

Saratoga Springs Development of Regional Impact

Application to Abandon

Prepared for

**Peters Creek Investments, LLP
Reinhold Corporation**

**Prepared by
SLF Consulting, Inc.**

July 2, 2021

**APPLICATION FOR ABANDONMENT
SARATOGA SPRINGS DEVELOPMENT OF REGIONAL IMPACT**

[The format of this application is substantially the format applicable to the abandonment of a DRI prior to the repeal of the review of actions related to a DRI at the regional and state level in 2018.]

The Saratoga Springs Development of Regional Impact (DRI) Development Order is a 2,442 acre mixed use project approved by Clay County Resolution 06/07-12 on October 24, 2006 (the DO). At the time of approval Peters Creek Investments, LLP (PCI) was the owner of 2,430.87 acres within the DRI and the Reinhold Corporation (Reinhold) was the owner of the balance of the acreage (11.13 acres). In 2016, 20.9 acres within the boundary of the property subject to the Development Order were conveyed to the Clay County School Board for Elementary School “R” and the parcel was removed from the boundary of the DRI, reducing the land area subject to the Saratoga Springs DRI Development Order to 2,421.1 acres (the DRI Property). In 2020, 5 acres of the original DRI was conveyed to the Clay County Utility Authority (CCUA) for a water treatment facility; this parcel remains within the boundary of the DRI. At the time of this application, the DRI includes 2,421.1 acres with ownership split as follows:

Peters Creek Investments, LLP	2,404.97 acres
Reinhold Corporation	11.13 acres
Clay County Utility Authority	5.00 acres

Approved for mixed use development in 2006, no development has occurred within the Saratoga Springs DRI boundary since adoption in 2006.

The regulation of ‘large’ projects has changed since adoption of the Saratoga Springs DRI Development Order; statutory changes in 2015 and 2016 eliminated the DRI review process for new proposed developments that exceed the DRI thresholds, effectively eliminating the creation of new DRIs in Florida, but retained the process for review of already approved DRIs like Saratoga Springs. Effective April 9, 2018, the statutory provisions in Chapter 380, Florida Statutes, were amended again to eliminate the review process regarding changes to existing DRIs. Amendments to development orders for existing DRIs are now being considered by the local governments that issued the development orders, without state and regional review, pursuant to their local development review procedures. Clay County reviews amendments to existing development orders and amendments to a rezoning ordinance and, as required, reviews amendments to the comprehensive plan under the state expedited review process.

This application to abandon the Saratoga Springs Development of Regional Impact is filed pursuant to Section 380.06 (11), Florida Statutes:

(b) If requested by the owner, developer, or local government, the development-of-regional-impact development order must be abandoned by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies. All development following abandonment must be fully consistent with the current comprehensive plan and applicable zoning.

Development Following Abandonment

After abandonment, there will be no standards to apply to future development of the Property because the Planned Community land use in Clay County and the PUD Zoning District applicable to the Property references the DRI Development Order to establish the uses and density and intensity of development, the very document that is abandoned. To establish the standards for density and intensity of use, type of use and development standards, concurrent with this application to abandon PCI and Reinhold and the CCUA (the Owners) have submitted a companion amendment to the 2040 Comprehensive Plan and a rezoning application seeking to re-entitle the Property (the Entitlement Plan). To maintain continuity of development standards, the abandonment of the DRI will be effective upon the effective date of the comprehensive plan amendment that changes the land use categories applicable to the Property.

The Entitlement Plan seeks to apply the land use categories of the 2040 Comprehensive Plan to the DRI Property such that, when applied to future development of the DRI Property, the development following abandonment will be fully consistent with the comprehensive plan and (then) current zoning applicable to the DRI Property.

The proposed comprehensive plan amendments are subject to state coordinated review pursuant to Section 380.06 (12), Florida Statutes because the proposed development after abandonment will exceed 100 percent of the statewide guidelines and standards adopted by the Legislature for the level of development that would previously have required review as a development of regional impact. Consistent with this requirement, the proposed amendments to the 2040 Comprehensive Plan seeking to change the land use designation for the Property have been submitted by the Owners for review pursuant to Section 163.3184(4), Florida Statute and the Clay County Land Development Regulations.

Reason for Seeking to Abandon

The proposed abandonment will remove a repealed regulatory requirement from application to future development of the DRI Property. After abandonment, the Property's future land use designation, zoning classification and related land development approvals will regulate allowable uses as well as development densities/intensities and other related requirements, consistent with the County's Land Development Code as it applies to all other development with the same land use and zoning designations in the County. The need for additional regulation to insure a quality development and mitigation of impacts has been eliminated under the proposed entitlement plan as outlined below and in the more detailed discussion that follows.

Effect of Abandonment

As summarized in the following discussion and briefly below, the effect of abandoning the Saratoga Springs DRI on the environment, community facilities, transportation system and school system will be minimal. When the DRI was approved in 2006, the Lake Asbury Master Plan was in final form but had not yet been approved. The majority of the conditions applied to Saratoga Springs DRI under its 2006 Development Order are now adopted in the Lake Asbury Master Plan and will apply to the DRI Property under the entitlement plan which proposes to apply LAMP land use designations land currently in the DRI and west of Peters Creek and under a PUD Zoning District applicable to the east side of Peters Creek (the "Entitlement Plan").

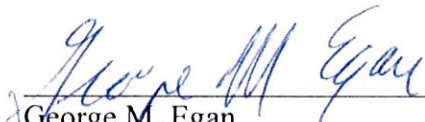
- Upland buffers to Peters Creek applied in the DO are the same as will be applied under the LAMP
- Wildlife crossings required in the DO will be provided when the First Coast Connector crosses Peters Creek.
- Wetland conservation is provided under the LA Greenway and Conservation land use designations to the same level as provided under the DO.
- Logging and silviculture restrictions in the DO are the same as those applied to the LA Greenway and Conservation land use designations.
- The regulations applicable to development within the floodplain/flood hazard areas of the DRI Property are the same under the Entitlement Plan as would be applicable under the DO.
- The level of service standards for potable water, sanitary sewer, solid waste and drainage that are in the DO are the same as those that will apply under the Entitlement Plan.
- Reclaimed water will be available to the DRI Property for all future development under the proposed entitlement plan; this resource was not available when the DO was approved in 2006.
- Mitigation of transportation impacts associated with future development will now be accomplished by the construction of the FCC by Clay County (east of the First Coast Expressway) and the construction of the CR 218 Extension by the Reinhold Corporation (west of the FCE). These improvements, totaling \$52,403,510 (2005 dollars) were an obligation of the DRI, to meet the DRI's transportation proportionate share mitigation obligation of approximately \$22.3 million. The improvements would have been built by the DRI Developer in phases after the initial 800 residential units were constructed. If they had been constructed by the DRI Developer, mobility fee credits would be granted for the value of the improvements (\$82.9 million in 2021 dollars).
- The projected mobility fee obligation for the future development under DRI entitlements is \$31.6 million (2021 fee rate); for the Entitlement Plan the projected mobility fee obligation is \$59.4 million.
- Sites committed in the DRI for fire /rescue and library use (civic) under the DO are available in the Village Center under the Entitlement Plan.
- Park land in excess of that required under the DO will be provided under the Entitlement Plan.
- Bike/Pedestrian connections required in the DO are required in the Entitlement Plan pursuant to the Lake Asbury Master Plan standards.
- The elementary school and junior high school sites committed in the DRI are relocated and redesignated under the Entitlement Plan for a K-8 and Senior High School after coordination with the School Board.

**APPLICATION TO ABANDON
SARATOGA SPRINGS DEVELOPMENT OF REGIONAL IMPACT**

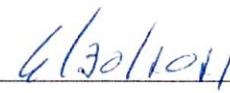
I, George Egan, the undersigned owner or authorized representative of Peters Creek Investments, LLP (“PCI”) hereby requests that the Clay County Board of County Commissioners issue a notice of abandonment for the Development of Regional Impact (DRI) which was issued by approval of Resolution 2006/067-12 on October 24, 2006 for the Saratoga Springs development. I agree to record the notice of abandonment, in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for Clay County.

I hereby certify that the plan of development identified in the development order as a DRI will no longer be pursued.

I hereby certify that all information submitted with and pursuant to this application of abandonment of the DRI is true and correct to the best of my knowledge and belief and that on this date a copy of this application has been submitted to Clay County.



George M. Egan
Managing Representative



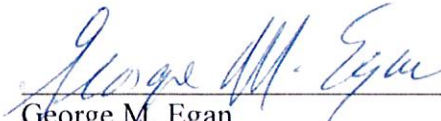
Date

**APPLICATION TO ABANDON
SARATOGA SPRINGS DEVELOPMENT OF REGIONAL IMPACT**


I, George Egan, the undersigned owner or authorized representative of the Reinhold Corporation (“Reinhold”) hereby requests that the Clay County Board of County Commissioners issue a notice of abandonment for the Development of Regional Impact (DRI) which was issued by approval of Resolution 2006/067-12 on October 24, 2006 for the Saratoga Springs development. I agree to record the notice of abandonment, in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for Clay County.

I hereby certify that the plan of development identified in the development order as a DRI will no longer be pursued.

I hereby certify that all information submitted with and pursuant to this application of abandonment of the DRI is true and correct to the best of my knowledge and belief and that on this date a copy of this application has been submitted to Clay County.



George M. Egan
President



Date

**APPLICATION TO ABANDON
SARATOGA SPRINGS DEVELOPMENT OF REGIONAL IMPACT
Supplemental Information**

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

No development has occurred and no infrastructure has been completed on the DRI Property. 20.9 acres of land was conveyed to the Clay County School Board in 2016 for Elementary School “R” (the “School Board Property”) from the property that was originally subject to the DRI Development Order; an amendment to the DRI Development Order excluded the School Board Property from the boundary of the DRI, releasing development of the elementary school from any requirements of the DRI (ORD 2016-21).

Five (5) acres of land within the DRI were conveyed to the Clay County Utility Authority in 2020 for the construction of a water treatment facility. Improvement of the CCUA site may commence prior to the end of 2021. Public utility use is permitted under the Saratoga Springs DRI Planned Unit Development Zoning District and will continue to be a permitted use under the Master Planned Community land use and zoning designation proposed in the Entitlement Plan.

2. Identify the amount of development that is planned (after abandonment) including the amount of vertical development by land use in gross square feet, dwelling units, or other applicable units of measure.

The following maximum development is permitted under the proposed land use categories requested for the Property by amendment to the 2040 FLUM

LA Master Planned Community	1,430	acres
LA Village Center	46	acres
LA Greenway	350	acres
Rural Fringe	386	acres
Mixed Use	90	acres
Commercial	42	acres
Conservation	77.1	acres

**Proposed Maximum Entitlements by Phase
Saratoga Springs 2040 Future Land Use Entitlements**

Land Use	Units	Phase I	Phase II	Total
		January 1, 2022 to July 25, 2036	After July 25, 2036	
Residential	DU	6,689		6,689
Commercial Retail/ Service/ Office	SF	500,000	1,754,361	2,254,361

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

*A Formal Wetland Determination Number 97858-5 was issued by the St. Johns River Water Management District on September 12, 2016. An application to extend this permit to 2025 was filed with the SJRWMD in June 2021. A copy is provided in **Exhibit C**.*

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

All tracts of land within the original DRI Property are undeveloped. One tract of land within the DRI Property was conveyed to the Clay County Utility Authority in 2020 for a utility site and is undeveloped. A 20.9 acre tract of land was conveyed to the Clay County School District for an elementary school from property that was originally subject to the DRI Development Order and was subsequently removed from the DRI boundary pursuant to Ordinance 2016-21. The school property is undeveloped.

- Identify any material adverse impacts for the development on any existing resources or existing or planned facilities and the mitigation of these impacts.

No development has occurred within the DRI Property. There have been no adverse impacts associated with development of the DRI Property

The material impacts of future development of the DRI Property will be regulated by Clay County in the application of the goals, objectives and policies of its comprehensive plan and application of its land development regulations to specific development proposals.

Development of the DRI Property will be subject to permitting by the environmental regulatory agencies with jurisdiction (SJRWMD, FDEP, and ACOE).

The following exhibits are provided:

Exhibit A Approved Map H, Saratoga Springs

Exhibit B Proposed Land Use Entitlements

Exhibit C Permits Applicable to the DRI Property

Exhibit D Undeveloped Tracts

Exhibit E

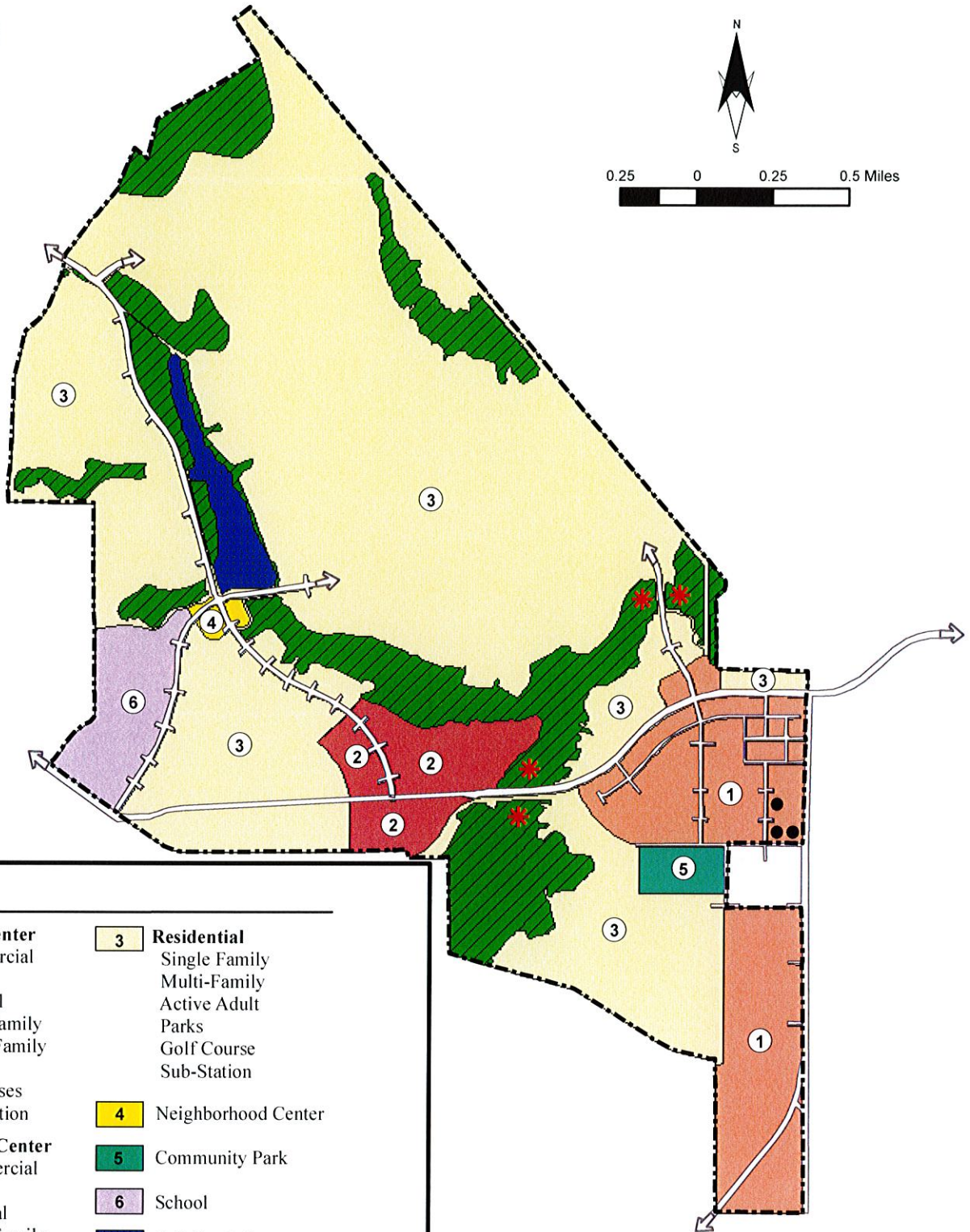
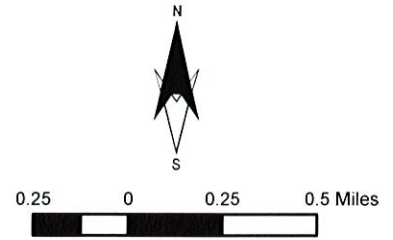
A certification of concurrence with abandonment from all DRI Property owners who were owners at the time of the development order (DO) approval. The DRI Property owners at the time of the development order were Peters Creek Investments, LLP and the Reinhold Corporation (11.13 acres)

Exhibit F

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

Exhibit A
Approved Map H
Saratoga Springs DRI

EXHIBIT 1



LEGEND

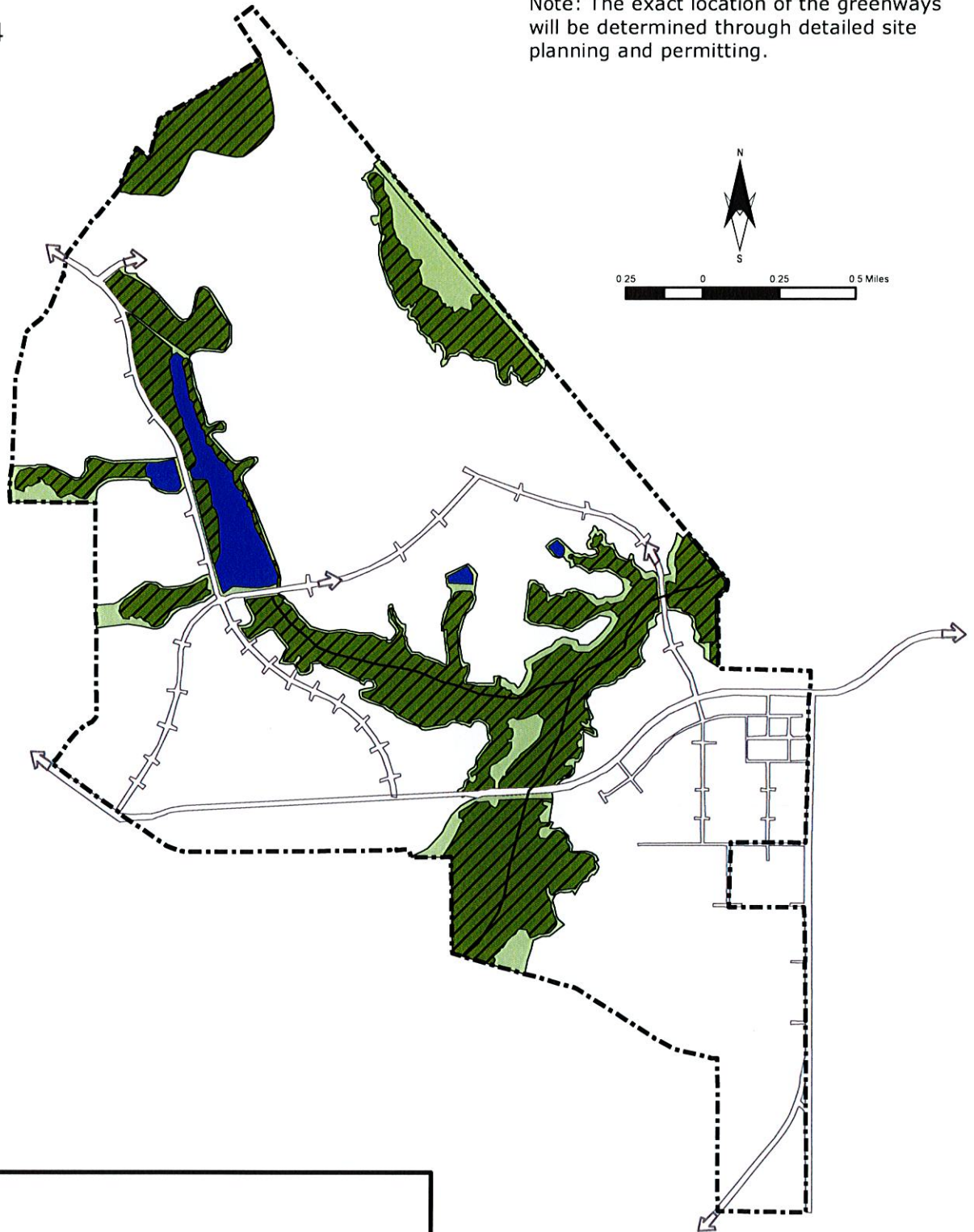
<p>1 Town Center Commercial Office Hospital Multi-Family Single Family Parks Civic Uses Sub-Station</p> <p>2 Village Center Commercial Office Hospital Multi-Family Single Family Parks Civic Uses Sub-Station</p>	<p>3 Residential Single Family Multi-Family Active Adult Parks Golf Course Sub-Station</p> <p>4 Neighborhood Center</p> <p>5 Community Park</p> <p>6 School</p> <p>Existing Lake</p> <p>Conservation</p> <p>● Existing Water Wells</p> <p>* Wildlife Crossing</p>
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□ Road

Notes:
 1. Civic Uses include private services and public ownership uses specifically permitted in the applicable PUD Zoning District.
 2. Proposed rights of way are shown for illustration only. Locations are subject to change.
 3. The boundaries of the wetland areas are subject to change based upon final surveys, master plan refinement and the conveyance of conservation easements to the SJRWMD.

EXHIBIT 4

Note: The exact location of the greenways will be determined through detailed site planning and permitting.



LEGEND

Saratoga Springs

Greenways

Upland Preserve

Wetland Preservation

Creeks (Open Water)

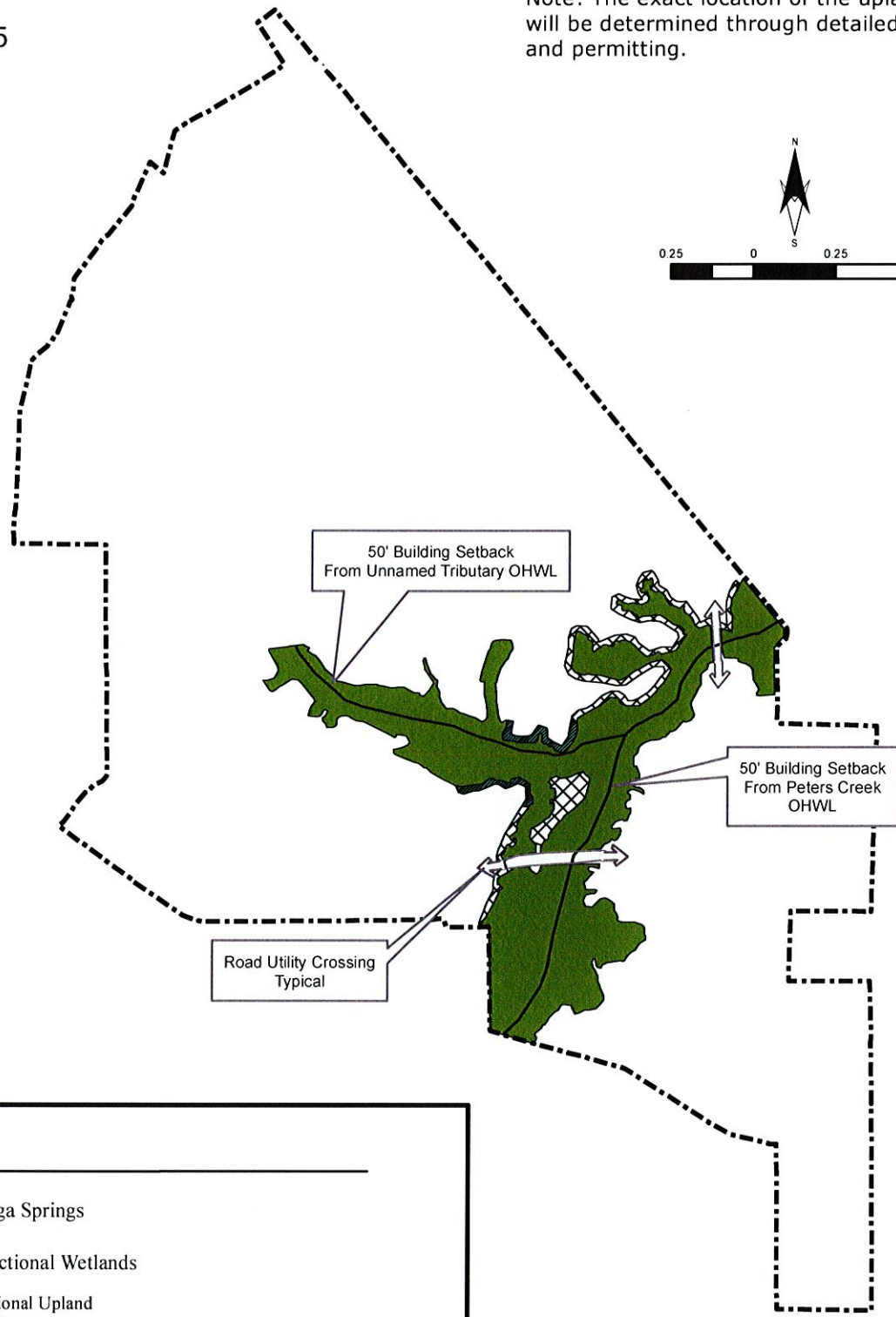
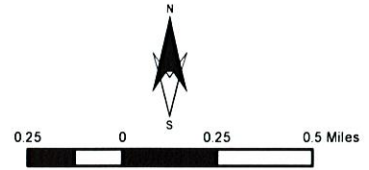
Road

**Saratoga Springs
Greenways Map**

Adopted: October 24, 2006
Revised: July 2016

EXHIBIT 5

Note: The exact location of the upland buffers will be determined through detailed site planning and permitting.



LEGEND

- Saratoga Springs
- Jurisdictional Wetlands
- Transitional Upland Buffer From Unnamed Tributary
- Average 100' Upland Buffer From Peters Creek
- Approximate Centerline of Creek and Unnamed Tributary (Not Field Verified)

OHWL - Ordinary High Water Line

Exhibit B

Proposed Land Use Entitlements

Exhibit B

**Saratoga Springs
Proposed Land Use Entitlements after Abandonment**

The maximum development potential on the Subject Property under the proposed amendments to the FLUM is based on the maximum permitted density, intensity and mix of uses by land use category:

	acres	res	non-res
LA MPC	1,272		
3 units per net acre		3,816	0
Public School Sites	77		
		0	0
LA VC	46		
50% residential at 8	23	184	0
40% comm /office @ 0.70 FAR	18.4	0	561,053
10% civic	4.6	0	0
LA Greenway	431		
		0	0
Rural Fringe	386		
3 units per net acre		1,158	0
Mixed Use	90		
60% Res at 24	54	1,296	0
750 SF / DU		0	961,500
Commercial	42		
0.40 FAR	0		731,808
Conservation	77.1	0	0

6,454 2,254,361

Exhibit C

Permits Applicable to the DRI Property

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

H.A. "HERKY" HUFFMAN
Enterprise

DAVID K. MEEHAN
St. Petersburg

KATHY BARCO
Jacksonville

RICHARD A. CORBETT
Tampa

BRIAN S. YABLONSKI
Tallahassee

ENNETH D. HADDAD, Executive Director
ICTOR J. HELLER, Assistant Executive Director

TIMOTHY A. BREAUULT, Director
DIVISION OF HABITAT AND SPECIES CONSERVATION
(850) 488-3881 TDD: (850) 488-9542

January 30, 2007

Mr. Kirk Wentland
LandMar Group, LLC
10739 Deerwood Park Boulevard, Suite 300
Jacksonville, Florida 32256

Re: Gopher Tortoise Incidental Take Permit
CLA-069, Clay County

Dear Mr. Wentland:

Enclosed is permit CLA-069 for the incidental taking of gopher tortoises, their eggs and their burrows within the development boundaries specified. The application for this permit was complete as of January 29, 2007.

Please contact me at (850)488-1653 if you have any questions regarding this permit.

Sincerely,

A handwritten signature in cursive script that reads "Richard D. McCann".

Richard D. McCann
Biological Scientist IV
Division of Habitat and Species Conservation

rdm/js
ENV 3-2/5
Enclosure
gtpermit.ltr

cc: Ms. Shannon Lahiff, Environmental Resource Solutions, Inc.
Clay County Planning Department

**PERMIT FOR TAKING OF GOPHER TORTOISES AND
THEIR BURROWS**

Chapter 68A-27.005(1)(a) F.A.C.

STATE OF FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Issuance Date: January 30, 2007

Permittee: LandMar Group, LLC
Permittee Address: 10739 Deerwood Park Boulevard, Suite 300
Jacksonville, FL 32256
(Attn: Mr. Kirk Wentland)

Consultant: Ms. Shannon Lahiff
Consultant Address: Environmental Resource Solutions, Incorporated
1597 The Greens Way, Suite 200
Jacksonville Beach, FL 32250

Permit Number: CLA-69

Location of Affected Site: the 2,442-acre Saratoga Springs site, including approximately 337.49 acres of occupied gopher tortoise habitat, situated south of C.R. 739B (Sandridge Road), west of C.R. 315, and north of C.R. 315A, within Sections 31 and 32, T5S, R26E; Sections 25, 26 and 36, T5S, R25E; and Section 6, T6S, T26E; Clay County (see Attachments 1 and 2).

Permitted Action: The permittee or its agents are authorized to take gopher tortoises, their eggs and their burrows within its development boundaries where such taking is incidental to development activities. The criteria of Rule 68A-27.005(1)(a), F.A.C., have been satisfied and the taking, as conditioned below, will not be detrimental to the survival potential of the species.

Provisions/Conditions:

1. The permittee shall contribute towards the acquisition of 80.21 acres of tortoise habitat by paying \$469,950.00 (\$5,859.00 X 80.21 acres) to the **FWC-Land Acquisition Trust Fund, Northeast Florida** account, of the Florida Fish and Wildlife Conservation Commission. Payment shall be sent to the **Florida Fish and Wildlife Conservation Commission, Post Office Box 6150, Tallahassee, FL 32314-6150**.
2. This permit will not go into effect until the permittee obtains a receipt from the FWC for the mitigation funds specified under condition #1. As described in the Notice of Rights Statement, issuance of this permit may be appealed by a concerned party within 21 days of the permittee's receipt of this notice. If a Petition for Administrative Hearing is timely filed within the prescribed time period, the permittee will be notified by the FWC. Upon such notification, the permittee shall cease all work authorized by the permit until the petition is resolved.
3. Receipt of payment must occur in a timely manner so that regional habitat conservation areas can be purchased. Payment shall be made within six months from the date of this notice. If complete payment of the prescribed mitigation funds is not received by the FWC within the specified time frame, this permit is subject to being voided.

4. This permit does not relieve the permittee from any other "taking" requirements by the U.S. Fish and Wildlife Service (USFWS) or the FWC as to other listed species. Specifically, this permit does not authorize any destruction of scrub jays or scrub jay habitat. Consultation with the USFWS should be sought if this species is present.
5. The permittee or its approved agents are authorized to move tortoises, at their discretion, within the property boundaries to minimize taking. This permit does not authorize the permittee or its agents to possess or move tortoises off the contiguous ownership of the permittee nor to move tortoises into areas previously authorized as a relocation site by a FWC permit. A separate relocation permit from the FWC shall be required for those activities.
6. This permit does not authorize any taking of gopher tortoises beyond that which is a direct result of development activities or the on-site movement of animals addressed in condition #5. Any other form of taking or relocation will require a separate permit from the Executive Director.
7. Either this original permit or a complete copy, with all applicable receipts, must be clearly posted at the affected site at all times while engaged in the permitted activities.
8. This permit is transferable to subsequent owners of the property.

Notice of Rights Statement: In accordance with Rules 28-5.111 and 28-6.008, F.A.C. and Section 120.60, F.S., any party may request a hearing on this matter pursuant to Section 120.57, F.S., by filing a completed Election of Rights form (copy attached) by certified mail, return receipt requested, with the undersigned within twenty-one (21) days of receipt of this notice. If timely requested and a hearing is granted, the hearing will be conducted under the procedures established by Section 120.57, F.S. A party will be given the opportunity to be represented by counsel or other qualified representative, to take testimony, to call and cross-examine witnesses, and to have subpoenas issued on your behalf.

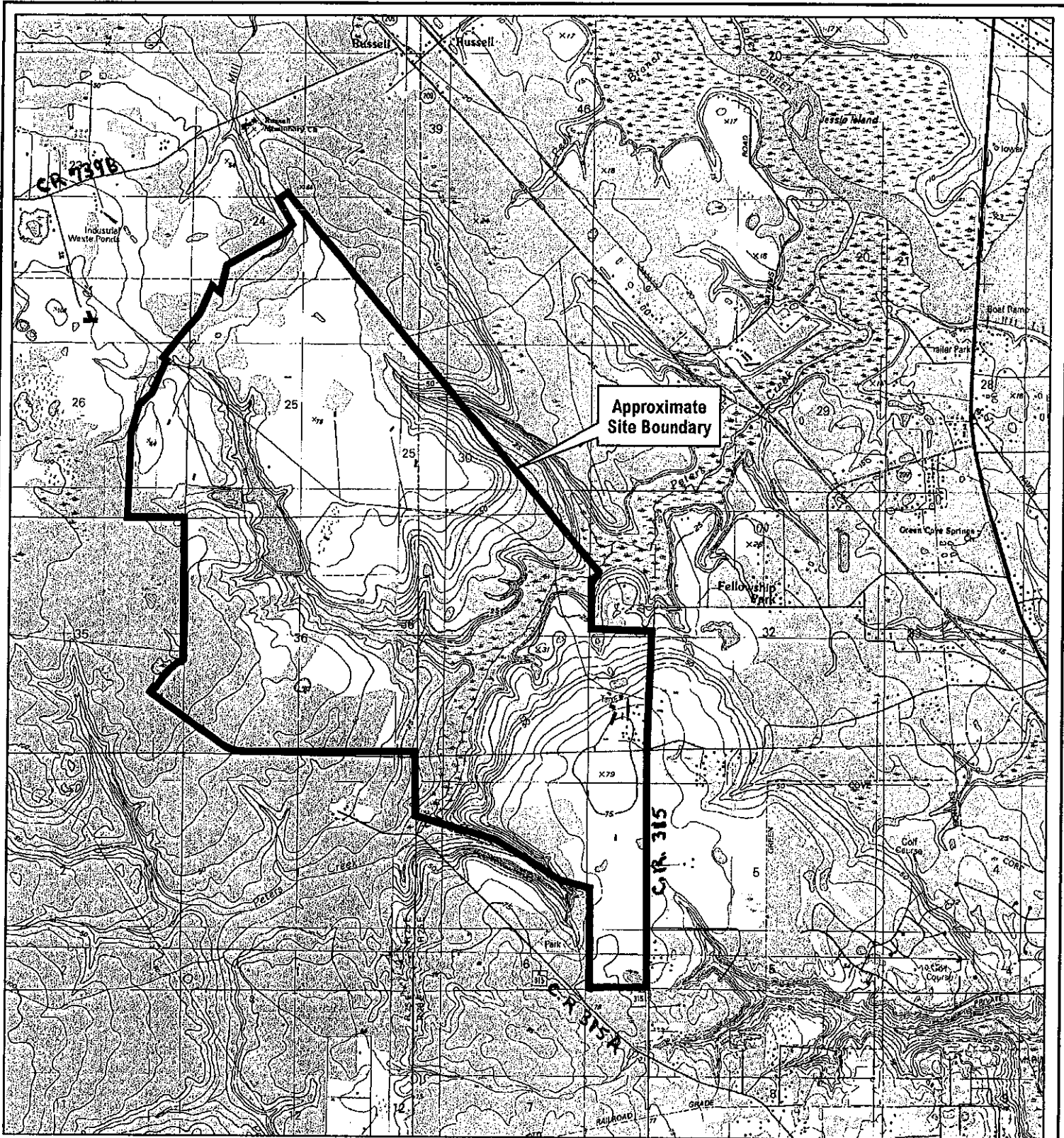
Kenneth D. Haddad
Executive Director

By: Richard H. McLean

gtcla-69
ENV 3-2/5

Attachments:

1. General location map
2. Project boundaries map
3. Notice of Rights form



Section:	31, 32	Section:	25, 26, 36	Section:	6
Township:	5 South	Township:	5 South	Township:	6 South
Range:	26 East	Range:	25 East	Range:	26 East



**Environmental
Resource
Solutions Inc.**
1597 The Greens Way,
Suite 200
Jacksonville Beach, FL 32250

Saratoga Springs Location Map

Source: USGS 7.5' Fleming Island & Middleburg,
FL Topographic Quadrangles

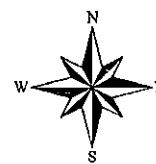
By: JK

Project No.: 03396

Exhibit No.: 1

Date: 2-14-05

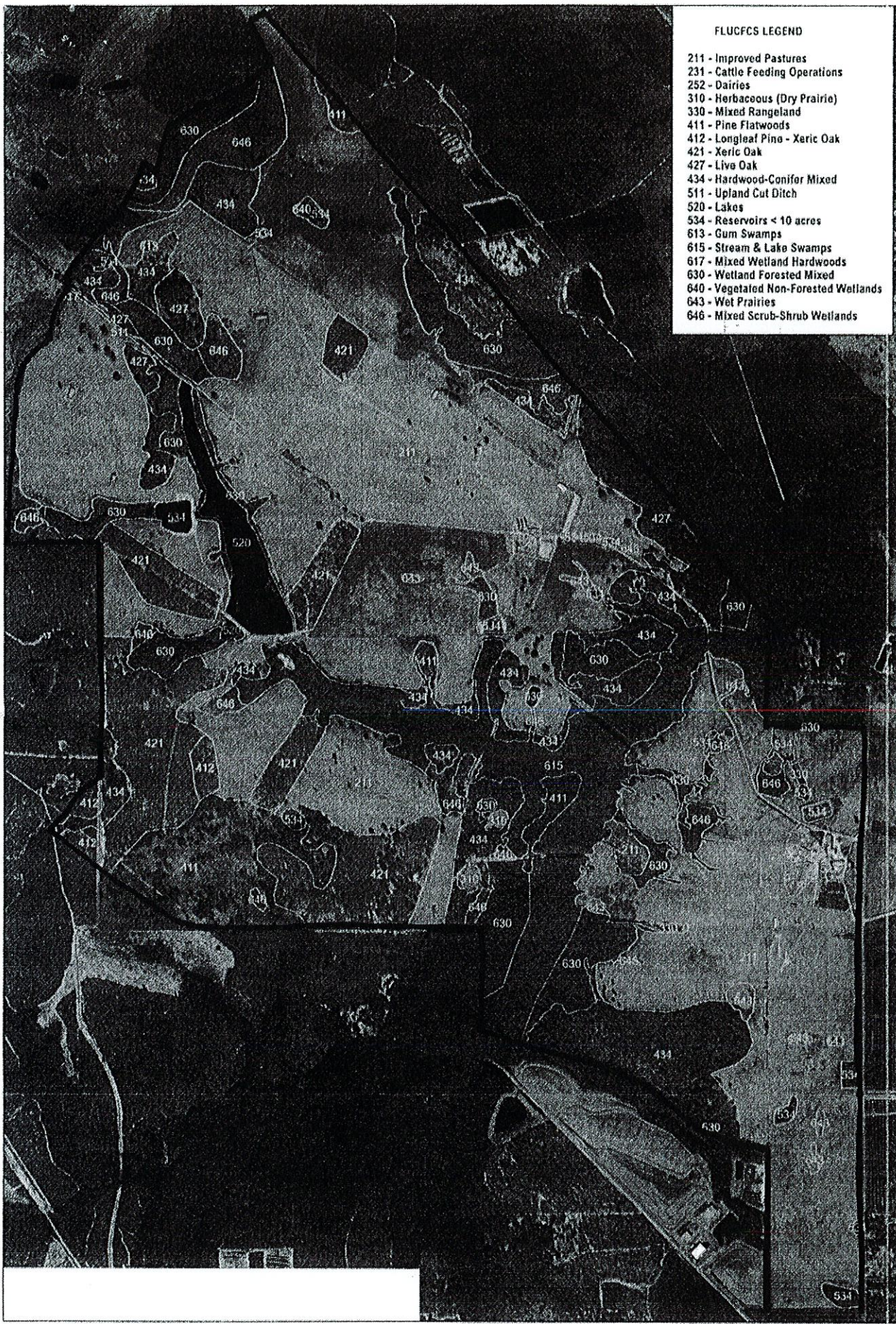
Rev. Date:



File Name: 03396 location8-11

FLUCFCS LEGEND

- 211 - Improved Pastures
- 231 - Cattle Feeding Operations
- 252 - Dairies
- 310 - Herbaceous (Dry Prairie)
- 330 - Mixed Rangeland
- 411 - Pine Flatwoods
- 412 - Longleaf Pine - Xeric Oak
- 421 - Xeric Oak
- 427 - Live Oak
- 434 - Hardwood-Conifer Mixed
- 511 - Upland Cut Ditch
- 520 - Lakes
- 534 - Reservoirs < 10 acres
- 613 - Gum Swamps
- 615 - Stream & Lake Swamps
- 617 - Mixed Wetland Hardwoods
- 630 - Wetland Forested Mixed
- 640 - Vegetated Non-Forested Wetlands
- 643 - Wet Prairies
- 646 - Mixed Scrub-Shrub Wetlands



0 1,400'

Note: All FLUCFCS boundaries are approximate.



Environmental Resource Solutions Inc.
 1647 The Greens Way,
 Suite 200
 Jacksonville Beach, FL 32209

**Saratoga Springs
 FLUCFCS Map**

Source: SJRWMD (2004)

By: JK

Project No.: 03396

Exhibit No.: 2

Date: 7-21-06

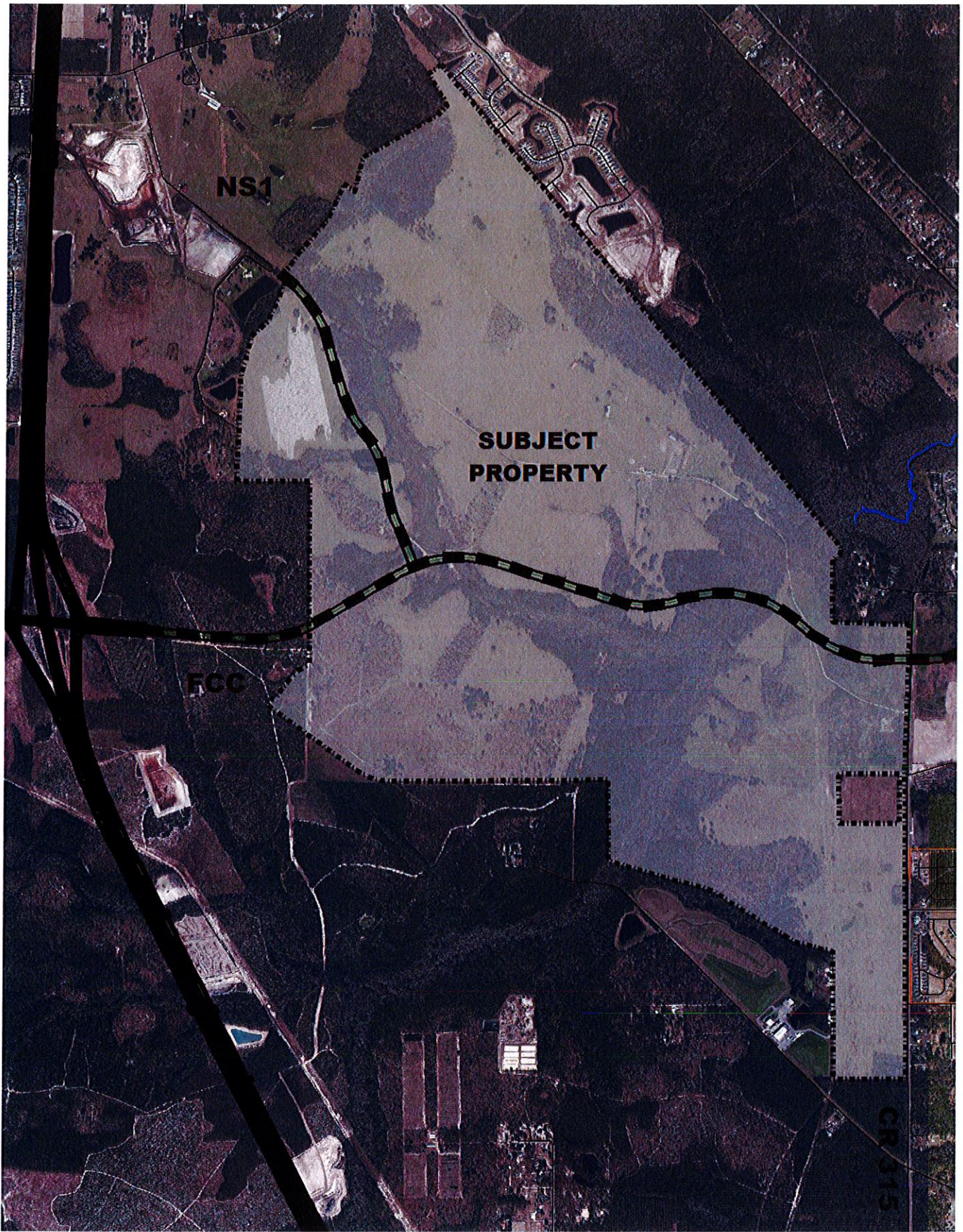
Rev. Date:



File Name: 03396fluc 7-21-06

Exhibit D

Undeveloped Tracts



Not To Scale



**Saratoga Springs
Aerial Photo**

July 2021

06-30-2021

Exhibit E

A certification of concurrence with abandonment from all DRI Property owners who were owners at the time of the development order (DO) approval. The DRI Property owners at the time of the development order were Peters Creek Investments, LLP and the Reinhold Corporation.

SIGNATORY CERTIFICATION

Peters Creek Investments, LLP and the Reinhold Corporation were the sole owners at the time of approval of the Development Order of all of the property identified as the approved Saratoga Springs Development of Regional Impact located in Clay County, Florida and whose development order was issued by Clay County pursuant to Resolution 06/07-12 on October 16, 2006.

I hereby concur with the request to abandon the above referenced DRI.

6/30/2021
Date

George M. Egan
George M. Egan
Managing Representative
Peters Creek Investments, LLP
1845 Town Center Parkway Suite 105
Fleming Island, Florida

I hereby concur with the request to abandon the above referenced DRI.

6/30/2021
Date

George M. Egan
George M. Egan
President
Reinhold Corporation
1845 Town Center Parkway Suite 105
Fleming Island, Florida

Exhibit F

LIST OF DRI CONDITIONS AND EVIDENCE OF ADHERENCE WITH SAME

The following Special Conditions of the Saratoga Springs DRI have been met or are not applicable (no development has occurred, resulting in no impacts):

SPECIAL CONDITION 15. Vegetation and Wildlife

The jurisdictional wetlands immediately adjacent to Peters Creek and its tributaries shown on Map H as Conservation shall be preserved, with the exact boundaries of preserved wetlands to be finalized by the Developer in conjunction with ERP process of the SJRWMD.

A formal wetland determination has been approved by the SJRWMD (**Exhibit C**) and remains effective through 2021, with an extension through 2026 under review.

Under the Entitlement Plan, preservation of wetlands specified as Conservation on Map H will occur pursuant to the policies of the 2040 Comprehensive Plan; within the LAMP, such areas are proposed to be designated in the Greenway land use and east of Peters Creek, as Conservation land use. Wetland preservation and impacts will be addressed by the SJRWMD and ACOE. Permits associated with future development will be approved pursuant to the applicable regulations at the time of development.

Vegetation and wildlife protection shall be afforded by the upland buffers provided in Special Condition 16(b) below.

No development has occurred on the DRI Property.

Under the Entitlement Plan, the same upland buffers established on the Upland Buffers Map of the DO (**Exhibit A**) will be applicable to major wetlands under the Entitlement Plan: within the LAMP boundary, buffers to the Greenway land use are established at 100 feet in width and buffers to the Conservation land use are required by the applicable regulatory agencies and Clay County.

Conserved wetlands and upland buffers will be protected by recorded conservation easements.

- (a) **Greenways.** Developer shall provide Greenways generally in the locations depicted in Exhibit 4 to the DO (**Exhibit A**).

No development has occurred on the DRI Property.

Exhibit 4 to the DO identifies wetlands and upland preservation lands committed in the DO. Under the Entitlement Plan, the limits of the major wetlands as determined by the Formal Determination approved by the SJRWMD that define the area depicted

as Greenways on Exhibit 4 of the DO will be designated under the Greenway land use designation on the Lake Asbury Master Plan FLUM. Upland buffers to the Greenway land use designation is established by LAMP policy at 100 feet. East of Peters Creek, the limits of the wetlands as determined by the Formal Determination approved by the SJRWMD that define the area depicted as Greenways on Exhibit 4 to the DO will be designated under the Conservation land use designation. Upland buffers to the Conservation land use designation is established by the SJRWMD and applied in site plan review by the County.

- (b) **Gopher Tortoises.** Prior to any development within the Project, if necessary the Developer shall obtain a Gopher Tortoise Incidental Take Permit or other applicable approval from the FWC.

No development has occurred on the DRI Property.

A Gopher Tortoise Take Permit was obtained on January 30, 2007 and the mitigation fee of \$ 469,950 has been paid. The permit allows impacts to gopher tortoise habitat and will apply to future development of the DRI Property.

- (c) **Wildlife Crossings.** Developer shall install wildlife underpasses for wetland dependent species at the time of construction of the two project roads in the location identified in the Master Development Plan, Map H.

No development has occurred on the DRI Property.

In lieu of the Developer, Clay County will construct the First Coast Connector (FCC) under its Mobility Improvement Program. The alignment of the two road projects subject to this Special Condition has been revised and the southernmost road and wildlife crossing as depicted on the Master Plan Map H is being eliminated.

The wildlife underpass required pursuant to this Special Condition for the road project that crosses Peters Creek within the DRI Property will be constructed by Clay County under the re-alignment of the FCC. The crossing will be accomplished by an elevated bridge section.

SPECIAL CONDITION 16. Wetlands

- (a) **Wetland conservation and wetland impacts.** Wetlands shall be preserved in accordance with Special Condition 15 above.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, wetlands will be preserved as described in Special Condition 15: “No development activities as defined in Section 380.04, Florida Statutes, except for activities permitted by the appropriate environmental permitting agencies, shall be allowed in any wetlands areas within the Saratoga Springs DRI. Wetlands impacts shall be mitigated through the regulatory process of the SJRWMD and the U.S. Army Corps of Engineers.”

The Stormwater Pollution Prevention (SPP) Construction Operating Plan adopted as Exhibit 6 to the DO applies the same SPP standards applied by the SJRWMD to permits issued today.

NPDES Permits will be obtained prior to construction that may affect wetland areas.

- (b) Upland Buffers.** An average 100 foot upland buffer shall be provided from the wetlands adjacent to the west side of Peters Creek (excluding tributaries) with a minimum buffer width of 50 feet. This upland buffer width shall apply to those areas depicted in Exhibit 5.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, the LAMP will apply the 100 foot upland buffers to a larger portion of the Greenway boundary than as provided in Exhibit 5.

Upland buffers for all other wetlands within the DRI shall be an average of 30 feet and a minimum of 20 feet provided that there shall be a minimum 25 foot buffer landward of the ordinary high water line of any creek or stream other than Peters Creek. Upland buffers shall be placed in a conservation easement in accordance with the permitting requirements of the SJRWMD.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, upland buffers to wetlands will be subject to the requirements of the SJRWMD and the Lake Asbury Master Plan.

- (c) Limitation on logging and silviculture operations.** No logging or other similar silviculture operations shall be conducted within the wetland areas to be conserved or within the required upland buffer areas.

No development has occurred on the DRI Property.

Under the Entitlement Plan, no logging or other silviculture operations are permitted in the Greenway or Conservation land use categories.

SPECIAL CONDITION 17. Stormwater Pollution Prevention

Construction activity shall be conducted in accordance with a Stormwater Pollution Prevention Construction Operating Plan.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, all construction activity shall be conducted in accordance with the requirements of Clay County and the SJRWMD as to soil erosion, sedimentation and siltation.

SPECIAL CONDITION 18. Water Quality Monitoring

The Developer shall establish 3 water quality monitoring stations in the locations specified in the Water Quality Monitoring Plan attached as Exhibit 7.

No development has occurred on the DRI Property.

SPECIAL CONDITION 19. Floodplains

All construction within the 100-year floodplain shall comply with all federal, state and local laws and regulations.

No development has occurred on the DRI Property.

Under the Entitlement Plan, all development within the 100-year floodplain (flood hazard area) shall be subject to permitting by Clay County pursuant to its Floodplain Management Ordinance.

SPECIAL CONDITION 20. Water Supply

- i. Development shall occur concurrent with the provision of adequate potable water service meeting the adopted level of service in the Clay County Comprehensive Plan.

No development has occurred on the DRI Property.

Under the Entitlement Plan, pursuant to Community Facilities Policy 1.1.1 of the 2040 Comprehensive Plan, all development will be subject to concurrency and will meet the level of service standards established for potable water.

- ii. Primary sources of irrigation for common areas and the golf course shall be a combination of reuse water and surface water withdrawals. Reuse water will be used for irrigation purposes for a given development parcel if available from the CCUA.

No development has occurred on the DRI Property.

Under the Entitlement Plan, pursuant to the policies of the CCUA, all development will utilize reuse water if available. No golf course is currently contemplated within the DRI Property.

- iii. Water conservation strategies will be incorporated into the construction, operations and maintenance phase of the development and shall be included in the covenants and restrictions.

No development has occurred on the DRI Property.

Water conservation strategies are now part of all SJRWMD permits. Water conservation strategies are applied by Clay County through its comprehensive plan

policies and through the Florida Building Code. The use of reclaimed water is the water conservation strategy for irrigation.

- iv. The Developer shall display information on waterwise and /or native vegetation and /or drought tolerant vegetation and other water conservation guides in a prominent location in its sales office.

No development has occurred on the DRI Property.

The landscape requirements of Article VI. of the Clay LDRs and those standards adopted pursuant to Conservation Element Policy 1.8.1 of the 2040 Comprehensive Plan will apply to all future development: The County shall develop the conservation of native vegetative communities such as: acquisition, easements, and incentive programs and shall encourage the application of native or xerophytic vegetation in landscaping for new development.

- v. The Developer shall implement a customer and employee water conservation education program as specified in the SJRWMD Consumptive Use (CUP) Permitting Applicant's Handbook. This condition may be satisfied by the water utility provider.

No development has occurred on the DRI Property.

The CCUA provides potable water to the DRI Property and holds the applicable Consumptive Use Permit. The CCUA has implemented all required water conservation measures under its Consumptive Use Permit.

- vi. On or before the first DRI monitoring report, the developer shall evaluate irrigated turf acreage and establish limits in associated with the authorized CUP.

No development has occurred on the DRI Property.

This condition is related to the proposed golf course and the lack of available reclaimed water to supply irrigation to the large turf area of the golf course at the time the Development Order was approved. Under the Entitlement Plan, while a permitted use in residential land use, no golf course is proposed. If a golf course is developed in the future, irrigation will be provided by a combination of reuse water and surface water withdrawals pursuant to permits with the CCUA under its CUP.

- vii. Prior to initiation of Phase 2, the developer will reanalyze the availability of reclaimed water for use in irrigation.

No development has occurred on the DRI Property.

Under the Entitlement Plan, the CCUA intends to supply reclaimed water for irrigation to all phases of development.

- viii. The three existing active wells within the DRI may continue to be used in accordance with SJRWMD rules regarding consumptive use.

No development has occurred on the DRI Property.

One existing well is active and is utilized for agricultural uses. The use of this well is permitted; its use will cease as development removes the agricultural uses on the Property. The locations of the remaining two wells are unknown. When located during construction, these wells will be closed and capped. The CCUA holds the Consumptive Use Permit that will authorize potable water for all development within the DRI Property.

- ix. At the time of site plan approval, the Developer will provide an overview of a comprehensive water conservation plan.

No development has occurred on the DRI Property.

The development will be subject to the requirements for water conservation adopted by Clay County and the SJRWMD.

SPECIAL CONDITION 21. Wastewater

Development shall occur concurrent with the provision of adequate wastewater service meeting the adopted level of service in the Clay County Comprehensive Plan.

No development has occurred on the DRI Property.

Under the Entitlement Plan, pursuant to Community Facilities Policy 1.1.1 of the Comprehensive Plan all development will be subject to concurrency and required to meet the level of service standard established for wastewater.

SPECIAL CONDITION 22. Stormwater Management

The surface water management system shall be designed in accordance with the applicable SJRWMD requirements. A CDD or HOA will be established to maintain the drainage system upon completion of each development parcel. Development shall use Best Management Practices for Erosion Control as required in the applicable NPDES Permit.

No development has occurred on the DRI Property.

Under the Entitlement Plan, all development will be subject to stormwater management permitting by the SJRWMD and Clay County. Under the Entitlement Plan, pursuant to Community Facilities Policy 1.1.1 of the Comprehensive Plan all development will be subject to concurrency and required to meet the level of service standard established for drainage.

SPECIAL CONDITION 23. Solid Waste

Development is subject to the level of service for solid waste disposal capacity as required under the comprehensive plan. Any hospital within the development will comply with RCRA with regard to

storage, transportation and disposal of hazardous waste. Development will participate in the County's recycling program.

No development has occurred on the DRI Property.

Under the Entitlement Plan, pursuant to Community Facilities Policy 1.1.1 of the Comprehensive Plan all development is subject to concurrency and required to meet the level of service standard established for solid waste.

SPECIAL CONDITION 24. Transportation

Pursuant to Section 163.3180 (12), Florida Statutes (2006), the developer will contribute transportation improvements as described to offset the regional impacts of the DRI on the regional transportation system.

- (a) CR 315 between US 17 and the Project Boundary
- (b) County Road 218 Connector
 - (i) between CR 315 and the Westerly Project Boundary
 - (ii) Westerly Project Boundary and CR 218
 - (iii) Four Lane within the DRI
- (c) Monetary contribution to the FDOT for right of way for the First Coast Expressway located west of the DRI Property

Pursuant to Florida Statute and as specified in the DO, the DRI Developer is entitled to impact fee/ mobility fee credits for the listed improvements. The credit associated with the listed improvements is \$82,954,756.34 (2021 dollars).

No development has occurred on the DRI Property; no mitigation for impacts created by development at the time of abandonment is required.

Transportation Improvements (a), (b) (i) and (b) (ii) are committed for construction as follows:

- (a) Transportation Improvements (a), (b) (i) and a portion of (b) (ii) will be constructed by the County as part of its Bonded Road Program. The widening of CR 315 is scheduled to commence in Summer 2022 and be completed in Fall 2024. Construction of a new 2 lane First Coast Connector (FCC) between CR 315 and the First Coast Expressway is scheduled to commence in Spring 2022 and be completed in Fall 2024. The Owners are coordinating with Clay County on the FCC alignment to facilitate the donation of required right of way and stormwater management facilities for Mobility Fee Credit in support of the construction of the FCC.
- (b) The portion of Transportation Improvement (b) (ii) that lies west of the First Coast Expressway (FCE) is the subject of a Development Agreement between the Reinhold Corporation and Clay County. Construction will commence in 2022 and the segment will be open to traffic in late 2024.

Additionally, the First Coast Expressway, a toll facility on the Interstate System, is under construction within Clay County with access provided by a full interchange located approximately one half mile west of the westerly boundary of the DRI Property. Completion of the First Coast Expressway between SR 21 Blanding Boulevard and SR 16 is scheduled to be completed in 2024.

Clay County has repealed transportation concurrency and implemented a Mobility Fee program in October 2021. Under the Entitlement Plan, the projected revenue from future development on the DRI Property is estimated to be \$59.4 million. Clay County has included funds in its Mobility Fee program for the acquisition of right of way for State Road 16 within the Lake Asbury/ Green Cove Springs Mobility Fee District in the amount of \$13.13 million; the DRI Property is located in this Mobility Fee District. Mobility fees collected by Clay County may be directed toward state improvements located within the same Mobility Fee District as the development from which they are collected; the County may direct Mobility Fee revenue to the acquisition of right of way for SR 16.

- (c) Transportation Management Organization. The Developer shall participate in a Transportation Management Organization (TMO) established by the County or other public transportation entity.

If the County or regional transportation entity establishes a TMO and the future development of the DRI Property is eligible for participation, participation will be provided.

- (d) Outer Beltway Corridor. Developer shall be responsible for contributing \$5,745,758 (in 2006 dollars) to FDOT to be used for the acquisition of the off-site right of way for the selected “Pink” corridor for the Outer Beltway.

The mitigation of regional impacts to the transportation system was a requirement of the state Development of Regional Impact program in effect at the time the DRI was approved in 2006. Effective April 9, 2018, the statutory provisions in Chapter 380, Florida Statutes, related to developments of regional impact (DRI) were amended to eliminate the review process regarding changes to existing DRIs. See Chapter 2018-158, Laws of Florida. This change is in addition to statutory changes in 2015 and 2016 that eliminated the state DRI review process for new proposed developments that exceed the DRI thresholds. Amendments to development orders for existing DRIs are now considered by the local governments that issued the development orders, without state and regional review, pursuant to their local development review procedures.

Abandoning the DRI pursuant to this application eliminates the obligation to evaluate the regional impacts to the transportation system generated by the Entitlement Plan.

SPECIAL CONDITION 25. Air Quality

Dust control measures shall be required during construction.

No development has occurred on the DRI Property.

Under the Entitlement Plan, applicable SJRWMD permitting requirements will address dust control during construction.

SPECIAL CONDITION 26. Affordable Housing

- (a) Development shall include the construction of 213 affordable for sale or for rent housing units within the DRI or within one mile of the DRI. The demand for affordable housing is created by the non-residential development, particularly retail space.

No development has occurred on the DRI Property.

Under the Entitlement Plan, affordable or for rent housing units will be provided to meet market conditions. For rent single family homes and for rent apartments are available in the area of the DRI Property and will continue to be provided as the demand is generated in the community. Proposed changes to the maximum density permitted in the Mixed Use land use category of the 2040 Comprehensive Plan (applicable to the DRI Property under the Entitlement Plan) increase the ability to provide affordable housing in the County.

SPECIAL CONDITIONS 27 and 28. Fire Protection and Civic Sites

Developer shall convey two acres for a fire and rescue station and a two acre site for a library and/or government offices.

No development has occurred on the DRI Property.

Under the Entitlement Plan, the Village Center land use located at the intersection of the FCC and Feedmill Road will require the allocation of 10% of the acreage for civic uses. The VC, at approximately 45 acres in area, will result in a requirement for approximately 4.5 acres of civic use, available for use as a fire station and/or library / government offices.

SPECIAL CONDITION 29. Recreation and Open Space

- (a) Developer shall construct and donate a 19 acre community park adjacent to the Town Center on CR 315 as depicted on Map H.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, the recreation and open space demand generated by the future residential use of the DRI Property will be met under the parks requirements of the Lake Asbury Master Plan (west of Peters Creek) and the Planned Unit Development requirements of this zoning district east of Peters Creek. The LAMP requires 500 square feet of park land to be set aside in residential development and improvements including ball fields, pavilions, trails and playground to be provided. With a projected residential yield west of Peters Creek of 4,600 dwelling

units, based on the LAMP levels of service, approximately 58 acres of park land will be designated west of Peters Creek. The portion of the DRI Property located east of Peters Creek will be subject to the County's PUD Zoning District requirements regarding parks in the residential use area of the proposed PUD Zoning District.

- (b) To promote alternative forms of transportation, the Developer shall provide a comprehensive system of bicycle paths and pedestrian walkways. A ravine pedestrian park and linear park shall be provided as part of the development.

No development has occurred on the DRI Property.

The major roads within the DRI property (the FCC and Feedmill Road) are APF Roads under the LAMP and will be constructed with sidewalks on both sides and bike lanes adjacent to the travel lanes. The LAMP requires pedestrian and bicycle connections to parks within residential development.

SPECIAL CONDITION 30. Education

Developer shall convey to the School Board a 25 acre elementary school site, a 35 acre junior high site and a 17 acre ancillary facilities site. Pursuant to a 2000 Agreement between the School Board and Peters Creek Investments, LLP, no credit against school impact fees are granted for this 77 acre dedication.

No development has occurred on the DRI Property.

The Owners have submitted an application for school concurrency for future development of the DRI Property including a Mitigation Plan that retains the required donation of 77 acres of land within the DRI Property without impact fee credits.

The Mitigation Plan has been developed in coordination with School District staff, converting the elementary and Junior high schools to a K-8 and senior high school on 77 acres. The conditions in the DO related to the provision of infrastructure to the school sites is retained in the Mitigation Plan.

The application for school concurrency will be approved prior to the effective date of this request for abandonment of the DRI, maintaining continuity of the obligation to donate 77 acres for public school facilities within the DRI Property after abandonment.

SPECIAL CONDITION 31. Impact Fees

Developer is entitled to impact fees for the donation of land, money (to include proportionate share or fair share contributions) or improvements made by or on behalf of the Developer for public facilities, except for the school facilities committed in Special Condition 30.

No development has occurred on the DRI Property.

Under the proposed entitlement plan, the same conditions related to impact and mobility fees will apply. A Mobility Fee Credit Agreement for the donated FCC right of way is under review by Clay staff.

SPECIAL CONDITION 32. Community Development District

Developer may form a Community Development District.

No development has occurred on the DRI Property.

Under the Entitlement Plan, no limit on the right to the formation of a CDD is established.

SPECIAL CONDITION 33. Historical and Archaeological Sites

Regionally significant historical or archaeological sites discovered in the course of development shall be reported to the Division of Historical Resources.

No development has occurred on the DRI Property.

Under the Entitlement Plan, the same obligation to report historical and archaeological sites will apply.

This application to abandon is submitted for review and processing pursuant to Section 380.06 (11), Florida Statutes which provides for the abandonment of a development of regional impact:

380.06 Developments of regional impact.—

(11) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in whose jurisdiction the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government before or at the public hearing pertaining to abandonment of the development of regional impact. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order may not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The local government must file notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Abandonment will be deemed to have occurred upon the recording of the notice. Any decision by a local government concerning the abandonment of a development of regional impact is subject to an appeal pursuant to s. 380.07. The issues in any such appeal must be confined to whether the provisions of this subsection have been satisfied.

(b) If requested by the owner, developer, or local government, the development-of-regional-impact development order must be abandoned by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies. All development following abandonment must be fully consistent with the current comprehensive plan and applicable zoning.