

ORDINANCE NO. 00-19 (FKA ORDINANCE 99-43)

DEVELOPMENT OF REGIONAL IMPACT

DRI # 24, HERITAGE SOUND

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*), FILED BY U.S. HOME CORPORATION FOR HERITAGE SOUND; TBRPC DRI #240; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 30, 1998 the U.S. Home Corporation, submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA) for 5,000 residential units (single and multi-family units); 797,000 square feet of retail commercial; 170,000 square feet of office; 300 hotel rooms; 600 bed group care facilities; 162 slip marina and 300 slip boat livery; 45 hole golf course; accessory residential support and public community uses on 10.3 acres; and 40.2 acres of park, as legally described in Section 6, referred to as Heritage Sound DRI, or the Project*; and

WHEREAS, the described project* lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve an ADA for a DRI; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been adhered to and satisfied; and

WHEREAS, the Manatee County Planning Commission has reviewed the ADA and Sufficiency Responses, and filed a recommendation on the ADA with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC); and

WHEREAS, the Board of County Commissioners held duly noticed public hearings on October 5, 1999, November 16, 1999, December 14, 1999, January 27, 2000, and

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March 21, 2000 on the ADA and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, ADA (with their sufficiency responses), the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this ADA to rezone the parcel from A-1 and A to PDMU, retaining the CH overlay district, and to approve a General Development Plan for the entire 2,495 acre project.
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI and the application of Official Zoning Atlas Amendment as it relates to the real property described in Section 6 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report was rendered on February 10, 2000, following a public hearing.
- D. The BOCC held public hearings on October 5, 1999, November 16, 1999, December 14, 1999, January 27, 2000, and March 21, 2000 regarding the ADA and the proposed Official Zoning Atlas Amendment, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit and drainage in compliance with state requirements.
- G. This Development Order is issued based on information provided by the Developer in the ADA (with their sufficiency responses); public hearing testimony; data, information and recommendations provided by the Planning Commission and Planning Department, and ensures continued compliance with the Manatee County Comprehensive Plan
- H. Subject to the Development Order Conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 31, 2004, for 2,550 residential units (single and multi-family units); 375,000 square feet of retail commercial; 85,000 square feet of office; 150 hotel rooms; 300 bed group care facilities; 162 slip marina; 18 hole golf course; accessory residential support and public community uses on 7.5 acres; and 40.2 acres of park for each of the subject categories listed in 1.F., above.
- I. The real property which is the subject of this ADA and Development Order is legally described in Section 6 of this Ordinance.
- J. The existing and proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- K. The authorized agent for U.S. Home Corporation is Conner Chambers, U.S. Home Corporation, 399 Interstate Blvd, Sarasota, Florida 34240.
- L. The Owners of the property which U.S. Home Corporation intends to develop are River Valley Land Trust and Leesburg Land Trust.
- M. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Board of County Commissioners, TBRPC, and DCA in conjunction with the ADA, sufficiency responses, and this Development Order.

SECTION 2. CONCLUSIONS OF LAW.

- A. Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:
 - 1. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the

Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.

2. The Development is consistent with the report and recommendations of TBRPC issued on July 12, 1999 regarding the ADA and sufficiency responses.
- B. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
 - C. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order and the ADA, as amended. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this Development Order is included as Table 1.

SECTION 3. DEFINITIONS.

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Heritage Sound's DRI ADA submitted on October 30, 1998 and sufficiency responses submitted on March 25, 1999 and May 19, 1999, and the response to the second sufficiency comments dated May 17, 1999 and submitted on May 19, 1999 (Exhibit 4).
- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.

- D. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's* impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the first two years of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- E. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- G. "Developer" shall mean U.S. Home Corporation, its heirs, assigns, designees, agents, and successors in interest as to the Heritage Sound DRI.
- H. Development Approval** shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- I. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
 2. actual construction; or
 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the

improvement will be in place when needed or concurrent with the expected impacts of the development.

- J. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- K. "Master Development Plan" shall mean Map H, dated January 17, 2000, attached as Exhibit 6 and incorporated by reference.
- L. "Net New External p.m. Peak Hour Project Trips" shall mean the total trip generation using the ITE Trip Generation Manual, 6th Edition, less the internal capture and pass-by captured trips.
- M. "Owner" shall mean U.S. Home Corporation, its heirs assigns, designees, agents, and successors in interest.
- N. "Phase*" shall mean the development totals listed in Table 1 below.
- O. Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01, as amended), for a Phase or Sub-Phase.
- P. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 6 herein.
- Q. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the cumulative traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Manatee County adopted Level of Service. This area is generally depicted on Figure 21.1 (Exhibit 7) which was submitted with the ADA.
- R. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- S. "Warranted" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- T. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department

of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

The definitions contained in Chapter 380, Florida Statutes, shall apply to this Development Order.

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined

SECTION 4. DEVELOPMENT CONDITIONS.

A. DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1). This Development Order approval shall constitute approval of the ADA subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- A(2). Phase I of the Development* is specifically approved subject to the conditions found within the Development Order. The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase I shall be valid until December 31, 2004.

Phase II is conceptually approved. Approval of Phase II is subject to further Section 380.06(6) review on transportation, affordable housing and air quality consistent with the requirements of 9J-2, FAC. The determination as to the adequacy of transportation capacity for Phase II shall be made in accordance with the requirements of Chapter 380, Florida Statutes, pertaining to the analysis of transportation impacts, air quality and affordable housing.

- A(3). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order.
- A(4). The ADA and sufficiency responses are hereby incorporated by reference.

TABLE 1 - Development Totals

TYPE OF DEVELOPMENT: Multi-Use Development.

LOCATION: Northeast of the intersection of I-75 and SR 64.

TOTAL DEVELOPMENT AMOUNTS :

CATEGORY	ACREAGE	PHASE I 2000-2004	PHASE II 2004-2009	TOTAL
Commercial	151.8			
Retail		375,000 s.f.	422,000 s.f.	797,000 s.f.
Office Hotel		85,000 s.f. 150 rooms	85,000 s.f. 150 rooms	170,000 s.f. 300 rooms
ACLF		300 beds	300 beds	600 beds
Residential	1075.5			
Single family detached		1,290 units	980 units	2,270 units
Single family attached/ semi- attached		660 units	480 units	1,140 units
Multi-family		600 units	990 units	1,590 units
Total Residential Units		2,550 units	2,450 units	5,000 units
Marina	12.0	162 wet slips	300 dry slips	462 slips
Recreational Open Space	467.6			
Golf Course		18 holes	27 holes	45 holes
Park		40.2 acres		40.2 acres
Institutional	10.3	7.5 acres	2.8 acres	10.3 acres
Arterial/Collectors ROW	61.0			
Lakes	164.6			
Wetlands	519.2			
Mitigation	33.8			

B. TRANSPORTATION CONDITIONS

B(1). The following roadway and intersection improvements shall be required as part of Phase I. The Developer* shall, at the time of each application for Preliminary Site Plan* approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of net new external p.m. peak hour trips*, identified in the DRI documentation, which has previously been permitted in the Project*. New external p.m. peak hour project trips shall be based on the trip rates defined by Table 21-8 of the ADA and adjusted for pass-by and internal capture as established by Table 21-10 of the ADA (Exhibit 8). The Developer* shall not be entitled to a Preliminary Site Plan* approval which would result in the cumulative number of net new external p.m. peak hour trips for the Project* to exceed the applicable subphase net new external p.m. peak hour project trip* transportation improvement thresholds unless Funding Commitments* from Responsible Entities* have been obtained to ensure that the improvements required are in place Concurrent* with such subphase.

**TABLE 2
Required Improvements**

Intersection	Required Improvement	Impact Fee Creditable	When Required
a. I-75 West-ramps/SR-64	Signalize when warranted	No	Notes 1&4
b. I-75 East-ramps/SR-64	(1) Signalize when warranted (2) Reconfigure northbound off-ramp and provide a second right-turn lane.	No Yes	Notes 1&4
c. SR-64 and Lena Road	(1) Signalize when warranted (2) Eastbound left-turn lane (3) Westbound right-turn lane (4) Southbound exclusive left-turn lane (5) Southbound shared through/right-turn lane	No No No No No	Notes 1&4
d. SR-64/Kay Road	(1) Retrofit the existing Southbound approach (N. Leg) of Kay Road (local Improvement). (2) Extend the Eastbound left-turn lane to 520 feet. (3) Westbound right-turn lane (length 300 feet) (Local Improvement). (4) Signalize when warranted (5) Southbound right-turn lane (local improvement)	Note 2 Yes Note 2 No Note 2	Notes 2&4
e. Project's West access/SR-64	(1) Dual Eastbound left-turn lanes (2) Westbound right-turn lane (3) Exclusive Southbound right-turn lane (4) Exclusive Southbound left-turn lane (5) Signalize when warranted (6) Westbound left-turn lane	No No No No No Yes	Notes 1&4
f. Project's Middle access/SR-64	(1) Directional Eastbound left-turn lanes (2) Westbound right-turn lane (3) Exclusive Southbound right-turn lane	No No No	Notes 1&4

g. SR/64/Lakewood Ranch Blvd/Upper Manatee River Rd.	(1) Northbound left-turn lane (2) Southbound right-turn lane (local improvement)	Yes	Notes 3&4
h. SR70/I-75 ramps	(1) Signalize when warranted(local improvement)	No	
Roadway	Requirement Improvement	Impact Fee Creditable	When Required
a. SR-64 from I-75 to Lena Rd	Widen to 4-lanes	Yes	Notes 1&4
b. SR-64 Frontage/Access Rd	Construct 2-lane, two-way, south side public frontage road from West Access to Timberlane RV Park driveway.(Local Improvement)(R/W creditable ¹)(Construction Non-creditable)	Yes-r/w No-Const.	Notes 1&4
c. SR 64 from Kay Rd to Lena Road	Develop and implement a time based coordinated signal system (local improvement)	No	Concurrent with signal installation

All improvements on state roads are subject to FDOT approval.

Note 1: The Developer* shall be responsible for design, permitting and construction of this improvement within thirty-six (36) months of the date upon which the Development Order becomes non-appealable. The Developer* or its Assignees shall be entitled to receive transportation impact fee credits for these improvements as defined in Table 2 above.

Note 2: The existing south approach (north leg) of Kay Road shall be relocated further west to form a typical four-legged intersection with the existing T-intersection at 60th Street Court East. Right-of-way, design and required permits shall be provided by the County*. The Developer* shall only be responsible for funding and implementing the construction of the improvement and the County* shall reimburse the Developer* for all costs associated with construction of the Local Improvement portions of this improvement. Should Manatee County fail to obtain the required right-of-way and the appropriate permits and complete the design, prior to the commencement of Phase II, the Developer* shall not be prevented from continuing development, provided that when the County does obtain right-of-way and permits and complete design, the Developer* begins construction of this improvement within 6 months. This intersection Improvement (regional improvements 2 and 4) shall be eligible to receive transportation impact fee credits. All local improvements (1, 3, and 5) shall be subject to the Reimbursement Agreement between the County* and the Developer*.

Note 3: The Developer* shall be responsible for design, permitting and construction of this improvement prior to exceedance of 2,474 p.m. peak hour net new external project trips*. The Developer* or its Assignees shall be entitled to receive transportation impact fee credits for these improvements as defined in Table 2 above.

Note 4: These improvements shall be funded by the Developer* via the posting of a bond in a form and manner acceptable to the County*. The bond for Intersection Improvements a., b., c., e., and f., and both Roadway Improvements (a., and b.) shall be posted prior to the receipt of the first permit allowing for Vertical Development*. The bond for Intersection Improvement d. shall be posted the earlier of completion of right-of-way acquisition, design and permitting or December 1, 2004. The bond for Intersection Improvement g. shall be posted the earlier of July 1, 2004 or upon reaching 2,474 p.m. peak hour net new external project trips*. The Developer,* unless otherwise specified herein, shall be responsible for

¹ Includes all costs associated with right-of-way acquisition, i.e. property value, survey and legal description, legal fees, environmental assessments, etc.

negotiation for, and acquisition of any right-of-way necessary to accomplish this requirement. The Developer* shall be responsible for all fees and costs associated with the purchase of right-of-way, unless otherwise specified herein. If the Developer* is unable to acquire the right-of-way through a negotiated purchase, then the County* shall use its power of eminent domain to acquire the necessary right-of-way. If condemnation is required, the Developer* shall be responsible for all associated costs with the litigation and reimburse the County, unless otherwise specified herein. Progress regarding completion of this improvement shall be included in each Annual Report. The Developer* shall provide documentation regarding such progress and provide an updated schedule of completion addressing design, right-of-way acquisition, permitting and construction. The County* shall determine the reasonableness of each updated schedule. Should the updated schedule require an extension of time for the completion of the improvement due to right-of-way acquisition or permitting, the County* shall determine if an extension of time is acceptable and if an amendment to this Zoning Ordinance is required.

B(2). When Certificates of Occupancy have been issued for 2,000 residential units, or the equivalent thereof in terms of net new external p.m. peak hour project trips, an annual monitoring program to provide peak hour counts at the Project* entrances shall be instituted to verify that the projected number of external trips for Phase I of the Project* are not exceeded. Counts shall continue on an annual basis through buildout of Phase I. This information shall be supplied in the required Annual Report. If the Annual Report indicates the total trips exceed projected counts by more than 15%, Manatee County shall conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may amend the Development Order to change or require additional roadway improvements. If an Annual Report is not submitted within thirty (30) days of its due date, Manatee County may conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments. Such a variance shall be presumed to be a substantial deviation unless the developer rebuts this presumption by clear and convincing evidence. If the variance is determined to be a Substantial Deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B(3). When Certificates of Occupancy have been issued for 2,000 residential units or the equivalent thereof, in terms of trip generation, the Developer* shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates the total peak hour trips are not being diverted reasonably commensurate with those anticipated, Manatee County shall decide whether to conduct a Substantial Deviation Determination pursuant to Subsection 380.06(19), Florida Statutes for the purpose of determining amendments or other requirements to be added to the Development Order to change TSM objectives or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer* or reviewing agencies to request Development Order amendment. The TSM program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but shall not be limited to:

POLICY: Promote ride sharing by private and public sector employees.

OBJECTIVES:

- Increase urban peak automobile occupancy rates by 10% by 2002 through expanded ride sharing efforts.
 - Increase peak hours occupancy rates for transit and other high-occupancy modes of transportation by 20% by 2002.
- B(4). Prior to the first Final Plat, or Certificate of Occupancy if platting is not required, the developer shall dedicate right-of-way along its entire frontage to accommodate the future six laning of State Road 64. The Developer or its assignees shall be entitled to receive full transportation impact fee credit for the dedication as defined in Table 2. The construction of model homes and the sales center shall be exempt from this condition if the Developer* does not have title to the property to be dedicated at the time a Final Platt or Certificate of Occupancy is issued for model homes or the sales center.
- B(5). Prior to commencement of Phase II, the developer shall dedicate 120 feet of right-of-way and construct the Kay Road Extension as a two-lane thoroughfare roadway, including appropriate intersection improvements and associated retention, from its I-75 terminus to the eastern boundary of the project. This right-of-way width may be reduced to 84 feet if the developer can demonstrate sufficient width is available to accommodate the future 4-laning, including bicycle lanes and sidewalks on both sides of the Kay Road Extension.

C. ENVIRONMENT

C(1). Vegetation, Wildlife, and Wetlands

- a. In the event that any additional state or federally-listed species are discovered on-site during project development, the developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and Manatee County EMD and implement the appropriate measures for

species conservation as recommended by the Florida Fish and Wildlife Conservation Commission.

- b. A management plan for the project, consistent with Policy 4.1.2.3 of the Comprehensive Plan, for removal of nuisance and exotic species, shall be developed by the applicant and approved by Manatee County prior to the first Final Site Plan approval for the project.
- c. Prior to approval of any Final Subdivision Plat (or Plan if Platting is not required), the Developer* shall record Land Development covenants or deed restrictions designed to prevent homeowner's activities from degrading habitat.
- d. Wetland buffers along the Manatee River, [the river as shown on Map F (Exhibit 1)], tidal creeks and islands shall be a minimum width of 50'. Wetland buffers adjacent to the marina shall be consistent with the Land Development Code and Comprehensive Plan. All other buffers shall be a minimum width of 30 feet, unless otherwise approved by the EMD, consistent with the Comprehensive Plan and Land Development Code.
- e. Upland buffers between on-site wetlands, marshes, streams or rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be replanted with native, transitional zone or upland vegetation. All wetland buffers shall have signage posted depicting the purpose and intent of the buffer. Signage text and location shall be approved by the Director of the Environmental Management Department. The use of pesticides, herbicides, or fertilizers, unless part of an approved nuisance and exotic management plan, shall be prohibited in these buffers and the wetlands they protect.
- f. The Developer* shall submit a wetland management and mitigation plan to the County* for approval prior to, or concurrent with Preliminary Site Plan applications. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on- and off-site water quality, methods for hydroperiod maintenance with a detailed narrative and preliminary plans for mitigated or significantly enhanced wetlands.
- g. Post-development wetlands, conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall be placed under conservation easements conveyed to Manatee County consistent with the restrictions on development provided for in Section 719 of the Land Development Code.
- h. The maximum amount of wetland impacts shall not exceed that listed in Table 13S-4 of the Sufficiency Response dated March 1999 and revised on 12/02/99, attached as Exhibit 2. However, at time of Preliminary Site Plan

approval, all proposed wetland impacts shall demonstrate compliance with minimization, avoidance, and mitigation, pursuant to the Comprehensive Plan, prior to authorization of any wetland impacts.

- i. The native upland plant community quantities committed to be preserved on Table 12S-2 of the second sufficiency response dated March 1999 and revised on 02/01/00 (Exhibit 3), shall include 75 percent of the pine flatwoods and pine-mesic oak community located adjacent to the Manatee River and its tributaries, mangrove swamps, and saltwater marshes.
- j. As shown on Table 12S-2 of the second sufficiency response dated March 1999 and revised on 02/01/00 (Exhibit 3), 36 acres of upland forested communities shall be preserved to provide habitat for the Sherman's fox squirrel.
- k. Concurrent with the construction of the internal roadways adjacent to Mitigation Area 6 and the associated wetlands shown on Exhibit 12, the Developer shall construct a fence which will be a minimum of four feet in height and of chain link or a similar material that will prevent passage of young sandhill crane chicks. The general location and extent of the fence are shown on Exhibit 12.

C(2). Air Quality

- a. Manatee County shall reserve the right to require mitigation measures or a revision of the site plan to alleviate potential negative impacts of the project on ambient air quality.
- b. Best Management Practices shall be employed during site preparation and construction to minimize air quality impacts.
- c. Any open burning conducted on site as part of land clearing activities shall be permitted by EMD.

C(3). Water Quality and Stormwater Management

- a. An Integrated Pest Management Plan (IPMP) shall be developed and approved by Manatee County prior to the first Final Site Plan. The IPMP shall address the following items:
 - (1) Fertilizer/pesticide/herbicide/application;
 - (2) Golf course pest management methods and procedures; and
 - (3) Related quality control and assurance procedures.A training manual shall be developed as part of the IPMP for maintenance personnel and made available on site at all times.
- b. The Developer shall implement the surface and ground water monitoring plan in accordance with the Heritage Sound Water Quality Monitoring Plan

included as Appendix 14 S.1 in the Heritage Sound DRI Application for Development Approval Sufficiency Response dated March 1999 (Exhibit 10), unless otherwise modified with the approval of the Environmental Management Department.

- c. There shall be no individual groundwater wells associated with single or multi-family residences allowed within the development. This requirement shall be noted in all homeowner documents and disclosure statements. The location and well size of existing wells shall be indicated on each Preliminary Site Plan submitted for the project. A Well Management Plan, for the proper rehabilitation/abandonment of existing wells in accordance with SWFWMD Rule Chapter 40D-2, shall be submitted to the EMD for review and approval prior to authorization of construction.
- d. The developer shall conduct annual inspections of the surface water management system on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended.
- e. The stormwater management systems shall be designed, constructed, and maintained to meet Chapter 40D-4 of the Florida Administrative Code. At a minimum, planted littoral zones equivalent to 35 percent of the total minimum lake area shall be required and shall be concentrated at the outfall.
- f. Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented.
- g. All on-site existing underground tanks shall be abandoned pursuant to applicable State and County* rules. All existing underground storage tanks within the project* shall be identified prior to the first PSP approval.
- h. An Environmental Assessment of the site shall be conducted by an Environmental Consultant to determine potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums). Should evidence of hazardous material be discovered, further investigations will be required to determine the level of contamination and appropriate remediation/mitigative measures. The Environmental Assessment for the entire site shall be conducted and submitted for County review prior to the first Preliminary Site Plan approval. Development restrictions may be imposed if any contamination is discovered.

C(4). Floodplains

- a. All habitable structures and access roadways shall be constructed above the 100-year flood elevation.
- b. Compensation for the loss of 100-year flood storage capacity shall be provided through cut and fill balance calculation and further confirmed by the no-rise certification procedure.
- c. All homeowner documents, real estate disclosure forms, deeds of sale or lease agreements for land or structures in the post development 100-year flood plain on the project site of Heritage Sound, shall be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from coastal and fresh water flooding. This disclosure shall also list potential mitigation strategies including elevation, construction of safe rooms, window protection (shutters/security film), where the builder has exceeded coastal construction codes and other potential measures to increase safety.
- d. The applicant shall meet or exceed all appropriate federal, state, and local construction codes, setback requirements, and flood plain management regulations.
- e. All infrastructure, including gravity sewer, lift stations, service cleanouts, and manhole rims shall be set at 12 inches above the 25-year floodplain or 4 inches above the 100-year floodplain.
- f. Adequate maintenance easements shall be provided on Cypress Strand (major drain). Prior to dedication, the creek embankment, excluding areas remaining in their natural states, shall be stabilized through seeding, sodding, and rip rap. The Engineer shall provide as-built typical sections for the purpose of maintenance. Any alteration to the creek shall not cause a rise in the FEMA 100-year flood elevation.

C(5). Soils

- a. Best Management Practices shall be employed during site preparation and construction to prevent soil erosion.

C(6). Manatee Protection

- a. Prior to any marina construction, the developer shall prepare a Manatee Protection Plan. The Plan shall be approved by the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, and Manatee County Environmental Management Department. The following elements shall be included:

1. The Developer shall comply with all standard FWCC manatee construction conditions for all in-water construction.
2. A manatee education program shall be developed and implemented for all slip lessees.
3. A navigation channel shall be designated and marked with U.S. Coast Guard approved markers from the marina downstream to the I-75 Bridge prior to occupying any wet slips. The Developer shall be responsible for posting and maintaining the markers for the established channel in perpetuity, unless the Developer* obtains a commitment for posting and/or maintenance by an appropriate governmental agency. The Developer shall be responsible for posting and maintaining the markers from its marina to the designated main river channel in perpetuity, unless otherwise posted and/or maintained by an appropriate governmental agency.
4. A sign will be installed and maintained at the facility for boaters traveling to the Manatee River. The sign shall notify boaters of the controlling depth of the river, and request that boaters stay in the marked channel.
5. The use of the boat ramp shall be limited to lessees/owners of slips at the docking facility.
6. The maximum draft, including propeller(s) for vessels associated with this project shall be 2.5 feet or as otherwise approved through the permitting process. This requirement shall be posted at the marina and included in all homeowners documents, real estate disclosure forms, deeds of sale, or lease agreements for land or structures.
7. Before commencement of the dry storage and boat lift, a speed zone from the I-75 Bridge to the vicinity of the east line of Section 16, Township 34 South, Range 19 East, shall be established by local ordinance and posted. The main marked channel shall be regulated at a speed, or speeds, as determined from public hearings and passing of an ordinance by the Manatee County Commission, with all other waters regulated as slow speed, minimum wake as applicable per Manatee County regulations. The Developer shall be responsible for posting and maintaining the established speed zone markers/buoys in the designated areas the Developer obtains a commitment for posting and maintenance by an appropriate governmental agency.
8. The Developer shall assist in the enforcement of the speed zone, once, established. It shall be a term of the lease of any slip that violations of the speed zone ordinance may result in the revocation of

the lease. An employee will be responsible for issuing warnings to lessees who are violating the speed zone. This person will also be responsible for a revocation process of the leased slip for individuals who are cited for violating the speed zone ordinance and pay a fine or are found guilty of violating the ordinance by a court of competent jurisdiction.

- b. Except for docks whose sole purpose is to provide access to nature parks and/or picnic areas, and excluding specifically docks for individual or multiple single family use, the only docks on the site shall be at the marina if the marina is permitted.
- c. The total number of boat slips allowed for this development in perpetuity shall not exceed 462. The first phase shall consist of up to a maximum of 162 wet slips and boat ramp. The second phase shall consist of up to a maximum of 300 dry slips. The second phase shall not be initiated until two years after the first phase has been completed.

D. ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

- D(1). The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County in accordance with 9J-2 FAC.

Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County*. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

E. WASTEWATER MANAGEMENT

- E(1). The County has determined that there exists adequate wastewater capacity to accommodate the impacts of Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate wastewater capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.

F. WATER SUPPLY

- F(1). The County has determined that there exists adequate potable water capacity to accommodate the impacts of Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate potable water capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.
- F(2). The developer shall use non-potable water, stormwater, reclaimed water (when available) for irrigation of landscaping. When available, the applicant shall use reclaimed water or another alternative source (other than the Floridan aquifer) for tee areas, fairways, greens, and common areas. Irrigation systems shall be designed, installed, and operated for maximum water use efficiency and be developed by an irrigation contractor licensed or certified by the State of Florida. The irrigation system shall include the following:
- (a) Irrigation zones with differing water requirements such as putting greens, tees, fairways, and common areas shall be irrigated separately.
 - (b) Low-volume irrigation system components shall be used to the maximum extent possible.
 - (c) High-frequency irrigation areas shall be limited to tees and greens.
 - (d) The irrigation system shall include rain sensors with automatic rain shutoff devices which shall be installed on each controller within the irrigation system.
 - (e) Maintenance of the irrigation system will include resetting the automatic controllers according to the season and checking, adjusting, and repairing irrigation devices to ensure optimum operating efficiency.
- F(3). For the purpose of potable or reclaimed water conservation, utilization of Xeriscape landscaping principles shall be incorporated into the golf course design and other landscape areas which shall include ecologically viable portions of the site's existing native vegetation. Xeriscaped areas shall not be irrigated.
- F(4). The applicant shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the project with the following sources, in order of preference; (1) treated wastewater, (2) treated stormwater; (3) non-potable quality groundwater. Prior to each Final Site Plan approval, the developer shall identify the irrigation source which will be utilized. When it becomes available from Manatee County, Heritage Sound shall connect to the County's wastewater reuse system. All wells no longer needed for irrigation purposes shall be properly abandoned except for such wells as may be needed for emergency purposes.
- F(5). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).

- F(6). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. The water conservation fixtures and measures (low water use toilets, shower heads and other plumbing fixtures) referenced in the ADA shall be required.
- F(7). The Developer* shall maintain all water lines and fire hydrants not dedicated to the County.
- F(8). All irrigation wells which are not proposed for use (about 30) or are not needed for emergency purposes shall be properly sealed and abandoned prior to commencement of development in the areas where the wells are located. Additionally, an appropriately located irrigation well or wells as approved by Water Management District staff shall be tested annually for salinity.

G. SOLID/HAZARDOUS WASTE/MEDICAL WASTE

- G(1). The County has determined that there exists adequate solid waste capacity to accommodate the impacts of Phase I of the Development*. The Certificate of Level of Service shall be valid until December 31, 2004. Commencement of Phase II of the Development*, or any subphase thereof, is subject to a determination by the County that there exists adequate solid waste capacity to accommodate the impacts of Phase II. Such Phase II determinations shall be made in accordance with the Manatee County concurrency requirements in effect at the time Phase II commences.
- G(2). In the event that hazardous materials or medical waste are located on the site, they shall be handled in a manner consistent with applicable Federal, State and Local regulations.

H. ENERGY

- H(1). The energy conservation measures referenced of page 29.3 of the ADA shall be utilized as applicable (Exhibit 5).
- H(2). The developer shall use xeriscape landscaping wherever possible to reduce both water and energy consumption.

I. RECREATION AND OPEN SPACE

- I(1). The Project* shall contain, at a minimum, 893.9 acres of open space. The property designated for recreation purposes shall include a 37.0 acre community park open to the general public, a 4.2 acre private neighborhood park, a 12.0 acre marina, and 250.0 acres of golf.
- I(2). The Developer shall be responsible for the maintenance of all recreation and open space areas within the project site not dedicated to the County.

- I(3). A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas. If bicycle trails are combined with the required sidewalk system, then it shall be designed and constructed with a minimum width of 8 feet. If it is not combined with the sidewalk, then a 4 foot wide lane shall be provided on each side of the roadway. Prior to the first residential subphase south of the Kay Road Extension and the first residential subphase north of the Kay Road Extension a comprehensive pedestrian/bicycle plan for each side of the Kay Road Extension shall be submitted and approved by Manatee County.

J. PUBLIC SAFETY

- J(1). The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share for each Phase*, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for each Phase*. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.

K. HURRICANE PREPAREDNESS

- K(1). The applicant/developer shall promote awareness of hurricane/flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.
- K(2). The applicant shall meet or exceed all appropriate federal, state and local construction codes, setback requirements, and flood plain management regulations recognizing the vulnerability of this site to fresh water flooding and tropical storms and hurricanes.
- K(3). Prior to the first Final Site Plan for a site located either completely or partially within the Coastal Planning Area, as identified in the Comprehensive Plan, the applicant shall develop a master plan for evacuation and recovery to ensure the safe and orderly evacuation of vulnerable residents, hotel guests, and employees after an official evacuation order is issued. This plan shall include such provisions as, but not be limited to: (1) ordering all buildings in the evacuated areas closed for the duration of a hurricane evacuation order; (2) informing all residents, guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation and re-entry/recovery plans. This plan shall be submitted to the DCA and the County for review and approval before approval of a Final Site Plan for habitable construction within the Coastal Planning Area. DCA shall have 45 days to comment on this plan. The Development Order shall be amended to include the master plan for evacuation and recovery at time of submittal and approval of the next NOPC following the approval of said plan.

K(4). Prior to the first Final Site Plan approval for any site located either completely or partially within the Coastal Planning Area for habitable construction, the applicant shall develop a master plan for mitigating the project's impacts on emergency public shelters consistent with the requirements of Rule 9J-2.0256, FAC. These measures may include, but not be limited to: construction of shelter space in accordance with ARC 4496 shelter standards; payment in lieu of construction; and /or participation in the upgrading of existing shelter space. The plan shall be submitted to the DCA and the County for review and approval before approval of a Final Site Plan for habitable construction. DCA shall have 45 days to comment on this plan. The development order shall be amended to include the Master Plan for emergency public shelter space at the time of submittal and approval of the next NOPC following approval of said Plan.

L. EDUCATION

L(1). The Developer* shall mitigate potential school impacts through one of the options provided below. The choice of option shall be at the discretion of the Manatee County School Board.

(a) The Developer* shall finance the construction of an elementary school located on property north of, and adjacent to, Haile Middle School. The School Board shall be responsible for the actual construction and shall reimburse the Developer* on mutually acceptable terms. The School Board shall notify the Developer* within four years of the approval of this DRI whether to have the Developer* finance the construction of the school.

(b) The Developer shall make of payment \$825,000.00 to the School Board, upon request (which represents a cost of \$35,000.00 per acre) with a three percent (3%) adjustment per year for five years. Request for payment shall be made no earlier than the date of the issuance of the first residential Certificate of Occupancy. Payment shall be made within 30 days of request.

L.(2) Should the School Board select L(1).b above, the Developer* shall commit to a monitoring program, to be established by the School Board, and shall continue until buildout of the residential portion of the Project*. The monitoring program shall require that annual payments in the amounts specified below be made to the School Board if any of the following number of students is exceeded.

<u>Number of students anticipated as a result of Heritage Sound</u>	<u>Number of students which cannot be exceeded without additional funding</u>	<u>Funding per additional student</u>
1,774	1,228	\$673

L.(3) The Developer* shall fund the cost of a sidewalk from the school board property line (adjacent to the student drop off area within Heritage Sound) to Haile Middle School and a shelter adjacent to the drop off area, upon the request of the School Board.

M. MARINA FACILITIES

M(1). Live-aboards, defined as occupying a vessel for more than three consecutive days, shall not be allowed.

- M(2). Manatee protection measures outlined by the Bureau of Protected Species Management, including educational signage, channel markings, etc., shall be implemented in accordance with Condition C(6).
- M(3). The marina shall implement the elements of the Florida Clean Marina Program to minimize the introduction of deleterious substances into the marina basin that would be detrimental to water quality. (Developer's commitment)
- M(4). A fuel spill response plan shall be prepared and approved by Manatee County prior to Final Site Plan approval for the marina or boat livery. Marina staff shall be trained in the implementation of the plan. Each annual report shall include a report on marina operation, including the number of wet and dry slips occupied; the number leased by residents; and any incidents of fuel spills.
- M(5). The slip lease agreement shall prohibit use of sudsing cleaners containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye.
- M(6). The provisions of the Pollution Discharge Act outlined in Section 376, Florida Statutes, and Chapter 62N, Florida Administrative Code, shall be strictly adhered to.

N. AFFORDABLE HOUSING

- N.(1) An assessment of the potential affordable housing impacts of the Project was performed as part of the Application for Development Approval. This analysis was accepted by all reviewing agencies and determined that there is no unmet need created in Phase I of this Project*. The analysis identified a potential unmet need for one hundred eight (108) moderate income units in Phase II. This analysis utilized the East Central Florida Regional Planning Council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Development of Regional Impact," April, 1996.
- N.(2) Prior to the initiation of Phase II, the Developer* shall conduct a reanalysis of affordable housing impacts in accordance with Section 380.06(6) and utilizing a methodology acceptable to the County*and the DCA.
- N.(3) The Developer* proposes to develop on-site housing to augment the existing supply of affordable housing in order to satisfy any potential unmet demand in Phase II. When a residential unit is constructed on-site and is within the affordable housing cost range, the potential unmet demand identified in the affordable housing cost range, the potential unmet demand identified in the affordable housing analysis shall be reduced by one and one-half (1.5) units in accordance with Rule 9J-2.048(8)(c)1., F.A.C. Each year in the annual report required by Condition O.6, the Developer* shall report the number of units constructed and sold or offered for rent with the Project*, during the preceding twelve (12) months and cumulatively, within the housing cost ranges as calculated utilizing that current year's annual median income as proved by the

Department of Housing and Urban Development and pursuant to the ECFRPC's "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Development of Regional Impact," April, 1996.

- N.(4) This condition shall govern affordable housing impacts and mitigation for the Project* for purposes of the local comprehensive plan and DCA's Adequate Housing Uniform Standard Rule through completion of the second phase of the Project*

O. GENERAL CONDITIONS

- O(1). Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- O(2). The Developer's* commitments set forth in the ADA*, and, as summarized in Section 5 herein, shall be honored, except as they may be superseded by specific terms of the Development Order.
- O(3). Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- O(4). Buildout shall be completed by December 31, 2009. This Development Order shall expire December 31, 2014 to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- O(5). The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- O(6). The Developer*, its successors, assigns or transferees, shall submit Annual DRI Reports in accordance with Section 380.06(18), Florida Statutes* to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on March 21, 2001 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are

necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:

- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the land encompassed by the Development Order for the Project;
- e. 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 that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, as being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the Development* since the Development Order was issued;
- h. 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;
- i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. Reports and/or information pursuant to conditions B(2), B(3), C(1)h and i, C(3)d, K(3), K(4), and N.(3).
- m. An updated map showing the locations and acreage of upland and wetland preservation.

O.(7) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, then the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing

this Development Order under the current Planning fee schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

SECTION 5. DEVELOPER COMMITMENTS.

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses (SR) which shall be honored by the developer, except as they may be superseded by specific terms of the Development Order.

VEGETATION, WILDLIFE AND WETLANDS

1. Potential (sandhill crane) nesting habitat will be preserved (SR, pg. 2.2)
2. Former potential (sandhill crane) nesting habitat will be enhanced and restored. (SR, pg. 2.2)
3. Potential (sandhill crane) foraging habitat will also be maintained. (SR, pg. 2.3)
4. The surface water management system for the project will be designed to protect potential (sandhill crane) nesting marshes from unnatural peaks in water levels that might flood nests and cause failure. (SR, pg. 2.3)
5. Potential (sandhill crane) nesting marshes... will be buffered from proximate sources of active disturbance. (SR, pg. 2.3)
6. Management of upland and wetland areas will include control or treatment of nuisance and exotic species, such as cattails, Brazilian pepper, and primrose willow. Mechanical means will be used control the height of saw palmettos in undeveloped pine flatwoods areas. Restrictive deeds and covenants to prevent unauthorized impacts from clearing, the removal of desirable vegetation, will be incorporated into the home owners documents or deed restrictions, which will be enforced by the applicant and successor entity. (SR, pg. 2.6)
7. Those wetlands conserved will be assured long-term conservation and protection post-development by conservation mechanisms consistent with the Manatee County Comprehensive Plan and Land Development Regulation requirements at the time of the development order. (SR, pg.2.22)

FLOODPLAINS

1. All roads, utilities, and structures will be constructed above the mapped 25-year and 100-year floodplains. (SR, pg. 2.44)

WATER SUPPLY

1. The potable water distribution system will be built by the Developer*, then dedicated to Manatee County for operation and maintenance. (ADA, pg. 17.6)

SOLID WASTE/HAZARDOUS WASTE/MEDICAL WASTE

1. The developer will prepare and submit a Hazardous Material Management Plan for the golf course at time of site plan application to Manatee County (SR, pg. 3.16)

POLICE AND FIRE PROTECTION

1. The developer has agreed to provide a "pro rata share" of the cost of expanding police and fire protection services to the project. Such costs could include additional Sheriffs Office personnel and an additional aerial truck for the Braden River Fire District if three or more structures are greater than 34 feet in height. (ADA, Page 25.1)

RECREATION AND OPEN SPACE

1. The developer has proposed a system of bicycle and pedestrian trails to be developed to join together the residential areas, golf course, and community park. (ADA, page 26.1)

EDUCATION

1. The developer will work with the Manatee County School Board to determine the most appropriate method to mitigate potential school facility impacts. (ADA 27.1)
2. The developer will work with the School Board to identify an appropriate site within Heritage Sound if the School Board determines that this location will meet their long term needs. (SR 6.3)

PORTS AND MARINAS

1. No live-aboards will be allowed at the marina facility. (ADA, pg. 37.5)
2. A sewage pump-out facility will be provided for use of the residents and other boaters. (ADA, pg. 37.5)
3. Paint scraping, sanding or sandblasting, hull painting, or major engine repairs will be prohibited. Limited boat maintenance activities and minor engine repairs and servicing will be allowed, and specifically listed in the marina slip agreements (SR, pg. 7.3)
4. Fuel handling will follow the recommended elements of the Florida Clean Marina Program by providing signage and pamphlets that stress the impact from spills and fueling activities, including awareness of the fiscal responsibility a boater has if they create a spill and subsequent clean up is required. All fuel nozzles will have automatic/back-pressure/shut-off nozzles. Fueling of small cans will take place on impervious fireproof containment trays. A Fuel Response Package will contain containment booms, pads, and absorbents readily available in well-marked, easily accessible container(s). A fuel spill response plan will be prepared, and marina staff will be trained in the implementation of the plan. The provisions of the Pollution

Discharge Act outlined in Section 376, Florida Statutes, and Chapter 62N, Florida Administrative Code, will be strictly adhered to. (SR, pg. 7.2)

5. A slow speed zone from the marina to the main river channel will be posted and select interior braided channels adjacent and within the project area will be marked for slow speed only (throughout the year). The main natural river channel from the marina downstream to where the river becomes a broad system will be marked with regulation markers. (SR, pg. 7.4)

SECTION 6. LEGAL DESCRIPTION.

Development of Heritage Sound shall be restricted to the 2,495.8 acre tract of land described below:

All of Sections 13, 14, 23, 24, 25, 26, 35 and 36, Township 34 South, Range 18 East, Manatee County, Florida, lying north of State Road No. 64, as shown on State Road Department right-of-way map Section No. 1305-250 and also north of State Road No. 93 (Interstate 75) as shown on Department of Transportation right-of-way map for Section 13075-2403 and south of the mean high water line of the south bank of the Manatee River. Containing 2,397.5 acres more or less.

Also: That portion of the following described tract of land lying southwest of State road No. 93 (Interstate 75) and east of the easterly limited access right-of-way line of Kay Road as shown on Department of Transportation right-of-way map for Section 13075-2404, Sheet 3 of 9:

Begin at the NW corner of Section 26, Township 34 South, Range 18 East running East 2,681.25 feet, thence running South 3,769 feet, thence running West 2,681.25 feet, thence running North to the Point of Beginning, less the Southernmost 1640.5 feet thereof. Containing 10.6 acres, more or less.

Also: Unsurveyed portion of Section 12, Township 34 South, Range 18 East, lying South of Government Lots 3 and 4;

Unsurveyed portion of Section 13, Township 34 South, Range 18 East, less and except the following described lands:

Begin at the NW corner of Section 13, Township 34 South, Range 18 East; thence South to the water of the Manatee River; thence meander the waters of the Manatee River in an Easterly and Northeasterly direction to a point on the North line of said Section 13 which is on or near the extended East line of U.S. Government Lot 1 of Section 12, Township 34 South, Range 18 East; thence West along the North line of Section 13 to the Point of Beginning;

Unsurveyed portion of Section 14, Township 34 South, Range 18 East, less and except the following described lands:

Begin at the NE corner of Section 14, Township 34 South, Range 18 East; thence South to the waters of Manatee River; thence meander the waters of the Manatee River in a Westerly and Northwesterly direction to a point on the North line of said Section 14, run thence East along the North line of said Section 14 to the Point of Beginning; Containing approximately 87.7 acres (computed by digitizing from aerial photographs the area above the approximate mean high water line).

All lying and being location Manatee County, Florida.

The area of all of the above described land is approximately 2,495.8 acres.

SECTION 7. COMMENCEMENT OF DEVELOPMENT.

Physical development of the Project* shall commence within three years of the effective date of this Ordinance. If physical development of the project has not commenced within three years, or if any five year period shall expire without significant additional physical development activity on the site, the BOCC may conduct a public hearing in accordance with the Land Development Code after appropriate notice to the Developer* and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer. For purposes of this provision, "physical development" shall be the actual construction of buildings or infrastructure by the Developer* that is approved on a Final Site Plan or Plat for the Project*.

SECTION 8. RESTRICTIONS ON DOWN-ZONING.

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

1. substantial changes in the conditions underlying the approval of the Development Order have occurred; or
2. the Development Order was based upon substantially inaccurate information provided by the Developer; or
3. the change is clearly established by the County to be essential for the public health, safety, or welfare, or
4. the development is not proceeding in a timely manner, pursuant to Section 7..

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute or ordinance for change in local land development regulations.

For purposes of this Development Order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this Development Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Development Order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER AND COUNTY.

This Development Order shall be binding upon the Developer, Owners, the County, and upon the Developer's and Owner's grantees, successors, and assigns.

SECTION 10. COMPLIANCE WITH CODES AND ORDINANCES.

All development undertaken pursuant to this Development Order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION.

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the BOCC approval to the Developer, DCA, and TBRPC.

SECTION 12. NOTICE OF RECORDING.

The Developer shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY.

It is the intent of this Development Order to comply with the requirements of all applicable law and constitutional requirements. If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a Court of Competent jurisdiction, such holdings of invalidity shall not affect the remaining portions or applications of this Ordinance, and to this end the provisions of this Ordinance are declared severable.

SECTION 14. EFFECTIVE DATE.

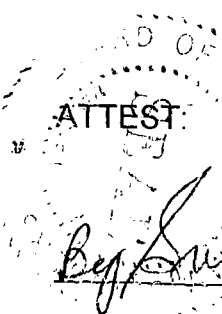
This Ordinance shall become effective upon filing of a certified copy with the Department of State; provided, however, that the filing of a notice of Appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order, until the resolution of said of appeal.

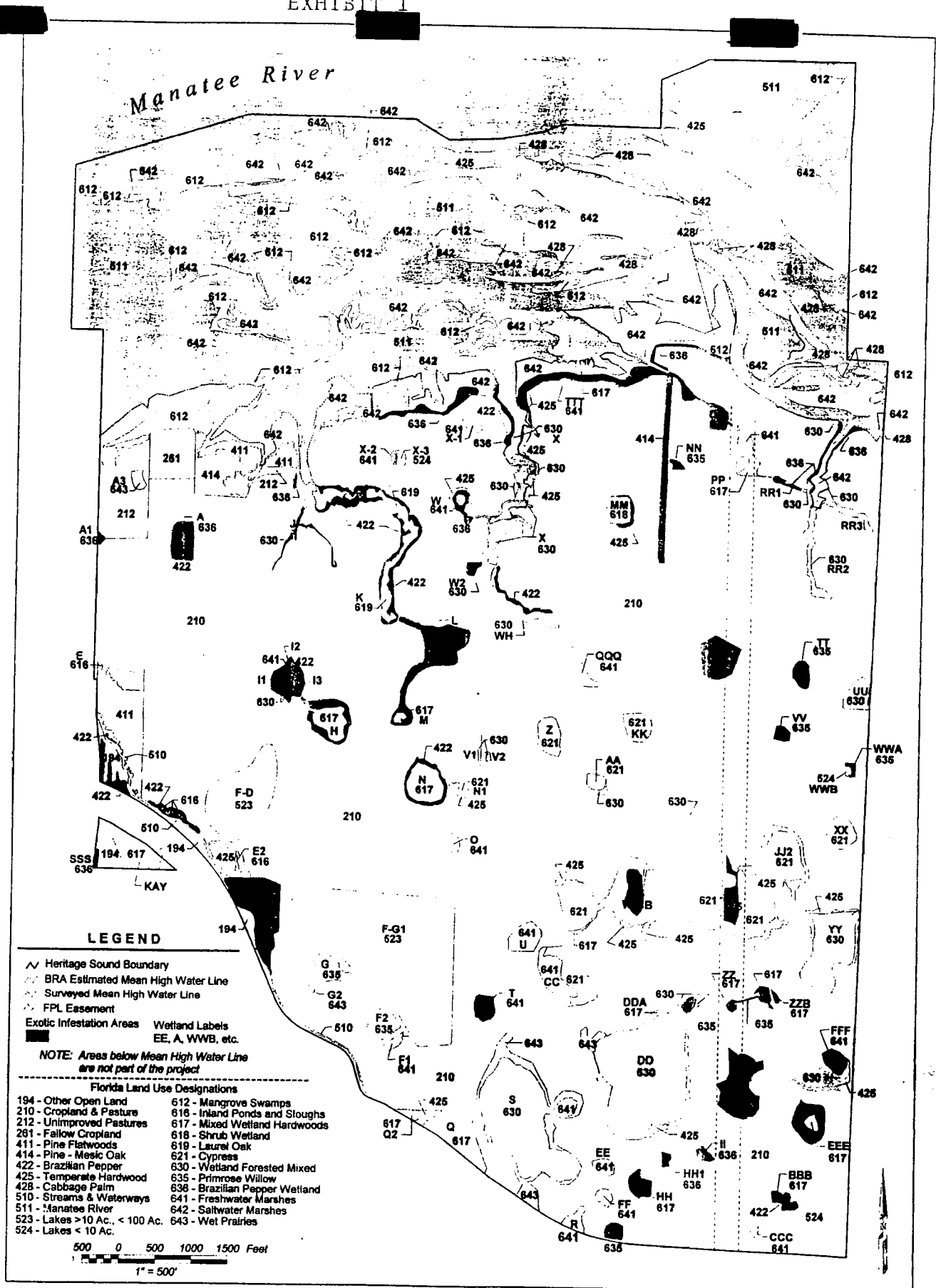
PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THIS THE 21st DAY OF MARCH, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Stan Stephen
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court


R. B. Shore
170



REVISED
MAP F
VEGETATION
ASSOCIATIONS
8 March, 1989

HERITAGE SOUND

A Development of Regional Impact



CONSULTANT TEAM

- | | |
|---|--|
| Wilson Miller
Forest Conservation Planning
Specialist | Hartley, Porpes, Nemlin, Knowles
Soil & Peat
Laboratory |
| Dames & Moore, Inc.
Consultant | Fishbein & Associates, Inc.
Consultant |
| Biological Research
Associates, Ltd.
Consultant | James Research
Associates
Consultant |
| Florida Planning Studio, Inc.
Master Planning | W. Dexter Bender & Associates, Inc.
Water Engineering & Environment |

WETLAND I.D.	WETLAND TYPE AT IMPACT LOCATIONS	IMPACT TYPE	ECOLOGICAL QUALITY OF IMPACTED AREA	ACRES OF IMPACTS
BB	Forested	Road	Medium/High	0.29
BBB	Forested	Residential	Low	0.45
DD	Herbaceous	Golf	Low	2.40
EE	Herbaceous	Road	Medium	0.40
EEE	Forested	Residential	Medium/Low	0.01
F1	Herbaceous	Commercial	Medium	0.76
F2	Herbaceous	Commercial	Medium	2.98
FF	Herbaceous	Commercial	Medium/Low	0.94
G	Herbaceous	Commercial	Medium/Low	2.89
GG	Herbaceous	Commercial	Medium	1.19
G2	Herbaceous	Commercial	Medium/Low	0.23
H	Forested	Road	Low	0.11
HH	Forested	Road	Low	0.10
I1	Forested	Golf	Low	0.49
I2	Herbaceous	Golf	Low	0.17
I3	Forested	Golf	Low	0.30
J	Forested	Golf	Low	0.10
J	Forested	Residential	Low	0.30
K	Forested	Road	Medium/High	0.09
KK	Herbaceous	Residential	Medium	0.01
L	Forested	Golf	Low	0.03
N	Herbaceous	Road	Medium	0.02
NN	Herbaceous	Golf	Medium/Low	0.40
N1	Forested	Road	Medium/High	0.20
OO	Forested	Golf	Low	0.14
PP	Herbaceous	Residential	Low	0.03
Q	Forested	Road/Commercial	High	4.90
Q2	Forested	Commercial	Medium/High	0.71
R	Herbaceous	Road	Medium	0.57
R2	Herbaceous	Commercial	Medium	0.90
RR3	Forested	Road	High	0.20
S	Herbaceous	Road	Medium/High	1.06
S	Forested	Road	High	3.43

TABLE 13S-4 (Con't.) SUMMARY OF WETLAND IMPACTS PROPOSED WITHIN HERITAGE SOUND				
WETLAND I.D.	WETLAND TYPE AT IMPACT LOCATIONS	IMPACT TYPE	ECOLOGICAL QUALITY OF IMPACTED AREA	ACRES OF IMPACTS
V1	Forested	Residential	Medium/Low	0.29
V2	Forested	Residential	Medium	0.17
W	Forested	Residential	Medium/Low	0.20
WWA	Herbaceous	Residential	Low	0.34
WWB	Herbaceous	Residential	Low	0.14
WH	Forested	Road	Medium	0.30
X	Forested	Golf	Medium/High	0.05
ZZ	Herbaceous	Residential	Medium/Low	0.11
River Marsh	Herbaceous	Golf	High	0.03
River Marsh*	Herbaceous	Marina	High	1.10
TOTAL WETLAND IMPACT ACREAGE				29.34

*0.7 acres of Rivermarsh impacts fall below Mean High Water Elevation.

EXHIBIT 3

**TABLE 12S-2
SUMMARY OF ALL PRESERVED PLANT
COMMUNITIES WITHIN HERITAGE SOUND**

FLUCFUS CODE	COMMUNITY TYPE	EXISTING ACREAGE	POST DEVELOPMENT ACREAGE	PERCENTAGE OF COMMUNITY RETAINED
194	Other Open Land	13.7	122.4	-
210	Cropland & Pastureland	1787.7	0	0
212	Unimproved Pasture	18.9	-	0
261	Fallow Cropland	9.6	-	0
411	Pine Flatwoods	22.9	9.6	42.1
414	Pine-Mesic Oak	13.2	6.5	49.1
422	Brazilian Pepper	35.0	0	0
425	Temperate Hardwoods	35.3	20.1	56.9
428	Cabbage Palm	11.8	11.8	100
510	Streams & Waterways	3.7	3.7	100
523	Lakes, 10-100 acres	84.7	84.7	100
524	Lakes, < 10 acres	1.2	164.6	1371.7
612	Mangrove Swamps	15.7	15.7	100
616	Inland Ponds & Sloughs	1.1	1.1	100
617	Mixed Wetland Hardwoods	45.8	46.8	102.2
618	Shrub Wetlands	2.5	2.5	100
619	Laurel Oak	5.6	5.7	101.8
621	Cypress	60.6	61.0	100.6
630	Wetland Forested Mixed	101.0	102.4	101.4
635	Primrose Willow	22.4	14.0	62.5
636	Brazilian Pepper Wetland	19.2	18.7	97.4
641	Freshwater Marsh	28.2	40.0	141.8
642	Saltwater Marsh	143.0	143.3	100.2
643	Wet Prairie	13	13.3	102.3
TOTAL ACREAGE		2495.8		

EXHIBIT 4 - APPLICATION FOR DEVELOPMENT APPROVAL DATED OCTOBER 30, 1998 AND SUFFICIENCY RESPONSES SUBMITTED MARCH 25, 1999 AND MAY 19, 1999 AND RESPONSE TO THE SECOND SUFFICIENCY COMMENTS DATED MAY 17, 1999 WERE PREVIOUSLY TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND TAMPA BAY REGIONAL PLANNING COUNCIL BY THE APPLICANT.

REQUIRED ENERGY CONSERVATION METHODS

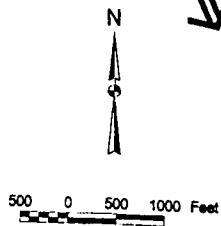
As a mixed use project with extensive recreational amenities and interconnected residential areas, Heritage Sound provides the opportunity to utilize alternate transportation methods and will result in reduced travel needs. It is anticipated that pedestrian and bikeways throughout the project will connect residential, commercial, and recreational areas, and that the development of residential in close proximity to employment, shopping and other needs will result in a reduction of travel times and energy usage.

It is anticipated that traditional energy conservation methods will be utilized in construction of both residential and non-residential facilities. These methods may include increased insulation, high efficiency mechanical devices, cross ventilation, solar heating and cooling, and low pressure sodium lamps for external lighting. Xeriscape landscaping will be recommended wherever possible to reduce irrigation and energy needs by relying on plants most suitable to the climate and conditions of west central Florida.



LAND USE SCHEDULE PROJECT WIDE

USE	AC
RESIDENTIAL	1055
COMMERCIAL	118
OFFICE	118
INDUSTRIAL	118
RECREATION	118
WETLANDS	118
WATERWAYS	118
UNDEVELOPED	118
TOTAL	2494



DEVELOPMENT PHASING PROJECT WIDE

DEVELOPMENT CATEGORY	PHASE 1 7/00-20/4	PHASE 2 7/00-20/3	TOTAL
COMMERCIAL	10,000 SF	10,000 SF	20,000 SF
OFFICE	10,000 SF	10,000 SF	20,000 SF
INDUSTRIAL	10,000 SF	10,000 SF	20,000 SF
RECREATION	10,000 SF	10,000 SF	20,000 SF
WETLANDS	10,000 SF	10,000 SF	20,000 SF
WATERWAYS	10,000 SF	10,000 SF	20,000 SF
UNDEVELOPED	10,000 SF	10,000 SF	20,000 SF
TOTAL	70,000 SF	70,000 SF	140,000 SF

LEGEND

- WETLANDS
- EXISTING & PROPOSED CANALS
- RELATIONSHIP SPACE
- WATERWAYS
- PHASE 1 & 2 BOUNDARIES

REVISIONS
 MAILED
 DEVELOPMENT PLAN
 JANUARY 2000

HERITAGE SOUND

A Development of Regional Impact



CONSULTANT TEAM

- Wilson Miller
Project Consultant, Planning
- Dames & Moore, Inc.
Transportation
- Biological Research Associates, Ltd.
Archaeology
- Florida Planning Studio, Inc.
Master Planning
- Hartley, Porges, Hamlin, Knowles & Prouty
Legal Counsel
- Fishkind & Associates, Inc.
Geology
- Janus Research
Archaeology
- W. Dexter Sander & Associates, Inc.
Survey Engineering & Surveying

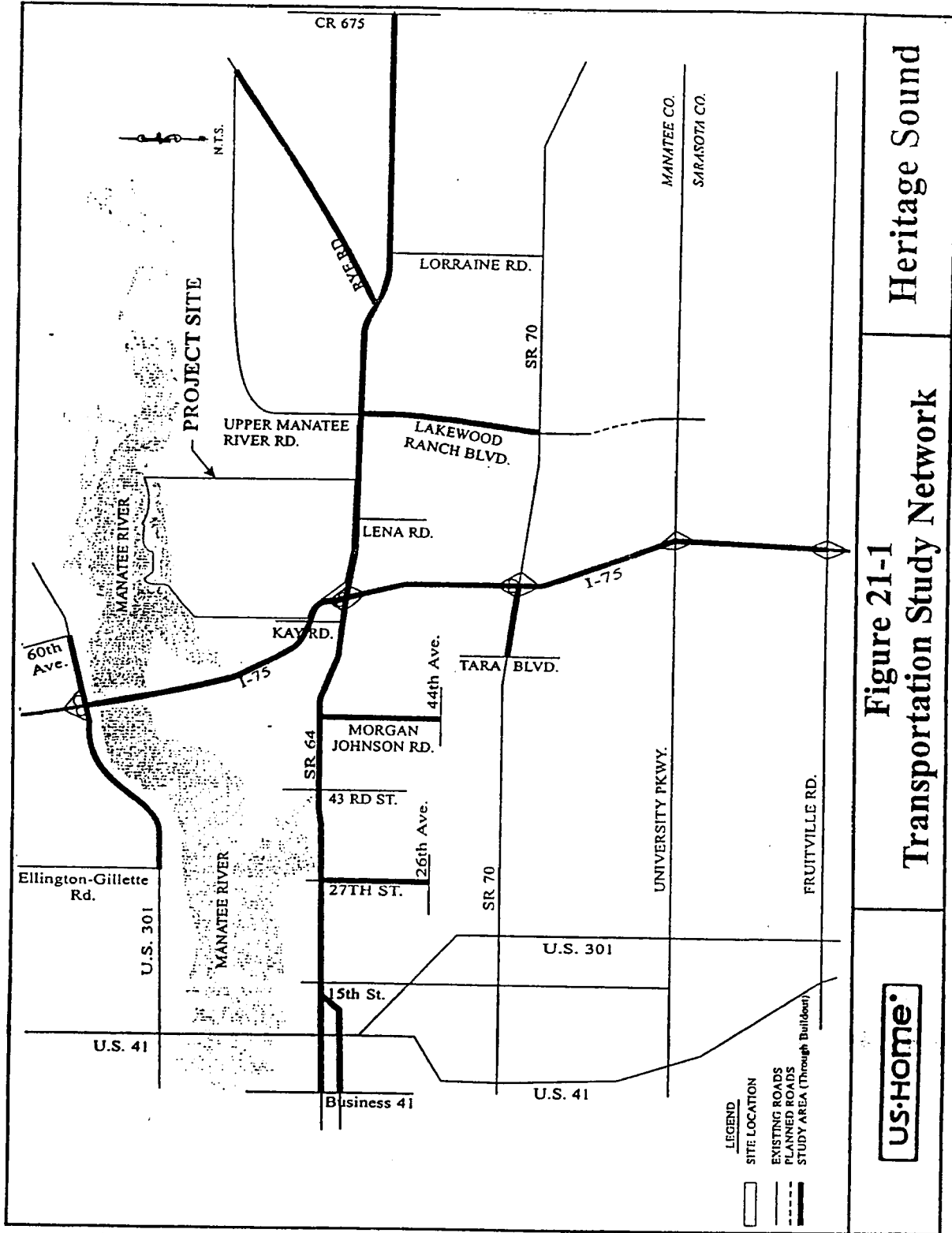


Figure 21-1
Transportation Study Network



Heritage Sound

TABLE 21-8
PROJECT TRIP GENERATION--PHASE I
HERITAGE SOUND DRI

Land Use	LUC	Size	Daily Trips (Two-Way)	A.M. Peak-Hour Trips		P.M. Peak-Hour Trips	
				In	Out	In	Out
S.F. Dwelling Units- Detached	210	1,290 d.u.	10,899	228	684	688	387
M.F. Dwelling Units- Apts.	220	300 d.u.	1,932	24	128	121	60
S.F. Dwelling Units Attached	230	960 d.u.	4,451	52	254	267	132
Hotel	310	150 occ. rms.	1,338	51	37	45	46
Park	412	26 acres	59	1	0	1	1
Community Docking Facility	420	162 slips	723	4	9	19	13
Golf Course	430	18 holes	643	32	8	22	27
Library (Institutional)	590	20,000 s.f.	1,192	15	6	64	69
ACLF/Nursing Home	620	300 beds	972	29	17	22	30
Business Office	710	85,000 s.f.	1,171	144	20	30	145
General Commercial Retail	820	200,000 s.f.	10,645	147	94	486	527
Highway Commercial Retail	820	25,000 s.f.	2,795	43	27	131	141
Neighborhood Commercial Retail	820	150,000 s.f.	8,847	124	79	405	439
Total Trips =			45,667	894	1,363	2,301	2,017

Source : ITE, Trip Generation, 6th Ed., 1997
ITE Journal, June 1996
Dames & Moore, 1998

TABLE 21-10
INTERNAL/EXTERNAL TRIP ESTIMATES--PHASE I
HERITAGE SOUND DRI

	DAILY TRIPS	A.M. PEAK-HOUR TRIPS		P.M. PEAK-HOUR TRIPS	
		IN	OUT	IN	OUT
Total Gross Trip-Ends	45,667	894	1,363	2,301	2,017
Internal Capture Trips (20%)	<u>-9133</u>	<u>-226</u>	<u>-226</u>	<u>-431</u>	<u>-431</u>
Total External Trip-Ends	36,534	668	1,137	1,870	1,586
Pass-by Capture Trips	<u>-7377</u>	<u>-105</u>	<u>-66</u>	<u>-340</u>	<u>-367</u>
Total New External Trip-Ends	<u>29,157</u>	<u>563</u>	<u>1,071</u>	<u>1,530</u>	<u>1,219</u>

Source : ITE, Trip Generation, 5th Ed., 1991
Dames & Moore, 1998

**HERITAGE SOUND
WATER QUALITY MONITORING PLAN
REVISED AUGUST 1998**

Prepared for:

US Home Corporation
337 Interstate Boulevard
Sarasota, Florida 34240

Raymond K. Loraine
Senior Ecologist

Douglas J. Durbin, Ph.D.
Senior Ecologist

1.0 Introduction

The proposed Heritage Sound development is located immediately south of the Manatee River and east of Interstate 75 in Sections 13, 14, 23, 24, 25, 26, 35, and 36, Township 34 S., Range 18 E., Manatee County, Florida. The US Home Corporation is currently initiating the Application for Development Approval (ADA) process required for approval of Heritage Sound as a Development of Regional Impact (DRI). It is the applicant's desire to implement the water quality monitoring outlined in this plan during the 1998 rainy season to characterize baseline conditions on the project site. As development progresses, this plan will be modified to account for changes in site drainage resulting from improvements to the stormwater management system accompanying construction.

Heritage Sound is characterized by relatively flat topography and the site drains from the south to north into the Manatee River. The Manatee River has several braided tributaries along the northern perimeter that extend through portions of the site. The site is drained by numerous ditches constructed to enhance the agricultural use of the parcel. Two large borrow pits were excavated in the southwest portion of the site during construction of Interstate 75 to the west. Drainage from the Interstate 75 corridor and other roadways is present along the western and southern portion of the site.

Note that this monitoring plan does not address turbidity monitoring in surface waters adjacent to active earthmoving or construction areas. Such monitoring may be required to ensure compliance with water quality standards and would follow a separate schedule as stipulated by applicable permits or by agency personnel.

2.0 Baseline Sampling

2.1 Surface Water Sampling

2.1.1 Samplings Locations

Sampling will initially be conducted at fifteen stations to measure water entering and exiting the site. Sampling station locations are shown on Figure 1. Sampling at Stations SW-2, SW-3, SW-9, SW-10, SW-11, and SW-12 will characterize water quality flowing into and through the site. Station SW-4 will assess water quality in the larger of the two borrow pits on the site. Only one of the borrow pits will be sampled since water quality is expected to be similar in the two pits. Stations SW-1, SW-5, SW-6, SW-7, SW-8, SW-13, SW-14, and SW-15 will characterize water flowing off of the site and into the Manatee River. Several sampling stations will be located along these tributaries.

Following one year of baseline sampling (i.e., two wet season and two dry season events), sampling will be discontinued at one or more of Stations SW-4, SW-6, SW-8, and SW-13 if state water quality standards are not exceeded. These stations are included in the initial sampling to fully

characterize water quality on the parcel, but because they assess water draining only from within the site and are largely redundant with other nearby stations, continued sampling is not warranted in the absence of water quality concerns.

As site development proceeds, some stations will likely be relocated to characterize outfalls from stormwater treatment areas. Such changes will be noted in each annual report submitted during the development phase.

2.1.2 Sampling Schedule

Field measurements will be made and grab samples collected within 24 hours after a 0.5 inch rainfall event. A single sample will be collected at each sampling station where discharge is present. Where no discharge is present, no field measurements or sampling will be conducted.

The initial rainy season baseline sampling events will occur following approval of this methodology during the summer of 1998. Baseline dry season events will be conducted during January - May 1999. Thereafter, post-development wet and dry season samples will be collected in accordance with the conditions of the project's development order.

2.1.3 Parameters

The following parameters will be measured in the field at each active station:

temperature	_____	conductivity	_____	turbidity
pH	_____	dissolved oxygen	_____	

A grab sample from each station will be transported to the laboratory for analysis of the following constituents:

total phosphorus	total suspended solids	cadmium
ortho-phosphate	fecal coliform bacteria	chromium
total nitrogen	total coliform bacteria	copper
total ammonia	biological oxygen demand	lead
nitrate/nitrite	pesticides	zinc

Following the first baseline sampling, if no pesticides have been reported above normal method detection limits for a given station, this parameter will no longer be measured for that station. As sampling continues, other parameters may also be eliminated from the regimen if results indicate no water quality concerns.

2.2 Surficial Aquifer Sampling

2.2.1 Sampling Locations

Sampling will be conducted at five stations to characterize the existing surficial aquifer ground water quality on the project site. Sampling station locations are shown on Figure 1. The placement of surficial aquifer monitoring wells is designed to sample groundwater along the flow gradient from the south toward the Manatee River. Stations GW-1, GW-2, and GW-3 will characterize the surficial ground water table adjacent to the Manatee River. Stations GW-4 and GW-5 will characterize surficial ground water from the center and southern portion of the project, respectively. Each well will be situated to minimize its potential conflict with current or future adjacent land uses. However, as site development proceeds it may be necessary to relocate one or more sampling well which interfere with site improvement. Also, following the baseline sampling, the results will be evaluated to determine if one or more wells may be eliminated from further sampling if no water quality concerns are noted.

2.2.2 Sampling Schedule

In accordance with the Florida Department of Environmental Protection's (DEP) recommended groundwater sampling protocol, sampling will be conducted coincident with a rainy season surface water sampling event. The initial baseline sampling event will be conducted in August 1998.

2.2.3 Parameters

A sample from each well will be transported to the laboratory for analysis of the following constituents:

total phosphorus	total suspended solids	cadmium
ortho-phosphate	oil and grease	chromium
total Kjeldahl nitrogen	chloride	copper
total ammonia	sulfide	lead
nitrate/nitrite	arsenic	mercury
chlorinated hydrocarbon pesticides (EPA 608)		nickel
chlorinated phenoxy acid herbicides (EPA 615)		zinc

Following the first baseline sampling, the results will be evaluated to determine if the above set of parameters may be reduced if no water quality concerns are noted.

2.2.4 Well Construction Specifications

Surficial aquifer wells will be constructed from standard two-inch PVC with 0.02-inch slotting extending from approximately three feet below ground surface to the bottom of the well. Each well will have a PVC well point and protective cap and will extend to a depth of approximately 13 feet below ground surface. The wells will be protected by a lockable steel case to prevent tampering or physical disturbance. Installation will be completed by a state certified well driller and will be permitted according to South West Florida Water Management District (SWFWMD) guidelines.

3.0 Post-development Sampling

3.1 Surface Water Sampling

3.1.1. Sampling Locations

Post-development sampling will be conducted at the same stations used to characterize baseline water quality, as modified by the elimination of stations where further sampling is not warranted. Stations will be considered for elimination from the post-development sampling program if they meet two criteria: (1) state water quality standards were not exceeded during baseline sampling and (2) the stations are not needed to characterize water quality flowing onto or off of the project. Using these criteria, Stations SW-4, SW-6, SW-8, and SW-13 may be candidates for exclusion from post-development sampling. Any proposal to eliminate some or all of the above referenced stations from post-development sampling will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.1.2. Sampling Schedule

Post-development sampling will begin following initiation of construction activities. Sampling will be conducted once in the wet season and once in the dry season during any year in which construction is on-going and for one year following construction activities. For the purposes of this scheduling, construction activities shall be defined as land clearing, construction of the project infrastructure and surface water management system, and earthwork to construct golf courses and mass grade development parcels. Construction will be considered complete when mass grading has been completed and soils are stabilized to prevent erosion or discharge from a development parcel. Construction of homes

or other structures will not be considered construction for the purposes of this plan.

Field measurements will be made and grab samples collected within 24 hours after a 0.5-inch or greater rainfall event. A single sample will be collected at each sampling station where discharge is present. Where no discharge is present, no field measurement or sampling will be conducted. Rainy season sampling will be conducted between June and September. Dry season sampling will be conducted between November and May.

3.1.3. Parameters

Sampling will measure the parameters outlined in Section 2.1.3 of this monitoring plan. At stations where pesticides are not detected during the baseline sampling, this parameter will be eliminated from post-development sampling. Other parameters may also be eliminated from the sampling regimen as justified by their absence in the pre-development sampling results. Any proposed modifications to the list of parameters will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.2 Surficial Aquifer Sampling

3.2.1 Sampling Locations

Sampling will be conducted at the stations used to characterize baseline surficial aquifer water quality, as modified by the elimination of stations where further sampling is not warranted as determined pursuant to Section 2.2.1 of this plan. Stations will be considered for elimination from the post-development sampling if no water quality concerns are noted in the baseline sampling. Any proposal to eliminate surficial aquifer sampling stations will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

3.2.2 Sampling Schedule

Post-development sampling will begin following initiation of construction as defined in Section 3.1.2 of this plan. Following the first post-development sampling event, sampling of surficial aquifer water quality will be conducted bi-yearly (once every two years) until construction is completed.

3.2.3 Parameters

Sampling will measure the parameters outlined in Section 2.2.3 of this monitoring plan. At stations where parameters are not detected during the baseline sampling, this parameter will be eliminated from post-development sampling. Any

proposed modifications to the list of parameters will be submitted to Manatee County for review and approval prior to modification of the sampling regimen.

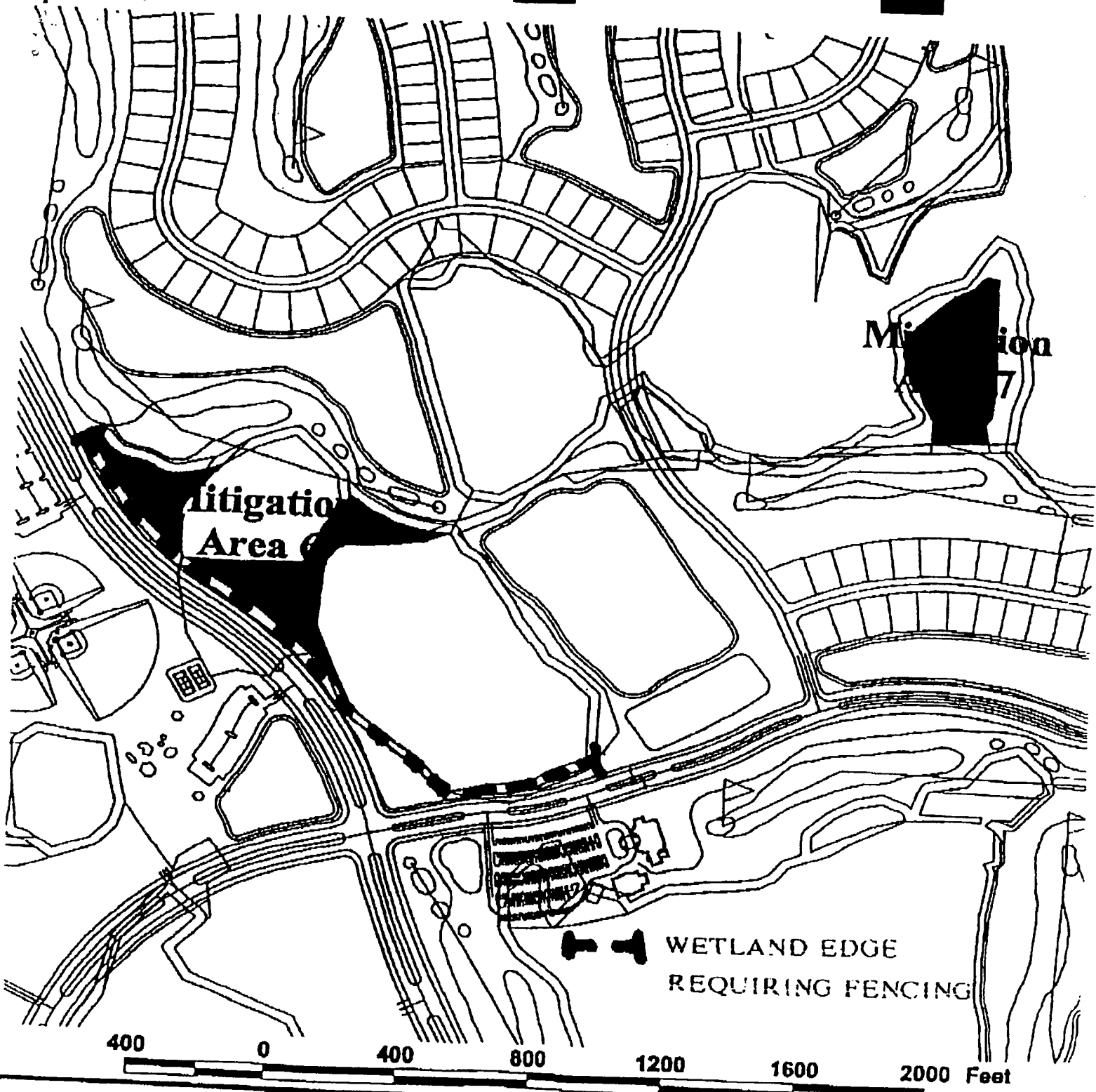
4.0 Quality Control

Sampling will be conducted by an organization with a Comprehensive Quality Assurance Plan (CompQAP) for field measurement and sampling approved by the Florida Department of Environmental Protection (DEP). Laboratory analyses will be performed by a facility with a State-approved CompQAP.

5.0 Reporting

Once a year, a report containing the results of surface water monitoring will be prepared for inclusion in the DRI Annual Report submitted to Manatee County. Reports will include:

- ☛ date of sampling events
- ☛ results and brief discussion of laboratory measurements and comparison with Florida surface water and groundwater standards (Chapters 62-302 and 62-520, F.A.C.)
- ☛ discussion of unusual or anomalous field conditions or measurements
- ☛ copies of laboratory results sheets
- ☛ any changes in the monitoring protocol effected in the preceding year
- ☛ expected changes in the monitoring protocol anticipated in the coming year.



**Heritage Sound DRJ
Sandhill Crane Mitigation Areas**

EXHIBIT 12



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 31st day of March, 2009
 R.B. SHORE
 Clerk of Circuit Court
 By: Jane L. Kearney

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administration
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

April 4, 2000

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 30, 2000 and certified copies of Manatee County Ordinance Nos. 00-19 and PDMU-98-08(Z)(G), which were filed in this office on April 3, 2000.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

00-19 HERITAGE SOUND T. 2T 74

Original Code Corporation
1020011.unimicro.com
Box 2235
Tallahassee, FL 32315-2235

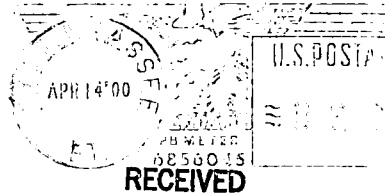
Supplement 13

04/08/2000

We have received the following material through
hard copy. Thank you for your assistance and
cooperation.

Ordinance No. 01-19.

904-262-2633 fax 904-575-8852 MIA
Looking for a customer complaint tracking software
We offer a comprehensive software called CAP
instead of mailing out Codes and Supplement?
We can distribute them for you for a minimal fee!



RECEIVED

APR 17 2000

BOARD RECORDS

To:
Mr. F. R. "Chino" Shire
Clerk of Circuit Court
Harrison County
P. O. Box 1000
Bradenton, FL 34216-1000

