

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE ST. LUCIE WEST APPLICATION FOR DEVELOPMENT APPROVAL, A DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS A DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW INCLUDING MODIFICATIONS TO CERTAIN CONDITIONS OF SAID DEVELOPMENT ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Development Approval for the St. Lucie West Development of Regional Impact was originally submitted on October 15, 1985, and was supplemented with additional information submitted April 1, 1986, May 23, 1986, July 18, 1986, August 4, 1986, August 12, 1986, August 15, 1986, August 20, 1986, August 27, 1986, August 28, 1986, September 5, 1986 and October 20, 1986, in accordance with Section 380.06, Florida Statutes;

WHEREAS, the applicant, the Thos. J. White Development Corporation, proposes to develop 4,614, acres constituting a Development of Regional Impact on the property fully described in Exhibit A attached hereto and located in the City of Port St. Lucie, Florida; and

WHEREAS, the applicant entered into a Preliminary Development Agreement with the Department of Community Affairs on November 10, 1985 (recorded in St. Lucie County O.R. Book 483, Page 885), subsequently amended on June 10, 1986 (recorded in St. Lucie County O.R. Book 503, Page 676), authorizing construction of a 5,000 seat baseball stadium and ancillary facilities, an 81 room hotel, Prima Vista Boulevard as a rural two-lane section with a bridge over the turnpike to its intersection with 1-95, Arterial A from its intersection with Prima Vista Boulevard north to the facilities, the 1- 95 interchange at Prima Vista Boulevard, and the infrastructure necessary to serve the facilities; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is hereby authorized and empowered to consider applications for development approval for developments of regional impact; and

WHEREAS, the public notice requirements have been satisfied and notice has been given; and

WHEREAS, City Council has, on January 12, 1987 and January 26, 1987, held duly noticed public hearings on the Development of Regional Impact application for development approval, and has heard and considered the testimony taken thereat; and

WHEREAS, the City Council received and considered the report and recommendations of the Treasure Coast Regional Planning Council; and

WHEREAS, the City Council adopted Resolution 87-R15, the St. Lucie West Development Order, on February 9, 1987; and

WHEREAS, the City Council adopted Resolution 88-R12, modifying the St. Lucie West Development Order, on March 28, 1988, with regard to Conditions 14, 15, 16, 16-c, 16-d, 17, 18, 40, and 56 of said Development Order; and

WHEREAS, the City Council adopted Resolution 89-R7, modifying the St. Lucie West Development Order, on February 27, 1989, with regard to Conditions 15, 16, 17, 18, 40, 41, 43, 44, 48, 49, 50, 52, 53, 54-a, 54-b, 59-a, and 61 of said Development Order; and

WHEREAS, the City Council adopted Resolution 89-R18, modifying the St. Lucie West Development Order, on April 10, 1989, with regard to Conditions 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 of said Development Order; and

WHEREAS, the City Council adopted Resolution 90-R32, modifying the St. Lucie West Development Order, on July 9, 1990, with regard to Conditions 41 and 46 of said Development Order; and

WHEREAS, the City Council adopted Resolution 93-R24, modifying the St. Lucie West Development Order, on April 26, 1993, with regard to FINDINGS OF FACT, paragraphs "D", and "E" and Conditions 1, 2, 3, 15, 20, 22, 25, 36, 37, 38, 40, 41, 42, 43, 45, 46, Section 2, Section 6, and Section 1 by adding new Conditions 75, 76, and 77 (and renumbering existing Conditions 75, 76, 77, and 78 accordingly) of said Development Order; and

WHEREAS, the City Council adopted Resolution 97-R31, modifying the St. Lucie West Development Order, on July 2, 1997, with regard to Conditions 1, 3.a, 3.b, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 24, 25, 26, 27, 32, 33, 39, 40, 41, 48, 49, 50, 52, 56, 75, adding new Conditions 75 and 76 (and renumbering existing Conditions 75-81 accordingly), Section 1, Section 2, Section 5, and Section 7 of said Development Order; and

WHEREAS, the City Council adopted Resolution 98-R69, to incorporate an approved DRI Development Plan as Exhibit "E"; and

WHEREAS, the City Council adopted Resolution 98-R89, to relocate a school site, to relocate some commercial parcels, to correct an error in Resolution 98-R69 arising out of the transposition of some square footage numbers, to increase the commercial/retail square footage and to decrease the number of dwelling units; and

WHEREAS, the City Council adopted Resolution 01-R64, to reflect the additional conditions which have been fully satisfied and to correct scrivener's errors in Resolution 98- R89; and

WHEREAS, the City Council adopted Resolution 02-R34, to modify the approved uses shown on Exhibit "D", the approved DRI Development Plan, for 108.881 acres; and

WHEREAS, the City Council adopted Resolution 05-R88 to modify the approved uses shown on Exhibit "E", the approved DRI Development Plan, to identify the transportation conditions which have been completed, to delete the required buffer zones around deep water habitats, to modify the reporting requirements, to delete transportation conditions triggered by trips in excess of 171,997 average daily trips that have not been constructed, and to extend the build out date; and

WHEREAS, the City Council adopted Resolution 07-R40 to increase the number of hotel rooms and to reduce the residential use; and

WHEREAS, the City Council adopted Resolution 08-R80 to modify the approved plan of development to reflect the existing development, the development with site plan approval, and the potential development on the existing vacant land; to delete condition 59(g) which was inadvertently not deleted by Resolution No. 05-R88; and to modify the reporting requirement to require biennial rather than annual reports; and

WHEREAS, the City Council adopted Resolution 10-R47 to amend the St. Lucie West DRI Map "H", pursuant to Section 380.06 (19) (e) (2), Florida Statutes. This amendment to Map "H" was to reflect the change to the future land use of two parcels from LI/OSR/I to LI/CS; and

WHEREAS, the City Council adopted Resolution 12-R19 to amend the St. Lucie West DRI pursuant to Section 380.06 (19) (e) (2), Florida Statutes to simultaneously decrease 162,700 square feet of office use and increase 240 residential units; and

WHEREAS, on April 30, 2012 Redd and Associates, P.A. on behalf of CREG-Lake Whitney. LLC filed an application to amend the St. Lucie West DRI, pursuant to Section 380.06 (19) (e) (2), Florida Statutes to decrease 107,111 square feet of office use and an increase of 158 residential units. No changes to the Master Development Plan were proposed; and

WHEREAS, on April 22, 2019 CGI St. Lucie, LLC filed an application to amend the St. Lucie West DRI, pursuant to Section 380.06 (19) (e) (2), Florida Statutes to change the future land use designation of 5.052 acres of property from the future land use designation of Open Space Recreational (OSR) to the future land use designation of General Commercial (CG). This amendment to Map "H" was to reflect the change to the future land use of 5.052 acres from OSR to CG; and

WHEREAS, on _____, Engineering Design & Construction, Inc., on behalf of CRJH, LLC filed an application to amend the St. Lucie West DRI, pursuant to Section 380.06 (19) (e) (2), Florida Statutes to change 3.751 acres from the future land use designation of General Commercial / Institutional (CG/I) to the future land use designation of Service Commercial (CS); This amendment to Map "H" was to reflect the change to

the future land use of one parcel from CG to CS, include a conversion matrix in the St. Lucie West DRI, amend the final buildout date, and remove biennial reporting requirements; and

WHEREAS, the revised development order herein incorporates the St. Lucie West Development of Regional Impact Conversion Matrix, attached hereto and incorporated into this development order by reference as Exhibit "F", and

WHEREAS, the final buildout date is amended to ten (10) years from the date of this amendment; and

WHEREAS, the biennial reporting requirements shall be removed as supported by the substantial completion of the overall development of regional impact; and

WHEREAS, the City Council believes that the proposed amendments do not constitute a substantial deviation; and

WHEREAS, the City Council has decided to modify the Development Order Resolution as requested by CFJH, LLC; and

WHEREAS, the City Council determines it is appropriate to incorporate the Master Development Plan as Exhibit "D" of the Development Order Resolution; and

WHEREAS, the City Council determines it is appropriate to incorporate an approved DRI Development Plan as Exhibit "E" of the Development Order Resolution; and

WHEREAS, the City Council determines it is appropriate to incorporate said modified Conditions within the Development Order resolution rather than adopt said modified Conditions as a resolution separate from the Development Order resolution; and

WHEREAS, the City Council has made the following FINDINGS OF FACT and CONCLUSIONS OF LAW with regard to the application for development approval and has entered the following ORDER:

FINDINGS OF FACT

A. The proposed development is not in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

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

C. The proposed development is consistent with the report and recommendations of the Treasure Coast Regional Planning Council that was previously submitted pursuant to Section 380.06 Florida Statutes.

D. The development is consistent with the local comprehensive plan and local land development regulations.

CONCLUSIONS OF LAW

A. Based upon the application for development approval, the prior Treasure Coast Regional Planning Council Report and Recommendations, and the information presented at the public hearings, the City concludes that the St. Lucie West Development of Regional Impact meets the criteria which must be considered pursuant to Section 380.06 Florida Statutes, as long as the developer complies with the conditions of approval contained in this development order.

B. Based on the findings of fact and the conditions imposed through this development order, it is hereby concluded that the development should be approved subject to conditions.

ORDER

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, as follows:

Section 1. The Development of Regional Impact and application for development approval submitted by the Thomas. J. White Development Corporation, as subsequently amended is hereby ordered Approved, subject to the following conditions, restrictions and limitations:

APPLICATION FOR DEVELOPMENT APPROVAL

1. The St. Lucie West Application for Development Approval as subsequently amended is incorporated herein by reference and relied upon 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 subsequently amended is a condition for approval.

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

- a. Application for Development Approval and Appendices dated October, 1985;
- b. Supplemental information dated March, 1986;

- c. Supplemental information (Traffic) submitted April 1, 1986;
- d. Wetland Assessment and Proposed Wetland Preservation and Mitigation Plan and Wetland Inventory Map dated April, 1986;
- e. Wetland Assessment and Proposed Wetland Preservation and Mitigation Plan (Revised) and Wetland Location Map dated May, 1986;
- f. Supplemental information (Determination of Sufficiency Response) dated May, 1986;
- g. Supplemental information (Responses to Review Comments by South Florida Water Management District) dated July 15, 1986;
- h. Supplemental information (Responses to Review Comments by Treasure Coast Regional Planning Council) dated July 16, 1986;
- i. Supplemental information (Summary of Wetland Characteristics) dated August 4, 1986;
- j. Supplemental information (Traffic-Revised, dated August 11, 1986; Question 22 Response, dated August 8, 1986);
- k. Supplemental information (Wetlands Location Map; Conceptual Surface Water Management Plan Map; Map of Exempt and Non-exempt Wetlands; Question 16) submitted August 15, 1986;
- l. Supplemental information (Sandhill Cranes and Gopher Tortoises) submitted August 20, 1986;
- m. Letter to Teresa Cantrell from Yvonne Ziel dated August 27, 1986;
- n. Letter to Sally Lockhart from Howard L. Searcy dated August 28, 1986;
- o. Letter to Steven Godfrey from Yvonne Ziel dated September 5, 1986;
- p. Letter to Sally Lockhart from Howard L. Searcy dated October 20, 1986;
- q. Color aerial photos of all wetlands on property;
- r. Revised Table 12A-1 submitted November 12, 1986; and
- s. Memo to Teresa Cantrell from Steve Godfrey dated January 12, 1987.

The St. Lucie West Substantial Deviation Application for Development Approval dated October 24, 1988 is incorporated herein by reference, and 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 Substantial Deviation Application for Development Approval, as modified by Development Order amendment conditions, is a condition for approval.

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

- a. Substantial Deviation Application for Development Approval dated October 24, 1988; and
- b. Supplemental information dated December 15, 1988.
- c. Supplemental information dated March 22, 1989.

The City of Port St. Lucie Planning Area 8 "FUTURE LAND USE MAP" and the "FUTURE TRANSPORTATION SYSTEM MAP" contained in the Substantial Deviation Application for Development Approval dated October 24, 1988 and labeled "Current Land Uses, 10-21-88" is hereby amended to be the same as the City of Port St. Lucie Planning Area 8 "FUTURE LAND USE MAP" contained in Ordinance 92-6, approved by the City of Port St. Lucie, Florida, on January 27, 1992.

The St. Lucie West Substantial Deviation Application for Development Approval dated April 26, 1996, as subsequently amended is incorporated herein by reference, and 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 Substantial Deviation Application for Development Approval, as modified by Development Order amendment conditions, is a condition for approval.

For the purpose of this condition, the Substantial Deviation Application for Development Approval as subsequently amended shall include the following items:

- a. The St. Lucie West Substantial Deviation Application for Development Approval dated April 26, 1996.
- b. Supplemental information dated September 6, 1996;
- c. Supplemental information dated December 20, 1996;
- d. Supplemental information dated April 7, 1997;

COMMENCEMENT OF DEVELOPMENT

2. In the event the developer fails to commence significant physical development within three years from the effective date of the Development, development approval shall terminate and the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes. Significant physical development shall mean site preparation work for any portion of the project.

NOTE: Significant physical development has commenced, fully satisfying this condition.

BUILDOUT DATE

3. The buildout date for this development was December 30, 2013. On December 28, 2011 the buildout date for this development was extended to December 30, 2017, per House Bill 7207. The final buildout date is amended to ten (10) years from the date of amendment approved by virtue of City Resolution _____.

PLAN REVIEWS AND APPROVAL

4. a. With regard to any reviews or approvals by the Treasure Coast Regional Planning Council which are required by the conditions of this Development Order subsequent to the entry of the Order, the Council's approval or denial of approval shall be issued within 30 days of receipt by the Council of the specified plans or documents which are subject to the Council's review and approval. If within 15 days of receipt of the documents or plans Council requests in writing additional information, then the 30-day period shall not commence to run until the additional information has been received by Council or the developer informs Council in writing that the requested information will not be supplied. Unless precluded by law, said Council reviews or approvals contemplated by this condition shall be conducted by administrative staff review. As to those items to be reviewed only by administrative staff, failure to comment, approve or deny within the 30-day period shall constitute approval.

b. DELETED

AIR

5. Clearing of specific building sites shall not commence until the owner is ready to build the building or buildings to be located on that site unless seeding and mulching of disturbed areas are undertaken within 30 days of completion of clearing work.

6. 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 owner to the satisfaction of the City of Port St. Lucie and the Department of Environmental Protection.

7. Prior to application for any building permits (except for those involving development authorized by the Preliminary Development Agreement) for each phase of the St. Lucie West DRI, the developer shall provide a plan for pedestrian and bicycle systems which at a minimum includes:

- a. Paved pathways connecting all residential areas with all recreational facilities, schools, employment centers and commercial areas within the project boundaries;
- b. Sufficient landscaping to shade 50 percent of the walkway or bicycle paths at build out of the phase;
- c. Adequate separation and buffering from roadways to prevent accident and splash hazards;
- d. Lighting of principal walkways and bicycle paths;
- e. Periodic shelter from rainstorms along principal walkways and bicycle paths; and
- f. Adequate provision for secure bicycle parking at all public destination points to meet demand.

The intent of this condition is to encourage pedestrian and bicycle use as an alternative to vehicle use within the project. As portions of the development are constructed, the related portions of the pedestrian and bicycle systems shall be constructed concurrently. Said systems shall be reflected on all applicable plats. Consistency of proposed pedestrian and bicycle system plans with this intent must be determined by the City of Port St. Lucie and the Treasure Coast Regional Planning Council prior to issuance of building permits for each phase of this project. The costs of plan review and consistency determination to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review. (This condition also addresses regional issues related to TRANSPORTATION and ENERGY.)

NOTE: Plan has been approved and is being implemented pursuant to the City of Port St. Lucie permitting processes. No further review by the Treasure Coast Regional Planning Council is required.

8. Prior to application for any building permits for residential units in any phase of the St. Lucie West DRI, the developer shall provide an estimate of the number of permanent jobs that will be created within the project boundaries at build out and occupancy of the project phase under review. This estimate of total permanent employment generated shall be broken down by salary range and compared with the affordability of residential types which have or will be constructed prior to build out of the phase or previous phases under review. The developer may create more permanent employment than housing opportunities for employees, but shall not construct any

housing which is not affordable to employees of the businesses within the project boundaries until such time as affordable housing opportunities are available for all created employment within reasonable proximity to places of employment. The intent of this condition is to assure that housing opportunities are provided close to places of employment. Consistency of development plans with this intent shall be determined by the City of Port St. Lucie and the Treasure Coast Regional Planning Council prior to receipt of building permits for residential units in any phase of this project. The costs of plan review and consistency shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of the review. (This condition also addresses issues related to HOUSING, TRANSPORTATION and ENERGY.)

NOTE: This Condition has been fully satisfied.

9. A Conceptual Area Plan for each industrial, office and commercial area within the project shall be designed to achieve, to the maximum extent practical and with consideration for aesthetics, clustering of buildings and related uses, inter-building connection via protected walkways or covered areas and common parking areas. The primary intent of this condition is to concentrate probable trip destination points in proximity to common parking areas, and thereby reduce the number and length of vehicle trips. Consistency of a Conceptual Area Plan with this intent must be determined by the City of Port St. Lucie and the Treasure Coast Regional Planning Council prior to application for any site plan review by the City of Port St. Lucie within the area covered by the Plan. The costs of plan review and consistency determination to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review. (This condition also addresses issues related to TRANSPORTATION and ENERGY).

NOTE: This Condition has been fully satisfied.

HISTORIC AND ARCHAEOLOGICAL SITES

10. In the event of discovery of any archaeological artifacts during project construction, the builder shall stop construction in that area and immediately notify the Division of Archives, History and Records Management in the Florida Department of State. Proper protection, to the satisfaction of the Division, shall be provided by the builder.

HABITAT, WETLANDS, VEGETATION AND WILDLIFE

11. During construction, 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.

12. The developer shall preserve no less than 706 acres of Pine flatwoods habitat on-site, including canopy, under story and ground cover. This habitat preservation may be satisfied by complying with Chapters 157.36 through 157.42 of the City of Port St. Lucie, Florida code of ordinances. Pine flatwoods habitat preserved pursuant to wetland buffer zone requirements may be counted toward meeting this minimum requirement. Preserved area may be the result of micro siting or selective clearing of developed areas. However, as a minimum, preserve area should be of appropriate size, quality and arrangement to maintain existing populations of species of special regional concern on the property. The biennial report required by Section 380.06, Florida Statutes, shall identify the cumulative amount of the areas preserved pursuant to this condition and indicate by map the location and the acreage. In the event that the DRI reaches buildout and the entire 706 acres of pine flatwoods habitat has not been preserved, St. Lucie West Development Corporation or its successor shall either purchase the required land off-site or make a monetary contribution to the City's Conservation Trust Fund pursuant to Chapter 157 of the City Code.

13. 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 St. Lucie West) is resident on, or otherwise is significantly dependent upon the St. Lucie West property, the owner 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 owner.

14. Prior to the commencement of any clearing activities on any development parcel, the owner shall survey the parcel to determine the numbers and distributions of Gopher Tortoise burrows and shall prepare a map showing their locations. If Gopher Tortoise burrows are found, the owner shall also survey the parcel for other species that exhibit similar habitat requirements including the Eastern Indigo Snake, Gopher Frog and Florida Mouse. The owner shall then prepare a preservation plan for the species that have been found which:

- a. Identifies and delineates the boundaries of the habitat areas to be preserved;
- b. Provides for the effective relocation into preserve area(s) of any representatives of the species of concern cited above which occur outside of the preserve area(s); and
- c. Provides a management program for the preserve area(s) which will provide and maintain suitable habitat for the species of concern which exist or are relocated into the area(s).

The results of the surveys and the preservation plan shall be submitted to the City of Port St. Lucie, Florida Game and Fresh Water Fish Commission, and U.S. Fish and

Wildlife Service, and the Treasure Coast Regional Planning Council for review. No development on the parcel shall occur until the plan has been approved by all of these agencies and the animals are relocated in accordance with the approved plan. The cost of plan review to the

Treasure Coast Regional Planning Council shall be paid by the owner within 30 days of submission to the owner by Treasure Coast Regional Planning Council of a statement supporting the costs of review.

15. There shall be a survey for active Sandhill Crane nests during the period beginning March 1 and concluding March 30 of each year on the wetlands contained in any parcel for which an application for subdivision plat approval or site plan approval will be filed with the City of Port St. Lucie prior to March 1 of the following year. In the event that any active nest is found, clearing activity or heavy construction shall not occur during nesting periods or until 90 days after the young leave the nest to assure reproductive success.

16. The 192.8876 acres of wetland habitat identified in Revised Exhibit HVW-1, dated January 7, 1988, with latest revision date of October 13, 1988, as submitted to the City of Port St. Lucie, and the functions and values that these wetlands provide shall be preserved and maintained in viable condition. Any significant reduction in the function of any of these wetlands through build out of the project shall constitute a substantial deviation, and any further development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes.

NOTE: The required 192.8876 acres of wetland habitat have been dedicated and preserved through various plats.

The 92.1124 acres of exempted wetland habitat identified in Revised Exhibit HVW-1 may be destroyed, but only after:

- a. Approval by both the South Florida Water Management District and the Treasure Coast Regional Planning Council of a mitigation plan for replacement of the functions and values these wetlands provided; and
- b. Provision of reasonable assurance of financial and institutional ability to carry out the commitments included in the approved mitigation plan.

NOTE: A Master Mitigation Plan has been approved by the South Florida Water Management District and the Treasure Coast Regional Planning Council and reasonable assurance of financial and institutional ability has been provided.

- a. Mitigation plans must be submitted as part of a detailed plan for phase development prior to approval of any construction for that phase. As a minimum, such plans shall:

- b. Identify all exempted wetlands proposed to be destroyed during development of the phase;
- c. Provide for mitigation of all wetland functions and values prior to or concurrent with destruction of exempted habitat;
- d. Identify the location of all proposed mitigation relative to preserved wetland and upland systems, the surface water management system, and development;
- e. Provide all relevant details regarding the construction and proposed maintenance of mitigated wetland habitat;
- f. Provide for a mitigation, monitoring and maintenance program; and
- g. Include 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 to be destroyed. 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 combination of the following:

- a. A surety bond in the amount of 125 percent of the cost estimate for implementing the approved mitigation and monitoring plan;
- b. Performance guarantee to the City of Port St. Lucie as a 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 and improvements; and
- e. Performance prior to wetland loss.

The specific form and adequacy of the guarantee shall be subject to approval by the City of Port St. Lucie and Treasure Coast Regional Planning Council. Financial guarantees shall not be released for any portion of the project until work is completed, inspected and approved in writing by both South Florida Water Management District and Treasure Coast Regional Planning Council. The costs of plan review to Treasure Coast Regional Planning Council shall be paid by developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review.

17. Buffer zones of preserved native upland habitat, including canopy, under story and ground cover shall be preserved around all of the 192.8876 acres of preserved wetland habitat. A buffer zone shall be preserved or established around all wetland habitat

created as mitigation for destruction of the 92.1124 acres of exempted wetland habitat. Actual delineation of the buffer zone may vary according to site specific conditions, provided that such habitat:

- a. Extends at least 15 feet landward from the landward edge of the wetland perimeter in all places; and
- b. Averages 50 feet from the landward edge of all wetland perimeters; and
- c. Extends at least 100 feet landward from the landward edge of the wetland perimeter around Wetlands Number 90 and 93; and extends at least 50 feet landward from the landward edge of the wetland perimeter around Wetland Number 43; and
- d. The buffer zone around Wetland number 43 shall contain an area of at least 8.6655 acres, and an area of 18.2666 acres including the wetland area, and shall be west of the utility easement on the west side of NW. California Boulevard. The buffer zone around Wetland numbers 90, 91 and 93 shall contain an area of at least 44.8337 acres including the wetland areas, and shall be east of the utility easement on the east side of NW. California Boulevard. The buffer zone around Wetland numbers 90, 91 and 93 shall be configured to create a corridor connecting these three wetlands and shall also extend westward to the east margin of NW California Blvd. in order to create a corridor connecting to the buffer zone around Wetland Number 43 (except for the right-of-way of NW California). Exhibit SHC-1 attached depicts a possible configuration for these buffer zones. Both of these wetland buffer zones shall be counted toward meeting the requirement of Condition Number 11.
- e. Changes to the configuration for these buffer zones as shown on Exhibit SHC-1 will be considered upon review of the final site plans for the area adjacent to the buffer zones and corridors. These changes shall be submitted to Florida Game and Fresh Water Fish Commission for approval in consultation with the Treasure Coast Regional Planning Council. Changes that are approved by the Florida Game and Fresh Water Fish Commission in consultation with the Treasure Coast Regional Planning Council will not require substantial deviation review.

NOTE: The required buffer zones of preserved native upland habitat around all of the 192.8876 acres of wetland habitat have been dedicated through various plats.

18. The minimum separation distance between the 192.8876 acres of protected wetlands and any canal or lake excavation shall be 200 feet, unless an exemption from this condition is granted 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.

19. To help assure that maintenance or improvement of predevelopment hydro periods occurs within the 192.8876 acres of preserved 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 hydro periods 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.

DRAINAGE

20. The developer shall design and construct the storm water management system to retain the maximum volumes of water consistent with providing flood protection. At a minimum, the first one-inch of runoff or the runoff from a one-hour, three-year storm event shall be retained, whichever is greater. Required retention volumes may be accommodated in a combination of exfiltration trenches, vegetated swales, dry retention areas, lakes with vegetated littoral zones, or other suitable retention structures. All discharge from the surface water management lakes shall meet the water quality standards of Florida Administrative Code Rule 17-3.

21. The developer shall design and construct the surface water management system such that maintenance of normal hydro periods within 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 South Florida 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 hydro period. 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. Review and approval by the Treasure Coast Regional Planning Council shall be required only with regard to changes in the plans which would result in a net decrease in the total of created wetlands acreage specified in the Master Mitigation Plan approved pursuant to Condition 15 or which would provide for the elimination of any portion of the wetlands required for preservation by Condition 15 pursuant to Revised Exhibit HVW-1 (dated January 7, 1988 and further revised October 13, 1988) and as it may be further revised at subsequent times.

22. The developer shall berm and swale or otherwise design and construct the golf course storm water management system to retain the first one-half inch of runoff from a one-hour, three-year storm event, prior to discharge of excess water to wetland habitats and the surface water management lake system.

NOTE: This Condition has been fully satisfied as to the PGA Country Club golf course formerly known as the St. Lucie West Country Club golf course.

23. The developer shall establish a vegetated and functional littoral zone as part of the surface water management system of lakes and the existing borrow pit. 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 sections of the surface water management system showing the average water elevation after taking into account the effects of well field 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, 10 square feet of vegetated littoral zone per linear foot of lake shoreline shall be established. The plan shall be subject to approval by 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.

24. 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 St. Lucie West Community Development District.

WATER SUPPLY

25. The primary source of irrigation water shall be treated wastewater effluent. The secondary source may be derived from the surface water management system of lakes consistent with the maintenance of created littoral zone habitats. In no case shall reverse osmosis reject water be utilized for irrigation purposes unless the applicable Department of Environmental Protection groundwater quality standards can be met. Supplemental irrigation water may be derived from the surficial aquifer until such time as sufficient quantities of wastewater effluent and water management lake water can be allocated to meet project irrigation demand. Use of the surficial aquifer to supplement irrigation demand beyond 1992 shall constitute a substantial deviation pursuant to Section 380.06,

Florida Statutes, and shall require further review unless the Treasure Coast Regional Planning Council approves an extension based upon data which demonstrates that insufficient water is available from the storm water lake system and treated wastewater effluent to meet irrigation demands and, further, that continued surficial aquifer withdrawals would not adversely affect regional potable water supplies or the environment. Under no circumstances shall private irrigation wells into the surficial aquifer be allowed.

NOTE: This Condition has been fully satisfied.

26. To the maximum extent consistent with wetland protection, surficial aquifer well fields serving St. Lucie West 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 occur within the cone of influence (i.e., one-foot drawdown area) of a surficial aquifer potable water supply well which would use, handle, store, or produce hazardous or toxic materials, unless such use, handling, storage, or production is consistent with Chapter ~~53~~ 67: Wellfield Protection of the City of Port St. Lucie, Florida Code of Ordinances.

27. Disposal of reverse osmosis reject water shall be via deep well injection, unless the applicable Department of Environmental Protection groundwater quality standards can be met for disposal by irrigation.

NOTE: Department of Environmental Protection Permit No. FLA13993-002-DW1P allows 250 gpm or 360,000 gpd of waste brine from the reverse osmosis plant to be treated for off-site reclaimed water use.

28. To reduce demand for water, as a minimum 30 percent of all landscaping material and 50 percent of all planted trees shall be comprised of native plants adapted to topsoil and climatic conditions occurring on-site.

29. Water-saving plumbing devices shall be used to the maximum extent feasible to reduce potable and nonpotable water demand.

30. Rates charged for potable water use shall be structured to encourage water conservation. Any profit in excess of that authorized by the Public Service Commission or other appropriate regulatory agency shall be used to promote water conservation.

31. Prior to commencement of any development (except for that development authorized by the Preliminary Development Agreement) for each phase of the project, the developer shall demonstrate to the satisfaction of the South Florida Water Management District that a sufficient source of potable water exists to serve that phase of the project without reducing the potentiometric head of the Floridan Aquifer, if required by the District's regulations, or adversely impacting the ability of existing legal users to meet their permitted potable/nonpotable requirements.

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 St. Lucie West Utilities, Inc. until conveyed to St. Lucie West Community Development District or other lawful entity. Any entities subsequently authorized to replace the Utility 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. The City of Port St. Lucie shall have a right of first refusal to purchase the water supply system at the then fair market value, taking into consideration those factors outlined in Section 180.301, Florida Statutes; provided, however, that Utility shall give written notice to the City of Utility's proposed conveyance to another entity; provided further, if the City Council decides to exercise the City's right of first refusal, then within 30 days of receipt of Utility's notice, the City Council shall deliver to Utility written notice that it elects to purchase the system at a price to be mutually agreed upon by Utility and City; provided further, if the City elects to purchase the system under the terms and conditions specified herein, the City and Utility shall have 6 months from the date upon which Utility received the notice from the City to come to agreement upon the purchase price. If the City and Utility agree on the purchase price within the 6-month period, the conveyance of the system to the City shall occur within 60 days of the date upon which agreement is reached on the purchase price. However, if the City and Utility cannot agree on the purchase price within the 6-month period, then the City's right to purchase the system under this provision shall be deemed terminated.

NOTE: This Condition has been fully satisfied.

WASTEWATER

32. Development shall occur concurrent with the provision of adequate central wastewater treatment service. In no case shall septic systems be allowed to occur on-site. Prior to commencement of construction for any phase, the developer must demonstrate that adequate treatment and disposal facilities will exist on schedule to serve all wastewater generated from completed development in that phase. 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.

33. Any plan by the developer to construct a wastewater treatment and disposal facility shall incorporate irrigation as the primary method of treated wastewater effluent disposal. Backup disposal shall be via deep well injection and on-site storage as approved by the Department of Environmental Protection.

34. Maintenance and management efforts required to assure the continued proper operation of all components of the central wastewater system shall be the financial and physical responsibility of the St. Lucie West Utilities, Inc. until conveyed to the St. Lucie West Community Development District or any other lawful entity. Any entities subsequently authorized to replace the Utility 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. The City of Port St. Lucie shall have a right

of first refusal to purchase the wastewater system at the then fair market value, taking into consideration those factors outlined in Section 180.301, Florida Statutes; provided, however, that Utility shall give written notice to the City of Utility's proposed conveyance to another entity; provided further, if the City Council decides to exercise the City's right of first refusal, then within 30 days of receipt of Utility's notice, the City Council shall deliver to Utility written notice that it elects to purchase the system at a price to be mutually agreed upon by Utility and City; provided further, if the City elects to purchase the system under the terms and conditions specified herein, the City and Utility shall have 6 months from the date upon which Utility received the notice from the City to come to agreement upon the purchase price. If the City and Utility agree on the purchase price within the 6-month period, the conveyance of the system to the City shall occur within 60 days of the date upon which agreement is reached on the purchase price. However, if the City and Utility cannot agree on the purchase price within the 6-month period, then the City's right to purchase the system under this provision is deemed terminated.

NOTE: This Condition has been fully satisfied.

ENERGY

35. In the final site plans, the developer shall incorporate those energy conservation measures identified on Page 25.1 of the St. Lucie West Application for Development Approval, Page 23 of the March 1986 supplemental information and, to the extent feasible, measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan dated May, 1979.

SOLID AND HAZARDOUS WASTE

36. Prior to commencing construction of buildings for any commercial or industrial development (other than that authorized by the Preliminary Development Agreement), the developer shall have had a hazardous materials management plan reviewed and approved by the City of Port St. Lucie and Treasure Coast Regional Planning Council in consultation with St. Lucie County, South Florida Water Management District, and the Department of Environmental Protection. The plan shall:

- a. Require disclosure by all nonresidential owners or tenants of property of all hazardous materials proposed to be stored, used, or generated on the premises;
- b. Require the inspection of all business premises storing, using or generating hazardous materials prior to commencement of operation, and periodically thereafter, to assure that proper 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 accidental spill; and
- f. Guarantee financial responsibility for spill cleanup.

The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the cost of review.

NOTE: This Condition has been fully satisfied.

37. Prior to issuance of certificates of occupancy for any residential or nonresidential development, mandatory solid waste point of origin collection service shall be established to serve all occupied households and businesses. Solid waste collection shall be by licensed haulers only. A description of service levels to be provided must be submitted to and approved by the City of Port St. Lucie and Treasure Coast Regional Planning Council prior to commencement of construction in any phase.

NOTE: This Condition has been fully satisfied.

38. Within one year of the effective date of the Development Order, the developer shall submit a plan for collection of hazardous waste from all residences and business for the review and approval by the Department of Environmental Regulation, City of Port St. Lucie (or the St. Lucie County Solid Waste Authority, if any), and Treasure Coast Regional Planning Council. Said plan shall require mandatory point of origin collection service unless the operation of such a system is shown to be inconsistent with protection of public health, safety or the environment. Hazardous waste collection shall be by licensed haulers only. If said approval is not obtained within two years 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 cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the cost of review.

NOTE: This Condition has been fully satisfied.

URBAN SERVICES

39. The developer shall convey two elementary school sites, one middle school site, and one high school site to the School Board of St. Lucie County according to the terms and conditions of the agreement entered into by the developer and the St. Lucie County School Board dated July 29, 1996. The developer shall also pay an educational

facilities impact fee for each single-family and multi-family dwelling unit according to the terms and conditions of the above agreement.

NOTE: All required school sites have been conveyed to the School Board of St. Lucie County.

40. The recreation needs created by the residential development in the St. Lucie West DRI shall be met by satisfying the level of service standards of The City of Port St. Lucie Comprehensive Plan.

41. DELETED

42. Within two years of the effective date of the Development Order, the developer shall provide a plan for provision of hospital and nursing home facilities to meet demand created as a result of permanent employment and residential development projected to be created within the project during the project. The developer's plan shall include evaluation and estimate of said demand for hospital and nursing home facilities and a program for meeting any projected demand. The plan must be approved by the City of Port St. Lucie, St. Lucie County and Treasure Coast Regional Planning Council in consultation with the District IX Health Council, Inc. If said approval is not obtained within three years 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. Such facilities shall be constructed and available to serve projected demand in accordance with the approved plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review.

NOTE: This Condition has been fully satisfied.

43. Within three years of the effective date of the Development Order, the developer shall provide a plan for provision of police protection to meet demand created as a result of permanent employment and residential development projected within the project. The developer's plan shall include an evaluation and estimate of the number of officers necessary to serve the public and a specific site and acreage appropriate for the provision of police protection facilities. Methodology used to determine demand and the standards used to determine adequate protection shall be agreed upon by the developer and approving agencies prior to development. The plan should also consider the necessity of payment of an impact fee or lump sum to build, staff and equip the police station. The plan must be approved by the City of Port St. Lucie and Treasure Coast Regional Planning Council. If said approval is not obtained within four years 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. Such police protection facilities shall be constructed and available to serve projected demand in accordance with the approved plan. The cost of plan review to Treasure Coast Regional Planning shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review.

NOTE: This Condition has been fully satisfied.

44. The developer shall make available to the St. Lucie County-Fort Pierce Fire District a three-acre site (the "site") for a subcentral fire station in a location mutually agreeable to the Fire District and the developer. Within sixty days of receiving a written request from the Fire District, the developer shall convey to the District by special warranty deed, fee simple title to the site free of all liens, mortgages and encumbrances which would adversely affect the marketability of title; provided, however, in no event shall the developer be required to deliver said deed prior to July 1, 1990. If the Fire District does not construct and occupy the subcentral fire station on the site within three years of the date of execution of the deed, the site shall revert to the developer. Said deed from the developer to the Fire District shall contain a reverter clause setting forth said reversionary condition. Such deed may also reserve utility easements and maintenance easements, provided that they are located within ten feet of the property lines of the site. The developer or other responsible entity shall also pay to the Fire District a total sum of \$974,176 plus seven percent interest amortized over a twenty-year period, said amount payable in twenty annual and equal installments. Said funds shall be used only by the Fire District to construct and equip said subcentral fire station on the site. Said twenty-year period shall commence on the date the time for appeal of the Development Order expires, if no appeal is filed, or upon final disposition of an appeal.

NOTE: The site for a subcentral fire station has been identified and conveyed to the St. Lucie County Fire District.

45. Within one year of the effective date of the Development Order, the developer shall provide a plan for provision of child day-care facilities to meet demand created by development within the project. The plan shall include an evaluation and estimate of demand for child day-care facilities and a program for meeting any projected demand. The plan must be approved by the City of Port St. Lucie and Treasure Coast Regional Planning Council. If said approval is not obtained within two years 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. Such facilities shall be constructed and available to serve projected demand, in accordance with the approved plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the cost of review.

NOTE: This Condition has been fully satisfied.

46. Within two years of the effective date of the Development Order, the developer shall provide a plan for provision of public library facilities to meet demand created by residential development of the project. The plan must include an evaluation and estimate of demand for public library facilities. Methodology used to project library demand shall be agreed upon by the developer and approving agencies prior to plan initiation and shall be submitted as part of the completed plan. The plan shall also provide a program for

meeting any projected demand. The plan must be approved by the City of Port St. Lucie and Treasure Coast Regional Planning Council. If said approval is not obtained within five years 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. Public library facilities shall be constructed and available to serve projected demand in accordance with the approved plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission to the developer by Treasure Coast Regional Planning Council of a statement supporting the costs of review.

NOTE: This Condition has been fully satisfied.

TRANSPORTATION

47. No individual building permits shall be granted for the development of any parcel of land in St. Lucie West unless and until any right-of-way described in the St. Lucie County Thoroughfare Plan or in a Thoroughfare Right-of-way Protection Plan adopted by the City of Port St. Lucie within the boundaries of the parcel proposed for development has been dedicated to or acquired by the appropriate public agency, free and clear of all liens and encumbrances.

NOTE: This Condition has been fully satisfied.

48. No building permits shall be issued for development generating more than 23,171 average daily trips, 1,599 AM peak hour trips, or 2,206 PM peak hour trips of the St. Lucie West Development of Regional Impact, until contracts have been let for the construction of intersection improvements to obtain the following configurations, including signalization or signalization modification as warranted by City, County or State criteria.

a. Prima Vista Boulevard and West Peacock Boulevard

North bound W. Peacock Blvd.

One left-turn lane*
One through lane*
One right-turn lane

East bound Prima Vista Blvd.

One left-turn lane*
One through lane
One through/right-turn lane

South bound W. Peacock Blvd.

One left-turn lane*
One through lane
One right-turn lane*

West bound Prima Vista Blvd.

One left-turn lane*
Two through lanes
One right-turn lane*

* Improvements beyond current configuration.

No Certificates of Occupancy shall be issued for more than 23,171 average daily trips, 1,599 AM peak hour trips or 2,206 PM peak hour trips of the St. Lucie West Development of Regional Impact until the improvements under a) have been completed.

NOTE: This Condition has been fully satisfied.

49. No Certificates of Occupancy shall be issued for development generating more than 30,630 average daily trips or 3,291 PM peak hour trips of the St. Lucie West Development of Regional Impact until signalization has been installed at the intersection of Port St. Lucie Boulevard and Del Rio Boulevard as warranted by City, County, or State criteria. Should signalization not be warranted at that time, the intersection shall be monitored and signalization installed as soon as warranted by City, County, or State criteria.

NOTE: This Condition has been fully satisfied.

50. No building permits shall be issued for development generating more than 31,597 average daily trips, 2,181 AM peak hour or 3,008 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the following improvements:

- a. Two-lane Cashmere Boulevard from SW Heatherwood Boulevard to Del Rio Boulevard.
- b. Two-lane South Peacock Boulevard (SW Heatherwood Boulevard) from Country Club Drive to Cashmere Boulevard.

No Certificates of Occupancy shall be issued for any development generating more than 31,597 average daily trips, 2,181 AM peak hour or 3,008 PM peak hour trips of the St. Lucie West Development of Regional Impact until the improvements under a) and b) above have been completed.

NOTE: This Condition has been fully satisfied

51. No building permits shall be issued for development generating more than 47,045 average daily trips, 3,247 AM peak hour or 4,480 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the construction of intersection improvements to obtain the following configuration, including signalization or signalization modification as warranted by City, County or State criteria.

- a. Prima Vista Boulevard and Bayshore Boulevard

North bound Bayshore Blvd.
One left-turn lane
One through/right-turn lane

East bound Prima Vista Blvd.
One left-turn lane
One through lane
One right-turn lane

South bound Bayshore Blvd.
One left-turn lane

West bound Prima Vista Blvd.
One left-turn lane

One through lane
One right-turn lane*

One through/right-turn lane

* Improvements beyond current configuration.

All above configurations shall be permitted and constructed in accordance with City, County, and State criteria. No Certificates of Occupancy shall be issued for development generating more than 47,045 average daily trips, 3,247 AM peak hour or 4,480 PM peak hour trips of the St. Lucie West Development of Regional Impact until the intersection improvements under a) above have been completed.

NOTE: This Condition has been fully satisfied.

52. No building permits shall be issued for development generating more than 70,216 average daily trips, 4,846 AM peak hour or 6,685 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the following improvements:

- a. Two-lane N.W. California Boulevard from St. Lucie West Boulevard to N.W. Country Club Drive.
- b. Two-lane Cashmere Boulevard from St. Lucie West Boulevard to SW Heatherwood Boulevard.
- c. Four-lane Prima Vista Boulevard from Airoso Boulevard to Bayshore Boulevard.

NOTE: This Condition has been fully satisfied.

No Certificates of Occupancy shall be issued for any development generating more than 70,216 average daily trips, 4,846 AM peak hour or 6,685 PM peak hour trips of the St. Lucie West Development of Regional Impact until the improvements under a), b), and c), above have been completed.

53. No building permits shall be issued for any development generating more than 70,216 average daily trips, 4,846 AM peak hour or 6,685 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the construction of intersection improvements to obtain the following configuration, including signalization or signalization modification as warranted by City, County, or State criteria.

- a. Prima Vista Boulevard and California Boulevard

North bound California Blvd.
N/A

East bound Prima Vista Blvd.
One left-turn lane*
Two through lanes

South bound California Blvd.
One left-turn lane*

West bound Prima Vista Blvd.
One right-turn lane*

One right-turn lane*

Two through lanes

NOTE: This Condition has been fully satisfied.

b. Prima Vista Boulevard and Cashmere Boulevard

North bound Cashmere Blvd.
N/A

East bound Prima Vista Blvd.
One left-turn lane*
Two through lanes

South bound Cashmere Blvd.
One left-turn lane*
One right-turn lane*

West bound Prima Vista Blvd.
One right-turn lane*
Two through lanes

NOTE: This Condition has been fully satisfied.

c. Del Rio Boulevard and Port St. Lucie Boulevard

North bound Del Rio Blvd.
N/A

East bound Port St. Lucie Blvd.
One left-turn lane*
One through lane

South bound Del Rio Blvd.
One approach lane

West bound Port St. Lucie Blvd.
One through lane
One right-turn lane"

NOTE: This Condition has been fully satisfied.

d. West Midway Road and Glades Cut-Off Road

North bound Glades Cut-Off Rd.
One left-turn lane*
One through lane
One right-turn lane*

East bound West Midway Rd.
One left-turn lane*
One through lane
One right-turn lane*

South bound Glades Cut-Off Rd.
One left-turn lane*
One through/right-turn lane

West bound West Midway Rd.
One through lane*
One left-turn lane
One right-turn lane*

NOTE: This Condition has been fully satisfied.

e. Cashmere Boulevard and South Peacock Boulevard

North bound Cashmere Blvd.
One left-turn lane*
One through lane

East bound South Peacock Blvd.
One approach lane

South bound Cashmere Blvd.
One approach lane

West bound South Peacock Blvd.
N/A

NOTE: This Condition has been fully satisfied.

* Improvements beyond current configuration.

N/A = Not applicable.

All above configurations shall be permitted and constructed in accordance with City, County, and State criteria. No Certificates of Occupancy shall be issued for development generating more than 70,216 average daily trips, 4,846 AM peak hour or 6,685 PM peak hour trips of the St. Lucie West Development of Regional Impact until the intersection improvements under a) through e) above have been completed.

54. Intersection improvements identified in Condition 53.a shall be constructed concurrent with the northerly connection of California Boulevard to Prima Vista Boulevard.

NOTE: This Condition has been fully satisfied.

55. Intersection improvements identified in Condition 53.b shall be constructed concurrent with the southerly connection of Cashmere Boulevard to Prima Vista Boulevard.

NOTE: This Condition has been fully satisfied.

56. No building permits shall be issued for development generating more than 121,107 average daily trips, 8,106 AM peak hour or 11,287 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the following improvements:

a. Two-lane California Boulevard from St. Lucie West Boulevard to SW Heatherwood Boulevard.

b. Two-lane SW Heatherwood Boulevard from California Boulevard to Country Club Drive.

No Certificates of Occupancy shall be issued for any development generating more than 121,107 average daily trips, 8,106 AM peak hour or 11,287 PM peak hour trips of

the St. Lucie West Development of Regional Impact until the improvements under a) and b) above have been completed.

NOTE: This Condition has been fully satisfied.

57.No building permits shall be issued for development generating more than 121,107 average daily trips, 8,106 AM peak hour or 11,287 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the construction of intersection improvements to obtain the following configuration, including signalization or signalization modification as warranted by City, County, or State criteria.

a. Prima Vista Boulevard and California Boulevard

North bound Calif. Blvd.

One left-turn lane*

One through lane*

One right-turn lane*

East bound Prima Vista Blvd.

One left-turn lane

Two through lanes

One right-turn lane*

South bound Calif. Blvd.

One left-turn lane

One through lane*

One right-turn lane

West bound Prima Vista Blvd.

One left-turn lane*

Two through lanes

One right-turn lane

* Improvements beyond current configuration.

All above configurations shall be permitted and constructed in accordance with City, County, and State criteria. No Certificates of Occupancy shall be issued for development generating more than 121,107 average daily trips, 8,106 AM peak hour or 11,287 PM peak hour trips of the St. Lucie West Development of Regional Impact until the intersection improvements under a) above have been completed.

NOTE: This Condition has been fully satisfied.

58.Intersection improvements identified in Condition 57.a shall be constructed concurrent with the southerly connection of California Boulevard to Prima Vista Boulevard.

NOTE: This Condition has been fully satisfied.

59.No building permits shall be issued for development generating more than 171,997 average daily trips, 11,366 AM peak hour or 15,888 PM peak hour trips of the St. Lucie West Development of Regional Impact until contracts have been let for the following improvements:

- a. Four-lane West Peacock Boulevard from University Boulevard to Prima Vista Boulevard.
- b. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005
- c. Two-lane California Boulevard from South Peacock Boulevard to Del Rio Boulevard.
- d. Two-lane California Boulevard from West Torino Parkway to North Peacock Boulevard.
- e. Two-lane Cashmere Boulevard from East Torino Parkway to North Peacock Boulevard.
- f. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005
- g. DELETED BY RESOLUTION 08-R80 ON SEPTEMBER 22, 2008
- h. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005
- i. Four-lane Prima Vista Boulevard Bridge over St. Lucie River.
- j. Two-lane North Peacock Boulevard from West Peacock Boulevard to Cashmere Boulevard.
- k. Two-lane California Boulevard from University Boulevard to North Peacock Boulevard.
- l. Two-lane West Peacock Boulevard from University Boulevard to North Peacock Boulevard.

NOTE: Conditions 59 a, c, d, e, i, j, k, and l have been fully satisfied.

No Certificates of Occupancy shall be issued for development generating more than 171,997 average daily trips, 11,366 AM peak hour or 15,888 PM peak hour trips of the St. Lucie West Development of Regional Impact until the improvements under a) through l) above have been completed.

60. a-e and i-k DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005

f. California Boulevard and South Peacock Boulevard

North bound California Blvd.

One left-turn lane*

One through/right-turn lane

East bound S. Peacock Blvd.

N/A

South bound California Blvd.

One left-turn lane*

One through/right-turn lane

West bound S. Peacock Blvd.

One approach lane

NOTE: This Condition has been fully satisfied.

g. Cashmere Boulevard and Del Rio Boulevard

North bound Cashmere Blvd.
N/A

East bound Del Rio Blvd.
One approach lane

South bound Cashmere Blvd.
One approach lane

West bound Del Rio Blvd.
One through lane
One right-turn lane*

NOTE: This Condition has been fully satisfied.

h. California Boulevard and North Peacock Boulevard

North bound California Blvd.
One approach lane

East bound N. Peacock Blvd.
One left-turn lane*
One through/right-turn lane

South bound California Blvd.
One left-turn lane*
One through/right-turn lane

West bound N. Peacock Blvd.
One approach lane

NOTE: This Condition has been fully satisfied.

61. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005

62. The following intersection improvements shall be constructed concurrent with the northerly connection of Prima Vista Boulevard and Cashmere Boulevard.

North bound Cashmere Blvd.
One left-turn lane
One through lane*
One right-turn lane

East bound Prima Vista Blvd.
One left-turn lane*
Two through lanes
One right-turn lane*

South bound Cashmere Blvd.
One left-turn lane*
One through lane*
One right-turn lane*

West bound Prima Vista Blvd.
One left-turn lane
Two through lanes
One right-turn lane

* Improvements beyond current configuration.

NOTE: This Condition has been fully satisfied.

63.- 71. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005

72. As a minimum, the Developer shall pay a fair share contribution toward road improvements consistent with the road impact fee ordinance of St. Lucie County and/or the City of Port St. Lucie to the extent either is applicable to this project.

73.-74. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005

75. In order to provide improved traffic circulation between St. Lucie West and other parts of the city, and for emergency services access, the following rights-of-way shall be dedicated to the City of Port St. Lucie, Florida, by January 1, 1998, with the land owner of the dedicated right-of-way having the right to receive Road Impact Fee credits for the value of the right-of-way dedicated that exceeds the right-of-way that is required for the development of a two-lane roadway, i.e. that development which generates 233,000 average daily trips, 15,900 AM peak hour or 21,500 PM peak hour trips of the St. Lucie West DRI:

- a. NW California from the south line of Port St. Lucie Section Forty-four to the north terminus of the existing dedicated right-of-way of NW California Boulevard and from NW Country Club Drive to the north right-of-way of St. Lucie West Boulevard.
- b. SW California Boulevard from South Peacock (Heatherwood) Boulevard to Juliet Avenue.
- c. NW Cashmere Boulevard from the south line of Port St. Lucie Section Forty-four to the north right-of-way of St. Lucie West Boulevard.
- d. West Virginia Boulevard from the east property line of St. Lucie West to the west property line of St. Lucie (Lake Charles Development Corp. west property line).

For items a., b., and c., (excluding item d), the land owner and the City of Port St. Lucie will pursue the establishment of a special assessment district as a means of providing funds to construct the two-lane improvements within these rights-of-way as required by the St. Lucie West DRI, i.e. not any additional lanes.

Note: This Condition has been fully satisfied.

76. In order to avoid a cut-de-sac which exceeds 1,000 feet, right-of-way for NW Bethany Boulevard connecting to NW Peacock Boulevard or another acceptable alternate roadway, shall be shown at time of platting.

NOTE: This Condition has been fully satisfied.

77. DELETED BY RESOLUTION 05-R88 ON DECEMBER 29, 2005

78. With respect to the reports required for submittal under Condition 75, the development of the 300 acres, shown on Exhibit "B" to this Development Order shall be assumed to have been fully developed and said acres are hereby entitled to be developed

without providing any of the roadway or intersection improvements specified in this Development Order. Said acres shall be subject to any of the other Development Order conditions which are applicable.

79. Development permits shall not be withheld for the property described on Exhibit "C", regardless of whether permits are withheld for other St. Lucie West DRI property, unless the development on the Exhibit "C" property fails to comply with one or more of the following conditions of this Development Order:

- a. Section 1, paragraphs 4, 5, 6, 9, 10, 11, (but only if the development fails to preserve 25 percent of the Pine flatwoods habitat within the Exhibit "C" property), 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 32, 35, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and
- b. Section 2, and
- c. Section 5.

So long as the development of the Exhibit "C" property is in compliance with the above-described conditions of this Development Order, the City shall continue to issue development permits for the Exhibit "C" property.

In the event the applicant, or any of its successors or assigns other than the owner of the Exhibit "C" property, fails to comply with any conditions of the Development Order, such failure shall not result in the withholding of development permits by the City for the Exhibit "C" property.

ARCHITECTURAL AND AESTHETIC CONTROLS

80. The developer shall prepare architectural and design review criteria for each general development type (i.e., residential, commercial, industrial) to assure compatibility among development sites and structures. A builder's guide(s) applicable to each general development type shall be prepared by the developer which shall address, as a minimum, architectural and design themes, site coverage, landscaping, signage, lighting and building materials. Site plans shall be reviewed and approved by a review entity established by the developer for consistency and compatibility with the builder's guide.

NOTE: This Condition has been fully satisfied and is being implemented.

LOCAL ORDINANCES AND REVIEWS

81. Except as provided by Section 163.3167(8), Florida Statutes, and Section 5 of this Development Order, all requirements of the Port St. Lucie Code of Ordinances, as they may now exist or as they may be subsequently amended or enacted during the development of any portion of the St. Lucie West project shall be observed, provided that

any such subsequently amended or enacted ordinances apply uniformly throughout the City and may be lawfully applied to the St. Lucie West project.

82. The applicant shall comply with the building codes in effect in the City on the date of application for a building permit.

83. All additional consultant review costs of the City related to the transportation impacts beyond Phase I, and the plans involving affordable housing, hazardous waste collection, recreational sites and facilities, beach access and parking, hospital and nursing home facilities, police protection, child care and library facilities shall be borne by the developer. However, the developer shall have the right to review any proposed consulting contract at least 30 days prior to the execution of such contract by the City, unless fewer days are agreed to by the developer. The developer shall have the right to challenge the reasonableness of such proposed contract scope and costs before the City Council prior to the execution of the contract. Payment shall be due within 30 days of receipt by the developer from the City of written documentation of the costs.

NOTE: This Condition has been fully satisfied.

84. The St. Lucie West Development of Regional Impact shall be developed in accordance with the intensities prescribed within the Conversion Matrix attached hereto and incorporated into this development order by reference as Exhibit "E".

Section 2. Compliance with the development order shall be monitored through normal City permitting procedures, the procedures listed in specific conditions of approval, and review of the biennial report. The local official responsible for assuring compliance with this development order is the Director of Planning of the City of Port St. Lucie, Florida. For purposes of compliance with the conditions of this Development Order, the term "developer" in this Development Order shall refer to St. Lucie West Development Corp. as the only successor applicant and its heirs, successors and assigns; except to the extent that another entity is expressly designated in a condition.

~~Section 3. The biennial report required by Section 380.06(18), Florida Statutes, shall be submitted on or before August 1 of each year, beginning in 1988 for the reporting period of June 1-May 31. This biennial report shall be submitted to the City of Port St. Lucie, the Treasure Coast Regional Planning Council, the Department of Community Affairs, the State of Florida Department of Environmental Regulation and the South Florida Water Management District. This biennial report shall include the following items:~~

- ~~1. Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting and for the next year.~~
- ~~2. A summary comparison for development activity proposed and actually conducted for the year.~~

- ~~3. Undeveloped tracts of land, other than individual, single family lots that have been sold to a separate entity or developer.~~
- ~~4. Identification and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the Development Order was issued.~~
- ~~5. An assessment of the developer's and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by the City of Port St. Lucie, the Treasure Coast Regional Planning Council or the Department of Community as being significant.~~
- ~~6. Any known incremental DRI applications for development approval or request for substantial deviation determination that were filed in the reporting year.~~
- ~~7. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.~~
- ~~8. 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.~~
- ~~9. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes.~~
- ~~10. 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(15)(f), Florida Statutes.~~

~~Section 3. Section 4.~~ Compliance dates for commencing development and complying with conditions of approval and phasing requirements are listed in the conditions for approval. This Development Order shall terminate thirty-five years after the effective date of the Development Order.

~~Section 4. Section 5.~~ The City of Port St. Lucie specifically agrees that the approved Development of Regional Impact shall not be subject to down zoning, unit density reduction or intensity (square footage) reduction for a period of 35 years from the effective date of this Development Order, unless the City of Port St. Lucie can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the Development Order was based on substantially inaccurate information provided by the developer or that the change is clearly established by the City of Port St. Lucie to be essential to the public health, safety or welfare.

Section 5. ~~Section 6.~~ The developer intends to petition for the establishment of a Community Development District (CDD) under Chapter 190, Florida Statutes, for St. Lucie West. The main purpose of seeking to establish a CDD is to ensure that no property owners within the City of Port St. Lucie other than those within the boundaries of the St. Lucie West DRI shall pay for the establishment and maintenance of infrastructure serving only the residents of St. Lucie West. No reference to a CDD in this Development Order shall constitute any approval of or acquiescence by the City of Port St. Lucie to the formation of the CDD; the City shall not be precluded from objecting to the formation of the CDD.

NOTE: The St. Lucie West Services District, a community development district, was created on November 21, 1989, by the Florida Land and Water Adjudicatory Commission.

Section 6. ~~Section 7.~~ Copies of this Development Order shall be transmitted immediately by certified mail to the State of Florida Department of Community Affairs, the Treasure Coast Regional Planning Council and St. Lucie West Development Corp., Michael Redd and Associates, P.A.

Section 7. ~~Section 8.~~ This resolution shall become effective upon adoption.

The remainder of this page is intentionally left blank.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 20____.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Gregory Oravac, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM

James D. Stokes, City Attorney

I hereby certify this to be a true and correct copy of Port St. Lucie Resolution ____ as approved by the City Council on _____, 20____, and consisting of pages_____, plus Exhibits A, B, C, SHC-1, D, and E.

Sally Walsh, City Clerk