

Board of County Commissioners

DEPARTMENT OF DEVELOPMENT SERVICES

Web Address: <http://www.bocc.citrus.fl.us> • Toll Free (352) 489-2120
3600 W. Sovereign Path, Lecanto, FL 34461-8070

In reply, refer to:

PL2-04-40

March 4, 2000

Florida Department of Community Affairs
Division of Resource Planning and Management
Plan Processing Team
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RECEIVED MAR 5 2004

RE: D-03-02 Rock Crusher Road Development of Regional Impact (DRI) - Notice of Proposed Change (NOPC)

Dear Sir/Madam:

Enclosed herein is the development order for Rock Crusher Road DRI as amended pursuant to Subsection 380.06 (19), Florida Statutes. This development order was adopted by the Citrus County Board of County Commissioners on **January 29, 2004.**

A complete copy of the development order (Resolution No. 2004-031) is being provided in accordance with 9J-2.025(5), F.A.C.

By copy of this letter, the amendment and enclosures are being submitted to the Withlacoochee Regional Planning Council.

Sincerely,

Jenette B. Collins, AICP
Principal Planner
Community Development Division

Enclosures

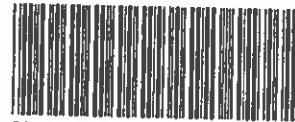
cc: Withlacoochee Regional Planning Council
Jerald R. Figurski, Attorney; Figurski and Harrill

Administration
Suite #109
(352) 527-5220
Fax 527-5317

Building Division
Suite #111
(352) 527-5310
Fax 527-5317

Housing Services Division
Suite #147
(352) 527-5377
Fax 527-5389

Community Development
Suite #140
(352) 527-5239
Fax 527-5252



RESOLUTION NO. 2004-031

2004010348 7 PGS

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR
ROCK CRUSHER ROAD**

WHEREAS, in accordance with Section 380.06, Florida Statutes, the Citrus County Board of County Commissioners adopted a development order (DO) approving, with conditions, Rock Crusher Road Development of Regional Impact (DRI), by Resolution No. 94-103; and

WHEREAS, on 14th day of April 2003, Gulf Highway Land Corporation/Henry Dingus, Jr. by James N. Paxton, filed an application entitled Notification of a Proposed Change to a Previously Approved DRI pursuant to Subsection 380.06(19), Florida Statutes, as amended by application dated February 18, 2003, proposing to: 1) Extend the build-out date and to extend the expiration date of the DO, and 2) to modify the timing for payment of Developer's pro rata share of traffic signalization, and 3) to modify the total acreage of the approved DRI from 1,497 acres to 1,505 acres.

WHEREAS the County Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider amendments to DRIs; and,

WHEREAS the County Board of County Commissioners has reviewed the Notice of Proposed Change as amended (NOPC) as well as all related testimony and evidence submitted by each party and members of the general public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Citrus County, Florida, in regular session duly assembled that:

1. DO for Rock Crusher Road be amended as set forth below:

a. General Findings of Fact:

(1) The Board of County Commissioners, having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

(a) DO is a valid final DO within the provisions of Section 163.3167(8), Florida Statutes, affecting property described on Exhibit "A", attached hereto and incorporated herein.

(b) NOPC includes a description of the proposed changes.

(c) The proposed changes necessitate amending DO

OFFICIAL RECORDS
CITRUS COUNTY
BETTY STRIFLER
CLERK OF THE CIRCUIT COURT
RECORDING FEE \$33.00
2004010348 BK:1690 PG:44-50
02/18/2004 03:20 PM 7 PGS
VCANCEL,DC Receipt #005838

CERTIFIED TO BE A TRUE COPY
BETTY STRIFLER
CLERK OF CIRCUIT COURT

By: Blanca Brown D.C.

This 2 Day of March AD7004

(d) A comprehensive review of the impacts generated by the proposed changes has been conducted by Citrus County, the Withlacoochee Regional Planning Council (WRPC), and the Florida Department of Community Affairs (FDCA).

(e) The proposed changes do not create additional regional impacts on transportation or other facilities, including water, wastewater, drainage, solid waste, recreation, and mass transit over those approved in DO, nor do they create impacts that were not previously reviewed.

b. Conclusions of Law. The Board of County Commissioners, having made the above findings of fact, reaches the following conclusions of law:

(1) Development in accordance with the proposed changes will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan.

(2) The proposed changes are consistent with the Land Development Code and the adopted local comprehensive plan.

(3) The proposed changes are not located in an area of critical state concern designated as such pursuant to Section 380.05(19), Florida Statutes.

(4) The proposed changes are not presumed to create a substantial deviation pursuant to subsection 380.06, Florida Statutes.

(5) NOPC has satisfactorily addressed all regional issues related to development of DRI and the presumption of a substantial deviation has been rebutted.

(6) The proposed changes, together with all previous amendments, do not create additional impacts to public facilities or any type of regional impact over those approved in DO. The proposed amendments, therefore, do not constitute a "substantial deviation" from DO, pursuant to Chapter 380.06, Florida Statutes.

(7) Nothing herein shall limit or modify the rights originally approved by DO or the protection afforded under Section 163.3167(8), Florida Statutes.

(8) The proposed changes, once effective, are consistent with the provisions of the Citrus County Code, the Citrus County Concurrency Management System, and the development rights granted by DO, as amended hereby, remain vested thereunder.

(9) These proceedings have been duly conducted pursuant to applicable law and regulations; and based upon the record and these proceedings, the various departments of the County and the developer are authorized to approve/conduct development as described herein.

(10) The review by the County, WRPC, and other participating agencies and interested citizens reveals that the proposed changes do not create additional impacts on regionally significant resources, facilities, or services beyond those approved in DO and that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

The review by the County, WRPC, and other participating agencies and interested citizens reveals that the proposed changes do not create additional impacts on regionally significant natural resources, facilities, and services beyond those approved in DO, and that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

c. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that DO be amended as follows:

1. The build-out date for the DO is hereby extended for an additional period of four (4) years, eleven (11) months from April 30, 2001, to March 31, 2006.

2. The ultimate duration of the DO is hereby extended for an additional period of four (4) years, eleven (11) months from April 30, 2006, to March 31, 2011.

3. Section K(3) of the DO is hereby amended and shall read as follows:

“The Developer shall be responsible for funding the pro rata share of the cost of signalization at the intersections identified below:

- Rock Crusher Road and Seven Rivers Drive or Venable Street to be determined by Citrus County
- Rock Crusher Road and CR-490
- Cinnamon Ridge Drive and Rock Crusher Road
- Cinnamon Ridge Drive and Crystal Oaks Boulevard

This fair share amount has been calculated at \$83,405 and will be paid by Developer without objection when seventy percent (70%) of the certificates of occupancy have been issued by Citrus County for Unit Four, Phase One, of Cinnamon Ridge or a plat for a yet undeveloped residential section of the Rock Crusher Road DRI is recorded in the public records of Citrus County, Florida, whichever is earlier.

4. The total acreage shall be increased from 1,497 acres to 1,505.

d. Effective Date. This resolution shall take effect immediately upon adoption.

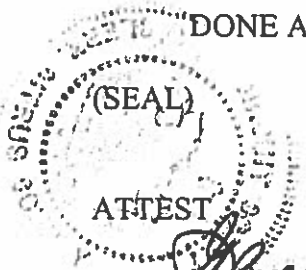
e. Notice of Adoption. A Notice of Adoption of this resolution, in the form attached hereto and incorporated herein as Exhibit "B", shall be filed and recorded in the public Records of Citrus County, Florida, in accordance with Section 380.06(15)(f), Florida Statutes, as amended.

f. Certified Copies. The Clerk to the Board shall return a signed certified copy of this resolution and the Notice of Adoption described in the above section to the Citrus County

Community Development Department which shall then send copies of each document to the FDCA, WRPC and to the attorney of record in these proceedings.

DONE AND RESOLVED this 27 day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA



ATTEST

BY: Blonda Brown, D.C.

for BETTY STRIFLER, CLERK

BY: 

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the County Attorney

BY: 

ATTORNEY

RE: D-03-02

EXHIBIT A.

Cinnamon Ridge, as recorded in Plat Book 12, Page 35 of the Public Records of Citrus County, Florida; AND

Cinnamon Ridge Unit 2, as recorded in Plat Book 12, Page 65 of the Public Records of Citrus County, Florida; AND

Cinnamon Ridge Unit 3, as recorded in Plat Book 12, Pages 83 and 84 of the Public Records of Citrus County, Florida; AND

Heritage Acres, as recorded in Plat Book 11, Page 96 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 2 as recorded in Plat Book 11, Pages 114 and 115 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 3 as recorded in Plat Book 11, Pages 145, 146, and 147 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 4 as recorded in Plat Book 12, Pages 8, 9, 10, and 11 of the Public Records of Citrus County, Florida; AND

Campbell Woods as recorded in Plat Book 11, Page 77 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 2 as recorded in Plat Book 11, Page 99 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 3 as recorded in Plat Book 12, Page 61 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 3, Phase 2 as recorded in Plat Book 12, Page 77 of the Public Records of Citrus County, Florida; AND

Whispering Woods as recorded in Plat Book 11, Pages 85 and 86 of the Public Records of Citrus County, Florida; AND

Singing Trees as recorded in plat Book 11, Page 73 of the Public Records of Citrus County, Florida; AND

490 Commercial Plaza as recorded in Plat Book 11, Page 150 of the Public Records of Citrus County, Florida; AND

Morningside Acres as recorded in Plat Book 11, Page 30 of the Public Records of Citrus County, Florida; AND

RESOLUTION NO. 2004-031

EXHIBIT A
Page Two

Green Acres, Unit 8 as recorded in Plat Book 11, Page 40 of the Public Records of Citrus County, Florida; AND

NE 1/4 lying in Section 6, Township 19 South, Range 18 East, LESS AND EXCEPT the north 70 feet of the NE 1/4 lying west of the Florida Power Corporation's 125-foot wide right-of-way; AND LESS AND EXCEPT those properties known as Cinnamon Ridge Unit 1 as recorded in Plat Book 12, Page 36 of the Public Records of Citrus County, Florida; AND Cinnamon Ridge Unit 3 as recorded in Plat Book 12, Pages 83 and 84 of the Public Records of Citrus County, Florida, all lying in the NE 1/4 of Section 6, Township 19 South, Range 18 East; AND

W 1/2 of the SE 1/4 lying in Section 6, Township 19 South, Range 18 East AND the SE 1/4 of the SE 1/4 AND the SE 1/4 of the SW 1/4 all lying in Section 6, Township 19 South, Range 18 East, Citrus County, Florida; AND

That part of the South 1/2 of the NW 1/4 lying west of Rock Crusher Road AND that part of the SW 1/4 lying west of Rock Crusher Road and north of CR-490 all lying in Section 18, Township 19 South, Range 18 East, Citrus County, Florida.

EXHIBIT "B"

NOTICE OF ADOPTION OF AMENDMENT OF THE DEVELOPMENT ORDER FOR THE ROCK CRUSHER ROAD DEVELOPMENT OF REGIONAL IMPACT (DRI)

Pursuant to section 380.06(15)(f), Florida Statutes, notice is hereby given that the Citrus County Commissioners by Resolution No. ~~2003~~ 2004-031 dated 01/27/04, has adopted an amendment to the Development Order for the Rock Crusher Road Development of Regional Impact (DRI). The above-referenced Development Order, as amended constitutes a land development regulation applicable to the property described in Exhibit "A" of the Development Order.

A legal description of the property concerned, the Development Order and the resolution amending the Development may be examined upon request at the office of the clerk of the Board of County Commissioners of Citrus County, Citrus County Courthouse, Inverness, Florida.

The recording of this Notice shall not constitute a lien, cloud or encumbrance on the real property described in the above-mentioned Exhibit "A" or actual or constructive notice of any of the same under the authority of Section 380.06(15)(f), Florida Statutes.

BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA

By: [Signature]
Chairperson

STATE OF FLORIDA)
COUNTY OF CITRUS)

The foregoing Notice of Adoption of Development Order was acknowledged before me this 27 day of January, 2004, as Chairperson of the Board of County Commissioners of Citrus County, Florida. He/She is personally known to me or produced _____ as identification and did not take an oath.

[Signature]
Notary



Name of Notary [Printed Name]

APPROVED AS TO LEGAL FORM AND CONTENT
Office of County Attorney

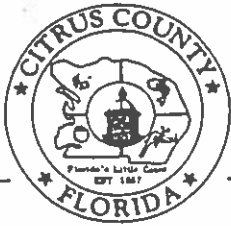
By: [Signature]



CERTIFIED TO BE A TRUE COPY
BETTY STRIFLER
CLERK OF CIRCUIT COURT

By: [Signature] D.C.

This 2 Day of March 2004



RECEIVED JUL 28 1994

CITRUS COUNTY

DEPARTMENT OF DEVELOPMENT SERVICES

1300 South Lecanto Highway
Lecanto, Florida 34461-8099

In reply, refer to

DRL-94-165

July 27, 1994

Charles Harwood
Executive Director
Withlacoochee Regional Planning Council
1241 SW 10th Street
Ocala, Florida 32674

RE: ROCK CRUSHER DEVELOPMENT OF REGIONAL IMPACT (DRI) -
DEVELOPMENT ORDER

Dear Mr. Harwood

At a duly noticed public hearing on July 26, 1994, the Citrus County Board of County Commissioner adopted a revised Development Order for Rockcrusher DRI. A certified copy of Resolution 94-103 is attached.

If you have any question, please do not hesitate to contact me.

Sincerely,

Donna B. Cullum, AICP
Assistant Director
Division of Planning

DBC/crm

Enclosure

CC: Larry Haag, County Attorney
Vincent A. Cautero, Director; Department of Development Services
Barbara J. Zimmerman, AICP, Director; Division of Planning
Ann Townsend, Clerk of the Court
Biff Craine, Attorney
DRI File - DRI-94-01

d.o. 7-26-94

Administration
(904) 746-4222/4223
Fax 746-5869

Building
(904) 746-4222
Fax 746-1846

Housing Services
(904) 527-0711
Fax 746-5869

Planning
(904) 746-4223
Fax 746-5869

RESOLUTION NO. 94-103

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, APPROVING AN APPLICATION FOR DEVELOPMENT APPROVAL FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS ROCK CRUSHER ROAD AND FILED BY HENRY DINGUS, JR.

WHEREAS, on November 7, 1985, Henry Dingus, Jr., hereinafter referred to as the Developer, and Richard W. Bowring, as the Authorized Agent, filed a Development of Regional Impact (DRI) Application for Development Approval (ADA) with the Citrus County Board of County Commissioners, hereinafter sometimes referred to as Citrus County, in accordance with Section 380.06, Florida Statutes; and

WHEREAS, the Developer proposes to develop a mixed use development on a total of 1,497 acres, hereinafter referred to as Rock Crusher Road, on real property located in Citrus County, and legally described on the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners, as governing body of the local government having jurisdiction, is authorized and empowered to consider applications for development approval for DRI in accord with Chapter 380, Florida Statutes; and

WHEREAS, the Developer has agreed, as a condition of development approval, to provide the following certain improvements; and

WHEREAS, in accordance with Section 380.06(16)(2), Florida Statutes, the Developer shall receive credit for exactions as part of this Development Order which contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, against existing impact fees and/or any future ordinances adopted by Citrus County, if such fees meet the same needs and the local government has established and implemented a procedure for credits; however, if the Florida Land and Water Adjudicatory Commission (FLWAC) imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee, unless the local government determines that such requirement, contribution, payment, or construction meets the same need that the local exaction or impact fee would address; and

CERTIFIED TO BE A TRUE COPY
BETTY SIBBOLD
CLERK OF CIRCUIT COURT

BY: Ann Townsend C.S.

July 26, 1994

This 26 day of July A.D. 1994

d.o. 7-26-94

WHEREAS, in accordance with Section 380.06(16)(d), Florida Statutes, the Developer shall not receive credit for exactions as part of this Development Order against existing impact fees and/or any future ordinance adopted by Citrus County for any construction, contribution, or land dedicated for any internal or on-site public facilities required by Citrus County ordinances or regulations, or for any off-site public facilities, to the extent that they are necessary to provide safe and adequate services to the development or any additional requirements imposed by the FLWAC, unless the local government determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address; and

WHEREAS, in accordance with Section 380.06(15)(d) and (e)(1), Florida Statutes, this Development Order shall not include, as a condition for the Rock Crusher Road DRI, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development; and

WHEREAS, the public notice requirements of Citrus County and Section 380.06(11), Florida Statutes, have been satisfied and notice has been given to the State Land Planning Agency, hereinafter referred to as "DCA" and the Withlacoochee Regional Planning Council, hereinafter referred to as "WRPC", initially on October 20, 1988; and

WHEREAS, Citrus County held duly noticed public hearings on the DRI ADA, before the Citrus County Planning Commission (Local Planning Agency) on November 17, 1988, and before the Board of County Commissioners on December 13, 1988, and January 17, 1989, and has heard and considered the testimony and documents received thereon; and

WHEREAS, Citrus County received and considered the report and recommendation of the WRPC which held a public hearing on the DRI ADA on October 20, 1988, and November 3, 1988; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the Rock Crusher Road DRI before Citrus County; and

WHEREAS, Citrus County has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Citrus County, Florida, in public meeting duly constitutes and assembled this day of July 26, 1994, that the DRI ADA submitted by Henry Dingus, Jr. and identified as Rock Crusher Road DRI is hereby ordered approved, effective immediately, subject to the following conditions and restrictions:

I. FINDINGS OF FACT

A. That the real property which is the subject of the Rock Crusher Road ADA is legally described as set forth in Exhibit "A", attached hereto and by reference made a part hereof.

B. That the Developer submitted to Citrus County an ADA and Sufficiency Response which were attached as part of composite Exhibit "B" of Resolution 89-10, and by reference made a part hereof, to the extent that they are consistent with the terms and conditions of this Development Order.

C. That the proposed development is not located in an area of critical state concern as designated, pursuant to Section 380.05, Florida Statutes.

D. That a comprehensive review of the impact generated by the development has been conducted by Citrus County's departments and the WRPC.

E. The development comprises of 1,552 dwelling units, 36,080 square feet of office space, and 110,000 square feet of commercial space on an approximate 1,497 acre site, hereinafter referred to as Rock Crusher Road, or the development constituting a Mixed-Use Development of Regional Impact under Chapter 28-24.028, Florida Administrative Code, on real property located in Citrus County and described on the attached Exhibit "A".

II. CONCLUSIONS OF LAW

A. That, if developed consistent with the conditions of this Resolution, the project is consistent with all local land development regulations and the adopted Citrus County Comprehensive Plan.

B. That this Development Order is consistent with the report and recommendations of the WRPC.

C. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.

D. The provisions of this Development Order shall not be construed as a waiver or exception of any rule, regulation, or ordinance of Citrus County or its departments, agencies, or commissions.

E. This Development Order constitutes final DRI approval of 1,552 dwelling units, 36,080 square feet of office space, and 110,000 square feet of commercial space on an approximate 1,497-acre site, hereinafter referred to as Rock Crusher Road or the development constituting a Mixed-Use Development of Regional Impact under Chapter 28-24.028, Florida Administrative Code, on real property located in Citrus County and described on the attached Exhibit-"A".

F. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the Developer and the various departments of Citrus County are authorized to conduct development, as described herein, subject to the conditions and restrictions set forth herein.

G. That the review by Citrus County, the WRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the ADA.

H. The development shall be developed in accordance with all applicable Citrus County Ordinances, rules, and regulations pertaining to land development within Citrus County, specifically including, but without limitation; subdivision regulations, land use regulations, utility ordinances, and any other ordinance regulating development within Citrus County; provided, however, that the project shall be developed to be consistent with and in accordance with this Development Order and, further, provided any rights vested prior to or by this Development Order shall not be affected.

III. CONDITIONS

A. AIR

1. The Developer shall mitigate fugitive particulate emissions through the use of shoulder stabilization, seeding, and wetting of unpaved road sites in compliance with Chapter 17-2, Florida Administrative Code, "Air Pollution", Fugitive Particulate subsection.

2. The Developer shall at all times comply with Chapter 17-5, Florida Administrative Code, "Open Burning" regulations and the applicable Citrus County ordinances pertaining to open burning.

3. The Developer shall employ revegetation techniques, consistent with those recommended by the United States Department of Agriculture (USDA), Soil Conservation Service, in development, roads, and drainage structure areas immediately after the completion of construction.

B. LAND

1. The Developer shall employ mulching and revegetation of disturbed soil as soon after the completion of construction as is reasonable, in accordance with normal construction practice. Only in the immediate construction areas, roads, and other buildings will there be extensive disturbance of the soil.

2. To mitigate the potential for direct connections from on-site surface and stormwater basins to the Floridan aquifer, the following criteria shall apply:

a. Stormwater retention basins shall be monitored by visual observations following significant storm events. If open solutions or pipes and/or sinkhole-like depressions are noted, this information shall be related to the on-site maintenance coordinator.

b. Where small, shallow depressions are noted, these may be filled to preexisting grade with clayey sand materials and graded. This material is available within the Rock Crusher project site.

c. When, and if, chimney-type solution pipes are exposed within the retention basins, these may be plugged in accordance with acceptable water well plugging and abandonment procedures. Where these features are small in diameter and of a limited vertical depth, bridging of the pipe with indigenous limestone boulders is acceptable. Once the bridge is in place, the pipe may be filled with clay and/or clayey sand back to the land surface. These materials are available on the Rock Crusher project site. *rite. site.*

d. Remedial plugging activities shall employ methodologies acceptable to the applicable regulatory agency.

e. The Developer shall also install a groundwater quality monitoring network up and down gradient of detention/retention basing for which open solutions or pipes and/or sinkhole-like depressions are noted. The parameters to be monitored shall, at a minimum, include those listed for G-2 groundwaters, found under Chapter 17-3, Florida Administrative Code.

3. The Developer shall have the option to employ additional and/or different criteria, as stated in Condition B.2, if the County (County Administrator) and the Southwest Florida Water Management District (SWFWMD) are satisfied with those criteria and so notifies the Developer, in writing, of the acceptability of those criteria.

C. WATER AND DRAINAGE

1. The Developer shall submit a master stormwater management plan to the Department of Technical Services for review and approval. The plan should cover all lands within the limits of each drainage basin involved in the future development areas. If plans are available for the existing subdivisions, then these plans should also be submitted.

2. The Developer shall ensure that all evaluations, storage, quantities, and discharge rates are properly supported by data and employ current methodologies in accord with Chapter 40D-4, Florida Administrative Code, and Citrus County Ordinances.

D. WETLANDS

1. As committed to by the Developer in the ADA, the wetlands shall not be altered or disturbed from their natural state.

E. FLOOD PLAIN

1. All development lying in flood prone areas shall conform to the Citrus County Land Development Code and any other applicable Federal, State, or local regulations.

F. VEGETATION AND WILDLIFE

1. The Rock Crusher Road DRI contains sandhill sites which support significant populations of gopher tortoises and other species associated with the habitat of the gopher tortoise. This area is also suitable habitat for the Southeastern kestrel and Sherrman's fox squirrel. In accordance with the Settlement Agreement entered into by the DCA and the Owner/Developer dated July 20, 1992, and attached as Exhibit "B", the Developer has chosen to mitigate the project impacts through offsite mitigation. Within 60 days from the rendition date of this Amended Development Order, the Developer shall transfer title of the property depicted on Exhibit "B" and encompassing 125 acres to an entity acceptable to the DCA. No development shall occur until the property transfer has been completed in a manner acceptable to the receiving entity. If the Developer fails to transfer the property within this time period, the Developer shall seek an amendment to the Development Order to reflect alternative mitigation consistent with the terms of the Settlement Agreement.

G. WASTEWATER

1. All commercial development shall be served by a central public wastewater system. The Developer may construct and maintain a central wastewater system. This system must be dismantled and connected to the County's central wastewater system when it becomes available.

2. The provision of central public wastewater collection and treatment system shall be governed by an agreement between the Developer and Citrus County.

3. All hazardous material operations in the development, prior to opening, shall submit a plan ⁴⁰ to the Citrus County Public Health Unit or The Florida Department of Health and Rehabilitative Services that addresses the following:

a. Chemical compositions and/or characteristics of the hazardous wastes;

b. A step by step flow chart of the route taken by the hazardous wastes from point of generation to final location of disposal; and

c. A listing of all tests (if any) done on the generated hazardous wastes and the frequency of the tests performed.

4. If any of the generated wastes are directed to the existing Meadowcrest Wastewater Plant, a semi-annual analysis for toxic and/or hazardous waste shall be conducted by an independent laboratory to assure compliance with DEP regulations. Any cost involved in pretreatment or other measures necessary to achieve compliance shall be borne by the contributing operation(s) generating the wastes.

5. Outdoor storage of hazardous materials shall be prohibited for all businesses.

6. Discharge to the wastewater system shall be in accordance with the Citrus County Land Development Code.

H. WATER SUPPLY

1. An overall master plan of existing and proposed central public water system within the Rock Crusher Road DRI shall be submitted to the Citrus County Division of Utilities. Future development shall be served by the Cinnamon Ridge Utilities or its successor. No building permits shall be issued and no final plat can be recorded for the future development sites until Cinnamon Ridge Utilities, or its successor, has adequate, available, permitted, uncommitted capacity to serve the project or any part thereof.

The central water system must meet Level of Service requirements of the Citrus County Comprehensive Plan. The construction of said water system must be in compliance with Sections 4720, 4721, 4722, and 4723 as well as the construction standards of Appendix D of the Land Development Code. The utility shall meet all of the requirements of the Florida Department of Environmental Protection, Citrus County Public Health Unit (CCPHU), and any other applicable permitting requirements. Any new well(s) constructed must meet the requirements for a consumptive use permit with capacity for the entire projected, undeveloped land.

2. As committed to by the Developer in the ADA, future development sites shall provide adequate fire flow protection in accordance with Citrus County Ordinances.

I. SOLID WASTE

1. There shall be no on-site disposal of solid waste or construction debris.

2. Solid waste disposal shall be governed by applicable Citrus County ordinances or regulations pertaining to the collection and disposal of solid wastes and consistent with the Citrus County Comprehensive Plan.

3. The future development sites must meet the requirements of the goals, objectives, and policies of the Citrus County Comprehensive Plan's Solid Waste Subelement regarding composting facilities and recycling.

J. RECREATION AND OPEN SPACE

1. The Developer shall provide active recreation and open space areas in the future development areas the minimum acreage of these areas shall be equivalent to 0.01 acres per residential unit.

a. Future development Sites 1 and 2 shall have a common recreation and open space area for the use of the residents of those areas.

b. Future development Site 3 shall have a recreation and open space area for the use of the residents of that area.

c. All recreation and open space areas shall comply with the requirements of applicable County ordinances and the Citrus County Comprehensive Plan.

2. The Developer is to develop all recreational facilities to Citrus County specifications at the time of platting and these facilities will be maintained privately, until and unless Citrus County should be offered and decides to accept the facilities. A site plan for the recreation areas shall be submitted to and approved by the Citrus County Division of Planning at the time of platting.

3. The Developer agrees that no constructed drainage retention/detention areas shall be counted as recreation and/or open space areas.

4. No electric utility transmission lines rights-of-way shall be counted toward the recreation/open space requirements.

K. TRANSPORTATION

1. Rock Crusher will generate substantial traffic impacts, as defined by 9J-2.0255, Florida Administrative Code, upon regionally significant transportation facilities. In addition, locally significant transportation facilities will be substantially impacted by this development. The Developer's fair share contribution and the necessary improvement(s) to accommodate the identified impacts shall be met in the following ways:

a. For adverse impacts to regionally significant transportation facilities, the Developer's fair share contribution, pursuant to Chapter 9J-2.0255(7) (a) (2), Florida Administrative Code, shall be applied to the construction of a segment of State Road 44 from CR-490 (Homosassa Trail) to CR-491 (Lecanto Highway) impacted by the project not to exceed the amount of the fair share contribution. The Developer's fair share contribution of the needed improvements is \$104,192. Such contribution shall be paid by the Developer within 1 year and 45 days of the rendering of this Development Order to DCA. In the event the Developer's fair share contribution is not timely paid, Citrus County shall immediately cease to issue Building Permits or Development Orders until the fair share contribution is paid. The Developer shall receive credits in accordance with the Citrus County Transportation Facilities Impact Fee Ordinance No. 90-A32 or its successor,

b. In addition to the Developer's fair share contribution to improvements to regionally significant transportation facilities, locally significant transportation facilities will be substantially impacted by this development. The Developer's fair share for those local impacts is \$245,808.00. Such payments shall occur as follows:

Prior to residential building permit Payment to Citrus County

<u>105</u>	\$ 40,968.00
<u>146</u>	\$ 40,968.00
<u>187</u>	\$ 40,968.00
<u>228</u>	\$ 40,968,00
<u>269</u>	\$ 40,968.00
<u>310</u>	\$ 40.968.00

The Developer shall receive credits in accordance with the Citrus County Transportation Facilities Impact Fee Ordinance No. 90-A32 or its successor.

2. The Developer shall dedicate, for appropriate credit, the deficient right-of-way, wherever under control of the Developer, to Citrus County along CR-490 within the boundaries of the property under consideration in this Development Order. The Developer shall receive credits in accordance with the Citrus County Transportation Facilities Impact Fee Ordinance No. 90-A32 or its successor; or, at the Developer's election, the amount of any such credit may be deducted from the amount of the next scheduled additional payment pursuant to paragraph b. above.

3. The Developer shall be responsible for funding the pro rata share of the cost of signalization at the intersections identified below:

- Rock Crusher Road and Seven Rivers Drive or Venable Street to be determined by Citrus County
- Rock Crusher Road and CR-490
- Cinnamon Ridge Drive and Rock Crusher Road
- Cinnamon Ridge Drive and Crystal Oaks Boulevard

This fair share amount has been calculated at \$83,405. In order to fulfill this obligation the Developer has two options:

a. The Developer can escrow with the County the sum of \$83,405 or provide to the County an irrevocable letter of credit in the same amount to be drawn upon when warrants are met if Developer fails to pay its fair share contribution when demanded by County; or

b. The Developer can conduct signal studies during peak season, during the work week, and if warrants are met then the fair share contribution will be based on the project's impact at the time of the study. The signal studies shall be conducted within 90 days of written request by the County. The signal studies requested by County shall be made on a reasonable basis so as to not cause unnecessary expense.

4. The Developer shall submit diagrams and/or maps illustrating proposed acceleration and deceleration lanes and any proposed roads along Rock Crusher Road and CR-490, at a scale approved by the County, to the Departments of Development Services and Technical Services.

5. No housing shall have direct access via collector streets, except where it exists on the date of execution of this Development Order.

6. All streets shall be public rights-of-way and shall meet all applicable Citrus County requirements in effect.

7. Prior to the issuance of a Certificate of Occupancy for the 228th residential unit in Future Development Areas 1, 2 or 3, the Developer shall insure acceleration and deceleration lanes at the intersection of CR-490 and Rock Crusher Road have been provided along with a left turn lane on CR-490 (northbound) onto Rock Crusher Road.

8. In the event the Developer meets his responsibilities for the identified transportation improvements, the Developer shall not be stopped by Citrus County as a result of failures, omissions, activities or responsibilities of other parties or any governmental agency.

9. Citrus County shall institute a concurrency monitoring system on Rock Crusher Road from the CR-490 intersection to the SR-44 intersection. The County commits to programming future widening as required by the County's Comprehensive Plan.

10. Compliance with the conditions outlined in this Development Order shall constitute full payment of the Developer's obligation and negate the need for monitoring and phasing.

L. HOUSING

1. All development shall comply with the Citrus County Land Development Code or its successor and the Citrus County Comprehensive Plan.

M. SHOPPING CENTERS (COMMERCIAL CENTER)

1. Access points for the commercial portion of future development Site 3 onto CR-490 shall be limited to two.

IV. GENERAL CONDITIONS

A. For purposes of interpretation, the Development Order shall govern where there is a conflict between the Development Order and the Rock Crusher Road ADA, and where the Development Order is silent, the ADA shall govern.

B. At the time of transfer of any development area, the detailed housing type or office/retail type, density, acreage, and number of units or square footage shall be specified by the Developer on an amendment and submitted to the County within 30 days of transfer. This shall include an incremental tally of remaining acreage, density, and number of units by type or square footage of office/retail space by the Developer or successor. This shall not be construed to mean transfer of individual single family lots.

C. Rock Crusher Road DRI shall comply with all applicable County ordinances in effect at the time of construction. Development of the Rock Crusher Road DRI is recognized as vested as of the date of the original issuance of the Development Order, for the land uses as described in the ADA.

D. The construction of this project shall be permitted as the conditions herein stated are met or otherwise committed. The buildout date is April 30, 2001, and the project has no phasing. The original buildout date of December 31, 1991, was tolled pursuant to 380.06(19)(c), Florida Statutes (1993). The buildout date of April 30, 2001, represents an extension of buildout for 3 years, and 11 months and 29 days, which shall be considered cumulatively with any future buildout extensions.

E. Any unresolved disagreement may be appealed to the Board of County Commissioners for resolution as to whether the requirements of this Development Order and best management soil conservation practices have been met.

V. ANNUAL REPORT

By January 31st of each year following the issuance of this Development Order and until such time as this Development Order has expired, the Developer shall provide an Annual Report as required by Section 380.06(18), Florida Statutes, Requirements for the content and dissemination of this report shall be as follows:

A. Dissemination

1. The Annual Report shall be sent to the following agencies: Citrus County Department of Development Services, or any successor thereto, WRPC, DCA, and other agencies as may be appropriate.

2. By January 31st of each year, the Developer shall provide Citrus County with a statement that all persons/agencies listed in A-1 above have been sent copies of the Annual Report.

B. Content

The Developer shall include the following information in the Annual Report:

1. Changes in the plan of development or phasing for the reporting year and for the next year;

2. A summary comparison of development activity proposed and actually conducted for the year;

3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

4. Identification and intended use of lands purchased, leased, or apportioned by the Developer adjacent to the original DRI site since the ADA was prepared;

5. An assessment of the Developer's and local government's compliance with conditions of approval contained in the DRI Development Order;

6. Any known incremental DRI ADA or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

7. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;

8. A list of all local, state, and federal permits which have been obtained or which are pending by agency, type or permit, permit number, and purpose of each;

9. A statement that all persons have been sent copies of the Annual Report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

10. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Developer pursuant to Subsection 380.06(15)(r), Florida Statutes; and

11. A report must be submitted, by January 1st of each year, outlining the amount of credits received each year from impact fees assessed.

VI. MONITORING

A. The County Administrator, or authorized designee(s), shall be responsible for insuring compliance with this Development Order.

B. Data necessary for monitoring shall be generated by building permits, certification of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations.

C. Enforcement of the terms of this Development Order shall be through such means as are authorized and envisioned by Chapter 380, Florida Statutes, and through Citrus County development regulations, including, but not limited to, plat approval, building permits, and utility hookups.

VII. SUBSTANTIAL DEVIATION

A. A proposed change in the Master Plan or the Development Order which meets or exceeds the thresholds found in Section 380.06(19)(b) or (c), Florida Statutes, shall automatically be deemed a substantial deviation.

B. Any submittal of a proposed change to the Rock Crusher Road DRI shall include all materials and information required by the DCA, per section 380.06(19)(f)(1), Florida Statutes, and shall follow all deadlines and requirements of Section 380.06(19)(f), Florida Statutes. In reviewing the request for determination of nonsubstantial deviation, Citrus County shall consider all required information pertaining to the modification and all previous changes in the Development Order to determine if singularly or cumulatively the modifications constitute a substantial deviation requiring further DRI review. The fee for reviewing a request for determination under this section shall be the fee set for such review by the Board of County Commissioners.

BE IT FURTHER RESOLVED by the Citrus County Board of County Commissioners the following shall apply:

1. That this Order shall constitute the Development Order of Citrus County in response to the Development of Regional Impact Application for Development Approval filed by the Developer.

2. That the definitions found in Chapter 380, Florida Statutes (1987), shall apply to this Development Order.

3. That this Development Order shall be binding upon the Developer and its heirs, assignees, or successors in interest.

4. That in the event any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

5. That a certified true copy of this Development Order shall be filed and recorded in the Public Records of Citrus County, Florida, in accordance with Section 380.06(15), Florida Statutes, and this Development Order shall govern the development of Rock Crusher Road DRI.

6. That the local government agrees that the approved DRI shall not be subject to down zoning, density reduction, or intensity reduction until after April 30, 2006, unless Citrus County can demonstrate that substantial change in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Citrus County to be essential to the public health, safety, or welfare.

7. That this Development Order shall become effective upon its adoption; provided, however, that filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, will stay the effectiveness of this Development Order. The Developer must begin construction no later than one year after the date of this Order. This Development Order will expire on April 30, 2006.

8. After recording, the Developer shall ensure that copies of this Development Order shall be transmitted immediately by U.S. certified mail to the SLPA and the WRPC.

ADOPTED, in regular session this 26th day of July, 1994
by the Citrus County Board of County Commissioners
subsequent to the Public Hearings held on December 13, 1988,
continued to January 17, 1989, and [REDACTED]

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

BY: Frank Schiraldi, Chairman

By: Ann Townsend, Deputy Clerk

ATTEST: Ann Townsend
For: Betty Strifler, Clerk of the Court

APPROVED AS TO FORM AND CORRECTNESS:

Larry M. Haag
Larry M. Haag, County Attorney

EXHIBIT A

Cinnamon Ridge, as recorded in Plat Book 12, Page 35 of the Public Records of Citrus County, Florida; AND

Cinnamon Ridge Unit 2, as recorded in Plat Book 12, Page 65 of the Public Records of Citrus County, Florida; AND

Cinnamon Ridge Unit 3, as recorded in Plat Book 12, Pages 83 and 84 of the Public Records of Citrus County, Florida; AND

Heritage Acres, as recorded in Plat Book 11, Page 96 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 2 as recorded in Plat Book 11, Pages 114 and 115 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 3 as recorded in Plat Book 11, Pages 145, 146, and 147 of the Public Records of Citrus County, Florida; AND

Heritage Acres, Unit No. 4 as recorded in Plat Book 12, Pages 8, 9, 10, and 11 of the Public Records of Citrus County, Florida; AND

Campbell Woods as recorded in Plat Book 11, Page 77 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 2 as recorded in Plat Book 11, Page 99 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 3 as recorded in Plat Book 12, Page 61 of the Public Records of Citrus County, Florida; AND

Campbell Woods, Unit 3, Phase 2 as recorded in Plat Book 12, Page 77 of the Public Records of Citrus County, Florida; AND

Whispering Woods as recorded in Plat Book 11, Pages 85 and 86 of the Public Records of Citrus County, Florida; AND

Singing Trees as recorded in plat Book 11, Page 73 of the Public Records of Citrus County, Florida; AND

490 Commercial Plaza as recorded in Plat Book 11, Page 150 of the Public Records of Citrus County, Florida; AND

Morningside Acres as recorded in Plat Book 11, Page 30 of the Public Records of Citrus County, Florida; AND

Green Acres, Unit 8 as recorded in Plat Book 11, Page 40 of the Public Records of Citrus County, Florida; AND

NE 1/4 lying in Section 6, Township 19 South, Range 18 East, LESS AND EXCEPT the north 70 feet of the NE 1/4 lying west of the Florida Power Corporation's 125-foot wide right-of-way; AND LESS AND EXCEPT those properties known as Cinnamon Ridge Unit 1 as recorded in Plat Book 12, Page 36 of the Public Records of Citrus County, Florida; AND Cinnamon Ridge Unit 3 as recorded in Plat Book 12, Pages 83 and 84 of the Public Records of Citrus County, Florida, all lying in the NE 1/4 of Section 6, Township 19 South, Range 18 East; AND

W 1/2 of the SE 1/4 lying in Section 6, Township 19 South, Range 18 East AND the SE 1/4 of the SE 1/4 AND the SE 1/4 of the SW 1/4 all lying in Section 6, Township 19 South, Range 18 East, Citrus County, Florida; AND

That part of the South 1/2 of the NW 1/4 lying west of Rock Crusher Road AND that part of the SW 1/4 lying west of Rock Crusher Road and north of CR-490 all lying in Section 18, Township 19 South, Range 18 East, Citrus County, Florida.

EXHIBIT B

Description of 125.00 Acre Parcel:

The West 1/2 of the Southwest 1/4 and the South 730.68 feet of the South 1/2 of the Northwest 1/4 as measured at 90° to the South line of the South 1/2 of the Northwest 1/4 of Section 14, Township 13 South, Range 17 East, Levy County, Florida