 residential units; delete 140,000 square feet of retail/commercial use; and increase hotel by an additional 60 rooms. The amendment results in a substantial decrease in p.m. peak hour trips.

The resulting change amends the DRI Development Order to be as follows: 2,900 residential units; 500,000 square feet of industrial space; 150,000 square feet of retail/commercial use; 71,100 square feet of office space; 310 hotel rooms; 4 golf courses with accessory buildings and uses; and 1 PGA Learning Center. Future increase(s) in intensities to the Reserve DRI will require the Reserve DRI to undergo further DRI review consistent with Chapter 380.06, F.S.

54. On July 3, 2012, the Treasure Coast Regional Planning Council issued a

RESOLUTION 22-R71

letter to both the City and the County confirming that the application qualifies as a non-substantial deviation pursuant to s. 380.06(19)(e)2k, Florida Statutes, and published findings that pursuant to s. 380.06(19)(f)(4), Florida Statutes, the proposed change will not create additional regional impacts on regional resources that were not previously reviewed by the Council; the Council does not object to the proposed D.O. amendments described in the application. Further, in their letter dated July 18, 2012 the Department of Economic Opportunity concluded that the proposed changes are subject to s. 380.06(19)(e)2k, Florida Statutes, and that the proposed changes therefore do not constitute a substantial deviation and a Notice of Proposed Change is not required.

55. On October 2, 2012, the Port Saint Lucie Planning and Zoning Board held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended; and
56. On, October 22, 2012, the City Council of the City of Port St. Lucie held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89-R26B, as previously amended; and
57. The City Council believes that approving this eighth amendment to the amended Development Order for the Reserve is in the best interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie, and further that the proposed amendments, pursuant to s. 380.06(19)(e)2k, Florida Statutes, do not constitute a substantial deviation to the original Development Order and the proposed changes do not create additional regional impacts on regional resources or facilities that were not previously reviewed.
58. Between October 22, 2012 and December 31, 2021, other land owners lying within the boundary of the DRI development order filed for DRI extensions with St. Lucie County that extend the DRI buildout date to January 27, 2023
59. On February 3, 2022, Meritage Homes of Florida, Inc. on behalf of PGA at Saint Lucie County LLC filed an application for a ninth amendment to Resolution 89-R26B to amend Map H and among other things, amend the DRI Development Order to; delete 64,264 square feet of general commercial/retail use; and replace with 101 additional residential units and 103,005 SF of office use. This increase in use is equal in the amount of traffic generated as the deleted use.

The resulting change amends the DRI Development Order to be as follows: 3,001 residential units; 500,000 square feet of industrial space; 86,736 square feet of commercial/retail space; 174,105 square feet of office space; 310 hotel rooms; 4 golf courses with accessory buildings and uses; and an active recreation area which may include operational offices, welcome center, driving range, golf instruction, and meeting and conference rooms.

RESOLUTION 22-R71

60. On _____ 2022, the Port St Lucie Planning and Zoning Board held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89- R26B, as previously amended; and
61. On _____ 2022, the City Council of the City of Port St. Lucie held a public hearing of which due notice was published in the St. Lucie News Tribune prior to the hearing on the proposed amendments to Resolution 89- R26B, as previously amended; and
62. The City Council believes that approving this ninth amendment to the amended Development Order for the Reserve is in the best interest of the public health, safety and welfare of the citizens of the City of Port St. Lucie.
- ~~58.~~ 63. The City Council determines it is appropriate to incorporate said modification within the Development Order resolution rather than adopt said modification as a resolution separate from the Development Order resolution.
- ~~59.~~ 64. The City Council of Port St. Lucie has made the following amended FINDINGS of FACT and CONCLUSIONS of LAW with regard to the Application for Development Approval:

RESOLUTION 22-R71

AMENDED FINDINGS OF FACT

1. The proposed Development is not in an area of Critical State Concern as designated pursuant to the provisions of Chapter ~~380.06~~ 380.05, Florida Statutes;
2. The State of Florida has not adopted a land development plan applicable to the area in which the proposed Development is to be located;
3. On October 21, 1988, the Treasure Coast Regional Planning Council issued a report and recommendations on this development pursuant to Chapter 380.06(12)(a), Florida Statutes and on April 16, 1993 and June 4, 1998 submitted comments on a proposed changes.
4. The proposed Development is consistent with the local comprehensive plan, development laws and regulations of the City of Port St. Lucie.
5. The proposed Development is consistent with the State Comprehensive Plan.
6. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to the area.
7. Developer has submitted a comprehensive air quality computer modeling study which demonstrates that State and federal air quality standards have been met, and which does not identify any exceedances requiring carbon monoxide monitoring or abatement.

CONCLUSIONS OF LAW

NOW, THEREFORE, BE IT RESOLVED by the City Council of Port St. Lucie, Florida;

- A. That in a public meeting, duly constituted and assembled this _____ day of _____, ~~2012~~2022, Resolution ~~12-R101~~_____ which amends Resolution No. 89-R26B including the provisions of Resolutions 92-R1, 93-R-38, 95-R61, 05-R09, 08-R79, ~~and 09-R135~~, and 12-R101 granting Development Order Approval to the Development of Regional Impact known as the Reserve, is hereby APPROVED subject to the following conditions, restrictions and limitations:

APPLICATION FOR DEVELOPMENT APPROVAL

1. The Reserve Development of Regional Impact Application for Development Approval and Notice of Proposed Change is incorporated herein by reference. It is relied upon, but not to the exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as

RESOLUTION 22-R71

modified by Development Order conditions, is a condition for approval

For the purpose of this condition, the Application for Development Approval shall include the following items:

- a. Application for Development Approval dated July 9, 1987;
- b. Supplemental information dated December 3, 1987; June 15, 1988; July 22, 1988; July 29, 1988; and August 12, 1988; and
- c. Materials dated September 28, 1988; September 30, 1988; and October 6, 1988, which were received by the Treasure Coast Regional Planning Council after the formal Development of Regional Impact Application for Development Approval review process was terminated by the applicant and local public hearings had been scheduled.
- d. Notice of Proposed Change dated June 28, 1993.
- e. Materials submitted January 31, 1994, August 5, 1994 and February 3, 1995 with the Notice of Proposed Change/Substantial Deviation ADA for the substantial deviation determination.
- f. Notice of Proposed Change filed May 5, 1998.
- g. Notice of Proposed Change dated August 22, 2003.
- h. Notice of Proposed Change dated March 19, 2007.
- i. Notice of Substantial Deviation filed November 12, 2008.

Resolution 89-R26B, as amended, is hereby amended to reflect that based upon the new analysis and conditions set forth in this amended Development Order, the following conditions are being deleted and/or amended:

Paragraphs 6, 15, 47-55; and the following condition have been satisfied: Paragraph 46

- j. Notice of Proposed Change filed October 27, 2011, as subsequently amended on March 7, 2012,

Resolution 89-R26B, as amended, is hereby amended to reflect that based upon the new analysis and conditions set forth in this amended Development Order, the following conditions are being amended:

Paragraphs 2, 15a, and 45.

- k. Notice of Proposed Change dated February 3, 2022.

Resolution 89-R26B, as amended, is hereby amended to reflect that based upon the new analysis and

RESOLUTION 22-R71

conditions set forth in this amended Development Order, Paragraph 2, Condition 2 and Map H (from Resolution R12-101) are being amended.

The following conditions have been satisfied:

Paragraph 51, 55, Table 1, Condition 34

COMMENCEMENT OF DEVELOPMENT

2. ~~In the event the developer fails to commence significant physical development for any development beyond that authorized in the Development Agreement within three years from the effective date of the Development Order (the earlier of two dates if separate Development Orders were issued by St. Lucie County and the City of Port St. Lucie), development approval shall terminate and the development shall be subject to further development of regional impact review by the Treasure Coast Regional Planning Council pursuant to Section 380.06, Florida Statutes. For the purposes of this paragraph, construction shall be deemed to have been initiated after placement of permanent evidence of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or land clearing. If not completed within that time, further development shall be subject to substantial deviation review. Significant physical development has commenced. Project buildout dates and phasing buildout dates reflected in the ADA are extended four years.~~

Phasing Schedule:	Phase I	Year End of 1995
	Phase II	1995 – 1999
	Phase III	2000 – 2011
	Phase IV	2012 – 2016 <u>January 27, 2023</u>

Termination Date:

~~This development order shall terminate 34 28 years from the effective date of Resolution 89-R26B, ~~March 27, 2020~~ January 27, 2023. Any final development plan approvals not yet received at the completion of this 31 year period will be subject to further review under the provisions of Chapter 380.06, Florida Statutes, or as subsequently amended.~~

Note: Significant physical development has commenced fully satisfying this condition.

AIR

3. Clearing specific building sites shall not commence until the developer is ready to build the building or buildings to be located in that site unless seeding and mulching of disturbed areas are undertaken within 30 days of completion of clearing work. Proposed development shall comply with

RESOLUTION 22-R71

NPDES requirements.

4. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined emissions, including seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to the satisfaction of the City of Port St. Lucie and the Florida Department of Environmental Regulation.

HISTORIC AND ARCHAEOLOGICAL SITES

5. In the event of discovery of any archaeological artifacts during project construction, the developer shall stop construction in that area and immediately notify ~~the Division of Historical Resources in the Florida Department of State. Proper protection, to the satisfaction of the Division, shall be provided by the developer.~~ the City of Port St. Lucie.

HABITAT, VEGETATION, AND WILDLIFE

6. Wetlands I, 4, 5, 6, 10, 15, 16, 26, 38, 39, 52, 61A, 61B, 63, 64, 71, 75, 78, 80, 81, 83, 84, 86, 89, 91, 92 and 93 (presently calculated to include a total of 156.5 acres) as shown on the Master Plan, Exhibit H shall be retained, and/or restored if necessary, and maintained in viable condition in perpetuity. Alteration/Mitigation of these wetlands may be approved by the South Florida Water Management District and/or the U.S. Army Corps of Engineers, as applicable, through their respective regulatory programs, without the necessity of development order modification. Viability and maintenance shall be assured by deed restriction, good development and drainage plan design. Assignment of future preservation and maintenance responsibility shall be to an entity approved by the South Florida Water Management District. This assignment shall occur prior to build-out of the phase in which wetlands occur. Adverse impacts that occur due to factors within the developers' reasonable control, to any of the identified wetlands prior to build-out of this project shall be the responsibility of the developer to repair.

Any restoration conducted pursuant to this condition shall be completed in consultation with, and in a manner approved by, the South Florida Water Management District and/or the Corps of Engineers as applicable.

No building permits or certificates of occupancy shall be issued for any part of the Reserve Development of Regional Impact after the effective date of this development order (the earlier of two dates if separate development orders are issued by St. Lucie County and the City of Port Lucie), until: (i) the ditch connecting wetland 61B to the C-24 outfall route has been plugged up to the rim of the wetland and (ii) after January I, 1997 unless all of the remaining restoration required by this condition has been completed and approved by the South Florida Water Management District.

RESOLUTION 22-R71

7. Any wetland habitat creation permitted under this condition (7) shall be completed by the earlier to occur of January I, 1997 or the issuance of a building permit for the two thousandth (2000th) residential unit in The Reserve.
8. No building permits shall be issued after January I, 1994 until one of the following actions have been completed:
 - a. The developer has completed, to the reasonable satisfaction of the South Florida Water Management District, the creation of 50.0 acres of wetland habitat in mitigation for wetland habitat already destroyed on this project and previously required to be mitigated by South Florida Water Management District; or
 - b. The developer has dedicated, by conservation easement or some other instrument acceptable to St. Lucie County and South Florida Water Management District, to St. Lucie County, or another entity acceptable to St. Lucie County, and South Florida Management District, 50.0 acres of upland habitat; or
 - c. The developer has accomplished a combination of the actions described in (a) and (b) above which is acceptable to the South Florida Water Management District and St. Lucie County.

If the developer chooses to meet all or part of this responsibility by creation of wetland habitat, then the continued viability and maintenance of this habitat shall be assured by deed restriction, good development and drainage plan design, and assignment of future preservation and maintenance responsibility to any entity approved by South Florida Water Management District prior to build-out of the phase in which the created wetland occurs.

If the developer chooses to meet all or part of this mitigation responsibility by dedicating upland habitat as in option (b) above, such lands shall be transferred with restrictions that require their preservation as nature habitat area. Such lands shall not be credited towards the requirement that the developer preserve 25 percent of the upland habitat on site, pursuant to condition 15.

- d. Any wetland habitat creation permitted under this condition (8) shall be completed by the earlier to occur of January 1, 1994 or the issuance of a building permit for the two thousandth (2000th) residential unit in The Reserve.

The developer will provide St. Lucie County ~~and Treasure Coast Regional Planning Council~~ copies of the permits or other instruments showing compliance with the above conditions.

RESOLUTION 22-R71

9. No building permits shall be issued after January I, 1995, until one of the following has been completed:
- a. The developer has completed, to the reasonable satisfaction of the South Florida Water Management District the creation of wetland habitat as required by South Florida Water Management District Permits (above and beyond any wetland habitat created pursuant to the previous recommended condition), in mitigation for wetland habitat already destroyed on this project site; or
 - b. The Developer has dedicated, by conservation easement or some other instrument acceptable to St. Lucie County and South Florida Water Management District, to St. Lucie County, or another entity acceptable to St. Lucie County and South Florida Water Management District additional upland habitat acceptable to South Florida Water Management District (above and beyond any upland habitat deeded over pursuant to the previous conditions); or
 - c. The Developer has accomplished a combination of the actions described in (a) and (b) above which is acceptable to both South Florida Water Management District and St. Lucie County.
 - d. In the event the Developer has been unable to complete the creation of the required additional acreage of wetland habitat as described in (a) above on or prior to January 1, 1995, it may post a security for its completion of performance. The form and content of the instrument providing said security shall be subject to the approval of St. Lucie County and shall include a sufficient amount of non- disturbed quality upland habitat acreage as described above, equal to the acreage of wetlands which have not yet been created in accordance with (a) above. Such habitat posted in accordance with this section shall be released by the acre in exchange for each acre of wetland habitat subsequently created by the Developer in furtherance of his satisfying the condition set forth in 9(a). This procedure shall be deemed to satisfy the conditions required for issuance of building permits after January I, 1995. But under no circumstances shall building permits be issued after January I, 1997 without completion of wetland habitat as described in above.
 - e. Any wetland habitat creation permitted under this Section shall be completed by the earlier to occur of January I, 1997 or the issuance of a building permit for the two thousandth (2000th) residential unit in The Reserve.

The developer will provide St. Lucie County ~~and Treasure Coast Regional Planning Council~~ copies of the permits or other instruments showing compliance with the above conditions.

RESOLUTION 22-R71

10. Mitigation Master Plan for the Reserve DRI must be submitted to and approved by the South Florida Water Management District prior to wetlands mitigation required by this D.O. occurring on site. As a minimum, the Master Plan shall set forth:
- a. The general criteria for construction and maintenance of wetland habitat;
 - b. identify the location of all proposed mitigation relative to preserved wetland and upland systems, the surface water management system, and development;
 - c. provide for a mitigation, monitoring and maintenance program; and
 - d. include a justified estimate of total cost of implementing the proposed mitigation and monitoring program.

To be approved, mitigation plans must be found to fully replace the functions and values provided by exempted wetlands that have been or will be eliminated.

Reasonable assurance of financial and institutional ability to carry out the commitments included in the approved mitigation plan may be provided by any one or a combination of the following:

- a. a surety bond in the amount equal to 125 percent of the cost estimate for implementing the approved mitigation and monitoring plan;
- b. performance guarantee to St. Lucie County and/or the City of Port St. Lucie as part of a project construction guarantee, provided the guarantee adequately covers costs;
- c. cash bond or letter of credit from a financial institution;
- d. escrow agreements which include money, land or improvements; and
- e. performance prior to wetland loss only applies to mitigation for wetlands not yet destroyed.

The specific form and adequacy of the guarantee shall be subject to approval by St. Lucie County if mitigation occurs within the County, or the City of Port St. Lucie if mitigation occurs within the City. Financial guarantees shall not be released for any portion of the project until work is completed, inspected, and approved in writing by the South Florida Water Management District. The ~~annual~~ biennial report shall include a summary of wetland mitigation accomplished pursuant to the approved master plan.

11. Lakes or canals shall not be excavated within 200 feet of any wetlands which are required by the South Florida Water Management District to be

RESOLUTION 22-R71

preserved or restored on the project site. Wells in the shallow aquifer shall not be located within 300 feet of any wetlands which are preserved or restored on the project site. Any exceptions to this condition must be approved by South Florida Water Management District on the basis of soil or other data showing that water table elevations within preserved wetlands would not be adversely affected. ~~A copy of any South Florida Water Management District permit or other consent addressing this condition will be provided to Treasure Coast Regional Planning Council.~~

12. To help assure that maintenance or implementation of predevelopment hydroperiods occurs within the preserved and restored wetlands and within any wetland mitigation areas, final drainage plans shall provide for routing of sufficient volumes of runoff from acceptable sources to wetlands prior to routing of any excess runoff to lake systems. Control elevations shall be established consistent with the intent to maintain or improve predevelopment hydroperiods within all wetland areas. The South Florida Water Management District must approve the routing of runoff and control elevations as shown on the final drainage plans to achieve the intent indicated above.
13. The developer shall preserve and maintain a buffer zone of native upland edge vegetation around all preserved, restored, or created wetlands on site in accordance with the requirements of the South Florida Water Management District. The buffer zone shall include a canopy, understory, and ground cover of native upland species. The requirements of the upland buffer shall include a total area of at least ten square feet per linear foot of wetland, except where an expanded upland buffer has been required for protection of the sandhill crane (provided for under the approved management plan referenced herein, and attached hereto and made a part thereof an exhibit) and be located such that no less than fifty percent of the total shoreline is buffered by a minimum width of ten feet of upland habitat. Upland buffers shall be clearly delineated, and roped off, prior to any land clearing within 200 feet of any wetland to be preserved or restored.
14. No further land clearing or development activities shall take place on the Reserve DRI until:
 - a. the Florida Game and Fresh Water Fish Commission and the United States Fish and Wildlife Service approve a management plan for protection and management of the Red-cockaded Woodpecker; and,
 - b. St. Lucie County is notified in writing that the management plan is approved. The management plan shall provide for the permanent preservation of any colony sites deemed necessary by the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service. Each preserve colony site shall be no less than ten acres in size and have boundaries no less than 200 feet from all

RESOLUTION 22-R71

existing cavity trees within the preserve. The Preserved colony sites may be irregularly configured and should include the best habitat for the Red-cockaded Woodpecker contiguous with the colony. The Developer shall not develop the underland or understory within the Preserve area. The plan shall also provide for sufficient foraging opportunities within one-half mile of the colony site to meet the recommended criteria set by the United States Fish and Wildlife Service Red-cockaded Woodpecker Recovery Plan. The plan must also include a monitoring program to insure that sufficient foraging opportunities are maintained. The plan may be updated and amended and the preserve areas modified from time to time to accommodate then-current conditions with the approval of the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service. It shall be the responsibility of the Developer to implement the approved plan.

~~A copy of the approved plan shall be provided to Treasure Coast Regional Planning Council.~~

15. The developer shall preserve a minimum of (327.5 acres) of native upland habitat in accordance with the St. Lucie County's Comprehensive Plan for land within the jurisdiction of the County and with the City's comprehensive plan for land within the jurisdiction of the City as depicted on the referenced Exhibit C, dated January 17, 2007 which is to be kept on file with the St. Lucie County Growth Management Director. Native upland habitat preserved and protected by deed restrictions pursuant to wetland buffer zone requirements and upland habitat required for the protection of species of special regional concern, including the Red-cockaded Woodpecker colony sites and Sandhill Crane upland buffer, may be counted toward meeting this minimum requirement. The balance of this preserved acreage may be the result of micro-siting of development or selective clearing of areas to be developed as open space, common area or preserves, provided maintenance of habitat is required through deed restriction. However, as a minimum, preserve areas shall be of appropriate size, quality, and arrangement to maintain existing populations of species of special regional concern on the property. Native upland habitat is defined as areas exhibiting native species in all layers of canopy, understory, and ground cover that are present. Areas with native trees, but planted ground cover do not qualify as native uplands (e.g., improved pasture). Micro-siting on individual lots shall not be counted towards meeting this requirement.

Exhibit "C", dated January 17, 2007, a copy of which is to be kept on file with the City's Planning & Zoning Director and shall identify the minimum 327.5 acres preserved pursuant to this condition with a total of 131 acres being preserved within the City of Port St. Lucie. The biennial report shall include copies of deed restrictions assuring preservation of native upland habitat acreage. Large preserve tracts of land or micro-sited preservation

RESOLUTION 22-R71

on individual, commercial, or industrial lots, if used to meet the habitat requirement, shall be established by the developer through permanent deed restrictions or as otherwise shown as being preservation areas on approved site plans. The biennial report shall also include copies of deed, approved site plan with preservation areas, or other restrictions assuring preservation of native upland habitat acreage. Portions of the requisite 327.5 acres of upland preserve located in the City can be developed and offsite upland habitat provided. Offsite mitigation will be limited to 31 acres.

Notwithstanding the foregoing, Reserve Homes Ltd., L.P. shall be deemed to be in compliance with the above condition provided it complies with the terms contained in Section 5 of that certain Settlement Agreement between St. Lucie County and Reserve Homes, Ltd., L.P. dated as of January 17, 2007.

a. The Developer shall within 90 days of adoption of this eight amendment to Resolution 89-R26B deed to the City a 22.86 ac. parcel of land for open space conservation purposes as shown on Exhibit E dated October 27, 2011. All upland habitat portions of said 22.86 ac. parcel of land shall count toward the required upland habitat within the DRI. Should the City develop this land for non-conservation use(s) the City shall be required to mitigate for the loss of the upland habitat.

16. In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for The Reserve Development of Regional Impact) is resident on, or otherwise is significantly dependent upon, The Reserve Commerce Centre property, the developer shall cease all activities which might negatively affect that individual population and immediately notify both the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. Proper protection, to the satisfaction of both agencies, shall be provided by the developer.
17. Prior to any construction in The Reserve Commerce Centre beyond that authorized by building permits issued before the effective date of this development order, all Melaleuca, Brazilian pepper, and Australian pine which occur on site shall be removed. Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of these species on site.
18. Prior to commencement of clearing activities on any portion of the Reserve site, the Developer must survey for gopher tortoise burrows. Protecting in situ, or relocation to a suitable on-site preserve area is required before development of the parcel surveyed. If gopher tortoise burrows are found, Florida mouse, gopher frog, and Eastern Indigo snake, shall be provided for as well. The plan shall be reviewed and approved by the Florida Game and

RESOLUTION 22-R71

Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. After approval of the plan, specific parcels may be cleared and developed subject to compliance with the methods and procedures stated in the plan without further approval. The ~~annual-biennial~~ report ~~required by Section 380.06, Florida Statutes~~, shall include a summary of survey and relocation efforts prepared by a qualified biologist. ~~Treasure Coast Regional Planning Council shall be provided a copy of any approved plan.~~

19. As a minimum the Developer shall preserve two areas that provide potential nesting habitat for Sandhill Cranes. One of these areas shall include wetlands 80, 81 and 83. The other shall include wetland 63, or a suitable portion of Wetland 61A or 61B, or any other wetland so long as it is approved as suitable by the Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service. Each such wetland shall be permanently buffered by either:

- 1) 100 feet of upland habitat preserve managed as open rangeland immediately adjacent to the wetland plus 50 feet of habitat dense enough to provide a visual screen (this buffer requirement shall apply if the first use outside the buffer is residential or commercial), or
- 2) 50 to 100 feet of upland habitat preserve managed as open rangeland immediately adjacent to the wetland (this buffer requirement shall apply only if the first use outside the buffer is golf course). The acceptable depth of upland habitat if buffer type 2 is required will depend upon the width of golf course next to the buffer, but the total of rangeland buffer plus golf course must equal or exceed 150 feet. Habitat set aside for buffers may be counted toward the requirement of 25 percent habitat preservation except for those portions preserved in compensation for wetlands pursuant to Conditions 8 and 9.

Management of the non-golf course portions of the buffers and the wetlands shall be pursuant to recommendations of the Florida Game and Fresh Water Fish Commission.

During the months from December 1, to April 30, no construction within 300 feet of any preserved or restored wetland shall occur until the wetland has been surveyed for Sandhill Crane nests. In the event active nests are found, construction shall not occur until July or 90 days after the eggs hatch, whichever occurs first.

20. ~~Prior to further development activity, the developer shall provide the Treasure Coast Regional Planning Council with a letter assuring that access will be allowed to the Reserve Development of Regional Impact in perpetuity for the purposes of monitoring compliance of the project with conditions set forth. The Developer shall provide access to project for monitoring compliance.~~

DRAINAGE

RESOLUTION 22-R71

21. The developer shall design and construct the stormwater management system to retain the maximum volumes of water consistent with providing flood protection. The system shall be designed and constructed to retain or detain with filtration, as a minimum, the first one inch of runoff or the runoff from a one-hour, three-year storm event, whichever is greater. Required retention volumes may be accommodated in a combination of vegetated swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. All discharges from the surface water management system shall meet the water quality standards of Florida Administrative Code. Receipt of a valid South Florida Water Management District construction permit for a stormwater management system shall constitute compliance with this condition.
22. The developer shall design and construct the surface water management system such that maintenance of normal hydroperiods within restored, preserved, and created wetlands can be guaranteed against the negative impacts of activities within the project boundaries, and that the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from impervious surfaces and parking areas be diverted directly into wetlands on site. Final drainage plans shall be submitted to the South Florida Water Management District and the City of Port St. Lucie. At a minimum, such plans shall depict how preserved and created wetland areas will be incorporated into the development site plans for each individual development area or drainage basin with appropriate supporting information to demonstrate how sufficient quantities of surface runoff from portions of the developed areas will be conveyed to wetland areas in order to maintain or improve their existing hydroperiod. Clearing of the land in a development area or drainage basin shall not begin until plans are approved by the appropriate agencies for the development area or drainage basin. ~~Treasure Coast Regional Planning Council will be provided copies of any construction permits issued by South Florida Water Management District.~~
23. Maintenance and management efforts required to assure the continued viability of preserved and created wetland littoral zone and upland habitats and the proper operation of all components of the surface water management system shall be the financial and physical responsibility of the developer. Any entities subsequently approved by the City of Port St. Lucie to replace the developer shall be required, at a minimum, to assume the responsibilities outlined above.
24. The Developer shall establish a vegetated and functional littoral zone as part of the surface water management system of lakes. Prior to construction of the system for each development area or drainage basin of the project, the developer shall prepare a design and management plan for the wetland/littoral zone that will be developed as part of that system. The plan shall: (1) include plan view and site location; (2) include typical cross

RESOLUTION 22-R71

sections of the surface water management system showing the average water elevation after taking into account the effects of wellfield pumping and irrigation withdrawals on the lake system and the -3 foot contour (i.e., below average elevation); (3) specify how vegetation is to be established within this zone, including the extent, method, type and timing of any planting or mulching to be provided; and (4) provide a description of any management, monitoring, and maintenance procedures to be followed in order to assure the continued viability and health of the littoral zone. The littoral zone as established shall consist entirely of native vegetation and shall be maintained permanently as part of the water management system. As a minimum, ten square feet of vegetated littoral zone per linear foot of lake shoreline shall be established. The plan shall be subject to approval by St. Lucie County, the City of Port St. Lucie, and the South Florida Water Management District prior to beginning any excavation activity. Littoral zones shall be constructed concurrent with lake excavation and final grading. Operational permits for the surface water management system shall not be issued until such time as littoral zones have been constructed and inspected.

WATER

25. All water use by The Reserve Commerce Centre shall be metered, as required by the South Florida Water Management District. ~~Annual~~ Water use data shall be provided to the South Florida Water Management District as required by its permits ~~and Treasure Coast Regional Planning Council as part of the annual report to be submitted by the developer as required by Section 380.06, Florida Statutes.~~
26. To reduce the demand for irrigation water, a minimum of 30 percent of all landscaping material and 50 percent of all planted trees shall be native plants adapted to the soil and climatic conditions occurring on site.
27. To the maximum extent consistent with wetland protection, surficial aquifer wellfields serving The Reserve Commerce Centre shall be located such that principal land uses within the cone of influence of such wells are open space, preserve, or residential area. In no case shall development which would use, handle, store, or produce hazardous or toxic materials occur within the cone of influence (i.e., one foot drawdown area) of a surficial aquifer potable water supply well, unless such use, handling, storage, or production is consistent with binding wellfield protection regulations.
28. In no case shall reverse osmosis reject water be utilized for irrigation purposes unless approved by the appropriate ~~state~~-permitting authority.
29. Water-saving plumbing devices shall be required in all construction (both residential and nonresidential) to reduce potable and nonpotable water demand. These devices shall include low flush toilets and efficient faucets and shower heads to help reduce the use of potable water for these uses.

RESOLUTION 22-R71

30. Rates charged for potable water use shall be structured to encourage water conservation.
31. By January 1, 1990, all existing commercial users of potable water at The Reserve Commerce Centre shall be supplied with water service by the Reserve Community Development District. All future development at The Reserve Commerce Centre shall also be supplied with water service by the Reserve Community Development District.
32. All residential, commercial and industrial water and sewer requirements shall be supplied by a common utility which shall provide water and sewer service to all existing and proposed development, except Sabal Creek Phases I, II and IV, and Reserve Plantation 1, IIA and JIB, which contain lots which are in excess of the minimum requirement of one-half acre and any lots proposed within Sabal Creek Phase III (56 acre parcel) providing such lots be at least one acre in size. At such time and in the event water and/or sewer lines are made available to lots contained in the subdivisions referenced herein, they shall be required to hook up to the common utility service then provided by the utility company.
33. Any consents or other approvals required from ~~the Treasure Coast Regional Planning Council and/or~~ in consultation with other governmental agencies, as a condition to further development approvals being issued after the effective date of the development order, shall not be subject to unreasonable delay ~~after all submissions and other data required by such agency (including Treasure Coast Regional Planning Council) from Developer, has been supplied.~~
34. No building permits shall be issued for The Reserve Commerce Centre beyond construction authorized by the Development Agreement executed by the Department of Economic Opportunity. until the South Florida Water Management District notifies the City of Port St. Lucie in writing that the method of providing potable and nonpotable water needs to such further development proposed by the developer is permitted and will not have adverse impacts to: 1) wetlands required by the Development Order to be preserved on site or wetlands and littoral zones created on site as mitigation for wetland functions and values lost as a result of this development; 2) the potentiometric head of the Floridian Aquifer, if applicable; and 3) the ability of existing legal users to meet their permitted potable and nonpotable requirements. Parameters and methods of hydrologic investigations undertaken to demonstrate that a sufficient source of water is available to serve further development proposed by the developer without adversely impacting the items listed above shall be established to the satisfaction of the South Florida Water Management District. Receipt of a valid South Florida Water Management District consumptive use permit for a withdrawal shall constitute compliance with this section.

RESOLUTION 22-R71

Condition Satisfied

35. Maintenance and management efforts required to assure the continued proper operation of all components of the central water supply system shall be the financial and physical responsibility of the Reserve Community Development District until such time as it may be conveyed to another entity. Any entities subsequently authorized to replace the Reserve Community Development District shall be required, at a minimum, to assume the responsibilities outlined above or delegate such responsibilities to another entity to the satisfaction of the City of Port St. Lucie.

Appropriate plans, specifications and applications for the water plant expansion shall be submitted to the Department of Environmental Protection (DEP) upon the existing water treatment facility reaching a finishing water maximum day demand equal to 80% of the DEP's rated plant capacity. Construction of the expansion shall begin before or when the facility achieves a maximum day finished water production equal to 90% of DEP's approved rated plant capacity.

WASTEWATER

36. Development shall only occur concurrently with the provision of adequate central wastewater treatment services. Prior to application for building permits for any part of The Reserve Commerce Centre at the beginning of each phase, the developer shall demonstrate that adequate treatment facilities will exist on schedule to handle all wastewater generated from both completed and planned development. Evidence of adequate treatment and disposal capability shall be subject to approval by the City of Port St. Lucie in consultation with the Department of Environmental Protection.

The central wastewater treatment system shall be expanded based on the following flow capacities (actual 3 peak month average daily):

- a. When flows reach 60% of permitted capacity, a consultant will have been chosen.
 - b. When flows reach 70% capacity, appropriate plans, specifications and application for wastewater plant expansion shall be submitted to the Department of Environmental Regulation.
 - c. When flows reach 75% capacity, construction shall begin and be completed and certified prior to flows reaching 95% of permitted capacity.
37. The existing and proposed wastewater treatment and disposal system shall be constructed or modified to produce irrigation quality water so that spray irrigation of such water will be the primary wastewater disposal method. Excess wastewater may be disposed of through percolation ponds, as

RESOLUTION 22-R71

permitted.

38. Maintenance and management efforts required to assure the continued proper operation of all components of the central wastewater treatment system shall be the financial and physical responsibility of the Reserve Community Development District, until such time as conveyed to another entity. Any entities subsequently authorized to replace the Reserve Community Development District shall be required, at a minimum, to assume the responsibilities outlined above or delegate such responsibilities to another entity to the satisfaction of the City of Port St. Lucie.

HAZARDOUS MATERIALS AND WASTE

39. Within three months of the effective date of the Development Order (the earlier of two dates if separate Development Orders are issued by St. Lucie County and the City of Port St. Lucie), the developer shall submit a hazardous materials management plan for review and approval by the City of Port St. Lucie, St. Lucie County, and the South Florida Water Management District and the Department of Environmental Protection. If said approval is not obtained within six months of the effective date of the Development Order, no further building permits shall be issued for any part of the project until approval is obtained. The plan shall:
 - a. require disclosure by all owners or tenants of non-residential property of all hazardous materials proposed to be stored, used, or generated on the premises;
 - b. require inspection of all business premises storing, using, or generating hazardous materials prior to the commencement of operation, and periodically thereafter to assure that adequate facilities and procedures are in place to properly manage hazardous materials projected to occur;
 - c. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials;
 - d. provide for proper maintenance, operation, and monitoring of hazardous materials management systems including spill and hazardous materials containment systems;
 - e. detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials; and
 - f. guarantee financial and physical responsibility for spill cleanup.

RESOLUTION 22-R71

MONITORING AND COMPLIANCE

40. In addition to all information required by ~~Chapter 380, Florida Statutes; by Chapter 9J-2, Florida Administrative Code;~~ by St. Lucie County; and by the City of Port St. Lucie for inclusion in a Biennial report to be prepared and submitted by the developer for The Reserve Development of Regional Impact, the following information must be included:
- a. current, good quality aerial photo showing native upland habitat preserved pursuant to the Development Order, acreage of the preserved areas, and copies of deed restrictions assuring preservation of native upland habitat acreage;
 - b. summary of Gopher tortoise surveys and relocation efforts as required by the Development Order; and
 - c. water use data (amounts from all sources) per Development Order condition requiring metered water use sources.

POLICE AND PUBLIC SAFETY

41. Prior to the issuance of any building permits, in any portion of this project in the incorporated areas of the City of Port St. Lucie, the petitioner shall pay any appropriate City assessment for the purpose of police/public safety.

FIRE PROTECTION

42. The developer shall reserve one parcel, a minimum size of two acres and configured to meet the needs of the St. Lucie County/Ft. Pierce Fire District, within the Reserve Commerce Park. This site shall be conveyed to the Fire District in a manner and time acceptable to the Fire District, if so required0

Upon the enactment of a formal public safety (fire) impact fee ordinance by the St. Lucie County Board of County Commissioners, the terms and conditions of that ordinance shall apply to those portions of this project, described in Exhibit B of this resolution.

ENERGY

43. In the final site and building design plans, the developer shall: 1) incorporate those energy conservation measures identified on pages 25D.1 and 25D.2 of The Reserve Development of Regional Impact Application for Development Approval; 2) comply with the Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes; and 3) to the maximum extent feasible, incorporate measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan dated May, 1979, and the Treasure Coast Regional Planning Council's Regional Comprehensive Policy Plan. As a minimum, the developer shall demonstrate that incorporation of energy conservation measures already committed to and those measures to be

RESOLUTION 22-R71

incorporated by the requirement of Condition 44 below has reduced projected energy demand by 20 percent below that demand which would have occurred without incorporation of the measures.

44. The developer shall incorporate each of the 17 energy saving methods outlined in the ENERGY section discussion of the Treasure Coast Regional Planning Council's Assessment Report for The Reserve Development of Regional Impact unless it can be demonstrated to the satisfaction of the ~~Treasure Coast Regional Planning Council~~ City of Port St. Lucie that individually each method is not cost effective.

TRANSPORTATION

45. ~~In the event the Developer decides to increase the amount of permitted uses within the Proposed Development, the Developer shall include in an application for PUD zoning for the PUD pod within which such change is contemplated, an analysis showing the proposed change and how it conforms to the conversion methodologies set forth below. In addition, the~~ Any use conversion shall require the mutual agreement of St. Lucie County and Port St. Lucie. The St. Lucie County Community Development Director and/or the City of Port St. Lucie Director of Planning and Zoning shall be the local official assigned the responsibility to approve the conversion of use. The conversion of use shall use the ratios contained in the conversion matrix and the cumulative use may not be less than the minimum use or more than the maximum use identified in the conversion matrix. The DRI annual biennial Report shall include information indicating the cumulative number of single-family dwelling units, condominium/townhouse dwelling units, timeshare units, hotel units, office square footage, industrial square footage, and retail square footage that have been approved by the City as of the date of the annual biennial Report, ~~but in no event shall more than 50,000 square feet of general light industrial square footage, 25,000 square feet of office square footage or 25,000 square feet of shopping center square footage be converted to another use.~~

RESOLUTION 22-R71

The following conversion matrix shall be used to allow land use conversions within the Proposed Development:

Land Use	Trade Off	To Get						
		General Light Industrial	Single - Family	Condo/ Townhouse	Timeshare	Hotel	Office	Shopping Center
General Light Industrial	1,000 SF	---	1.40 du	2.42 du	2.57 units	1.70 rms	579 sf	253 sf
Single-Family	1 DU	715 sf	---	1.73 du	1.83 units	1.21 rms	414 sf	181 sf
Condo/ Townhouse	1 DU	413 sf	0.58 du	---	1.06 units	0.70 rms	239 sf	104 sf
Timeshare	1 Unit	390 sf	0.55 du	0.94 du	---	0.66 rms	226 sf	99 sf
Hotel	1 RM	590 sf	0.82 du	1.43 du	1.51 units	---	341 sf	149 sf
Office	1,000 SF	1,727 sf	2.42 du	4.19 du	4.43 units	2.93 rms	---	437 sf
Shopping Center	1,000 SF	1,000 sf	5.53 du	9.58 du	10.14 units	6.71 rms	2289 sf	---
<u>DRI Use</u>		<u>500,000 SF</u>		<u>3,001 Dwelling Units</u>		<u>310 Rms</u>	<u>174,105 SF</u>	<u>86,736 SF</u>
<u>Minimum Use</u>		<u>300,000 SF</u>		<u>2,800 Dwelling Units</u>		<u>110 Rms</u>	<u>74,105 SF</u>	<u>16,736 SF</u>
<u>Maximum Use</u>		<u>700,000 SF</u>		<u>3,200 Dwelling Units</u>		<u>510 Rms</u>	<u>374,105 SF</u>	<u>156,736 SF</u>

~~Note: Consistent with section 380.06(19)(b), F.S., residential uses may not increase by more than 10 percent through the use of the conversion matrix.~~

46. Contracts shall be let within 18 months of the effective date of Resolution No. 05-R09 to construct the following listed improvements (i and ii):
 - i. Signalization at St. Lucie West Boulevard and I-95 West Ramps intersection; and,
 - ii. Extend the southbound right-turn lane, including the deceleration distance, to a location 600 feet back from the STOP bar for the southbound left-turn lane.

Note: This condition is satisfied.

47. No building permits shall be issued for development that cumulatively generates more than the total PM peak-hour threshold trips or date threshold, whichever comes later, as indicated in Table I, listed after condition 55 until one of the listed alternative actions has occurred for each of the indicated improvements.

Note: This condition is satisfied.

RESOLUTION 22-R71

48. At a minimum, the Developer shall pay a fair share contribution consistent with the road impact fee ordinance of the City of Port St. Lucie.
49. Beginning two years after the approval date of this Development Order, a PM peak-hour trip generation summary of approved development shall be provided to the City of Port St. Lucie on a Biennial basis.
50. Commencing in 2008 and continuing every two years thereafter, the developer shall submit a Biennial Status Report indicating the status (schedule) of guaranteed improvements. This Biennial Status Report shall be submitted to the City of Port St. Lucie and St. Lucie County, ~~FDOT, TCRPC and the DEO part of the Development of Regional Impact Annual Report.~~

The Biennial Status Report shall list all roadway improvements needed to be constructed, the guaranteed date of completion for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement. Additionally, this report shall include the most recently provided trip generation summary as required under Condition 49 and any land use trade-off conversions that have occurred pursuant to Condition 45 of this Development Order since the execution of the Development Order.

51. No building permits shall be issued for development that cumulatively generates more than 3153 total PM peak-hour trips or after December 31, 2005, whichever occurs later, until the indicated improvement has been included within the first three years of the adopted Capital Improvements Program for either St. Lucie County or the City of Port St. Lucie, or until the indicated improvement has been included within the first three years of the Florida Department of Transportation's Adopted Work Program, or until contracts have been funded and let by for improvements to obtain the following roadway configuration listed below including the appropriate lane geometry at the intersections, signalization, lighting and associated improvements (i)
 - i. Six-lane St. Lucie West Boulevard from Village Parkway/Commerce Center Drive to Peacock Boulevard. This improvement includes the construction of a six-lane bridge over I-95.
 - ii. St. Lucie West Boulevard at I-95 Southbound Ramps

Eastbound Reserve Blvd	Westbound St. Lucie West Blvd
Three through lanes	Two through lanes
One right-turn lane	

Southbound I-95 Southbound Off-Ramp	
Two left-turn lanes	

RESOLUTION 22-R71

One right-turn lane

iii. St. Lucie West Boulevard at I-95 Southbound Ramps

Eastbound St. Lucie West Blvd Two left-turn lane	Westbound St. Lucie West Blvd Three through lanes
Three through lanes	One right-turn lane

Northbound I-95 Northbound Off-Ramp One left-turn lane
Two right-turn lanes

iv. 2nd receiving lane for the I-95 Northbound On Ramp to accommodate dual - eastbound left turns at the I-95 east ramps intersection.

The Developer may provide for the construction of this improvement through a jointly funded undertaking among private and/or public entities and such construction and funding shall satisfy this condition provided it is the subject of a binding executed developer's agreement or contract. The developer shall be entitled to receive fair share traffic impact fee credits for all design and construction costs of this improvement in an amount consistent with any local roads impact fee ordinances or regulations.

Note: This condition is satisfied (FDOT funded construction in 2022).

52. No building permits shall be issued for development that cumulatively generates more than 3153 total PM peak-hour trips or December 31, 2005, whichever occurs later, until an operational analysis of the Village Parkway/St. Lucie West Boulevard roundabout is conducted. This analysis shall be completed on a biennial basis and submitted to the City of Port St. Lucie and St. Lucie County with the biennial report. The operational analysis shall include monitoring of current safety and operational conditions and shall project operation conditions for a three-year period. The methodology of such an analysis shall be reviewed and approved by the City of Port St. Lucie and St. Lucie County. In the event that the overall operating conditions of the roundabout are projected to be below level of service "D" or safety deficiencies are identified, operational or geometric improvements shall be implemented to provide level of service "D" or better. The roundabout/intersection shall be improved as necessary up to and including the intersection geometry identified in (i) below which replaces the roundabout with a standard intersection. Building permits shall not be issued 24 months after a need for an improvement has been identified by the operational study or projected until contracts have been funded and let by the Developer for the identified improvements. Such improvements may include additional turn lanes, warranted signalization, pavement markings,

RESOLUTION 22-R71

signage, lighting, and associated improvements (i):

- i. ~~Village Parkway~~ Commerce Centre Drive and St. Lucie West Boulevard/Reserve Boulevard

Northbound Village Parkway
One left-turn lane
Two through lane
One right turn lane

Southbound Village Parkway
Two left-turn lanes
Two through lanes
One right-turn lane

Westbound St. Lucie West Blvd
Two left-tum lanes
Two through lanes
One right-tum lane

Westbound St. Lucie West Blvd
Two left-tum lanes
Two through lanes
One right-tum lane

53. The Developer shall conduct a signal warrant analysis at the following intersections beginning January 2008. The signal warrant analysis shall be continued on a Biennial basis until all signals are warranted.

- A. Glades Cut-off Road and ~~Village Parkway~~Commerce Centre Drive,
B. Glades Cut-off Road and Reserve Boulevard.

The analyses shall be performed during the peak season and presented and approved by the City of Port St. Lucie and/or St. Lucie County, as applicable. The analysis may be limited to providing traffic volume counts only when agreed to by either the City of Port St. Lucie and/or St. Lucie County, as applicable. The signal warrant analysis shall project warrants for a one-year period.

Additional certificates of occupancy shall not be issued nine months after the analysis showing a traffic signal is warranted until either (i or ii):

- i. Contracts have been funded and let by the Developer for the installation of the traffic signal and applicable intersection improvements including appropriate lane geometry, signalization, pavement markings, signage, lighting and associated improvements; or,
ii. Within sixty (60) days after a signal is warranted, a letter of credit equivalent to 120% of the design and construction costs of the applicable signal and intersection improvements shall be posted assuring that the applicable signal will be installed within 12 months after the signal is warranted.

During the site plan approval process, a traffic study shall be

RESOLUTION 22-R71

submitted to St. Lucie County or the City of Port St. Lucie, as appropriate, to determine lane geometry for internal roadways and their intersections with collector or arterial streets.

54. Condition 54 was removed under resolution 08-R79. Reason: Improvements completed:
1. Crosstown Parkway is completed as a six-lane road.
 2. West Virginia (Crosstown Parkway) is complete as a six-lane road with an interchange at I-95.
 3. a. West Virginia (Crosstown Parkway) is complete as a six-lane road Cashmere Boulevard to Floresta Drive.
b. West Virginia (Crosstown Parkway) is complete as a six-lane road with an interchange at I-95.
55. No building permits shall be issued for development that cumulatively generates more than the 3,867 total PM peak-hour trips or after December 31, 2010, whichever occurs later, until one of the listed alternative actions has occurred for one of the following indicated improvement groups (1, 2 or 3) at the intersection of Midway Road and Selvitz Road.
1. Add a second eastbound and a second westbound through lane; or
 2. Add eastbound and westbound right-turn lanes; or
 3. A) Add northbound and southbound left-turn lanes; and
B) Add a southbound right-turn lane; or
C) Add an eastbound right-turn lane.

Alternative Actions:

- A. Contracts have been let to construct the indicated improvements; or,
- B. The indicated improvement has been included within the first three years of the adopted Capital Improvements Program for St. Lucie County or the City of Port St. Lucie, or the first three years of FDOT's adopted Work Program; or,
- C. An analysis has been conducted that demonstrates the indicated improvement(s) are not needed. The analysis shall also identify the new improvement(s) and new trip and date thresholds when such improvement(s) will be needed. ~~The methodology for such analysis and the study results shall be provided to the Treasure Coast Regional Planning Council (TCRPC) and the FDOT for review and shall be approved by the Department of Economic Opportunity (DEO).~~ Prior to the redefined threshold being reached, the

RESOLUTION 22-R71

improvement shall be let for construction or shall be programmed for construction within the first three years of the Capital Improvements Program for the City of Port St. Lucie or St. Lucie County or FDOT's adopted Work Program; or,

- D. An applicable lower level of service has been adopted by the maintaining agency and an analysis has been conducted that demonstrates the indicated improvement(s) are not needed. The analysis shall also identify the new improvement(s) and new trip and date thresholds when such improvement(s) will be needed. ~~The methodology for such analysis and the study results shall be provided to the Treasure Coast Regional Planning Council (TCRPC) and the FDOT for review and shall be approved by the Department of Economic Opportunity (DEO).~~ Prior to the redefined threshold being reached, the improvement shall be let for construction or shall be programmed for construction within the first five years of the Capital Improvements Program for the City of Port St. Lucie or St. Lucie County or first three years of FDOT's adopted Work Program; or,
- E. The City of Port St. Lucie and/or St. Lucie County has adopted a long-term concurrency management system (CMS) and includes the indicated improvement(s) in the long-term CMS; or,
- F. A local government development agreement consistent with sections 263.3220 through 263.3243, F.S. has been executed and attached as an exhibit to the Development Order.

Note: This condition is satisfied.

- 56. St. Lucie County and the developer shall either amend existing impact fee agreement RIF 04-002 or enter into an impact fee agreement, which in either form shall provide the developer credits against St. Lucie County Road Impact Fees on a dollar for dollar basis for transportation concurrency mitigation implemented pursuant to the Reserve DRI Development Order, including credits for:
 - i. Proportionate share and fair share payments previously paid or payable in the future by the developer; and
 - ii. Cost of transportation mitigation projects previously constructed or to be constructed by the developer. Transportation mitigation projects include all costs associated with a project, including design, permitting, right of way, construction and inspection costs to the extent applicable to a given mitigation project.

It is also recognized that Condition 32(C) of the Verano DRI Development Order provides that Verano Development, LLC, the developer of the Verano DRI, has voluntarily agreed to prioritize and advance certain improvements to St. Lucie West Boulevard at the request of St. Lucie County. As such, any

RESOLUTION 22-R71

amendment to RIF 04-002 or new impact fee agreement addressed by this condition shall also provide the option for the Reserve to utilize impact fee credits resulting from Condition 32(C), subject to Verano Development, LLC., authorizing as a party, the impact fee agreement.

The following Condition 32(C) from the Verano DRI Development Order is provided for reference.

Verano DRI Condition 32(C). The Developer has voluntarily agreed to prioritize and advance the following mobility improvements ("Priority Improvements"), subject to the ability to obtain requisite permits:

1. Within 18 months from the effective date of this fifth amendment to Resolution 03-R68 the Developer shall let contracts for the construction of the following improvements including the appropriate lane geometry, signalization, lighting and associated improvements:
 - a. Dual eastbound left-turn lanes on St. Lucie West Boulevard at Peacock Boulevard;
 - b. Including signal coordination between the 1-95 west ramp, 1-95 east ramp and Peacock intersection
2. Within 5 years from the effective date of this fifth amendment to Resolution 03- R68, or by 1,037 total P.M. peak hour trips, whichever occurs earlier, the Developer shall let contracts for construction the following improvements including the appropriate lane geometry, signalization, lighting and associated improvements:
 - a. Construction of a second westbound lane on St. Lucie Boulevard from the 1-95 and St. Lucie West Boulevard northbound ramps to the St. Lucie West Boulevard WB to 1-95 SB ramp; and;
 - b. Conversion of the Peacock Boulevard, southbound through lane to a shared through and right-turn lane.
3. The Developer shall execute a binding agreement with the City of Port St. Lucie for the Priority Improvements, subject to permitting. The design, permitting, construction and inspection costs for the Priority Improvements shall be credited toward the \$3,595,076.00 proportionate share contribution as set forth in Condition 32B, including credits for design and permitting costs for any Priority Improvement component that is not permitted. The binding agreement shall specify options for how any balance of the \$3,595,076 proportionate share that is not expended on the Priority Improvements {"Remaining Proportionate Share"} shall be applied to achieve a mobility improvement to St. Lucie West Boulevard, which shall be prioritized in the following order:

RESOLUTION 22-R71

- a. Utilizing the Remaining Proportionate Share, in conjunction with sufficient funding from other sources, including FDOT, to widen St. Lucie West Boulevard to four lanes through all or part of the segment between the east end of St. Lucie West Overpass and Peacock Boulevard and/or to construct additional improvements to the St. Lucie West/Peacock Boulevard intersection; or
- b. Utilizing the Remaining Proportionate Share to construct improvements to St. Lucie West Boulevard within one mile to the east of the bridge.

The above options in Condition 32(C)3.a. and b. shall be credited in the same manner as described for the Priority Improvements. The developer and City, in consultation with St. Lucie County, also have the option to execute a binding agreement to implement only Condition 32(C)1 rather than Condition 32(C)2 and utilize the Remaining Proportionate Share, in conjunction with funding from FOOT or any other available funding source, to expedite all or a part of the improvements described in Condition 32(C)3.a. If this option is utilized, the Remaining Proportionate Share payment would be due within 5 years from the effective date of this fifth amendment to Resolution 03-R68, or by 1,037 total P.M. peak hour trips, whichever occurs earlier. Implementation of Condition 32(C) shall fully satisfy mitigation requirements for impacts to St. Lucie West Boulevard.

One year after Phase 1 improvements (1.a and 1.b) are completed the developer shall conduct an analysis of St. Lucie West Boulevard between the southbound off ramp and Peacock Boulevard. If said analysis indicates operational improvements are warranted then developer shall coordinate a meeting with FOOT, City of Port St. Lucie, St. Lucie County and the TPO with the goal of advancing any of the improvements specified in the condition or otherwise agreed to in a binding agreement provided that governmental funding sources are sufficient to match the developer's contribution at no less than 60% toward the selected improvements. In no case shall this condition be construed to require the developer to contribute funding and improvements that collectively exceed a value of \$3,595,076.

Note: This condition is satisfied.

TABLE I											
Condition Satisfied	Threshold		Location	Improvement/Lane Addition	Improvement Location	Alternative Actions					
						A	B	C	D	E	F
	Total PM Trips	Date									
<u>YES</u>	3,153	12/31/05	St. Lucie West Boulevard and NW Peacock Boulevard	Second left-turn lane extend dual left turn lanes at least 610 feet.	Eastbound St. Lucie West Boulevard	*	*	*	*		*
YES	3,153	12/31/05	St. Lucie West Boulevard and NW Peacock Boulevard	Second left-turn lane	Southbound NW Peacock Boulevard	*	*	*	*		*
YES	3,963	12/31/07	Glades Cut-Off Road and Commerce Center Parkway	One right-turn lane	Westbound Commerce Center Parkway	*		*			*
YES	3,963	12/31/07	West Midway Road and 25th Street	Right-turn lanes	Southbound 25th Street	*	*	*			*
YES	3,963	12/31/07	West Midway Road and 25th Street	Extend left-turn lane to 590 feet, including taper	Eastbound West Midway	*	*	*			*
YES	3,963	12/31/07	St. Lucie West Boulevard and California Boulevard	Second through lanes	Northound and Southbound California Boulevard	*	*	*			*
YES	3,963	12/31/07	St. Lucie West Boulevard and Bethany Drive	One through/left-turn lane (restriping)	Southbound Bethany Drive	*	*	*	*		*
YES	4,896	12/31/12	West Midway Road and Selvitz Road	Separate left-turn lane	Eastbound and Westbound West Midway Road	*	*	*			*

U.C. – Under Construction

ALTERNATIVE ACTIONS

- A) Contracts have been let for improvements to obtain the indicated improvement(s).
- B) The indicated improvement has been included within the first five years of the adopted Capital Improvements Program for either St. Lucie County or the City of Port St. Lucie or the first three years of FDOT's adopted Work Program.
- C) An analysis has been conducted that demonstrates the indicated improvement(s) are not needed. The analysis shall also identify the new improvement(s) and a new trip threshold when such improvement(s) will be needed. ~~The methodology for such analysis and the study results shall be provided to the Treasure Coast Regional Planning Council (TCRPC) and the FDOT for review and shall be approved by the Department of Economic Opportunity (DEO).~~ Prior to the redefined threshold being reached, the improvement shall be let for construction or shall be programmed for construction within the first five years of the Capital Improvements Program for the City of Port St. Lucie or St. Lucie County.

TABLE I											
Condition Satisfied	Threshold		Location	Improvement/Lane Addition	Improvement Location	Alternative Actions					
						A	B	C	D	E	F
	Total PM Trips	Date									

- D) An applicable lower level of service standard has been adopted by the maintaining agency and an analysis that demonstrates the indicated improvement(s) are not needed has been conducted. The analysis shall also identify the new improvement(s) and a new trip threshold when such improvements will be needed. ~~The methodology for such analysis and the study results shall be provided to the TCRPC and the FDOT for review and shall be approved by the DEO.~~ Prior to the redefined threshold being reached, the improvement shall be let for construction or shall be programmed within the first five years of the City of Port St. Lucie's or St. Lucie County's Capital Improvements Program.
- E) The City of Port St. Lucie and/or St. Lucie County has adopted a long-term concurrency management system (CMS) and includes the indicated improvement(s) in the long-term CMS.
- F) A local government development agreement consistent with sections 163.3220 through 163.3243, F.S. has been executed and attached as an exhibit to the Development Order.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA,
AS FOLLOWS:**

- B. The legal description for the property under this Development of Regional Impact Application for Development Approval, is as follows:

SEE ATTACHED EXHIBIT A

- ~~C. Any modifications or deviations from the approved plans or requirements of this Development Order shall be submitted to the St. Lucie County Community Development Director and the Port St. Lucie Director of Planning and Zoning, for a determination by the Board of County Commissioners of St. Lucie County/City Council of the City of Port St. Lucie, as to whether the change constitutes a substantial deviation as provided in Section 380.06(19_4), Florida Statutes. The Board of Commissioners of St. Lucie County/City Council of the City of Port St. Lucie shall make its determination of substantial deviation at a public hearing after notice to the developer.~~
- C. The St. Lucie County portion of the DRI is not effective within the boundaries of the City. The City of Port St. Lucie does not have jurisdiction over portions of the DRI outside the City boundaries.
- D. St. Lucie County/the City of Port St. Lucie shall monitor the development of the project to ensure compliance with this Development Order. The St. Lucie County Community Development Director and/or the City of Port St. Lucie Director of Planning and Zoning shall be the local official assigned the responsibility for monitoring the development and enforcing the terms of the Development Order. The Community Development Director/Director of Planning and Zoning may require periodic reports of the developer with regard to any item set forth in this Development Order.
- E. The developer shall make a biennial report ~~as required by Section 380.06(18_6), Florida Statutes.~~ The biennial report shall be submitted beginning in 2008 and then every other year on the anniversary date of the adoption, the earlier of the two dates if separate Development Orders are adopted, of the Development Order and shall include the following:
- i. Any changes in the plan of development, or in the representations contained in the Application for Development Approval, or in the phasing for the reporting period;
 - ii. A summary comparison of development activity proposed and actually conducted for the reporting period;
 - iii. Undeveloped tracts of land that have been sold, transferred, or leased to a successor developer;

- iv. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original site since the Development Order was issued;
 - v. An assessment of the developer's and local government's compliance with the conditions of approval contained in this Development Order and Development Approval and summarized in the Regional Planning Council Assessment Report for the development undertaken;
 - ~~vi. Any request for a substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next reporting period;~~
 - vii. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;
 - viii. A list of significant local, State, and Federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - ~~ix~~ ~~viii.~~ The biennial report shall be transmitted to St. Lucie County and, the City of Port St. Lucie, ~~the Treasure Coast Regional Planning Council, the Florida Department of Economic Opportunity, the Department of Natural Resources, the South Florida Water Management District, the Florida Department of Environmental Regulation, and such additional parties as may be appropriate or required by law;~~
 - ix. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to Subsection 380.06(4~~5~~ 4), Florida Statutes; and
 - xi. Any other information requested by the Board of Commissioners of St. Lucie County/City Council of the City of Port St. Lucie or the St. Lucie County Community Development Director/Port St. Lucie Director of Planning and Zoning to be included in the biennial report.
- F. The definitions found in Chapter 380, Florida Statutes, shall apply to this Development Order.
- G. St. Lucie County/the City of Port St. Lucie hereby agrees that prior to ~~December 15, 2013~~ 2020 January 27, 2023, The Reserve Development of Regional Impact shall not be subject to down zoning, unit density reduction, or intensity reduction, unless the County/City demonstrates that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by St. Lucie County/the City of Port St. Lucie to be essential to the public health, safety, or welfare.

- H. This Development Order shall be binding upon the developer 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 government agency in existence on the effective date of this Development Order.
- I. The approval granted by this Development Order is conditional and shall not be construed to obviate the duty of the developer to comply with all other applicable local, State, and federal permitting requirements.
- J. In the event that any portion or section of this Development Order is deemed to be invalid, illegal, or unconstitutional by the court of a competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order, which shall remain in full force and effect.
- K. This Development Order shall become effective upon adoption by the City Council and adoption of the corresponding St. Lucie County Development Order involving the portions of this DRI under the jurisdiction of St. Lucie County is approved by the St. Lucie County Board of County Commissioners.
- L. Certified copies of this Development Order shall be transmitted immediately by certified mail to ~~the Department of Economic Opportunity, Treasure Coast Regional Planning Council, and~~ Reserve Homes Ltd., L.P.
- M. Within 21 days of the effective date of this resolution granting Development Order approval or of any modification of the Development Order approval, the developer, ~~Mainstreet Village II LLC~~ Meritage Homes of Florida, Inc., shall record a notice of adoption of this order or modification in compliance with Chapter 380.06(4)(c), Florida Statutes, ~~with copies of said notice being provided to the Treasure Coast Regional Planning Council, St. Lucie County and the City of Port St. Lucie.~~

PASSED AND APPROVED by the City Council of the City of Port St. Lucie,
Florida, this ____ day of _____, 2022.

City Council
...City of Port St. Lucie

BY: _____
Shannon M. Martin, Mayor

Attest:

Sally Walsh, City Clerk

Approved to Form:

James D. Stokes, City Attorney