

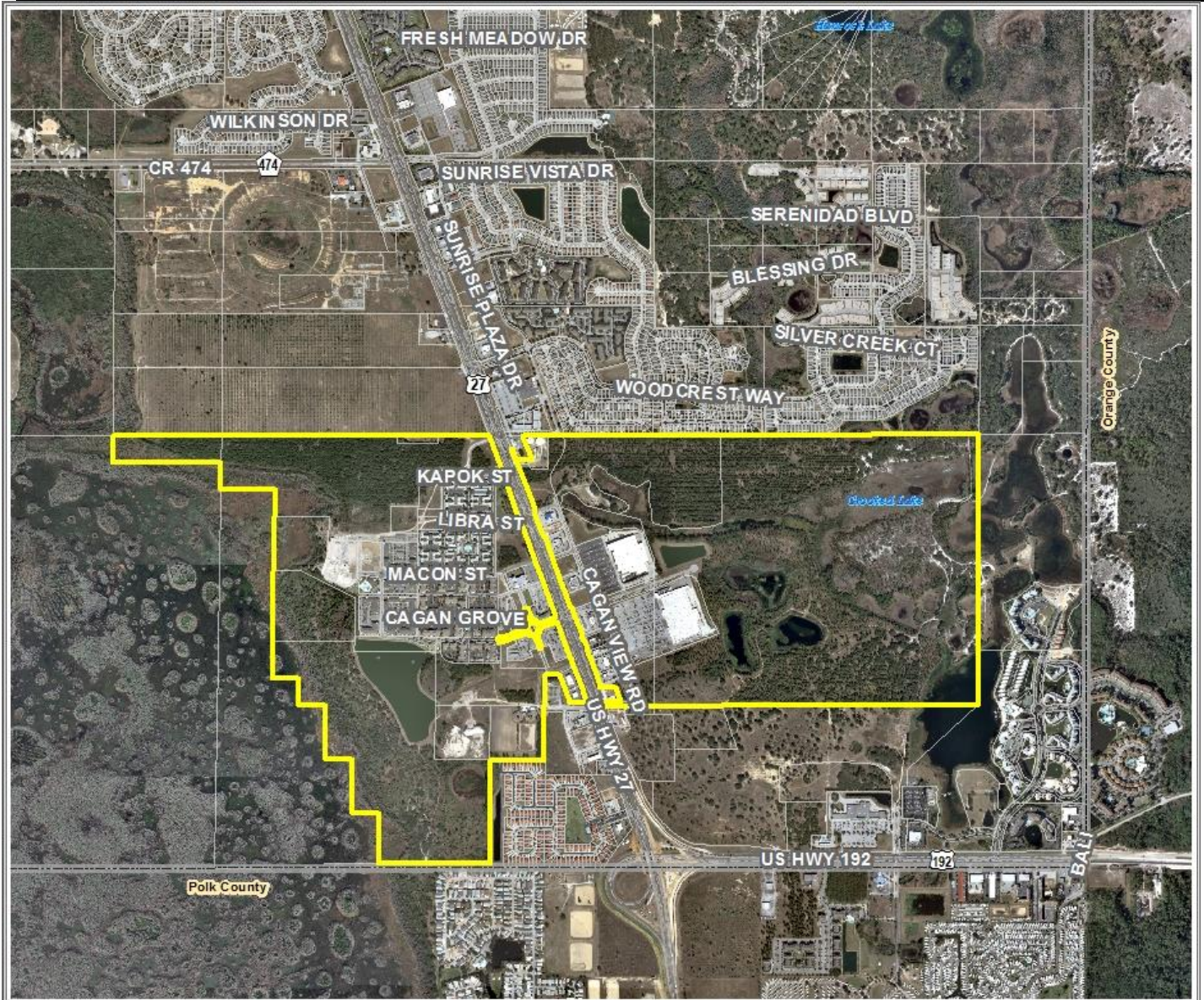
LAKE COUNTY PLANNING AND ZONING DIVISION
FQD – NOPC STAFF REPORT

Planning and Zoning Board
November 2, 2016



Board of County Commissioners
November 22, 2016

<p>NOPC-2016-02-1 Sixth Amendment to the Cagan Crossings FQD Development Order</p>	<p>Commissioner District 1 Sullivan</p>	<p>Agenda Item #5</p>
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Requested Action: Accept Staff Recommendation and comments on the Notice of Proposed Changes (NOPC) Application for the Cagan Crossings Florida Quality Development (FQD) Development Order which proposed to remove 242 undeveloped acres and eliminate 4,108 residential units from the development for transmittal to the Department of Economic Opportunity (DEO).

Authorized Agent: Jeffrey Cagan, Cagan Crossings, LTD., a Florida limited Partnership

Applicant: Robert C. Apgar, Attorney for Cagan Crossings, Ltd.

- Site Location & Information -

Size	Approximately 486 +/- acres
Location	North of U.S. Highway 192 and Summer Bay Resort, straddling U.S. Highway 27
Future Land Use	Cagan Crossings
Zoning District	PUD by Ordinance 2009-14 (Third Amended & Restated Planned Unit Development Order)
Joint Planning Area/ ISBA	NA
Overlay Districts	US 27 Major Commercial Corridor

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Ridge and Urban Low	Planned Unit Development (PUD), Neighborhood Commercial (C-1) and Community Commercial (C-2)	Commercial and residential land uses	Woodridge and Clear Creek Subdivisions
South	Urban Medium, Regional Commercial, and Green Swamp Ridge	Planned Unit Development (PUD), Neighborhood Commercial (C-1) and Community Facility District (CFD)	Commercial Development along US HWY 192, vacant land, and residential uses	Summer Bay Resort
East	Urban Medium	Planned Unit Development (PUD)	Residential uses	Summer Bay Resort
West	Green Swamp Ridge and Green Swamp Rural Conservation	Community Facility District (CFD) and Agriculture (A)	Wetlands	Green Swamp Area of Critical State Concern

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **ACCEPTANCE** of the changes to the Cagan Crossings Florida Quality Development (FQD) Development Order as proposed via Notice of Proposed Change (NOPC) application (Attachment A), with comments as provided in Attachment B, for consideration by the Department of Economic Opportunity (DEO).

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

Pursuant to the requirements of Chapter 380.06(19), Florida Statutes (F.S.), the Applicant submitted a Notice of Proposed Change (NOPC) application, which proposes non-substantial changes to the approved Cagan Crossings Florida Quality Development (FQD) Development Order (DO). The subject development is located on the east and west side of U.S. Highway 27 in south Lake County, north of US Highway 192. The Development Order (DO) designating Southlake Development, now known as Cagan Crossings, as a Florida Quality Development (FQD) was issued by the Department of Community Affairs on June 27, 1991. The current DO allows for 8,000 dwelling units, 200,000 gross square feet of retail, and 71 acres of civic and cultural uses to be developed utilizing the principles of Traditional Neighborhood Development.

The DO has been amended five times since its approval:

1. The first amendment to the DO was approved on November 1, 1992 and incorporated special requirements of the Florida Housing Finance Agency.
2. The second amended DO was approved on July 23, 1997; the DO consisted of minor revisions and extended the expiration date of the DO until 2016.
3. The third amended DO was approved on April 20, 1998 to include an additional 111.14 acres of land for storm water retention, passive recreation, and open space.
4. The fourth amended DO was approved on December 9, 2003 (Ordinance 2003-93) and created a commercial district along east of U.S. Highway 27; added 500,000 square feet of commercial development; altered transportation requirements; and changed the name from 'Southlake' to 'Cagan Crossings.'
5. The fifth amended DO, approved on February 14, 2008, extended the expiration date to July 9, 2019, reduced the commercial district by 20 acres, and rearranged the concept plan.

Since its approval, the Cagan Crossings FQD has been developing in accordance with the approved Development Order.

The current NOPC application proposes the following changes:

- Remove 242.5 undeveloped acres from the eastern portion of the development. The 242.5 acres consist of a portion of the Commercial Neighborhood Center, Neighborhood General, Neighborhood Edge, and Open Space, Recreation, and Stormwater Management Districts on Map H (master concept plan).
- Reduce the residential units from 8,000 to 3,892 residential units.
- Revise Map H (Master Conceptual Plan) to reflect the removed acreage.
- Revise the Phasing Table to reflect the reduced number of residential units.

The Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (DEP), St. Johns River Water Management District (SJRWMD), and LYNX has reviewed the application per state law and raised no comments regarding the NOPC application and the proposed changes.

East Central Florida Regional Planning Council (ECFRPC) has no objection to the reduction of the residential units or acreage and requested that the development reporting proceed to remain annual, to which the applicant accepts. However, the ECFRPC expressed concerns over the lack of updated Transportation monitoring and modeling requirements and trip generation. The Development Order requires additional modeling and monitoring before development may proceed beyond Phase IIA. The applicant proposes 88 residential units remain to be built in phase IIA. The Applicant intends to proceed with the transportation modeling and monitoring after this amendment is complete, and before the FQD expires in 2019. This is a proposed condition in the amended DO.

MetroPlan Orlando and Orange County Transportation Planning Division both requested that Section M.11 of the DO be maintained; this section states that "the Developer shall preserve a corridor on site or identify a corridor off site for a connection between US 27 and CR 545." The Applicant indicates that the requirement to identify and preserve an east-west roadway corridor through the Cagan Crossings FQD is obsolete and should be deleted from the Cagan Crossings DO. Staff is retaining this condition in the proposed DO and will reassess its applicability when the excluded acreage is developed.

Review of the application by East Central Florida Planning Council (ECFRPC) and Lake County staff conclude that the proposed new uses do not substantially deviate from the previously approved DO. As such, Lake County staff recommends approval of the NOPC application, with new conditions specified in the proposed 6th Amended and Restated Development Order.

The Department of Economic Opportunity (DEO) requested the applicant submit a Comprehensive Plan Amendment application to provide a new Future Land Use Category for the removed acreage and amend the Comprehensive Plan to reflect the proposed change. The applicant has concurrently submitted applications for a Comprehensive Plan Amendment

and Planned Unit Development (PUD) amendment. The Comprehensive Plan amendment will amend the 2030 Comprehensive Plan to provide consistency between the proposed DO and the Cagan Crossings Future Land Use, and amend the Future Land Use Map to designate the removed 242.5 acres as Urban Medium Future Land Use. The PUD amendment will revise the legal description of the Cagan Crossings property and reflect the changes to the DO.

The draft Amended and Restated Development Order was provided by the applicant and is attached as Attachment A. The Development Review Staff has reviewed the NOPC application and provide comments (Attachment B). A finalized comment letter will be forwarded to DEO once the Planning and Zoning Board and the Board of County Commissioners review the case and accept staff comments as appropriate for transmission.

- Summary of Analysis -

A. Whether the proposed Development Order (DO) changes are consistent with applicable provisions of the Code;

The proposed changes to amend the previously approved DO are submitted via a Notice of Proposed Change (NOPC) application. The proposed changes are consistent with the previously approved uses and only reduces the development's acreage and number of residential units.

B. Whether the proposed DO changes are consistent with all elements of the Lake County Comprehensive Plan;

The applicant has submitted an application for a comprehensive plan amend the future land use category on the excluded acreage from Cagan Crossing to Urban Medium Density Future Land Use Category. Designating the excluded property as Urban Medium will allow a maximum of seven (7) dwelling units per net acre which would allow a maximum of 1,694 on the subject property. The current Cagan Crossings DO allows over 4,000 dwelling units to be developed on this property so the amendment would result in a decrease in impacts.

C. Whether, and the extent to which, the DO changes are inconsistent with existing and proposed land uses;

The proposed DO amendment will remove 242 acres from the Cagan Crossing DO to be developed with residential development.

D. Whether there have been changed conditions that justify the DO changes;

The registered agent intends on selling 242 acres currently affected by the Cagan Crossings FQD DO, Future Land Use Category, and Planned Unit Development.

E. Whether, and the extent to which, the proposed DO changes would result in demands on public facilities, and whether, or to the extent to which, the proposed DO changes would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities;

Water and Sewage – The Cagan Crossings Development is currently serviced by Southlake Utilities, Inc.

Transportation – The NOPC would result in a reduced number of dwelling units by acreage reduction so there are no anticipated adverse impacts to the transportation network resulting from this application. FDOT has indicated it has no comments on August 1, 2016.

Solid Waste – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

Schools - Impacts on levels of service have been addressed in the previously approved Cagan Crossings DO. This application results in a significant decrease in residential units so no adverse impacts are anticipated on the schools. School impacts will be reevaluated upon receipt of future development applications.

Fire and Emergency Services - Lake County Fire Station 112, located at 16240 County Road 474, approximately 1.4 miles north of the Cagan Crossings development for fire-emergency services, including advanced life support.

F. Whether, and the extent to which, the proposed DO changes would result in significant adverse impacts on the natural environment;

There is no indication that the uses proposed by the NOPC will result in a significant impact on the natural environment. Any new development will be required to meet all Comprehensive Plan and Land Development Regulations requirements to protect the environment.

G. Whether, and the extent to which, the proposed DO changes would affect the property values in the area.

The application does not contain any information regarding the effect on property values in the area.

H. Whether, and the extent to which, the proposed DO changes would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The uses proposed by the NOPC will take place within the current Cagan Crossings boundaries and follow the pre-established and existing development pattern in the area.

I. Whether the proposed DO changes are consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.

The changes proposed by the NOPC application are consistent with the public interest and these regulations.

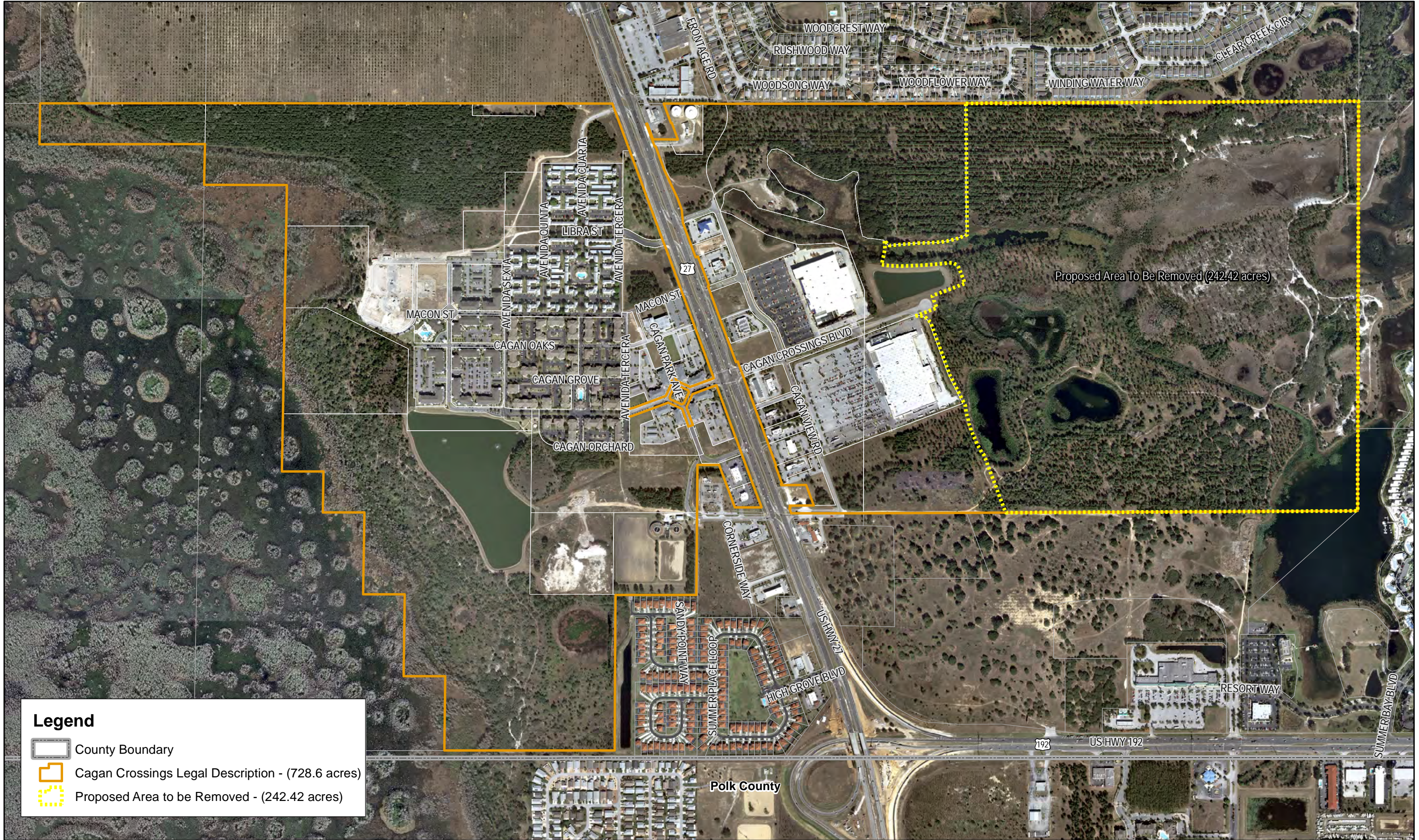
FINDINGS OF FACT: Staff has reviewed the application and found:

1. The application proposes to remove 242 acres, eliminate 4,108 residential units, and revise the Phasing Table and Master Conceptual Plan;
2. Pursuant to Chapter 380.06(19)(e)1, Florida Statutes (F.S.), the above stated changes are not considered either individually or cumulatively to be a substantial deviation to the previously approved Development Order (DO); and
3. The applicant has submitted an application to designate the excluded acreage as part of the Urban Medium Future Land Use Category;
4. The Florida Department of Transportation (FDOT), East Central Florida Regional Planning Council (ECFRPC), Florida Department of Environmental Protection (DEP), St. Johns River Water Management District (SJRWMD), Orange County Transportation Planning Division, and Metroplan Orlando did not have any concerns with the reduction in acreage and residential units and emphasize the concerns by monitoring the existing DO conditions.




Therefore, based on these findings of fact, Staff recommends **ACCEPTANCE** of the changes to the Cagan Crossings Florida Quality Development (FQD) Development Order as proposed via Notice of Proposed Change (NOPC) application (Attachment A), with comments as provided in Attachment B, for consideration by the Department of Economic Opportunity (DEO).

Case Manager: Michele Janiszewski, Planner

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**



Legend

-  County Boundary
-  Cagan Crossings Legal Description - (728.6 acres)
-  Proposed Area to be Removed - (242.42 acres)

Attachment A. (34 Pages)

SIXTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE CAGAN CROSSINGS FQD f/k/a SOUTHLAKE FQD

WHEREAS, the Development Order (the "DO") for Designation of Southlake, n/k/a Cagan Crossings, as a Florida Quality Development ("FQD") was issued by the former State Land Planning Agency, the Department of Community Affairs (the "Department") on June 27, 1991; and

WHEREAS, the DO was initially amended on November 1, 1992, and was thereafter amended on July 23, 1997, on April 20, 1998, ~~and~~ on December 9, 2003; and on February 14, 2008; and

~~**WHEREAS**, the Florida Legislature adopted an amendment to Chapter 380.06, Florida Statutes, that provides a three-year extension of phase, buildout and expiration dates for all projects that are developments of regional impact and under active construction on July 1, 2007, and~~

~~**WHEREAS**, the Department has determined this three-year extension also applies to FQDs; and~~

~~**WHEREAS**, on November 30, 2007, the Cagan Crossings, Ltd. (the "Developer") submitted a Notice of Proposed Change (the "Proposed Change") to the Department requesting an amendment to the DO to implement the statutory time extensions; and~~

~~**WHEREAS**, the Developer presented competent and substantial evidence to the Department establishing that Cagan Crossings was under active construction on July 1, 2007; and~~

WHEREAS, The Florida Department of Economic Opportunity (referred to hereafter as the "Department") was designated as the State Land Planning Agency by the Florida Legislature in 2011; and

WHEREAS, the Developer filed a Notice of Proposed Change (NOPC) with the Florida Department of Economic Opportunity (DEO) on July 6, 2016, requesting approval of a Sixth Amendment to the DO; and

WHEREAS, the NOPC excludes approximately 242.5 acres of undeveloped property east of US Highway 27 from the FQD, as reflected in the revised legal description attached as Exhibit "A" and on the Revised Conceptual Master Plan, Map H, attached hereto; and

WHEREAS, the NOPC also removes from the DO all 4,108 residential units previously authorized for development on the excluded acreage, as reflected in the Revised Cagan Crossings FQD Phasing Table, Exhibit "F" attached hereto;

WHEREAS, the Department timely reviewed the Proposed Change and updates to the DO, and determined that the Proposed Change is not a substantial change to the previously-approved DO and is consistent with the Lake County Comprehensive Plan and land development regulations, and

WHEREAS, the Department has reviewed the Proposed Change, as well as comments received from the County and the ECFRPC, and said comments contained no objection to the Proposed Change; and

NOW, THEREFORE, BE IT ORDERED by the Secretary of the Department of Economic Opportunity that the DO is herein restated, amended, and updated in its entirety to read as follows:

I. FINDINGS OF FACT

- A. The preceding recitals are true and correct and are incorporated herein. All references to actions by the Department prior to 2011 shall refer to the former State Land Planning Agency, the Florida Department of Community Affairs, and all references to actions by the Department subsequent to 2011 shall refer to the Florida Department of Economic Opportunity. All acreages in this DO are correct to within 1 acre. Exact acreages are set out in the legal description, Exhibit "A."
- B. The Developer submitted to the Lake County Division of Planning and Development and the Department (the "Reviewing Entities") an original Application for Development Designation ("Application") for the designation of Cagan Crossings, f/k/a Southlake, as an FQD. The word "Application" includes the appendices to the Application, and all Application completeness review information submitted by the Developer to the Reviewing Entities, said Application being incorporated herein by reference and being on file and available for public inspection at Lake County Division of Planning and Development in Tavares, Florida, and at the Department of Economic Opportunity ~~Community Affairs, 2555 Shumard Oak Boulevard~~, Tallahassee, Florida.
- C. The real property that is the subject of the Application is amended by deleting 242.5 acres leaving a total of 486 acres within the FQD, all of which is currently comprised of 728.5 acres located in Lake County, and is more specifically described in the legal description of the property found in Exhibit A attached to this DO.
- D. A comprehensive review of the impacts projected to be generated by the Development as reflected in the original Application and in all amendments, was conducted by the Reviewing Entities. The Department solicited comments on the Development and the original Application from the East Central Florida Regional Planning Council (ECFRPC), the Central Florida Regional Planning Council, the St. Johns River Water Management District, the Southwest Florida Water Management District, the Florida Department of Environmental Protection (formerly the Florida Department of Environmental Regulation and the Florida Department of Natural Resources), the Florida Fish and Wildlife Conservation Commission (formerly the Florida Game and Fresh Water Fish Commission), the Division

of Historical Resources of the Florida Department of State, the Florida Department of Transportation, the U. S. Army Corps of Engineers, the U. S. Fish and Wildlife Service, Orange County, Osceola County, Polk County, the City of Clermont, the Central Florida Sierra Club, and the Reedy Creek Improvement District.

- E. On April 17, 1991, the ECFRPC met and, based upon the original Application, found that the proposed Development was consistent with the ECFRPC' s adopted policy document, the Comprehensive Regional Policy Plan for East Central Florida, and recommended the designation of Southlake, n/k/a Cagan Crossings, as an FQD, subject to the terms, general provisions, and conditions of the DO which incorporate the recommendations of the ECFRPC.

- F. On September 26, 1990, the Lake County Board of County Commissioners (the "Board") met and approved the adoption of a Planned Unit Development (PUD) Ordinance for Southlake, n/k/a Cagan Crossings, Ordinance No. 62-90 (the "PUD Ordinance"). The PUD Ordinance may be amended to the extent that there are no conflicts between the PUD Ordinance and this DO. If the PUD Ordinance is amended such that conflicts exist between it and the DO, the terms and conditions of the DO shall govern, control, and prevail as to any such conflicts. Applications for changes to the PUD Ordinance shall be submitted to County with copies to the Department and the ECFRPC. The Department and the ECFRPC will provide comments to the County regarding consistency of the proposed PUD changes with this DO.

- G. On June 18, 1991, the Board met and found that the proposed Development reflected in the original Application was consistent with the Lake County Comprehensive Plan and approved the designation of Southlake, n/k/a Cagan Crossings, as an FQD, subject to the terms, general provisions, and conditions of this DO which incorporates the terms and conditions of the County.

- H. On June 27, 1991, the Department found that:
 - 1. A portion of the Development is in an area of critical state concern;
 - 2. The Development is above 586 percent of the multi-use threshold for developments of regional impact under Section 380.06, Florida Statutes, and is a development of regional impact;
 - 3. The original Application met the application requirements of Section 380.061(4), Florida Statutes, and Chapter 91-28, F.A.C.; and
 - 4. The original Application was determined to be complete based upon timely requested additional information received on March 22, 1991; therefore, the Application was complete on March 22, 1991.

- I. Based upon the representations made in the Application and comments received from other

agencies and the public, the Department specifically found:

1. The Developer will preserve, in perpetuity, the natural attributes of wetlands and water bodies within the jurisdiction of the Department of Environmental Protection as determined by that agency. These wetlands and water bodies are comprised of approximately eight acres and depicted on Exhibit B p.1. The means of protection will be in the form of a conservation easement to be granted to an entity selected pursuant to the terms of this DO.
2. There are no beaches or primary and secondary dunes within the Development.
3. There are no known significant archaeological or historical sites within the Development as determined by the Division of Historical Resources of the Department of State.
4. The Developer will preserve, in perpetuity, the habitat areas, as depicted on Exhibit B p.2, that are deemed necessary to ensure the survival of the animal species designated as threatened or endangered by the U. S. Fish and Wildlife Service or by the Florida Fish and Wildlife Conservation Commission by conservation easements granted to either the County or the St. Johns River Water Management District ("SJRWMD").
5. There are no habitat areas within the Development that are known to contain endangered plant species.
6. The Development shall not generate or dispose of hazardous substances in amounts that exceed the small quantity generator upper limit as defined in Rule 17-730.160, F.A.C., and Chapter 40, Code of Federal Regulations, Section 262A4.
7. The Development will incorporate no dredge and fill activities in, and will produce no stormwater discharge into, waters designated as Florida Class II waters, Florida Aquatic Preserves, or Outstanding Florida Waters.
8. The Development will include open space, recreation areas, energy conservation features, and no overall minimization of impermeable surfaces.
9. In the Application, the Developer made a binding commitment to provide for the construction and maintenance of all onsite infrastructure necessary to support the Development, and will phase development so that facilities will be operational when needed.
10. In the Application, the Developer made a binding commitment to provide an appropriate proportionate share contribution toward offsite impacts which the Development will impose on publicly funded infrastructure and will phase the Development to ensure that transportation facilities, potable water supply, sewage

treatment facilities, solid waste disposal, and other public facilities and infrastructure will be operational when needed for the project, as specified in the Application.

If a community development district is established (the "District") and if the provisions of Section 190.112(1)(e), Florida Statutes, are followed, the District, so long as the requirements of Chapters 189 and 190, Florida Statutes, are met, may be used by the County and Cagan Crossings for a concurrency management mechanism, including providing for off-site impacts of the Development to be serviced by the district. The District is neither the Development nor merely a financing mechanism but, rather, is a special purpose independent local government to manage and to finance certain community development infrastructure requirements and needs.

11. The Development is consistent with the adopted State Comprehensive Plan and the adopted Local Government Comprehensive Plan. As specified in the Application and this DO, the Development will further the goals and objectives of the State Comprehensive Plan in the following areas: (3) Elderly; (4) Housing; (9) Natural Systems and Recreational Lands; (11) Energy; (15) Land Use; (17) Public Facilities; and (19) Transportation.
12. The Development complies with the design features in Rule 9J-28.009(8)(b), F.A.C., and has received the following twenty-three (23) planning and design feature points:

Primary Planning and Design Features

Feature No. 1

Points Allocated: 5

Promotion of compact urban growth through complementary mixes of residential and non-residential uses of onsite or offsite adjacent or proximate parcels, including measures for affordable housing; or establishment of a new town or new community, incorporating, where appropriate, features from Traditional Neighborhood Development Code, including measures for affordable housing.

Secondary Planning and Design Features

Feature No. 3

Points Allocated: 3

Comprehensive Transportation System Management features such as: mass transit, access management, Transportation Demand Management, and the facilitation of pedestrian movement or the nonautomotive based conveyance of people between land uses.

Feature No. 4

Points Allocated: 3

Preservation of areas that are primary habitat for significant populations of animal species

of special concern designated by the Florida Fish and Wildlife Conservation Commission or protection and preservation of uplands as wildlife habitat with special consideration given to prime recharge areas, areas designated by the Florida Department of Environmental Protection to be significant value to the state park system, or other environmentally sensitive property included on the Conservation and Recreation Lands or the Land Acquisition Trust Fund priority list or included as a priority for acquisition by a water management district through the Save Our Rivers program.

Feature No. 5

Points Allocated: 3

Water conservation; reuse of treated effluent where such uses are appropriate; use of water saving devices; xeriscaping.

Feature No. 6

Points Allocated: 2

Household, office, or commercial hazardous waste collection.

Feature No. 7

Points Allocated: 2

Recycling of solid waste.

Feature No. 8

Points Allocated: 2

Promotion of cultural or educational activities.

Feature No. 9

Points Allocated: 2

Care for the elderly.

Feature No. 13

Points Allocated: 1

Other planning and design features addressing areas such as locally identified social concerns, urban amenities, or aesthetic design considerations.

TOTAL POINTS: 23

13. By letter dated July 24, 1990, the Department of State advised that there are no significant archaeological or historical resources located on the Development property.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms, Findings of Fact, general provisions, and conditions of this DO, it is concluded that the proposed Development complies with the provisions of Section 380.061, Florida Statutes, and Chapter 9J-28, F.A.C., for designation as an FQD.

- B. Based upon the Findings of Fact that the Development is a development of regional impact and is a designated FQD authorized by Chapter 380, Florida Statutes, it is concluded that the Development is exempt from development of regional impact review under Section 380.06, Florida Statutes.
- C. The designation of the Development as an FQD under Section 380.061, Florida Statutes, and its authorization to commence development under a Chapter 380, Florida Statutes, development order does not entitle the Developer to any other necessary approvals or permits from any other authority or in any other jurisdiction.
- D. Section 190.005(2), Florida Statutes, provides for the creation and establishment of the uniform community development district pursuant to county ordinance.
- E. Pursuant to Section 190.002, Florida Statutes, a District is an independent, limited, and special purpose local government whose elected board of supervisors is empowered by law to manage and finance basic community development systems, services, and facilities for new communities.
- F. Pursuant to Section 190.002, Florida Statutes, and Section 190.012, Florida Statutes, creation and establishment of such a District is not a development order under Chapter 380, Florida Statutes, and the District has no power to issue development orders or to adopt comprehensive plans but, rather, shall exercise any of its special infrastructure-provision powers subject to, and not inconsistent with, all applicable laws, rules, policies and ordinances of state and local government governing the use of the land including the conditions of this DO.
- G. The County and the State of Florida shall control all current and future land use and growth management for the Development regardless of whether a District is or is not created and established to service the Development.
- H. Creation and establishment of a District pursuant to Chapter 190, Florida Statutes, does not, and by law shall not, affect the right and duty of the County to regulate land use and growth; and that, pursuant to Section 189.415(6), Florida Statutes, the County may use and rely, in its capital improvements element of its own local government comprehensive plan, on any special district public facilities report annually filed by a District, if established, with the County.
- I. Chapter 190, Florida Statutes, which allows the creation of independent districts, such as a District pursuant to Chapter 190, Florida Statutes, is a uniform general law with standards and procedures for creation, establishment, operation and termination of such Districts which do not result in overburdening any other governments and their taxpayers and which prevent proliferation of independent districts which do not meet such general law standards.
- J. A District, if established to serve the Development is authorized to provide a public

mechanism for monitoring compliance with those conditions of the DO dealing with provision of infrastructure; and constitutes an acceptable alternative mechanism to effect growth management, and specifically concurrency, available both to the County and to the Developer.

III. GENERAL PROVISIONS

- A. This Sixth Amended Development Order ~~DO~~ constitutes the Development Order of the Department, as the state land planning agency, and shall govern the development of ~~to designate~~ Cagan Crossings, f/k/a Southlake, as an FQD, pursuant to Section 380.061(5)(d), Florida Statutes. This Sixth Amendment to the DO and any ordinance, resolution, or agreement that implements this DO shall apply only to the lands within the boundary established by the amended legal description, Exhibit A. The lands deleted from the DO by this amendment are hereby released from the force, effect, and operation of the DO and the attachments and exhibits thereto.
- B. This DO shall be effective on the date it is transmitted by the Department to the Developer, the County, and the ECFRPC. The date of transmittal is also the date of "rendition" under Rule 9J-28.023(3), F.A.C. Under Section 380.07, Florida Statutes, an appeal may be taken within 45 days after rendition. Any construction activity undertaken by the Developer prior to the expiration of the 45 day statutory period shall be at the Developer's risk.
- C. All exhibits to this DO, including the revised legal description, Exhibit A, the revised phasing table, Exhibit F, and the Revised Conceptual Master Plan, Map H, are hereby incorporated into and by reference made a part of this DO.
- D. It is the intent of the Department, as the governmental agency responsible for issuing the DO, to preserve and protect the natural resources located within and around the boundaries of the Development and otherwise ensure that the goals and objectives of the FQD program are met through the terms of the DO. Therefore, in the event any provisions of the DO and the Exhibits attached hereto are ambiguous, any such provisions shall be construed in a manner consistent with the intent of the Department expressed herein.
- E. The definitions contained in Chapter 380, Florida Statutes, and Chapter 9J-28, F.A.C., shall govern and apply to the DO.
- F. This DO shall be binding upon the Developer, its assignees, or successors in interest, including any entity that may assume any of the responsibilities imposed on the Developer by this DO. Reference herein to any reviewing agency shall be construed to mean any agency that may in the future be created or designated as a successor in interest to, or that otherwise will possess any of the powers and duties of, the Reviewing Entities with respect to the implementation and administration of the FQD program and this DO shall be binding upon those successors in interest in the same manner as upon the Reviewing Entities approving the DO herein. Provided, however, that if the County, by ordinance,

establishes a District pursuant to Chapter 190, Florida Statutes, for the Development, that District is prohibited by law from possessing any of the powers and duties of the Reviewing Entities with respect to the implementation and administration of the FQD program because such a District is a limited special purpose local government which has no general purpose, health, safety and welfare powers and is strictly limited to providing infrastructure for the Development consistent with any applicable development agreement, development order, local government comprehensive plan, regional policy plan, state plan and other applicable law concerning development. Accordingly, the DO, though binding upon the Developer and its assignees or successors in interest, will always, even as amended, apply to the exercise by the District of any of its infrastructure provision powers as provided in Sections 190.004(3) and 190.112, Florida Statutes.

- G. Whenever this DO provides for or otherwise necessitates review, approvals, or determinations of any kind subsequent to its issuance, the right to review and approve or determine shall include the Reviewing Entities and all directly affected governmental agencies and departments as are or may be designated by the Department, including all governmental agencies and departments set forth under applicable laws and rules. However, this language shall not be construed to apply to obtaining permits required from federal, state, regional, or local agencies which would otherwise be required for the activities involved in the Development, which permits shall be applied for and issued in accordance with the requirements of the issuing agency.
- H. In each instance in this DO where the Developer is responsible for ongoing maintenance of privately owned facilities or infrastructure, the Developer may assign any or all of its responsibilities to improve and maintain those facilities to an appropriate entity created to fulfill such responsibilities. Assignment to those entities must be approved by the Reviewing Entities upon determination that the assignee is capable and competent to provide maintenance as required in this DO, which approval shall not be unreasonably withheld, except and unless the County has established a community development district which, by law, is subject to, and shall not be inconsistent with, any condition of this DO and the Developer which relates to the exercise of any of its powers.
- I. Whenever the Developer contemplates a change in the plan of development, the Developer will submit the proposed change to the Reviewing Entities. The proposed change will be reviewed by the Reviewing Entities and the ECFRPC pursuant to the provisions of Rule 9J28.024, F.A.C., and Section 380.06(19), Florida Statutes.
- J. The Reviewing Entities will monitor the Development to ensure compliance with the terms, general provisions, and conditions of this DO. The County Division of Planning and Development will monitor the Development through the review of the annual report, building permits, certificates of occupancy, plats, if applicable, or any other relevant and factual information. The Department will monitor the Development through the annual reports, reports from other agencies, on-site inspections, or any other relevant and factual information.

- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes. Annual reports shall be due every year on the anniversary of the effective date of this DO until termination of development activity. Annual reports shall be submitted to the Reviewing Entities and the ECFRPC. The Department shall review the reports for compliance with the terms, general provisions, and conditions of this DO. Based upon the review of the annual reports by the Reviewing Entities and the ECFRPC, the Department may issue further orders and conditions to ensure compliance with the terms, general provisions, and conditions of this DO. Based upon the review of the annual reports by the Reviewing Entities and the ECFRPC, the Developer shall be notified of any finding of noncompliance; provided, however, that the receipt and review of the annual reports by the Reviewing Entities shall not be considered a substitute for or a waiver of any terms, general provisions, or conditions of the DO.

The annual report shall include a statement by the Developer regarding the status of private and publicly funded infrastructure and facilities needed to meet the needs of proposed development for the upcoming year. This statement on infrastructure and facilities shall include, but not be limited to, transportation facilities, potable water supply, solid waste disposal, sewage and waste water treatment, education, and police and fire protection.

Pursuant to Section 189.415(4), Florida Statutes, the annual report under Rule 9J-28.023(6), F.A.C., to the extent it provides the information required in the special district public facilities report required by Section 189.415(2), Florida Statutes, may be used by the District as a substitute for the District facilities report. It is the intent of this provision, when and if a District is established, that all requirements in the District facilities report required by Section 189.415(2), Florida Statutes, shall be provided annually in order to apprise the County of the management and financing of infrastructure work of such a District, notwithstanding any other requirement.

- L. Upon the effective date of the DO, the Developer shall have the right to use for the Development the certification mark registered with the Secretary of the Florida Department of State for a development designated as an FQD under Section 380.061, Florida Statutes. The use of this certification mark shall extend solely to promotional, informational, or advertising purposes in order to identify this Development as a development approved and designated under Section 380.061, Florida Statutes. Any future addition, change, or extension to this Development shall not have the authorization to use the certification mark without the written consent of the Reviewing Entities.
- M. Within ten days of the issuance of this DO, the Developer shall cause the DO to be recorded among the current Public Records of Lake County and shall not engage in any construction activities or convey any portion of the Development, other than those conveyances required herein, prior to such recordation.
- N. The designation of the Development as an FQD is premised upon a specific plan of development as reflected on Map H which is consistent with and furthers the purposes of Section 380.061, Florida Statutes. A departure from that plan of development which significantly decreases the positive aspects of the plan may result in the revocation of the

designation of the Development as an FQD. In the event the designation of the Development is revoked, the Development, at the Department's sole discretion, may be required to undergo development of regional impact review pursuant to Section 380.06, Florida Statutes.

O. The authorized agent for the Development shall be:

Jeffrey Cagan
Cagan Management Group, Inc.
3856 Oakton
Skokie, Illinois 60076

IV. DEVELOPMENT ORDER CONDITIONS

A. Application.

The Development shall be developed in accordance with the information, data, plans, and commitments contained in the Application unless otherwise directed by the conditions set out herein. For the purpose of this condition, the Application shall consist of the following:

1. Application for Development Designation dated October 29, 1990.
2. Completeness Response dated March 22, 1991.
3. Application for Development Approval of a Substantial Change to a Previously-Approved Florida Quality Development Order submitted by Cagan Crossings, Ltd., dated October 16, 2007.
4. Response to Information Requests dated September 3, 2003.

To the extent that there is any conflict between the Application and the DO, the terms and conditions of the DO, including any subsequent amendments herein, shall govern, control, and prevail as to any such conflict.

B. Termination.

1. The right to develop the development subject to the terms, general provisions, and conditions of the DO shall terminate on July 9, 2019. The termination date of development rights granted by the DO shall not affect the continuing obligations of the Developer nor the enforcement authority of the Department, and the Developer shall continue to be bound by the terms, general provisions, and conditions of the DO.

C. Development.

1. All commitments and representations by the Developer set out in the Application, as described in Section IV.A. above to the extent still applicable, are incorporated herein as conditions of the DO. The Development as depicted on the Conceptual Master Plan (Map H) is hereby authorized to contain, and the Developer is authorized to develop, the Development as follows:

3,892 ~~8,000~~ dwelling units
700,000 square feet of commercial¹
71 acres civic and cultural uses

2. The Development will be constructed in the following phases:

Phase 1 development will consist of up to 1,232 dwelling units (1,096 apartments and 136 townhouses) on the West side of U.S. Highway 27, 66,000 square feet of commercial space on the West side of U.S. Highway 27, 15,000 square feet of public use on the West side of U.S. Highway 27, and 4,224 square feet of commercial space on the East side of U.S. Highway 27, with construction to be commenced by December 31, 2007.

Phase 2A development will consist of up to 500 dwelling units (apartments) on the West side of U.S. Highway 27 and 427,000 square feet of commercial space on the East side of U.S. Highway 27, with construction to be commenced upon the effective date of this amended DO, and completed by December 31, 2009.

Phases 2B and 2C development will consist of up to 2,160 dwelling units (~~4,108 on the East side of U.S. Highway 27 and 2,160 on the West side of U.S. Highway 27~~) and 202,776 square feet of commercial space (152,776 square feet on the East side of U.S. Highway 27 and 50,000 square feet on the West side of U.S. Highway 27), to be constructed after ~~between~~ December 31, 2010, ~~and December 31, 2013~~. A certificate of occupancy for the development in Phase 2A is not required prior to issuance of permits for development of Phase 2B or 2C.

Any unbuilt dwelling units or commercial space in any Phase may be shifted to later Phases provided that the cumulative development of all of the Phases does not exceed 3,892 ~~8,000~~ total dwelling units and 700,000 square feet of commercial space.

3. The Development shall be developed consistent with the Energy Conservation Plan prepared pursuant to Section 9J-28-009(5)(c), F.A.C., (Exhibit C). The implementation of the Energy Conservation Plan will be reported in the annual report.
4. All development outside of the Commercial District shall be governed by the Regulating Document (Exhibit D) which incorporates and consolidates into one document the guiding documents listed on pages 12-12 and 12-13 of the Application: the Regulating Plan, the Urban Regulations, the Architectural Regulations, and the Thoroughfare Sections. The

¹ Refer to Exhibit G for further description of authorized commercial development.

115.8-acre Commercial District adjacent to the East side of U.S. Highway 27 shall be exempt from the requirements of the Regulating Document and shall be developed pursuant to the remaining requirements of this DO, the PUD Ordinance, as such is being amended contemporaneously herewith, the Lake County Comprehensive Plan, and the Lake County Land Development Regulations.

5. All development within the Commercial District shall comply with the Commercial District Development Standards attached to the DO (Exhibit E). Provided, however, that said standards shall not apply to the approximately 26 acre site which is located therein immediately South of Crossings Boulevard, known as the Walmart site, for which a site plan is presently undergoing review by Lake County. At the October 28, 2003 public hearing the County Commission reviewed the proposed plan and architectural drawings for such development and found such to be compatible with the character of the Development.

D. Deed Restrictions and Covenants.

The Developer shall submit any deed restrictions and covenants that it proposes to record within the Development to the Department for review and approval. The Developer shall report on the enforcement of the deed restrictions and covenants in the annual report. Within thirty (30) days after receipt of any such proposed deed restrictions and covenants from the Developer, the Department shall review and provide any comments to the Developer. Additionally, the Department will review and comment within 15 days after receipt of any new deed restrictions and covenants where the basic form of such has been previously approved by the Department and where all changes from the previously approved forms are marked.

E. Green Swamp Area of Critical State Concern

1. The portion of the Development located West of U. S. Highway 27 is included in the area designated as the Green Swamp Area of Critical State Concern. As a part of the area of critical state concern, this portion of the Development shall comply with and adhere to Chapter 28-26, F.A.C., Green Swamp Principles for Guiding Development; except that any development within the Additional Parcel added to the Development by the Third Amendment to the DO dated April 20, 1998, and recorded in Official Record Book 1606, Page 651, of the Public Records of Lake County, Florida, shall be limited to stormwater management facilities, open space and passive recreation as provided for therein. Development orders or permits issued by the County authorizing development within the Green Swamp Area of Critical State Concern must be reviewed by the Department pursuant to Section 380.05, Florida Statutes, for so long as the critical area designation exists.
2. For the portion of the Development within the Green Swamp Area of Critical State Concern, the Developer shall comply with the site alteration criteria of Rule 28-28.006(7), F.A.C. Vegetative open space may substitute for a portion of the site in each soil association required to remain unaltered by this Rule. Unaltered lands and vegetative open space areas created or preserved in compliance with Rule 28-28.008(7), F.A.C., that are large enough

to be displayed shall be shown on the conceptual site plan (Map H). The percentage of each soil association held in vegetative open space or unaltered lands whether shown on the site plan or not shall be indicated in tabular form and shall be updated as required.

3. Within the designated Green Swamp vegetative open space and unaltered lands, impervious areas shall be prohibited, except for the following:
 - (a) stormwater management facilities, such as berms, swales, and wet and dry retention ponds; and
 - (b) passive recreation such as viewing stands, park bench slabs, small pavilions, jogging courses and bike paths;

These facilities shall be designed to minimize impervious surfaces and adverse impacts to the hydrologic resources of the Green Swamp Area of Critical State Concern as described in Chapter 28-26, F.A.C., Green Swamp Principles for Guiding Development and the Lake County Comprehensive Plan. In the event that the County adopts a surface water management ordinance which is approved by rule or final order, the Developer may elect to comply with those regulations as an alternative.

4. For that portion of the Development in the Green Swamp Area of Critical State Concern, encroachment into the 100 year floodplain shall be prohibited, with certain exceptions. Exceptions may be made for stormwater management facilities and roads, which comply with all County and SJRWMD regulations.

F. Wetlands.

1. All wetlands determined by the SJRWMD to be under that agency's jurisdiction shall be preserved, in perpetuity, through the use of conservation easements, restrictive covenants, and restrictions on use.

In addition, the wetlands portion of Crane's Marsh as depicted on Map H attached hereto shall be regarded as a preservation area for the purpose of protecting its natural attributes and shall have its developmental uses restricted by easement that is conveyed to the Nature Conservancy, the County, a state or federal agency or any organization dedicated to conservation and which is acceptable to the County, the Department, and the ECFRPC.

2. The following impacts to wetlands are specifically allowed. These impacts shall be minimized through careful design and construction management.
 - (a) Placement of fill for 4 road crossings which currently exist as dirt roads. One new elevated pedestrian and bicycle crossing of Crane's Marsh wetlands will be allowed. If constructed, the proposed central crossing of Crane's Marsh shall not be constructed for motorized vehicles, but shall allow bicycle and pedestrian movement.

- (b) Dredging and recontouring of the man-made isolated pond/canal system located on the East parcel. Where reshaping occurs, the littoral zone shall be at a minimum 4:1 slope and planted with native wetland species along at least 70% of any reshaped littoral zone.
 - (c) Shoreline enhancement of Cricket/Crooked Lake with minimal recontouring. At least 70% of the enhanced shoreline shall be replanted with native wetland species. There shall be no additional clearing of Cricket/Crooked Lake shoreline vegetation adjacent to the existing beach for the purposes of expanding the beach.
 - (d) Placement of a boardwalk for viewing and appreciation of the Green Swamp. This boardwalk shall be elevated above the existing herbaceous vegetation.
 - (e) Placement of a boardwalk/dock for viewing or canoeing on Cricket/Crooked Lake. There shall be no access ramps for boats powered by internal combustion engines on Cricket/Crooked Lake.
 - (f) Stormwater management and outfall systems as permitted by the County and SJRWMD regulations.
- 3. The isolated canal system shall not be reconnected hydrologically or vegetatively to state waters.
 - 4. Wetlands to be created or uplands to be retained as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes.
 - 5. Buffer areas of native transitional and upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands. Buffers around Green Swamp wetlands shall average 100 feet with a minimum of 50 feet. Onsite wetlands/marshes/lakes shall be protected with temporary fencing during construction activities. Components of the stormwater management system within these buffers are limited to twenty percent (20%) of the total area of each buffer. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.
 - 6. Proposed wet detention ponds shall not be created within existing marsh areas on the Development.

G. Surface Water Management.

- 1. The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands and surface waterbodies shall be 200 feet, unless the SJRWMD accepts

tests, calculations or other information furnished by the Developer through the SJRWMD's permitting process which demonstrates that a deviation from the 200 foot distance is in compliance with applicable SJRWMD regulations.

2. The Developer shall demonstrate to the satisfaction of the Lake County Public Works Director and the SJRWMD, through the permitting process, that adequate volumes of compensatory storage have been provided on the Development site to offset any loss of flood storage space resulting from any encroachments into the 100-year flood zone (as identified on the currently applicable Federal Emergency Management Agency Flood Insurance Rate Maps).
3. The pavement elevations of all roadways and streets required to provide access to dwelling units, commercial areas, and public facilities on the Development site shall comply with the County's minimum elevation requirements.
4. The onsite stormwater management facilities shall be designed and constructed to ensure the treatment and storage, by retention or detention, of runoff from the first inch of rainfall.
5. In the portion of the Development West of U.S. Highway 27 (the Green Swamp Area of Critical State Concern), a vegetated swale and berm system capable of retaining the runoff from the first inch of rainfall shall be constructed and maintained within or landward of the buffer area adjacent to the wetlands which are part of the Big Creek drainage system. This system shall function as a perimeter swale and berm to ensure that no runoff from the developed or altered portions of the Development is discharged to the Green Swamp wetland without sufficient treatment.
6. The collection and conveyance of street drainage, with project design and construction reflecting existing topographical configurations and the avoidance of creating stormwater flow velocities in excess of two (2) feet per second, will comply with the County and SJRWMD regulations, to include applicable best management practices such as check dams and velocity and erosion-reduction measures. Grassed swales shall be utilized as deemed appropriate by the SJRWMD.
7. The surface water management system on the portion of the project site East of U.S. Highway 27 shall be designed consistent with the County and SJRWMD regulations, and to maintain historical hydroperiod conditions in Cranes Marsh.
8. Stormwater runoff from roadway crossing through the on-site wetlands will receive treatment to the same standard as other stormwater runoff on the Development.
9. Stormwater management facilities which provide for the retention or detention of runoff from the 50 year design storm event shall be located and designed so that they are not subject to inundation or improper functioning by the 50 year/24 hour design storm event and less severe design storm events.

H. Surface Water Monitoring and Maintenance.

1. In order to effectively monitor the Development's effects on surface water conditions, the Developer shall implement a surface water monitoring program that shall include the following:
 - (a) Surface water samples shall be collected at the following locations:
 - (1) in Cricket/Crooked Lake at the sampling site depicted in Figure 15-2 in the original Application;
 - (2) in the wet detention pond located in Basins 2 and 4, as depicted on Map GI in the original Application;
 - (3) in the wet detention pond located in Basin 5, as depicted in Map G1 in the original Application;
 - (4) in the canal at the exit point from Basin 16, as depicted in Map G2 in the original Application; and
 - (5) in the wet detention pond in the southeast corner of Basin 15 adjacent to Basin 18, as depicted in Map G2 in the original Application.
 - (b) Water quality samples and surface water level elevation data shall be collected at least four times annually on a seasonal basis for the sampling stations identified above beginning at least 6 months after the beginning of construction of each and continuing for 2 years after construction buildout.
 - (c) Water quality parameters as determined by the County shall provide a determination of water quality conditions, changes and possible sources of contamination if such are discovered. Collected data shall be furnished to the County and SJRWMD.
2. The Developer shall incorporate additional water quality treatment and/or water management methods into the Development's surface water management system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or to adversely impact water quality/quantity conditions on or downstream of the Development.
3. The Developer shall establish and implement an inspection and maintenance program for all components of the surface water management system for the Development, to include schedules for the performance of:
 - (a) stormwater facility operating inspections of a regular basis (e.g., quarterly) and following major rainfall events (e.g., one-half inch of rainfall) for the removal of excessive sediment, debris or other flow obstructions subject to approval by the

SJRWMD;

- (b) routine maintenance activities (e.g., mowing, trash removal, etc.);
 - (c) inspections of any perimeter swale and berm systems so as to assure their proper operation and maintenance, and that they are capable of accomplishing their intended level of stormwater storage/treatment, with the inspections being performed on a quarterly or more frequent basis as necessary; and
 - (d) ongoing educational programs for maintenance staff personnel regarding the correct usage of and the application rates for fertilizers and chemicals (e.g., herbicides) near the stormwater management facilities, the removal of noxious weeds and retention of desirable aquatic vegetation, and the correct procedures for other maintenance/landscaping-related activities which have the potential for adversely affecting water quality conditions within the Development.
4. If Property Owner's Association, Community Association, or District assumes responsibility for operation and maintenance of the drainage system, such entity shall have defined duties and responsibilities regarding the operation and maintenance of the surface water management system, and have sufficient legal authority and power to establish the mandatory collection of fees and/or assessments from all property owners or residents for use in financing the operation, replacement and maintenance of the Development's surface water management system.

I. Wildlife.

- 1. Development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly dependent upon the project site, the Developer shall cease all activities which might negatively affect that individual or population and immediately notify both the Florida Fish and Wildlife Conservation Commission (the "Wildlife Commission") and the United States Fish and Wildlife Service. Proper protection and habitat management, to the satisfaction of both agencies, shall be provided by the Developer.
- 2. "Harming" and "harassment" as used in this section shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.
- 3. The potential for relocation of the gopher tortoise population shall be coordinated with the Wildlife Commission to determine the feasibility of and potential donor sites for this effort. Wildlife Commission guidelines for gopher tortoise relocation shall be adhered to. Progress of this activity shall be included in the annual report.

4. To promote retention of wildlife habitat, ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state to the greatest extent practicable and shall not be irrigated.
5. Two areas of white xeric oak, identified on Exhibit B p.3, shall be designated as conservation and preserved in the natural state. One area is located within the Southeast portion of the Development within the Community Recreation Park. The other is located along the Northeast property line North of and adjacent to Crane's Marsh. The planted pine section existing within approximately the Eastern half of this community is not required to be a part of this conservation area. No alteration within these preservation areas shall be allowed. The use of pesticides, herbicides, or fertilizers shall be prohibited. Use of these areas shall be limited to nature trails with pervious surfaces and paths of recreation. The exact boundaries of these areas shall be verified by environmental surveys conducted by an environmental consulting firm at the expense of the Developer. The results of said surveys shall be reviewed and approved by the Department and the County in consultation with the ECFRPC.

J. Water Supply.

1. The Developer shall use the lowest quality of water available for all non-potable water use. Irrigation water used within the project shall be properly treated effluent, if and when such is made available.
2. To meet the non-potable water use demands of the project, the Development shall use, in order of priority:
 - (a) all properly treated effluent made available to the site up to the entire non-potable water demand;
 - (b) treated stormwater; and
 - (c) non-potable quality groundwater and/or surface water.
3. Water-conserving plumbing fixtures shall be used in all construction within the Development.
4. The Developer shall abandon the three existing wells in accordance with the rules of the SJRWMD within two years of the commencement of site preparation activity unless SJRWMD approves their use as a potable or supplemental non-potable source.

K. Waste Water.

1. No building permits shall be issued for the Development until it has been demonstrated to the satisfaction of the Department and the County that adequate wastewater collection and disposal capacity have been committed to serve the Development either on-site or off-site. In the event that a wastewater treatment facility is constructed on-site the preferred

methods of sludge disposal, in the following order, shall be: drying; use as a soil conditioner; or burning at the County Solid Waste Incinerator. Sludge shall not be burned within the Development.

L. Fire, Police, Schools.

1. To ensure that adequate police, fire, and ambulance services protection is available to serve the Development as they are needed, the Developer shall allow for the location of fire, police, and ambulance facilities at locations that are satisfactory to the service providers and the Developer. Whether or not these facilities are ultimately located on-site or off-site, the Developer shall pay its fair share cost for the provision of these services as required by the County. Within one year of the effective date of the DO, the Developer shall enter into an agreement or demonstrate that it is involved in a good faith effort to enter into an agreement(s) with the providers of fire, police, and ambulance services to meet the needs of the Development and to agree on the fair share amount required from the Developer. The Developer shall condition or phase the commencement of Development to ensure that public facilities and services will be available concurrent with the impacts of the development. For any fire, police, or ambulance facilities that will be located within the Development, the agreement will also ensure that all construction meets the design requirements of the DO, including the architectural design requirements.
2. The Developer shall not preclude the location of an urgent medical care walk-in center on-site if required. Site development shall also include an area suitable for helicopter landings related to medical service.
3. The Developer has previously entered into an agreement with the Lake County School system to pay \$120,000 as an appropriate fair share contribution toward on-site or off-site impacts which the Development will impose on public school facilities and services. The Developer will also pay any applicable school impact fee due and shall receive credit against such impact fees for its \$120,000 fair share contribution. The Developer is deemed to have performed all of its obligations under the original DO with respect to providing a site for a school based on its agreement with the Lake County School system.

M. Transportation.

1. For the purpose of transportation mitigation, the remaining unbuilt and unpermitted development, and the additional 500,000 square feet of commercial development which is authorized in the Fourth Amendment, shall be divided into phases, as follows: Phase 2A shall consist of 500 residential units and 427,000 square feet of commercial development, which shall be commenced by December 31, 2009. Phase 2B and 2C (divided as per the phasing table set out below) shall consist of 2,160 ~~6,268~~ residential units, and 202,776 square feet of commercial development ~~which shall be completed by December 31, 2013.~~ (See Cagan Crossings FQD Phasing Table, Exhibit F)
2. All roadway improvements necessary for development of Phase 2A are "secured and

committed" improvements, as defined below. Therefore, development of Phase 2A may commence on the effective date of the Fourth Amendment, and proceed through issuance of certificates of occupancy. However, before building permits can be issued for any development beyond Phase 2A, traffic modeling and monitoring programs shall be performed in accordance with the traffic phases and requirements set out below.

For purposes of the transportation conditions, the Development shall be divided into the following traffic phases based on reaching any of the following: the year, the daily trip level, the external daily trip level, the peak hour trip level or the external peak hour trip level, as follows:

Phase and Year	Daily Trips	Daily Trips Cumulative	Daily External	Daily External Cumulative ²	Peak Hour Trips	Peak Trips Cumulative	External Peak Hour Trips ³	External Peak Hour Trips Cumulative
Existing	12,793	12,793	10,100	10,100	1,321	1,321	1,048	1,048
2A 2009	25,168	37,961	21,246	31,346	2,133	3,454	1,799	2,847
2B 2011	21,622	59,583	18,378	49,724	1,750	5,204	1,488	4,335
2C 2013	21,623	81,206	18,379	68,103	1,751	6,955	1,488	5,823

3. **Monitoring and Modeling Methodology:** Prior to the initiation of each phase (after completing Phase 2A and proceeding into Phase 2B and after completing Phase 2B and proceeding into Phase 2C) as identified in the preceding paragraph, the Developer shall conduct a monitoring/modeling program. This program shall ascertain the Level of Service ("LOS") on facilities where the Developer is estimated to contribute an amount of traffic greater than or equal to 5 percent of the adopted LOS service volume. The methodology of the monitoring/modeling program shall be coordinated through the ECFRPC and agreed upon by the ECFRPC, the County, Osceola County, Orange County, Polk County, the Florida Department of Transportation, the Department and the Developer. The depth of each monitoring and modeling effort shall be similar to that required within an Application for Development Approval but shall be consistent with the requirements of the County Concurrency Management System as it relates to facilities within the county. All studies and monitoring/modeling programs shall be consistent with the ECFRPC's methodology and shall require empirical trip generation studies with data used in studies not being more than 1 calendar year old at the time of analysis. In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, the County,

² Year is approximate for phase 2B but M&M must occur no later than 2012.

³ Includes passer-by trips but not internally captured trip ends.

Orange County and Osceola County shall be the final arbiters. The County's decision shall be final as it relates to their County facilities, the FDOT's decision shall be final on state facilities and the ECFRPC's decision shall be final as it relates to all other facilities.

4. The following roadways are those within the study area which were analyzed for full build out of the Development. The facilities to be monitored/modeled for the next phase may include, but shall not be limited to, those segments of the regional roadways within this list and one segment beyond where the Developer is estimated to contribute a cumulative amount of traffic greater than or equal to five percent of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps, with the exact segments to be determined at the time monitoring and modeling is conducted.

ECFRPC, the County, Osceola County, Orange County, Polk County, the Florida Department of Transportation and the Department shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The Developer shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring/Modeling Study

US 27

- SR 50 to Hook Street
- Hook Street to Johns Lake Road
- Johns Lake Road to Hartwood Marsh
- Road Hartwood Marsh Road to CR 474
- CR 474 to Woodcrest Way
- Woodcrest Way to Cagan Crossings Boulevard
- Cagan Crossings Boulevard to US 192
- US 192 to Sand Mine Road
- Sand Mine Road to CR 54
- CR 54 to Interstate 4

US 192

- US 27 to Bali Boulevard
- Bali Boulevard to CR 545 (Avalon Road)
- CR 545 (Avalon Road) to West Orange Lake Boulevard
- West Orange Lake Boulevard to East Orange Lake Boulevard East
- Orange Lake Boulevard to Black Lake Road

Black Lake Road to Formosa Garden Boulevard
Formosa Gardens Boulevard to CR 545 (Old Lake Wilson Road)

CR 474

US 27 to CR 33

CR 545 (Avalon Road)

US 192 to Hartzog Road
Hartzog Road to Seidel Road
Seidel Road to Tilden Road
Tilden Road to Hartwood Marsh Road

Hartzog Road CR 545 (Avalon Road) to SR 429

5. Monitoring and Modeling Results/Mitigation

- (a.) The Developer shall not proceed beyond phase 2A (an equivalent of 2,847 external peak hour trip ends or 31,346 external daily trips, including passer-by capture) into Phase 2B when LOS are below the minimum LOS adopted in the applicable local government's comprehensive plan during the peak hour and the project contributes, or is projected to contribute with the next phase of traffic, five percent of the adopted LOS volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase in which the impacts occur. This provision shall also apply prior to advancing into phase 2C. The following schedule of improvements shall be tied to the development level that the improvement is needed within each phase unless otherwise amended after monitoring and modeling analysis. The DO shall be amended to incorporate these needs and the commensurate trip level by which the improvement is needed to support project development.
- (b.) For the purposes of this DO, adequate "secured and committed" mitigation measures shall include one of the following:
 - (1.) A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element); A roadway improvement scheduled for construction within the first three (3) years of the Florida Department of Transportation's five-year Work Program (5 years for facilities on the Florida Intrastate Highway System).
- (c.) A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition

and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction) within the next three years and incorporated by reference into the DO.

(d.) Any other mitigation option specifically provided for in this DO.

These mitigation measures shall occur by the required threshold in order for the Development to proceed through the balance of the applicable phase. If the Developer can demonstrate that a portion of a phase or sub phase does not adversely affect the Regional Roadway network as determined by the monitoring and modeling tests discussed above, then the Developer may proceed with that portion of the phase but only that portion.

6. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT (e.g. 8 or 10 laning of a state roadway) or local government (e.g. constrained), the Developer, Osceola County, the ECFRPC and the party having either maintenance or jurisdictional responsibility for the facility shall] jointly determine alternate mitigation solutions to provide for the movement of people.
7. Toward the achievement of the objectives in the two preceding conditions, an agreement(s) among the County, Osceola County, Orange County, Polk County, the Florida Department of Transportation and the Developer may be entered into at any time after the issuance of this DO for this project by the Department. Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. Application of fees shall be on a proportionate-share basis with respect to the improvements to be provided and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions and requirements of the other conditions of the DO as a mitigative measure for the transportation impacts of the Development. In the event that one of the designated parties to the agreement {other than the Developer} fails to execute said agreement(s) within the specified time, then the Developer may proceed with the development based upon the monitoring/modeling schedule and all other recommendations specified herein as it affects the non-participating party. Separate agreements may be entered into with one or more parties and the Developer.
8. The Developer shall be entirely responsible for signal installation at Development entrances when nationally recognized warrants are met and the County and FDOT determine that a signal may be installed. Capacity on US 27 shall be preserved to the maximum extent possible. Location of access points shall be approved by the County and FDOT and shall be limited to the minimum number necessary to allow the safe and adequate ingress and egress for the Development. The Developer agrees to use its best efforts to obtain FDOT approval to include the following pedestrian crossing improvements as part of the traffic signal design at the intersection of U.S. 27 and Crossings Boulevard:

- a. A pedestrian signal phase;
- b. A single pedestrian crossing on the north or south edge of the intersection;
- c. Use of the international cross-walk pattern; and
- d. Handicapped curb cuts at the street edge and median nose.

The Developer further agrees to use its best efforts to obtain approval of enhanced pedestrian improvements in the design of the programmed six-lane improvement of U.S. 27.

9. The following state and regionally significant roadway segments are projected to be both significantly impacted by traffic from the Development and to operate below the adopted LOS standard during either Phase 2A, 2B or 2C. Mitigation must be in place prior to the Development proceeding into the next phase unless the final results of the monitoring and modeling study proves otherwise. This list shall be amended based upon the results of each monitoring and modeling study as necessary.

ROADWAY FACILITY	ROADWAY SECTION	IMPROVEMENT NEEDED
PHASE 2A IMPROVEMENTS		
US 27	Boggy Marsh Road to US 192	6 LD
US 27 @ Crossings Blvd.	Pedestrian and Bicycle Safely	Safe and adequate pedestrian/bicycle crossings on US 27
	Intersection Improvements*	1. EB; 1 left, 1 thru & 1 thru/rt. 2. WB; 2 lefts, 1 thru & 1 rt. 3. NB; 2 left, 3 thru & 1 rt. 4. SB; 2 left, 3 thru & 1 rt.
US 27 @ Woodcrest Way	Intersection Improvements*	1. EB; 1 left, 1 thru/rt. 2. WB; 2 left, 1 thru, 1 rt. 3. NB; 1 left, 3 thru, 1 rt. 4. SB; 2 left, 3 thru, 1 rt.
	*exact improvements subject to further study and approval by FDOT and Lake County	
PHASE 2B IMPROVEMENTS		
US 27	CR 474 to Hartwood Marsh Road	6 LD
	Cagan Crossings Boulevard to US 192	8 LD
US 192	West Orange Lake Blvd. to CR 545 (Avalon Road)	6 LD
US 192	CR 545 (Avalon Road) to Bali Blvd.	6 LD
PHASE 2C IMPROVEMENTS		
US 27	Hook Street to Johns Lake Road	6 LD
US 192	Bali Blvd. to US 27	8 LD

10. If the monitoring/modeling results which are required above indicate that improvements must be made to state roads, and if mitigation is not provided as set forth in this DO or as otherwise required pursuant to 9J-2.045(7), then prior to any construction of future phases and subject to the provisions of Section 380.06(15)(e), Florida Statutes, the Developer, the County and FDOT may enter into an agreement which ensures that:
- (a) a proportionate share payment is made by the Developer to the appropriate entity/(ies) to mitigate Development impacts;
 - (b) said proportionate share payment shall be used by the appropriate entity only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the segments/intersections for which the payment is made; and
 - (c) said proportionate share payment by the Developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the Development through the phase for which the proportionate share was calculated, as required by Section 380.15(e)(2), Florida Statutes. All such proportionate fair share agreements shall be included in this DO by amendment pursuant to Section 380.06(19), F.S. The formula to be used to determine proportionate share contribution is as follows:

$$\frac{(\text{DRI Trips}) * (\text{SV Increase})}{\text{Cost of Improvement}} = \text{Proportionate Share}$$

For this formula, DRI Trips is the cumulative number of trips from the Development expected to reach the roadway during the peak hour from the Phase under development. SV Increase is the change in peak hour maximum LOS volume of the roadway resulting from construction of the improvement necessary to maintain the desired LOS; and Cost of Improvement is the cost (at the time of Developer payment) of constructing an improvement necessary to maintain the desired LOS, including all improvement associated costs (engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement) as determined by the governmental agency having maintenance obligations over the roadway.

The County shall have no responsibility to contribute or fund the proportionate share payment for the design, engineering, permitting and/or construction of the improvements associated with the proportionate share payment unless specifically

agreed to in writing by the County.

The monitoring and modeling required prior to Phases 2B and 2C shall be used to verify impacts from the previous phase and to more accurately estimate probable impacts from later phases. If necessary, the proportionate share amount for later phases will be adjusted to reflect actual cumulative impacts from the entire phase. Proportionate share payments for earlier phases will not be recalculated. If it is verified that the roadway improvements mentioned above are still needed, then the Developer shall not proceed into later phases until the proportionate share payment is made or said improvements are scheduled for construction in the applicable entities' work program within the first three years from the date when impacts are estimated to be significant and adverse.

11. The Developer shall preserve a corridor on site or identify a corridor off site for a connection between US 27 and CR 545. Prior to Phase 2C, the Developer shall conduct a study for a recommended route for approval by the County and Orange County with review by the ECFRPC, FDOT and The Department. When a viable route is accepted by the County and Orange County, the Developer shall fund its proportionate share to the roadways right-of-way, PD&E, final design and construction.
12. If the interested parties cannot reach agreement independently as to any term or condition of this DO, then the issues in dispute may be submitted to the ECFRPC for non-binding mediation pursuant to its adopted dispute resolution process and in accordance with Chapter 44, Florida Statutes. The solutions agreed upon as a result of this process shall be implemented and the DO amended pursuant to Section 380.06(19), Florida Statutes, to include these solutions.
13. The roadway network within the Development shall be developed in a grid system to the maximum extent feasible. Where possible, the system shall be designed so that the major roads can continue into the adjacent developments in an effort to integrate adjacent projects and limit the impact to the arterial roadway system. At a minimum, this shall apply to the North-South parallel roadway, one roadway to the East and two additional locations along the Southern boundary.
14. In the interest of safety, and to promote alternative forms of transportation, the pedestrian paths, where practical, shall also be suitable for bicycle use, following state guidelines to provide for the needs of both experienced (on road) and novice (off road) cyclists. In addition, the roads and streets shall be designed to evenly balance the needs of automobiles, bicycles, and pedestrians. Special consideration shall be given to roadways connecting residential areas and commercial centers and employment centers. The Developer shall coordinate with the County bicycle coordinator.
15. During Phase 2B development and prior to any Phase 2C development, the Developer shall conduct a survey to determine the need for a pedestrian and bicycle overpass to link development on either side of US 27. Survey results should address the amount of current

non-automobile crossings of US 27, existing safety issues, resident's desire to cross US 27 and how the current conditions influence this desire. Survey questions and results shall be reviewed by the County, the FDOT and ECFRPC. Pedestrian/bicycle/automobile accident data shall be reported and potential solutions for minimizing conflicts proposed. After review of accident data and survey results, the FDOT and the County in consultation with the ECFRPC shall review the Developer generated proposals and determine necessary improvements. The Developer shall be responsible for construction of improvements to minimize pedestrian and bicycle conflicts with motorized vehicles.

16. When transit service becomes available to the Development, transit passenger shelters and transit parking bays shall be constructed by the Developer were necessary to augment and facilitate the operations of transit service to the Development and bicycle facilities. Prior to Phase 2B, the Developer shall hire a part-time ride sharing coordinator who will be responsible for working with the area transit provider, conducting employee ridesharing campaigns within the Development, publicity, processing applications, and distributing transit and ridesharing information.
17. The Developer shall contract with LYNX to ensure that at least one route services the Development prior to any Phase 2C development approvals and this contract shall be expanded as necessary to accommodate any additional buses that LYNX determines are necessary to fully service any increased ridership to the site. Should LYNX determine that other sites are desirable to better serve the increased traffic at the Development, the Developer shall accommodate this need. The Developer shall provide educational and promotional literature to the residents of the Development to encourage the use of transit operations. Private or public agency transit other than LYNX may also satisfy this condition.
18. The Developer shall provide one or more park and ride lots either on site or purchase and construct a site for use as a rideshare lot to lessen the overall impacts on regional roadways. Onsite lots shall accommodate at least 100 vehicles and may be shared with parking for commercial land uses and shall be coordinated with future transit service to the Development. The applicant shall coordinate with the County, FDOT and LYNX to accomplish this requirement. This recommendation is not intended to require more parking spaces than is normally required by the County. These lots may be designated on a proportional basis as the retail areas are developed.

N. Planning and Design Features.

1. Primary Design Feature: Outside of the Commercial District, the Developer shall promote compact urban growth through complementary mixes of residential and non-residential uses of on-site and off-site adjacent and proximate parcels, based on the Traditional Neighborhood Development concept. All site plan approvals outside the Commercial District shall require consistency with the applicable Conceptual Master Plan and the Regulating Document. Development within the Commercial District shall apply

Commercial District Development Standards, and shall be consistent with the Conceptual Master Plan, this DO, the County PUD Ordinance, the County Comprehensive Plan, and the County land development regulations.

- (a) That portion of the Development outside of the Commercial District is proposed and is approved as a demonstration of innovative development design. Any future proposal to use anything other than the Traditional Neighborhood Development principles for any portion of the Development outside the Commercial District shall constitute a substantial change of the plan of development pursuant to Rule 9J-28.024, F.A.C., without the need for a finding of the same under that rule.
- (b) For the purposes of determining affordability of housing the following definitions shall apply:
 - (1) Median Household Income: Lake County 2002 median income for a four person household is \$54,700 based on 2002 U.S. Department of Housing and Urban Development (HUD) data. This figure shall be adjusted as new HUD income figures become available.
 - (2) Very Low Income Household is a household where the aggregate household income is less than 50% of the median.
 - (3) Low Income Household is a household where the aggregate household income is less than 80% of the median.
 - (4) Moderate Income Household is a household where the aggregate household income is less than 120% of the median.
 - (5) Housing is considered affordable when the monthly cost of rent including taxes and utilities does not exceed 30% of the monthly household income, or when the total cost of a unit for purchase does not exceed 2.5 times the gross annual income for the household.
 - (6) Housing affordable to Very Low Income Households in Lake County is \$683.75 monthly for rent or a purchase price of approximately \$68,375
 - (7) Housing affordable to Low Income Households in Lake County is \$1,094 monthly rent or a purchase price of approximately \$109,400.
 - (8) Housing affordable to Moderate Income Households in Lake County is \$1,641 monthly for rent or a purchase price of approximately \$164,100.
 - (9) All figures are based upon 2002 data.

(c) The Development will provide affordable housing through the following means:

- (1) Ultimately at least 50% (4,000) of the 8,000 dwelling units developed in the Development shall be affordable to households with incomes in the Moderate category. Of these 4,000 dwelling units, 40% (1,600) shall be affordable to households with incomes in the Low category and the remaining 60% (2,400) shall be affordable to households with incomes in the Moderate category.
- (2) Each year, at least 50% of the dwelling units built shall be affordable to households with incomes at or below 120% of the median, i.e. in the Moderate category. If in any given year more than 50% of the units are affordable to households with incomes in the aforesaid Moderate category, those units in excess of the required 50% shall be credited to the total of such required units for the following year.
- (3) Before any residential building permits can be issued beyond 4,000 residential dwelling units, at least 50% (or 2,000 units) shall be affordable to households with incomes at or below 120% of the median, i.e. in the Moderate category. Thereafter, before residential building permits can be issued for units beyond 5,000, 6,000, and 7,000, at least 50% of the residential units for each 1,000 unit increment (or cumulatively for the total number of units including the additional 1,000 units) shall be affordable to households with incomes at or below 120% of the median, i.e. in the Affordable category.
- (4) Before any residential building permits can be issued beyond 4,000 residential dwelling units, at least 20% (or 800 units) shall be affordable to households with incomes at or below 80% of the median, i.e. Low Income category. Thereafter, before residential building permits can be issued beyond units 5,000, 6,000, and 7,000, at least 20% of the residential units for each 1,000 unit increment (or cumulatively for the total number of units including the additional 1,000 units) shall be affordable to households with incomes at or below 80% of the median, i.e. Low Income category. This 20% may be part of the Developer's responsibility under the preceding paragraphs.
- (5) Each annual report will include a table in the same form as those tables provided in the Application under Question 32A providing the number, type, size, and cost of housing units constructed and occupied during the reporting year and show the number of residential units built each year, or cumulatively, which are affordable to households with incomes at or below the Affordable category, and the number of residential units built each year which are affordable to households with incomes at or below the Low Income category.

2. Secondary Design Features: Transportation System Management (TSM): The Development shall be developed in accordance with the representations found in the Application, including comprehensive transportation system management (TSM) features. At a minimum, the Development shall:
 - (a) be built to design standards that facilitate pedestrian and bicycle movement within the Development, including sidewalks and pedestrian paths, pedestrian friendly crosswalks and intersections, safe and convenient bicycle corridors, and convenient storage facilities for bicycles;
 - (b) be built to design standards that allow the introduction of mass transit, including sheltered bus stops; and
 - (c) facilitate and encourage car pooling and ride sharing.
3. Water Conservation: Water-saving plumbing devices as specified in the Water Conservation Act, Section 553.14, Florida Statutes, (1991) shall be used in all construction in order to reduce water consumption and waste. Irrigation water used within the Development shall be treated effluent, if and when such is made available; and if not available either groundwater or wells shall be used.

In order to reduce irrigation water demand, xeriscape landscaping, as defined by the South Florida Water Management District, shall be implemented where appropriate. Except where treated effluent is used for irrigation, landscaping shall be accomplished with native or drought-tolerant vegetation adapted to soil and climate conditions within the Development, and all newly-planted trees shall be native or drought-tolerant species.

4. Hazardous Waste Collection: The Developer shall sponsor a hazardous and toxic substances management and disposal plan for both residential and non-residential facilities in conjunction with the State or the County amnesty days programs. Before certificates of occupancy will be issued for housing units in excess of 1,000 units, the plan shall be submitted to the DEP, the SJRWMD, the Department, and the County. The Department and the County will approve the plan or return it to the Developer within 45 days for modifications. For the purposes of this plan the definitions for hazardous substance, hazardous waste, and toxic substance shall be at Rule 9J-28.002(13), (14), and (27), F.A.C., respectively. At a minimum, the plan shall:
 - (a) prohibit the production or disposal of any toxic or hazardous substance pursuant to Rule 9J-28.009(2), F.A.C.;
 - (b) require disclosure by all owners or tenants of the Development of all non-significant amounts of hazardous substances or waste [as defined at Rule 9J-28.009(2), F.A.C.] proposed to be stored, used, or generated on site;

- (c) provide minimum standards and procedures for proper maintenance, operation, and collection of non-significant amounts of hazardous substances and waste;
 - (d) provide an opportunity for a community collection day for household hazardous waste collection;
 - (e) include an education component for the tenants or owners and employees which shall outline and encourage the use of the recommended procedures and the collection system;
 - (f) be incorporated into the Development by including it as part of any lease or sale agreement.
5. Recycling of solid waste: At the time that the County commences solid waste recycling that includes the Development, documentation shall be provided to the Department and the County that a solid waste recycling plan is in effect in the Development. The Recycling Plan shall contain the following components:
- (a) specific information on the placement of containers for recyclable wastes non-recyclable wastes;
 - (b) efforts that will be made to educate Development residents of the importance of recycling;
 - (c) methods by which the contamination of a recyclable wastes container through the introduction of non-recyclable or other recyclable wastes will be prevented; and
 - (d) monitoring provisions to measure the success of the plan.
6. Promotion of cultural and educational activities: the Developer will promote cultural and educational activities through the provision of prominent sites within the Development for public buildings including educational facilities and cultural centers. A reduction in amount of land designated on the Conceptual Master Plan, Map H, as Civic Activity Center, Neighborhood Square, or Parks by more than 5 percent shall constitute a substantial change herein.
7. Care for the elderly: Cagan Crossings will provide 90 housing units for the very low income elderly.
8. Other planning and design features: Except in the Commercial District, the Development will include public buildings and squares, traditional neighborhood street spaces and recreation areas throughout, bicycle and pedestrian paths, preservation of environmentally sensitive land and water, and a mix of housing opportunities within a multi-use community.

9. The County has previously established a District, pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended, which gives the Developer a public management entity, with related financing powers, as an alternative way to solve the concurrency, growth management, and DO requirements and conditions for development approval, as specifically related to the management, planning, implementation, maintenance, and financing of infrastructure. To date the District has remained inactive.

**PART V. DEVELOPMENT ORDER AND PUD
ORDINANCE AMENDMENTS; CONFLICTS**

It is the purpose and intent of the Reviewing Entities that this DO shall continue in full force and effect except as has been specifically altered by any changes or amendments to the original DO. Such changes or amendments shall be identified as such and shall be recorded among the current public records of Lake County, Florida. In addition, all such changes shall be reviewed and are subject to the requirements of the County comprehensive plan and Department rules and regulations in effect at the time the proposed changes are submitted. Any changes to the PUD Ordinance may be accomplished without the need to amend this DO. Applications for changes to the PUD Ordinance shall be submitted to the Department and ECFRPC, for comments to the County regarding consistency of the proposed PUD Ordinance changes with this DO. As noted previously, to the extent that there are any conflicts between the documents referred to herein including the PUD Ordinance and the DO, the terms and conditions of this DO shall govern, control and prevail as to any such conflicts.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Date

Director, Division of Community Planning

**EXHIBITS TO CAGAN CROSSINGS FQD
DEVELOPMENT ORDER, SIXTH AMENDMENT**

Exhibit A: Legal Description

Exhibit B: Wetland and Habitat Maps

- p.1 DEP jurisdictional wetlands to be preserved in perpetuity (approximately 8 acres)
- p.2 Animal habitat preservation conservation areas
- p.3 Xeric oak preservation areas
- p.4 Updated threatened and endangered species and upland buffers and preservation areas

Exhibit C: Energy Conservation Plan

Exhibit D: Regulating Document

Exhibit E: Commercial District Development Standards

Exhibit F: Cagan Crossings FQD Phasing Table

Exhibit G: Cagan Crossings Commercial Floor Area Table

Map H: Conceptual Site Plan

Attachment B. (2 Pages)



LAKE COUNTY
FLORIDA

November 22, 2016

Dan Pennington
Florida Department of Economic Opportunity
107 E. Madison Street
Tallahassee, Florida 32399
By Email: dan.pennington@deo.myflorida.com

RE: Notice of Proposed Changes (NOPC) - Cagan Crossings FQD (NOPC-2016-02-1)
Project No. 2004010001, Application Request No. 2973

Dear Mr. Pennington,

This letter is to notify you that the Lake County Development Review Staff has reviewed the Cagan Crossings Notice of Proposed Changes (NOPC) made to the Department of Economic Opportunity (DEO).

We offer the following comments regarding the NOPC application:

Planning & Zoning Division

1. Please ensure that the 71-acres of civic and cultural uses specified in Section C.1 of the Fifth Amended and Restated Development Order remains in the Development Order (DO).
2. Please revise Section N.1(c) of the proposed DO amendment pertaining to affordable housing. This section contains the original DO language and references the number of previously approved dwelling units.
3. Section F.5. of the current DO requires "Buffer areas of native transitional and upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands." Policy III-2.2.7 *Protection of Shorelines*, contained within Lake County's 2030 Comprehensive Plan, requires new development to maintain a minimum setback of 50 feet from the mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward.
4. Many provisions contained within the DO are specific to the 242 acre parcel to be removed from the FQD. We recommend eliminating these conditions or revising the conditions to accurately reflect the proposed Cagan Crossings boundary.

PLANNING AND ZONING | A division of the Department of Economic Growth
P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343.9641 • F 352.343.9767
Board of County Commissioners • www.lakecountyfl.gov

TIMOTHY I. SULLIVAN
District 1

SEAN M. PARKS, AICP, QEP
District 2

JIMMY CONNER
District 3

LESLIE CAMPIONE
District 4

WELTON G. CADWELL
District 5

Public Works

Please see the enclosed letter from William White dated August 3, 2016.

Should you have any questions or concerns, please contact me at 352-343-9641, email me at mjaniszewski@lakecountyfl.gov or you may visit our office Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Sincerely,

Tim McClendon
Planning & Zoning Division Manager

Enclosures: Letter from William White dated August 3, 2016

cc: File
Tim McClendon, Planning Manager, LCBC tmclendon@lakecountyfl.gov
Steve K. Greene, AICP, Chief Planner, LCBC sgreene@lakecountyfl.gov
Fred Milch, AICP, Project Review Coordinator, East Central Florida Regional Planning Agency, fmilch@ecfrpc.org
Dan Pennington, Department of Economic Opportunity, dan.pennington@deo.myflorida.com



August 3, 2016

Mr. Steve K. Green, AICP
Chief Planner
Lake County Department of Economic Growth
Planning and community Design Division
315 W. Main St., 5th Floor
Tavares, FL 32778

RE: Sixth Amendment to the Cagan Crossings FQD, DO

Dear Mr. Green:

The Lake County Dept. of Public Works has reviewed the NOPC for the Cagan Crossings FQD, in southeast Lake County. Our responses to the applicants NOPC is as follows:

County Comment:

1. Revise Cagan Crossings DO, Section M.13., to reflect the adjustment for the removal of the 242 acres. The last sentence regarding two additional locations along the southern boundary, should be revised to identify a second roadway to the East adjacent to and along the Southern boundary.

County Comment:

2. Revise the Master Development Plan, Map H, to depict the north south road connection to the adjacent development to the north and adjacent to the 40 +/- acre school site.

County Comment:

3. Provide documentation of access easement for School site to US 27 signal at Cagan Crossings Blvd and along north/south road. Additionally, provide the agreement between Cagan Crossings FQD and Summer Bay DRI granting ingress and egress to Summer Bay DRI along Cagan View Road at the southern boundary.

If you need additional information or have questions, please call me 352-253-9053 or email:
wwhite@lakecountyfl.gov

Sincerely,

William K. White, P.E.
Development Review

Copy: Noble Olasimbo, AICP
Tim McClendon, Lake County Planning Department

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