RESOLUTION NO. 2003-61

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 2003, A DEVELOPMENT ORDER FOR DURBIN CROSSING, A DEVELOPMENT OF REGIONAL IMPACT UNDER CHAPTER 380, FLORIDA STATUTES; AUTHORIZING DEVELOPMENT OF APPROXIMATELY 2,047 ACRES IN NORTHWEST ST. JOHNS COUNTY; ESTABLISHING MITIGATION REQUIREMENTS FOR REGIONAL IMPACTS INCLUDING MITIGATION FOR TRANSPORTATION AND ENVIRONMENTAL IMPACTS, PROVIDING DEVELOPMENT PHASING AND BUILDOUT DATES; ESTABLISHING AN EFFECTIVE DATE

LET IT BE KNOWN that, pursuant to section 380.06 of the Florida Statutes (2002), the St. Johns County Board of County Commissioners has heard at a public hearing held on April 1, 2003, the Application for Development Approval for the proposed Durbin Crossing Development of Regional Impact; and

RECITALS

WHEREAS, the Board of County Commissioners of St. Johns County has considered the Regional Report of the Northeast Florida Regional Planning Council ("NEFRPC")dated March 6, 2003, the recommendations of the St. Johns County staff, and the documents and comments upon the record made before the St. Johns County Board of County Commissioners; and

WHEREAS, the Durbin Crossing Development of Regional Impact (the "DRI" or "Durbin Crossing DRI") is a proposed mixed use master planned community on approximately 2,047 acres as more specifically described on the attached Exhibit 1 (the "DRI Property"); and

WHEREAS, Rayland L.L.C.; a Delaware limited liability company and Rayonier Timberlands Operating Company, L.P., are the owners of the DRI Property (the "Owners") and have duly authorized the Applicant to file the ADA and obtain a development order for the DRI Property; and

WHEREAS, the authorized agent for the Applicant is SouthStar Development Partners, Inc., whose address is 255 Alhambra Circle, Suite 325, Coral Gables, Florida 33134; and,

WHEREAS, SouthStar Development Partners, Inc., a Florida Corporation, (the "Developer" or "Applicant") filed an Application for Development Approval dated February 22, 2002, as amended by the ADA First Sufficiency Response dated August 23, 2002, and as further amended by the ADA Second Sufficiency Response dated December 16, 2002, and as additionally modified by a letter from Canin Associates to NEFRPC dated February 14, 2003, pursuant to section 380.06, Florida Statutes (2002), for the Durbin Crossing DRI on the DRI Property; and

WHEREAS, the Applicant has duly provided complete copies of the ADA and the Sufficiency Responses to the Florida Department of Community Affairs, Northeast Florida Regional Planning Council, and St. Johns County; and

WHEREAS, the proposed DRI requires an amendment to the County's Comprehensive Plan, which has been reviewed and adopted simultaneously with this Development Order pursuant to section 380.06(6)(b), and Chapter 163, Part II, Florida Statutes (2002), and

WHEREAS, the ADA was reviewed by the Northeast Florida Regional Planning Council as required by section 380.06, Florida Statutes (2002), and the Council recommended that the ADA be approved, with conditions as set forth in the Regional Report; and

WHEREAS, the St. Johns County Board of County Commissioners has duly noticed and on April 1, 2003 held a public hearing on the ADA as required by section 380.06, Florida Statutes (2002) and afforded the public and all affected parties an opportunity to be heard and to present evidence; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida in public hearing duly constituted and assembled on April 1, 2003, that the Application for Development Approval for the Durbin Crossing DRI is hereby approved, subject to the following terms and conditions:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The proposed DRI is not in an area designated as an Area of Critical State Concern pursuant to the provisions of section 380.05, Florida Statutes (2002).
2. The proposed DRI is consistent with the State Comprehensive Plan.
3. The proposed DRI is consistent with the St. Johns County Comprehensive Plan, and complies with the requirements of the Residential B and Residential C land use categories.
4. The proposed DRI is consistent with the St. Johns County Land Development Code.
5. The proposed DRI is consistent with the Regional Report and Recommendations of the Northeast Florida Planning Council dated March 6, 2003 issued pursuant to section 380.06, Florida Statutes (2002).
6. The proposed DRI includes a substantial and regionally significant commitment to conserve approximately 892 acres of wetlands and to provide upland buffers around the conserved wetlands as required by the St. Johns County Land Development Code. This commitment provides reasonable assurance that the project complies with the County's objectives to

create buffers adjacent to wetlands to protect wetlands and upland buffers and their associated ecological functions and values, including protection of water quality, protection against turbidity and provisions for adjacent upland habitat for wetland dependent wildlife.

GENERAL CONDITIONS

1. **Application for Development Approval**. The DRI shall be developed in accordance with the information, plans and commitments contained in (1) the Durbin Crossing DRI Application for Development Approval dated February 22, 2002 as modified by the ADA First Sufficiency Response dated August 23, 2002, the ADA Second Sufficiency Response dated December 16, 2002; and as additionally modified by a letter from Canin Associates to NEFRPC dated February 14, 2003 and the Durbin Crossing Master Plan, Map H, attached as Exhibit 2, all of which are incorporated by reference except to the extent of any conflict with the express terms of the conditions of the Durbin Crossing DRI Development Order in which event, the terms and conditions of this Development Order shall govern.

2. **Land Use Totals**. The DRI may be developed with the following uses within St. Johns County: 70,000 square feet of office/civic uses; 100,000 square feet of retail/commercial/service uses; 1,551 single family homes; 947 multifamily units; an elementary school; and 30,000 square feet of community center uses.

3. **Phasing, Build-Out and Expiration of DRI.** The DRI shall be developed in two (2) Phases, as described in Land Use Phasing Table attached as Exhibit 3. Phase I shall last five (5) years and Phase II shall last three (3) years unless extended pursuant to section 380.06(19), Florida Statutes (2002), or unless the Developer elects to accelerate the beginning date of the second phase, provided that all mitigation requirements for the second phase have been met. The end date of the second phase shall not be affected by an

acceleration of the beginning date. Unused development rights from the first phase shall carry over into the second phase until build-out. Physical development of the DRI shall commence within three (3) years of the effective date of this Development Order. The projected build-out date for all development is December 31, 2010. The DRI termination and DRI Development Order expiration dates are established as December 31, 2015. Any extensions of the DRI build-out, termination or expiration dates shall be governed by the provisions of section 380.06(19)(c), Florida Statutes (2002). The time period for commencement of physical development and the time period for build-out and termination shall be tolled during the period of any appeal pursuant to section 380.07, Florida Statutes (2002), or during the pendency of administrative or judicial proceedings relating to development permits.

4. **Land Use Conversion**. The Developer may increase certain land uses and simultaneously decrease other land uses without filing a Notice of Proposed Change or other modification of this Development Order, provided that such changes are consistent with the Conversion Tables attached as Exhibit 4.

   (a) At the time of election of a land use conversion under the Conversion Table, the Developer shall notify the Department of Community Affairs (the "DCA") and the NEFRPC of the election at least thirty (30) days before implementation and shall provide the DCA, the County and the NEFRPC with cumulative land use totals and remaining allowable quantities in the biennial report.

   (b) So long as the conversion is consistent with the criteria contained in Exhibit 4 and no change is made to the Master Plan, Map H, no additional DRI approvals shall be required for the conversion.

5. **Effective Date.** This Resolution and Development Order shall take effect upon the effective date of St. Johns County Comprehensive Plan Amendment 02-D3, St. Johns County Ordinance 2003-32 adopted simultaneously with this Development Order.

6. **Monitoring Official.** The Director of Growth Management Services of St. Johns County or his designee shall be the local official responsible for monitoring the development for compliance by the Developer with this Development Order.

7. **Downzoning Protection.** In accordance with section 380.06(15), Florida Statutes (2002), the Durbin Crossing DRI, as approved in this Development Order, shall not be subject to downzoning, unit density reduction, or intensity reduction before December 31, 2015, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or the Development Order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

8. **Election Regarding Environmental Rules.** Pursuant to section 380.06(5)(c), Florida Statutes (2002), the Developer has elected to be bound by the rules adopted pursuant to Chapters 373 and 403 in effect as of the date of this Development Order.

   Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

9. **Level of Service Standards.** The Developer shall be required to meet the adopted level of service standards in the 2015 St. Johns County Comprehensive Plan (December 2002) and the requirements of the County's concurrency management system except that transportation impacts of the DRI shall be addressed by the Applicant paying the

proportionate share permitted by Section 163.3180(12), Florida Statutes (2002) as authorized by this Development Order and by Comprehensive Plan Amendment 02-D3 adopted by St. Johns County simultaneously with this Development Order. The provisions of Section 163.3180(12), Florida Statutes (2002) shall be deemed to meet the provisions of the County's concurrency management system (Land Development Code Article 11). This DRI is deemed to be a Multi Use DRI meeting the statutory provisions of Section 163.3180(12), Florida Statutes (2002).

10. **Biennial Reporting**. Biennial monitoring reports for the Durbin Crossing DRI shall be prepared by the Applicant in accordance with section 380.06, Florida Statutes, and shall be submitted to the Northeast Florida Regional Planning Council ("NEFRPC"), Department of Community Affairs ("DCA"), and the St. Johns County Planning Division ("SJCPD") no later than April 1 of every second year until build-out, commencing April 1, 2005 (the "Monitoring Report"). The monitoring reports shall be consistent with the reporting requirements adopted in section 380.06(18), Florida Statutes (2002), as amended. The Monitoring Report shall include:

    (a) A description of any changes made in the plan of development, phasing, or in representations contained in the ADA since the date of adoption of this Development Order, and any actions taken by the local government to address these changes. Copies of any approvals taken to address changes including copies of any revised master plans not previously submitted will be attached in the Monitoring Report.

    (b) A summary comparison of development activity proposed or conducted since the previous monitoring report and activity projected for that period until submittal of the next regular monitoring report. The summary will include a description of site

improvements, number of residential lots platted and homes constructed, gross floor area of non-residential uses constructed by land use type, location, and phase, with appropriate maps. A tabulation of the amount of acreage developed in the reporting period shall be provided by land use categories listed in Chapter 28-24, F.A.C.

(c) An identification of the name of the purchaser of any undeveloped tracts of land in the Durbin Crossing DRI, including the location and site of the tracts purchased, and the amount of development rights allocated to the purchaser, with map(s) which show the parcel(s) or sub-parcel(s) acquired.

(d) A cumulative summary of all development that has taken place within the Durbin Crossing DRI by the land use categories listed in Chapter 28-24, F.A.C. including residential lots developed and homes constructed, gross floor area of non-residential uses constructed by land use type and location, together with a cumulative summary of location, size (acreage), and development rights purchased (land use type and square footage).

(e) A description of any lands purchased or optioned within one mile of the boundaries of the Durbin Crossing DRI by the Developer identifying such land, its size, and its intended use on a site plan and map.

(f) A listing of any substantial local, state and federal permits, which were obtained, applied for, or denied, during this reporting period, specifying the agency, type of permit, parcel, location(s), and activity for each permit.

(g) A description of any moratorium imposed by a regulatory agency on development within the Durbin Crossing DRI, specifying the type of moratorium, duration, cause, and remedy.

(h) An assessment of Developer's, Developer's successor, if any, and local government's compliance with conditions and commitments contained in the Development Order.

(i) A description of any change to the previously reported stormwater plans, design criteria, or planting and maintenance programs.

(j) A description of any requests for a substantial deviation that were filed in the reporting years and to be filed during the next reporting years.

(k) A description of any change in local government jurisdiction for any portion of the development since the Development Order was issued.

(l) Copies of monitoring reports completed during the previous two years on the created wetlands and stormwater/wetland systems as required by permitting agencies.

(m) Traffic reports, which shall be submitted to the Florida Department of Transportation ("FDOT") District Urban Office in Jacksonville, as well as to the First Coast Metropolitan Planning Organization, SJCPD, NEFRPC, and DCA until the "pipelined" road improvements to be constructed pursuant to Special condition 23 of this Development Order have been completed. The first traffic report shall be due concurrently with the first biennial Monitoring Report after commencement of physical development unless all of the "pipelined" road improvements have been completed. Thereafter, traffic reports shall be submitted biennially until completion of all the "pipelined" road improvements. The following information shall be included:

(i) A description of current development by land use, type, location, number of residential units and amount of square footage of non-residential, together with

the proposed construction schedule for the ensuing reporting period, and appropriate maps.

(ii) A description of any new or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by Developer to accommodate the total existing and anticipated traffic demands.

(n) A copy of the recorded notice of the adoption of a Development Order or any subsequent modification of an adopted development order that was recorded by the Developer pursuant to section 380.06(15)(f), Florida Statutes (2002).

(o) A statement certifying that the Northeast Florida Regional Planning Council (with appropriate filing fee), the Department of Community Affairs, St. Johns County, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Florida Fish and Wildlife Conservation Commission have been sent copies of the Monitoring Report in conformance with subsections 380.06(15) and (18), Florida Statutes (2002).

(p) The acreage of uplands and wetlands placed under recorded conservation easements.

(q) Those items required to be reported pursuant to the Stormwater Pollution Prevention Plan in accordance with Special Condition 18.

11. **Notice of Adoption**. Notice of adoption of this Development Order or any subsequent amendment to it shall be recorded by the Owner in accordance with Section 380.06(15)(f), Florida Statutes (2002), with the Clerk of the Circuit Court of St. Johns County. The recording of this notice shall not constitute or provide actual or constructive notice of a lien, cloud or encumbrance of the DRI Property. The

conditions of this Development Order shall run with the land and bind the successors and assigns of the Owner of the DRI Property. Any contract or agreement for sale of those interests by the Owner for all or any part of the Property subject to this Development Order shall contain a legend substantially in the following form clearly printed or stamped thereon:

> **THE PROPERTY DESCRIBED IN THIS AGREEMENT IS PART OF THE DURBIN CROSSING DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF RAYLAND, L.L.C. AND RAYONIER TIMBERLANDS OPERATING COMPANY, L.P. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD OR ENCUMBRANCE OF REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICE OF THE PLANNING DEPARTMENT, ST. JOHNS COUNTY, FLORIDA, OR AT THE OFFICE OF THE DEPARTMENT OF COMMUNITY AFFAIRS, TALLAHASSEE, FLORIDA.**

12. **Application For Proposed Changes**. The Developer shall comply with applicable provisions of the Florida Statutes in effect at the time of proposed changes to the DRI with regard to such changes.

13. **Status of Development Rights**. The County acknowledges that the Owner and Developer have, by virtue of this Development Order, made substantial commitments to mitigate for impacts of proposed development pursuant to this Development Order. The Owner and Developer will also make substantial investments in construction and development of the infrastructure required under this Development Order, all in reliance upon realization of all development rights granted pursuant to this Development Order.

Accordingly, the rights of the Owner and Developer to construct the development as set forth in General Conditions 2, 3 and 4 are intended to be vested rights and shall not be subject to downzoning or unit density reduction or intensity reduction, except as provided for in General Condition 7 of this Development Order. Future modifications to the St. Johns County Land Development Code and other laws or regulations of the County affecting development shall apply to the development approved pursuant to this Development Order except to the extent that (a) such application would be inconsistent with Section 163.3167(8), Florida Statutes (2002), (b) such future modifications, laws or regulations conflict with specific provisions, conditions or commitments set forth in this Development Order and substantially diminish the development rights granted in this Development Order, or (c) such modifications require mitigation for development impacts which have been reviewed under section 380.06, Florida Statutes, and addressed in this Development Order. The Owner and Developer do not waive any statutory or common law vested right or equitable estoppel right they now have or may hereafter acquire in the future to complete any portion of Durbin Crossing in accordance with the applicable state and local laws and ordinances in effect at the time this Development Order becomes effective.

14. **Subsequent Requests for Development Permits.** Subsequent requests for development permits shall not require further review pursuant to section 380.06, Florida Statutes (2002), unless it is found by the St. Johns County Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development, which create a reasonable likelihood of adverse

regional impacts which were not evaluated in the review by the Northeast Florida Regional Planning Council; or

(b) expiration of this Development Order pursuant to General Condition 3.

Upon a finding that (a) is present, the St. Johns County Board of County Commissioners shall order compliance with sections 380.06(19)(g) and (h), Florida Statutes (2002), and development within Durbin Crossing may continue, as approved, during the DRI review in those portions of the development which are not affected by the proposed change.

SPECIAL CONDITIONS

Index

ENVIRONMENTAL RESOURCES IMPACTS

15. Vegetation and Wildlife.

(a) Gopher Tortoises. Based on a gopher tortoise survey conducted by Environmental Services, Inc. on November 13, 2002, Durbin Crossing contains approximately 46.23 acres of occupied gopher tortoise habitat with a gopher tortoise density classified as "valuable" based upon the Florida Fish and Wildlife Conservation Commission Classification System. The habitat area is depicted on Map G-1, Second Revision, Plant and Wildlife Habitat incorporated in the ADA Second Sufficiency Response. Prior to development within the gopher tortoise habitat area depicted on Map G-1, the Applicant shall obtain a Gopher Tortoise Incidental Take Permit or other applicable approval from the Florida Fish and Wildlife Commission ("FFWCC"). Required mitigation shall be provided prior to project impacts to gopher tortoise habitat. As the required preservation acreage for "valuable" habitat is equal to twenty-five percent of the onsite habitat, if an incidental take permit is granted, the Applicant will contribute to the purchase of 11.56 acres of preservation land by payment of a total of $50,089 ($4,333/acre) to the FFWCC Land Acquisition Trust Fund within one calendar year from the Effective Date of this Development Order as mitigation for impacts to the gopher tortoise and its habitat. Any attempt to relocate gopher tortoises to onsite habitat within recreation/open space areas should be coordinated with the FFWCC and St. Johns County. The relocation efforts will not require habitat management plan, however, efforts that will increase the gopher tortoise carrying

capacity of the onsite habitat must follow the guidelines included in the incidental take permit.

(b) Protected Plants. The DRI contains Catesby's Lilly at two locations and a single specimen of Bartram's Ixia as depicted on Map G-1, Second Revision, in the ADA Second Sufficiency Response. Those plants shall either be preserved onsite or relocated onsite or offsite to a suitable location consistent with Rule 9J-2.041, Florida Administrative Code, and acceptable to the appropriate reviewing agencies with regulatory permitting jurisdiction.

(c) Wildlife Crossings. The Applicant shall install wildlife crossings at the time of construction of the project roads in the locations identified on Exhibit 2 (Map H). Each wildlife crossing within Durbin Crossing will consist of a prefabricated and arched concrete structure, or a structure of similar design, with an opening of a minimum of ten (10) feet wide and a vertical clearance of approximately six (6) feet, and shall be located landward of the jurisdictional wetland line or shall include a contiguous dry portion of at least twenty-five percent (25%) of the total underpass which is above the base flow of the drainage system. Wildlife crossing signs and reduced speed limit designations will be posted on the project roads in the vicinity of the wildlife crossings. Additional details of the proposed wildlife crossings shall be subject to approval of the St. Johns River Water Management District ("District") and United States Army Corps of Engineers ("ACOE"), and will be specified in the permits to be issued by these agencies authorizing the road crossings and wetland impacts.

(d) **Eagle Protection**. No bald eagle nest trees were observed on site. However, an eagle nest has been identified within the Julington Creek DRI. Primary and secondary protection zones are established for the Julington eagle nest. If an eagle nest is found or located within or adjacent to the project site, the Durbin Crossing project will comply with St. Johns County Land Development Code requirements for the protection of eagle nests.

16. **Wetlands.**

(a) **Wetland Conservation and Wetland Impacts**. Approximately 892 acres of 925 acres of jurisdictional wetlands onsite shall be conserved as shown on Exhibit 2 (Map H). The wetlands to be conserved shall be protected by recordation of conservation easements prior to platting of adjacent upland areas in accordance with the terms of the applicable District Environmental Resource Permit ("ERP"). No logging or other similar silvicultural operations shall be conducted within the wetland areas to be conserved or within the upland buffer areas adjacent to the wetlands to be conserved. There will be no more than 32.5 acres of wetland impacts within the DRI Property. Wetland impacts are limited to those areas identified on the Wetland Impact Map, Exhibit 13-1 dated February 13, 2003. Alterations and refinements to wetland impacts to meet permitting requirements may occur over the course of the development provided that no greater than 32.5 acres of wetlands are impacted and the qualitative impact ratios established within the ADA are not exceeded. Mitigation for proposed wetland impacts shall be approved by the District and the ACOE. Upland buffers consistent with St. Johns County Land

Development Code Section 4.01.06 shall be required adjacent to all contiguous conserved wetlands. The Developer shall comply with the terms of any District permit applicable to the DRI Property and, in the event of a degradation to wetland quality or quantity beyond that permitted, the permittee shall correct or mitigate such degradation in accordance with the terms of the District ERP or order.

(b) Erosion and Sedimentation Control. To reduce erosion, all swales, detention slopes and drainage ways constructed by the Developer shall be vegetated, sodded, or seeded. Only those areas needed for development will be cleared. Vegetative cover will be restored immediately and maintained after construction on all disturbed area not covered with an impervious surface. Sedimentation of wetlands shall be prevented through adherence to the erosion and sediment control plan submitted as part of the stormwater permit.

17. Development Standards. All development shall comply with applicable Northwest Sector Plan requirements as set forth in St. Johns County Ordinance 2002-54.

18. Water Quality – Stormwater Pollution Prevention Plan (SWPPP).

(a) SWPPP Requirements. A Stormwater Pollution Prevention Plan (SWPPP) shall be incorporated into the construction and permit documents for projects constructed in Durbin Crossing which require a general or individual District permit. The SWPPP shall be similar to the SWPPP attached as Exhibit 5 but may be modified to accommodate the specific construction project and site.

All SWPPPs must, however, include Paragraph 1, Pre-Construction Activities and Paragraph 3, Maintenance/Inspection Procedures, as provided for in Exhibit 5.

(b) SWPPP Monitoring. In addition to the requirements applicable to individual property owners and their contractors outlined in the SWPPP, the Developer, Community Development District (CDD) or Property Owners Association (POA) shall monitor compliance with the SWPPP goals. The compliance monitoring shall consist of the following:

(i) An individual will be identified by the Developer to monitor compliance with the SWPPP. The Developer shall notify the District and the Florida Department of Environmental Protection (DEP) as to the individual who is responsible for monitoring compliance with the SWPPP within the Durbin Crossing project. At a minimum, this responsible entity will:

1. Be trained in erosion control implementation techniques;
2. Set up and oversee implementation of SWPPP programs throughout the build-out of the project;
3. Ensure that if the regular site inspector is unable to attend pre-construction conferences, this information is communicated to the inspector, including site specific Best Management Practices, permit requirements and erosion control implementation training;

4. Meet with trained site superintendent monthly, upon commencement of site construction, to ensure implementation of the SWPPP and resolve problems. Frequency of site visits may be decreased if there is no indication of erosion control problems and previous visits show a history of compliance with the SWPPP; and

5. Be available to meet with DEP on site for quarterly site visits, unless DEP deems the visit unnecessary. Upon proper identification, DEP personnel shall be granted access to the property.

(ii) Attend all pre-construction conferences.

(iii) Conduct Homeowner Stormwater Training Programs.

(iv) Conduct Contractor Stormwater Training Programs.

(v) Conduct periodic inspections of construction sites.

(vi) Notify the District and DEP of observed potential permit violations within 24 hours and serve as agency liaison.

(vii) Summarize items (i) through (vi) above in the biennial monitoring report.

(c) Implementation. The SWPPP shall be implemented upon initiation of construction activities. Three (3) years after the initiation of construction, the DEP and the District will have the opportunity to review the program. If it is found to be unsatisfactory, the agencies will discuss alternatives, including

program modification options, with the Developer. Such alternative programs agreed to by DEP, the District, and the Developer shall not require a modification of this Development Order.

(d) Water Quality Monitoring. The applicant shall establish one water quality monitoring station for Durbin Crossing located on the west side of Russell Sampson Road at Bowen Branch. Sampling and testing of water quality at the monitoring station and reporting of the results shall be conducted in accordance with the Water Quality Monitoring Plan attached as Exhibit 6. In addition, a summary of the water quality monitoring results shall be included in the biennial Monitoring Report.

19. Water Supply.

(a) Potable Water. A central water supply system shall provide water needs for all development within Durbin Crossing. There shall be no on-site water treatment plants within Durbin Crossing. Development shall occur concurrent with the provision of adequate central potable water service meeting the adopted level of service in the St. Johns County Comprehensive Plan. No development of Phase 2 shall be permitted unless St. Johns County has received written confirmation from the JEA or subsequent utility provider that adequate water supplies are available to serve the remainder of the project development.

(b) Reuse. Irrigation demands within Durbin Crossing shall be met using reuse water. Reuse water will be the primary source of irrigation for the project with stormwater retention/detention ponds serving as a backup source for

irrigation with groundwater only permitted as a backup source to the foregoing reuse supply system. Distribution lines for reuse will be installed concurrent with development of the project for all uses in the project (residential and non-residential). Reuse water shall consist of the following sources:

(i) Wastewater effluent treated to public access standards and delivered to the end user by the utility provider;

(ii) Stormwater.

(c) Wells. There shall be no onsite potable water wells within Durbin Crossing. Irrigation wells will only be allowed as a backup source to the reuse supply system. The use of Floridan Aquifer wells for potable water, irrigation, once-through cooling, surface water level maintenance and decorative uses shall be prohibited by restrictions in all deeds or by recorded covenants and restrictions. The Developer shall include in all deeds restrictions prohibiting the installation or use of private wells within Durbin Crossing except as provided above. Any active wells within the DRI shall be properly plugged and abandoned in accordance with District rules and regulations when the area around each well is developed. Any wells discovered during the development process shall be reported immediately to the District and St. Johns County. Any wells discovered prior to or during development shall be properly plugged and abandoned in accordance with District rules and regulations.

(d) Water Conservation. Water conservation strategies, including xeriscape landscape techniques and low-flow plumbing fixtures shall be incorporated in the construction, operation, and maintenance phases of

the development. The conservation strategies shall include the following:

(i) The Developer shall use low-flow plumbing fixtures consistent with the Water Conservation Act, 553.14, Florida Statutes (2002).

(ii) The Developer, property owner's association, CDD or JEA shall implement a water conservation education program as specified in Section 12.2.5.1(e) of the St. Johns River Water Management District, Consumptive Use Permitting Applicant's Handbook. The curriculum of the education program shall be supplied with the first biennial monitoring report; and

(iii) The Developer shall include information on xeriscape, native vegetation, and drought tolerant vegetation (*SJRWMD Xeriscape Plant Guide*, water conservation guides and *IFAS's Xeriscape Plant Guides* and IFAS's Cooperation Extension Services "*Florida Yards and Neighborhoods*" material) in design guidelines for outparcel development.

(iv) Within project common areas, commercial areas, and multi-family residential complexes 50% of planted vegetation, by areal extent, will consist of native, drought tolerant or xeriscape vegetation. Landscaped areas include planted vegetation and mulch; however, they do not include hardscaped areas.

(v) Within common areas, commercial areas, and multi-family residential complexes, the applicant shall use at least 70% of fertilizer use in slow-release or organic form.

(vi) Project covenants and restrictions shall prohibit the use of decorative and ornamental fountains, except those that use reclaimed water or stormwater consistent with applicable laws and regulations. Interactive recreational fountains may use potable water providing a recirculation treatment system is installed.

20. Wastewater Management. New development shall meet the level of service standard required for wastewater under the 2015 Comprehensive Plan (December 2002). Central sewer service shall be provided for the Durbin Crossing DRI. Temporary surface tanks may be used to provide sewer service to construction and marketing trailers or parks until central sewer lines are installed and in use. No development of Phase 2 shall be permitted unless St. Johns County has received written confirmation from the JEA or subsequent utility provider that adequate treatment and collection capacity is available for the Durbin Crossing DRI.

21. Stormwater Management and Floodplains.

a. Stormwater Management. The stormwater system for Durbin Crossing will be designed using multiple discharge points throughout the project in order to minimize the intensity and volume of discharge from any single point, thereby reducing the potential for flooding and erosion. All drainage improvements

will be designed so that the rate of stormwater which flows into the creeks and tributary wetland systems is equal to or reduced from the pre-development conditions. The normal water elevation of each stormwater management facility will be designed and established so that the adjacent wetland systems are not adversely affected. It is anticipated that wet detention systems will be the primary method of stormwater treatment and attenuation. The wet detention system, outfall control structures and culverts shall all be designed to meet the applicable criteria established by the District as set forth in the most recent Applicant's Handbook Management and Storage of Surface Waters and the applicable criteria as set forth in the St. Johns County Land Development Code. Existing onsite wetland systems shall not be used for stormwater retention or treatment. The Developer shall diligently pursue waivers from St. Johns County to use porous parking materials such as grasspave, gravelpave, turfstone, pavers, and/or other innovative methods such as reduced parking and increased landscaping, to decrease impervious surfaces on all remote, intermittent, or overflow parking and shall use such materials as permitted by St. Johns County, pursuant to the St. Johns County Land Development Code.

b. Floodplains. The improved stormwater system on the site will compensate for any loss of flood storage area. All road crossing shall be constructed above the 100-year floodplain elevation and adequate cross drains shall be provided to handle pre-development flows from on and offsite tributaries.

The finished floor elevations of all structures shall be set above one-foot above the base flood elevation of the 100-year floodplain NGVD-1929.

22. **Solid Waste.** New development shall meet the level of service standard required for solid waste under the 2015 Comprehensive Plan (December 2002). The project shall also participate in the St. Johns County recycling program.

TRANPORTATION RESOURCE IMPACTS

23. **Transportation.** Pursuant to section 163.3180(12), Florida Statutes (2002), the Developer will contribute $16,703,003.00 (the "Pipelining Amount") in funded transportation improvements to offset the impacts of the Durbin Crossing development to the regional transportation system, as described below. The Pipelining Amount exceeds the Developer's required total proportionate share payment of $15,819,693.00 and shall be deemed sufficient to fully mitigate for all the transportation impacts of the DRI for the development rights approved in this Development Order through full buildout. The Pipelining Amount is sufficient to pay for or construct one or more required improvements which will benefit regionally significant transportation facilities and meets the pipelining requirements set forth in Section 163.3180(12), Florida Statutes (2002). The improvements to be constructed by the Developer or identified for funding by the Developer are set forth on attached Exhibits 7 and 8 and are described below.

(a) **Pipelined Improvements**. The Developer shall cause the construction of the following transportation improvements, including right of way acquisition costs for all improvements within the time-frame specified below.

(i) East/West Connector (CR-210 B to Durbin Crossing). Construct a two-lane undivided urban section roadway from the intersection of the East/West Connector with CR-210B as shown on Exhibit 7 to the first intersection within the Durbin Crossing project and cause to be conveyed or dedicated by plat to St. Johns County, free of liens and encumbrances, at no cost to the County, a 150' wide right of way (for the portion outside the boundaries of Durbin Crossing) (and a 130' wide right of way (for the portion inside the boundaries of Durbin Crossing) sufficient for a four-lane divided urban section from CR-210B to the first intersection with Durbin Crossing. This improvement has an allocated cost of $1,079,641.00 in 2002 Dollars. This improvement shall be commenced prior to issuance of building permits for vertical construction (except construction trailers) within Durbin Crossing. Also, prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers), the Developer shall provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement or funded commitment from a Community Development District that the improvement will be completed within two years after the improvement is commenced.

(ii) East/West Connector (Durbin Crossing to Russell Sampson Road). Construct a four-lane divided urban section roadway from the eastern terminus of the roadway segment described in (i) above to

Russell Sampson Road as shown on Exhibit 7 and caused to be conveyed or dedicated by plat to St. Johns County, free of liens and encumbrances at no cost to the County, a 130' wide right of way sufficient for a four-lane divided urban section. The construction obligations of the Applicant with regard to this road segment shall include all necessary intersection improvements at the Russell Sampson Road intersection, including signalization when warranted (if warranted prior to buildout) and turn lanes. This improvement has been allocated pipelining cost of $6,045,548 in 2002 Dollars. This improvement shall be commenced prior to issuance of building permits within Durbin Crossing (except construction trailers). Also, prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers), the Developer shall provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement or funded commitment from a Community Development District that the improvement will be completed within two years after the improvement is commenced.

(iii) North/South Arterial (CR-210 to North/South Connector). Construct a four-lane divided urban section roadway and cause to be conveyed or dedicated by plat to St. Johns County a 200' wide right of way sufficient for a four-lane divided urban section, free of liens and encumbrances at no cost to St. Johns County from CR-

210 to the North/South Connector as shown on Exhibit 7. The construction obligations of the Applicant with regard to this road segment shall include turn lanes and other similar intersection improvements to CR 210. This improvement has an allocated cost of $4,849,453.00 in 2002 Dollars. This improvement shall be commenced prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers). Also, prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers), the Developer shall provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement or funded commitment from a Community Development District that the improvement will be completed within two years after the improvement is commenced.

(iv) North/South Connector (North/South Arterial to Russell Sampson Road). Construct a two-lane undivided urban section roadway and cause to be conveyed or dedicated by plat to St. Johns County a 150' wide right of way sufficient for a four-lane divided urban section to St. John County, free of liens and encumbrances at no cost to St. Johns County, from the North/South Arterial to Russell Sampson Road. This improvement has an allocated pipelining cost of $1,630,960.00 in 2002 Dollars. This improvement shall be commenced prior to issuance of building permits for vertical

construction within Durbin Crossing (except construction trailers). Also, prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers), the Developer shall provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement or funded commitment from a Community Development District that the improvement will be completed within two years after the improvement is commenced.

(v) Russell Sampson Road. Construct two-lane undivided urban section roadway from the North/South Connector to Race Track Road and cause to be conveyed or dedicated by plat to St. Johns County a 150' wide right of way sufficient for a four-lane divided urban section, free of liens and encumbrances at no cost to St. Johns County. The construction obligations of the Applicant with regard to this road segment shall include construction of turn lanes and other similar intersection improvements at Race Track Road and shall include signalization when warranted (if warranted prior to buildout). This improvement has an allocated pipelining cost of $3,097,401.00 in 2002 dollars. This improvement shall be commenced prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers). Also, prior to issuance of building permits for vertical construction within Durbin Crossing (except construction trailers), the

Developer shall provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement or funded commitment from a Community Development District that the improvement will be completed within two years after the improvement is commenced.

(b) **Coordinated Schedule for Pipeline Improvements.** In addition to the pipeline roadway improvements set forth in this Development Order, the pipeline roadway network set forth in the Aberdeen DRI Development Order must be commenced prior to the issuance of building permits for any vertical construction (except construction trailers) within Durbin Crossing. Also, prior to issuance of building permits for vertical construction with Durbin Crossing (except construction trailers), the Developer, or the developer of the Aberdeen DRI must provide financial assurance to St. Johns County in the form of a bond, letter of credit, three party agreement, or funded commitment from a community development district that the construction of the East/West connector, CR-210 B, and Aberdeen Boulevard will be completed within two (2) years after such improvements are commenced.

(c) **Right of Way Reservation**. Applicant shall reserve a strip of land adjacent to the south side of the power line easement as shown in Exhibit 2 (Map H) having a width of 300 feet for a period of five (5) years commencing on the effective date of the Durbin Crossing DRI. The five-year reservation period is to allow the Florida Department of Transportation to complete the project development and environmental studies necessary to determine the supporting roadway network for the SR-9B/I-95 corridor. If the FDOT study does not identify this corridor as the

preferred alternative during the five-year period, the development of the underlying land uses shown on Exhibit 2 (Map H) within the strip shall be allowed to commence.

(d) **Condition Regarding Bartram Parkway**. No development of Phase 2 shall be permitted unless the construction of Bartram Park Parkway is complete and Bartram Park Parkway is open and operational from Race Track Road to St. Augustine Road in Jacksonville, unless the developer of Durbin Crossing contributes a total of $305,542.00 (in year 2003 dollars to be adjusted by U.S. government issued annual inflation factors) to St. Johns County for partial or full payment of the cost of a second turn lane off CR-210 onto the I-95 northbound ramp and the cost of widening the ramp to accommodate traffic from the second turn lane, or Bartram Park Parkway, or toward an Interstate Modification Report for the CR-210/I-95 interchange, or toward any other roadway improvement listed on table 21-19, dated 1/23/2003. Any improvements to the I-95 onramp must approved by FDOT to meet FDOT design and geometry requirements.

(e) **Transit**. In the event that public transit service is provided to Durbin Crossing, transit passenger shelters and transit bays shall be constructed where necessary to facilitate transit service. These facilities shall be constructed within the rights of way of the applicable roadways.

(f) **Master Circulation Plan**. The project Master Circulation Plan shall be substantially as shown on Exhibit 2 (Map H). However, the alignment of internal roads may be adjusted by the Developer without modifying this Development Order. Bike lanes shall be included on all of the facilities within the DRI or constructed by

the Developer or CDD on the East/West Connector, the North/South Arterial, the North/South Connector and Russell Sampson Road.

(g) **Air**. The following dust control measures shall be undertaken during all construction activities throughout build-out of the project:

(i) Contractors will moisten soil or use resinous adhesives on barren areas, which shall include, at a minimum, all roads, parking lots, and material stockpiles;

(ii) Contractors will use mulch, liquid resinous adhesives with hydro-seeding or sod on all landscape areas;

(iii) Contractors will remove soil and other dust-generating material deposited on paved streets by vehicular traffic, earth moving equipment, or soil erosion; and

(iv) Contractors will use the best operating practices in conjunction with any burning resulting from land clearing, which may include the use of air curtain incinerators.

(h) **Financial Assurances.** In all instances under this Special Condition 23 in which the Developer must provide financial assurance to St. Johns County, such financial assurance shall be in the form of a bond, letter of credit, three party agreement, or funded commitment from a community development district in a form reasonably acceptable to St. Johns County.

HUMAN RESOURCE IMPACTS

24. Affordable Housing. The housing study summary in Table 24-9 of the ADA Second Sufficiency Response indicates that there is an adequate supply of affordable housing for Phase 1, but a minor shortfall for Phase 2. According to Table 24-9, there will be a shortfall of 56 units for low income families by the end of Phase 2 unless additional supply is made available. Accordingly, the Developer shall:

a. Contribute to St. Johns County, prior to issuance of any building permits for office or retail/commercial/service uses, the sum of $150,000 which shall be used by St. Johns County to provide funds for the purpose of down payment assistance to be used for the purchase of homes so long as the home is within the ten mile or twenty minute commute boundary of the project ("Down Payment Assistance"). The Down Payment Assistance shall be provided to qualified applicants in accordance with the County's Local Housing Assistance Plan. Preference shall be given to qualified applicants who are employees within Durbin Crossing; and

b. Provide a total of 200 affordable housing units on site as either (i) rental units qualifying for Federal Housing Tax Credits or to be developed under an equivalent Federal or State program designed to insure affordability; or (ii) owner occupied For-Sale units having a purchase price at or below the purchase limits established from time to time under the St. Johns County SHIP Local Housing Assistance Plan. Any For-Sale units provided to satisfy the affordable housing requirements set forth in this Special Condition 24 shall be subject to a

three year re-sale restriction limiting the sales price on re-sale to a price equal or less than the purchase limits under the Local Housing Assistance Plan (except as described below). At least 56 units of affordable housing (as such term is defined in Rule 9J-2.048(2) F.A.C.) reserved for low income households (as such term is defined in Rule 9J-2.048(2) F.A.C.) shall be commenced on site prior to issuance of building permits for office space in excess of 35,000 square feet or retail/commercial/service space in excess of 50,000 square feet. If any of the 56 units of affordable housing reserved for low income households are provided as For-Sale Units then, such units shall be subject to a five-year resale restriction limiting the sales price on resale to a price equal or less than the purchase limits under the Local Housing Assistance Plan. The balance of the affordable housing units shall be provided prior to build out. With regard to the owner occupied for sale units provided pursuant to this special condition 24(b), the Developer shall notify the St. Johns County Housing and Community Services Division as to which properties shall have the resale price restriction as each such unit is closed. The St. Johns Housing and Community Services Division shall be provided the names of the purchasers, their mailing addresses, the property descriptions, and the date of sale.

25. **Recreation and Open Space**. As shown in Exhibits 2 and 3, the Developer shall provide 10 acres of community centers, 21 acres of neighborhood parks, and 35 acres of

community parks. Prior to issuance of any building permits for vertical construction within Durbin Crossing (other than vertical construction associated with parks and recreation and construction trailers) Developer shall commence development and construction of $1,000,000 of park infrastructure and improvements within a community park within Durbin Crossing. The community park improvements shall include, at a minimum, four lighted baseball fields, two lighted soccer/football fields and adequate parking for the fields. These improvements shall be completed within two (2) years after commencement of construction of the park improvements.

26. Impact Fees. Impact fee credits towards any present or future impact fees that may be adopted by St. Johns County shall be allowed for any contribution of land, money (including, but not limited to, "proportionate share" or "fair share contributions") or improvements made by or on behalf of the Developer or the Community Development District, as the case may be, for public facilities pursuant to the guidelines stipulated in Section 380.06(16), Florida Statutes, and St. Johns County Impact Fee ordinances 87-57, 87-58, 87-59 and 87-60, as they may be amended. The Developer proposes and the County agrees that, in the event that any contributions of land purchased by a Community Development District or, money (including "proportionate share" or "fair share payments"), or improvements funded or constructed with funds from a Community Development District give rise to impact fee credits to the Community Development District, then such impact fee credit shall be established in the name of the Community Development District. In the event that an owner contributes land for public facilities (including road right of way) such owner shall be entitled to impact fee credits applicable

to land to be developed by such owner. The amount of such credit shall be determined in accordance with applicable law and County ordinances as established by the County.

27. Community Development District. The Developer has indicated that it will form a Community Development District within the DRI pursuant to Chapter 190, Florida Statutes (2002) as it may be amended from time to time. The County expressly maintains all rights available to it pursuant to Chapter 190, Florida Statutes (2002), related to the proposed establishment of a Community Development District by the Developer. Any Community Development District for Durbin Crossing approved pursuant to Chapter 190, Florida Statutes (2002) may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain projects, systems and facilities for the purposes described in Section 190.012, Florida Statutes (2002), including, but not limited to, any of the indicated transportation improvements, school and park improvements set forth in this Development Order and any other project required or authorized by this Development Order. Construction or funding by any such Community Development District of all such projects within or without the boundaries of the Community Development District required by this Development Order or necessary to serve the development approved by this Development Order is expressly approved. If the Developer is required by this Development Order to provide, pay for or otherwise cause to be provide, infrastructure, projects, systems or facilities set forth in Chapter 190, Florida Statutes (2002), including, without limitation, those in Sections 190.012(1) and (2) Florida Statutes (2002), then the Community Development District independently may satisfy such obligations. To the extent any such obligation under this Development Order is met or performed by the Community Development District, then the Developer

shall no longer be subject to the obligation. The Developer proposes and the County agrees that, in the event that any contributions of land, money (including "proportionate fair share payments" or "pipelining amounts"), or improvements funded or constructed with funds from a Community Development District give rise to impact fee credits to the Community Development District, then such impact fee credits shall be established in the name of the Community Development District.

28. Historical and Archeological Sites. Should any regionally significant historical and archaeological resources be discovered in the course of development, the Developer shall immediately notify the Division of Historical Resources (the "Division"). No disruption of the findings shall be permitted until the investigation is complete, the Division has rendered a recommendation and a mitigation plan has been agreed upon by the Developer and the Division.

29. Education. Developer and the St. Johns County School Board have entered into a memorandum of understanding (the "Memorandum of Understanding") under which the Developer and Community Development District shall cause a public school to be constructed on the school site depicted on Map H (or other site acceptable to the School Board) within the time period established in the Memorandum of Understanding. The Memorandum of Understanding also provides for repayment of bonds issued by the Community Development District for acquisition and construction of the school through School Board lease payments, or other lawful School Board funding mechanisms including, without limitation, remittance of school board impact fees. The Developer shall donate to the St. Johns County School Board the school site depicted on Map H containing approximately twenty acres (or other acceptable school site) prior to issuance

of any building permits for vertical construction (other than construction trailers) within the Durbin Crossing DRI. The school site shall be conveyed to the School Board free and clear of all liens and encumbrances except reasonable covenants and restrictions limiting use of the property for school purposes and providing reasonable reciprocal easements for ingress/egress utilities and drainage that do not interfere with the principal use of the school site for school purposes. The school site shall be conveyed free of charge and the Developer shall not request school impact fee credits for such conveyance. The Developer shall comply with the terms of the Memorandum of Understanding and use all reasonable efforts to cause a school to be constructed on the school site by the Community Development District for Durbin Crossing under an agreement with the School Board so that the school can be opened when population in the Aberdeen DRI and Durbin Crossing DRI will generate 450 students for such school.

30. Police and Fire Protection.

a. Developer shall reserve a two-acre fire station site within the Mixed Use Parcel located on the East/West Road as shown on Exhibit 2 (Map H) until such site is conveyed to St. Johns County for a fire station or until an alternative site located within the Aberdeen DRI or located on the East/West Connector between the Durbin Crossing and Aberdeen DRIs has been conveyed to St. Johns County for a fire station. In the event that the Developer or the Developer of the Aberdeen DRI causes a two-acre fire station site located within the Aberdeen DRI or along the East/West Road between the Aberdeen DRI and the Durbin Crossing DRI to be conveyed to the St. Johns County Fire Department,

then the two-acre fire station site previously reserved within the Mixed Use Parcel within Durbin Crossing shall be released and shall be available for development as indicated on Exhibit 2 (Map H). The fire station site shall be conveyed to the County free and clear of liens and encumbrances and without charge, except for impact fee credits, within 180 days of the request for such conveyance by the County. If the County does not request or accept conveyance of the reserved fire station within five (5) years of the effective date of this Development Order, then the site shall be released from this reservation and shall be available for development as indicated on Exhibit 2 (Map H). The Developer shall annually notify the County Fire Chief, the County's Chief Elected Official, the County's Chief Administrative Officer, the Public Safety Officer, the County Clerk, and the Northeast Florida Regional Planning Counsel of this requirement to convey the land and the expiration date of the reservation of the land. Within three (3) years of the Effective Date of this Development Order, the Developer shall, if requested by St. Johns County, prepay the fire impact fees for al residential units within the Project for which fire impact fees have not previously been paid. St. Johns County shall use the impact fees for construction of a fire station on the Fire Station Site provided by the Developer. No impact fee credits shall be requested for the donation of the Fire Station Site, but impact fee credits shall be granted for the impact fee prepayment.

(b) Prior to issuance of any building permit for the construction of residential, commercial, or office improvements exceeding seventy-five feet in height, either:

(i) The County must have an aerial apparatus in operation and available on a twenty-four hour, seven day per week basis within the five mile delivery area; or

(ii) The Developer has contributed a proportional share of the cost based upon approved non-residential development square footage and residential units in excess of five stories within the service delivery area (fire station within five miles). Any agreement for provision of service reached between the Developer and the St. Johns County with regard to proportionate share contributions may supersede this condition.

MISCELLANEOUS

31. Notices. Any and all notices required or allowed to be given to the Developer shall be mailed or delivered to the following:

Kimball D. Woodbury
Southstar Development Partners
255 Alhambra Circle, Suite 325
Coral Gables, Florida 33134

With a copy to:

John G. Metcalf, Esq.
Pappas Metcalf Jenks & Miller, P.A.
200 W. Forsyth Street, Suite 1400
Jacksonville, Florida 32202

And

Elizabeth C. Bowman, Esq.
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301

32. Severability. If any stipulation or any portion or section of any stipulation contained in this Development Order is declared, determined to be, or adjudged invalid, illegal or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the approval granted in this Development Order, the other stipulations, or the other portions or sections of the affected stipulations, which shall remain of full force and effect as if the stipulation or portion or section of a stipulation so declared, determined to be or adjudged invalid, illegal or unconstitutional were not originally a part of this Development Order.

33. Successor Agencies. Whenever, within the terms of the stipulations, reference is made to any department, agency, board, commission, or other instruments of the federal, state, or municipal governments, it is understood that such reference shall be construed to mean any future instrumentality which, by operation of law, may be created and designated as successor in interest or other which may be possessed of any of the powers and duties of any referenced instrumentality in existence on the effective date of these stipulations.

34. Incorporation of Recitals. The Recitals are hereby incorporated by reference.

RENDITION

Within ten (10) days of the adoption of this development order, St. Johns County shall render a copy of this Development Order with all attachments, certified as complete and accurate, by certified mail, return receipt requested, to the Florida Department of Community Affairs, bureau of Local Planning, Northeast Florida Planning Council, and the Applicant.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 1st day of April 2003.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
Its Chair

RENDITION DATE 04-10-03

ATTEST: Cheryl Strickland, Clerk
By: Patricia A. DeGrande
Title: Deputy Clerk
Adopted Regular Meeting: April 1, 2003
Effective: 8-29-03, 2003

EXHIBIT LIST

1	DRI Property (Legal Description)
2	Durbin Crossing Master Plan (Map H)
3	Land Use Phasing Table
4	Conversion Tables
5	Stormwater Pollution Prevention Plan
6	Water Quality Monitoring Plan
7	Transportation Improvements Map (Pipelining)
8	Transportation Improvements Table (Pipelining)

Exhibit 1

DRI Property (Legal Description)

Exhibit 1

DURBIN CROSSING
LEGAL DESCRIPTION

A PART OF SECTIONS 1, 2, 11, 12, 13 AND 14, TOWNSHIP 5 SOUTH, RANGE 27 EAST TOGETHER WITH A PART OF SECTIONS 6, 7 AND 18, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 02°46'18" WEST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 2687.90 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH 87°01'13" WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 2, A DISTANCE OF 2624.29 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE NORTH 04°00'43" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 1456.66 FEET; THENCE NORTH 89°31'52" EAST, A DISTANCE OF 1323.67 FEET; THENCE NORTH 02°14'55" WEST, A DISTANCE OF 1340.72 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 2; THENCE NORTH 89°18'52" EAST ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 1320.98 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 89°10'39" EAST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 2656.01 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH 03°00'20" EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1, A DISTANCE OF 1346.55 FEET; THENCE NORTH 89°14'51" EAST, A DISTANCE OF 2446.18 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF RUSSELL SAMPSON ROAD (A 60.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 12°50'25" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.50 FEET; THENCE SOUTH 13°08'19" EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3220.08 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 633.18 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 308.74 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 27°06'27" EAST AND A CHORD DISTANCE OF 305.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 41°04'35" EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1409.00 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 518.12 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 503.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 24°11'13" EAST

AND A CHORD DISTANCE OF 298.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 07°34'09" EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 455.49 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 578.44 FEET; THENCE SOUTHEASTERLY CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 423.05 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 28°31'17" EAST AND A CHORD DISTANCE OF 413.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 49°28'24" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 90.24 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 4773.62 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 342.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 47°25'02" EAST AND A CHORD DISTANCE OF 342.55 FEET TO A POINT ON SAID CURVE; **THENCE SOUTH 25°23'14" WEST, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 122.52 FEET; THENCE SOUTH 18°05'25" WEST ALONG A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF A TRAIL ROAD AND BEING ALONG THE EASTERLY EDGE OF SAID ROAD, A DISTANCE OF 480.00 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 650.00 FEET; THENCE CONTINUING ALONG SAID PARALLEL LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 231.61 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 07°52'57" WEST AND A CHORD DISTANCE OF 230.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 02°19'31" EAST CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 3147.16 FEET; THENCE SOUTH 08°02'32" WEST CONTINUING ALONG SAID PARALLEL LINE,** A DISTANCE OF 842.87 FEET TO A POINT ON THE EASTERLY LINE OF A 150.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2176, PAGE 27 OF THE PUBLIC RECORDS OF ST. JOHNS, COUNTY FLORIDA; THENCE SOUTH 09°21'50" EAST LEAVING SAID TRAIL ROAD AND ALONG SAID EASTERLY EASEMENT LINE, A DISTANCE OF 996.59 FEET TO THE NORTHWEST CORNER OF PARCEL NO. 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1276, PAGE 665, OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID EASEMENT LINE SOUTH 01°37'38" WEST, A DISTANCE OF 786.76 FEET TO THE NORTHEAST CORNER OF PARCEL NO. 5 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1276, PAGE 665 OF SAID PUBLIC RECORDS ALSO BEING A POINT ON THE WESTERLY LINE OF SAID 150.00 WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT; THENCE SOUTH 80°36'52" WEST ALONG THE NORTH LINE OF SAID PARCEL NO. 5 AND ITS WESTERLY PROLONGATION THEREOF, A DISTANCE OF 1139.84 FEET TO A POINT ON THE NORTHERLY

BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 326 OF SAID PUBLIC RECORDS; THENCE WESTERLY NORTHERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING 22 COURSES; COURSE NO. 1) NORTH 09°55'59" WEST, A DISTANCE OF 618.40 FEET; COURSE NO. 2) NORTH 17°20'53" WEST, A DISTANCE OF 213.11 FEET; COURSE NO. 3) NORTH 73°12'02" WEST, A DISTANCE OF 538.09 FEET; COURSE NO. 4) NORTH 15°46'44" WEST, A DISTANCE OF 311.55 FEET; COURSE NO. 5) NORTH 31°38'15" WEST, A DISTANCE OF 675.98 FEET; COURSE NO. 6) NORTH 53°33'49" WEST, A DISTANCE OF 236.22 FEET; COURSE NO. 7) NORTH 86°59'29" WEST, A DISTANCE OF 675.63 FEET; COURSE NO. 8) NORTH 46°30'55" WEST, A DISTANCE OF 640.21 FEET; COURSE NO. 9) SOUTH 57°52'19" WEST, A DISTANCE OF 413.48 FEET; COURSE NO. 10) SOUTH 17°16'40" WEST, A DISTANCE OF 339.73 FEET; COURSE NO. 11) SOUTH 82°27'31" WEST, A DISTANCE OF 180.62 FEET; COURSE NO. 12) NORTH 55°54'28" WEST, A DISTANCE OF 265.00 FEET; COURSE NO. 13) NORTH 85°31'26" WEST, A DISTANCE OF 480.00 FEET; COURSE NO. 14) NORTH 50°40'57" WEST, A DISTANCE OF 451.81 FEET; COURSE NO. 15) NORTH 20°36'22" WEST, A DISTANCE OF 105.00 FEET; COURSE NO. 16) NORTH 06°03'15" EAST, A DISTANCE OF 401.86 FEET; COURSE NO. 17) NORTH 67°59'52" WEST, A DISTANCE OF 245.00 FEET; COURSE NO. 18) NORTH 88°08'30" WEST, A DISTANCE OF 294.91 FEET; COURSE NO. 19) SOUTH 60°04'20" WEST, A DISTANCE OF 411.95 FEET; COURSE NO. 20) SOUTH 42°57'55" WEST, A DISTANCE OF 250.05 FEET; COURSE NO. 21) SOUTH 52°34'50" WEST, A DISTANCE OF 603.91 FEET; COURSE NO. 22) SOUTH 34°07'31" WEST, A DISTANCE OF 1311.18 FEET; THENCE DEPARTING SAID LANDS, NORTH 30°30'08" WEST, A DISTANCE OF 2272.31 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 02°46'51" WEST, A DISTANCE OF 5404.28 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 11; THENCE NORTH 89°24'45" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1602.17 FEET TO THE POINT OF BEGINNING. CONTAINING 2048.75 ACRES MORE OR LESS.

LESS AND EXCEPT:
A PART OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 28 EAST ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 88°44'53" EAST ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 1341.66 FEET TO A POINT ON THE CENTERLI NE OF AN EXISTING 150.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2176, PAGE 27 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 09°21'51" WEST ALONG SAID CENTERLINE OF A 150.00 FOOT WIDE JACKSONVILLE

ELECTRIC AUTHORITY EASEMENT, A DISTANCE OF 904.57 FEET; THENCE SOUTH 61°56'23" WEST ALONG THE CENTERLINE OF A 130.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT, A DISTANCE OF 866.83 FEET; THENCE DEPARTING SAID CENTERLINE, SOUTH 28°03'37" EAST, A DISTANC E OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 28°03'37" EAST, A DISTANCE OF 160.00 FEET; THENCE SOUTH 61°56'23" WEST, A DISTANCE OF 217.33 FEET; THENCE SOUTH 81°19'30" WEST, A DISTANCE OF 122.50 FEET; THENCE NORTH 11°19'01" EAST, A DISTANCE OF 55 .55 FEET; THENCE NORTH 36°44'51" WEST, A DISTANCE OF 82.50 FEET; THENCE NORTH 08°40'30" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 81°19'30" EAST, A DISTANCE OF 114.99 FEET; THENCE NORTH 61°56'23" EAST, A DISTANCE OF 190.01 FEET TO THE POINT OF BEGINNING CONTAINING 1.15 ACRES MORE OR LESS.

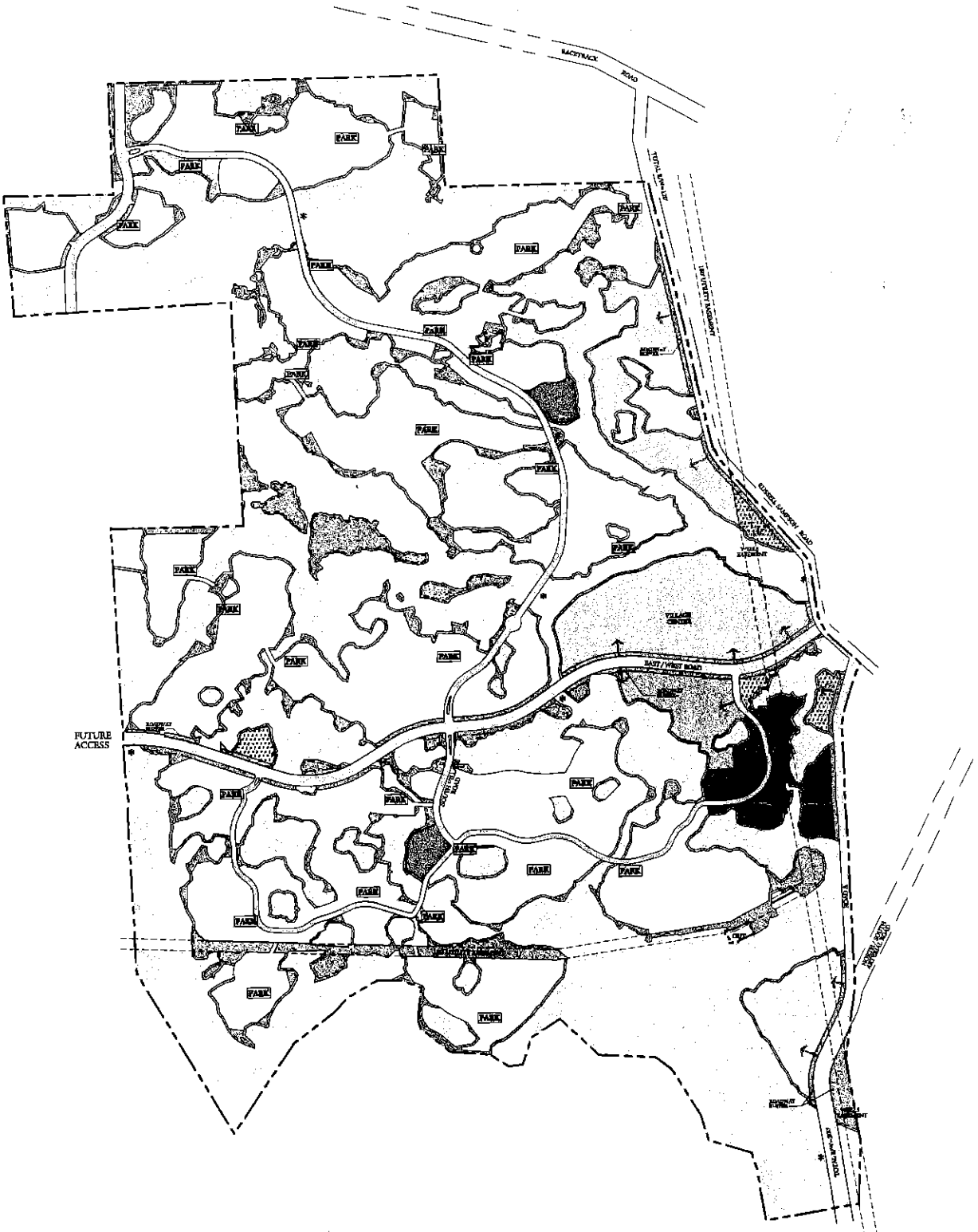
THE ABOVE DESCRIBED EXCEPTION PARCEL BEING THE SAME LANDS AS THOSE INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS BOOK 919, PAGE 1116 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOTAL OF 2047.60 ACRES MORE OR LESS.

Exhibit 2

Durbin Crossing Master Plan (Map H)

[Map H version included in submittal from Ron Manley of Canin Associates to RPC dated 2/14/03]



LEGEND

- Residential- Single-Family (2. -3.5 DU/AC.)
- Residential- Multi-Family (8. -16 DU/AC.)
- Village Center
  - Office
  - Commercial
  - Residential- Multi-Family (8. -16 DU/AC.)
  - Civic
- Mixed-Use
  - Office
  - Commercial
  - Civic
- Elementary School
- ROW
- Community Centers
- Community Parks
- PARK Neighborhood Parks
- Undeveloped Uplands
- Wetlands
- Property Boundary
- * Wildlife Crossing

Exh 2

Durbin CROSSING

WETLAND AREAS SHOWN HEREON ARE APPROXIMATE IN NATURE AND SUBJECT TO FINAL PERMITTING WITH THE APPROPRIATE AGENCIES. WETLAND/UNDEVELOPED UPLAND AREAS WILL BE LIMITED USE OPEN SPACE AND/OR WILL BE SUBJECT TO CONSERVATION EASEMENTS CONSISTENT WITH FINAL AGENCY PERMITTING.

Map H (3rd Revision)

Master Development Plan

SouthStar Development Partners Inc.
Applicant

Canin Associates Job#: 200080

Yates & Company — Project Manager
England–Thims & Miller, Inc. — Civil Engineering/Transportation
Canin Associates — Planner
Rogers, Towers, Bailey, Jones & Gay — Legal Counsel
Hopping, Green, Sams & Smith — Legal Counsel
Poppas, Metcalf, & Jenks — Legal Counsel
Fishkind & Associates — Economic / Fiscal
Environmental Services, Inc. — Environmental

Feb. 13, 2003
Approx. Scale in Feet
0 1200
N

Exhibit 3

Table 10-2 (Development Program and Phasing)

Exhibit 3
Durbin Crossing DRI
Table 10-2 (3rd revision)
Development Program and Phasing

Land Use	Phase I--2003-2007 DU	Phase I--2003-2007 Sq. Feet	Phase II--2008-2010 DU	Phase II--2008-2010 Sq. Feet	Acres	Total DU	Total Sq. Feet
Residential	1,337		1,161		697	2,498	
Single Family (2.-3.5 du/ac)	1,167		384		601	1,551	
Multi-Family (8.-16. du/ac) /1	170		777		96	947	
Commercial /2		26,800		73,200	21		100,000
Office /2		12,000		58,000	11		70,000
Elementary School					20		
Recreation/Open Space					291		
Community Center		10,000		20,000	10		30,000
Neighborhood Parks					21		
Community Park					35		
Roadway Buffer					26		
Welland Buffer					109		
Undeveloped Upland					90		
Wetlands					**892**		
ROW Reservation /3					**115**		
Total	**1,337**	**38,800**	**1,161**	**151,200**	**2,047**	**2,498**	**200,000**

/1 - Multi-family uses are located in the Village Center and multi-family pods, as shown on Map H (3rd revision).

/2 - Commercial, Office, and Civic Uses are located in the Village Center and mixed-use pods, as shown on Map H (3rd revision).

/3 - Acreage of right-of-away is as shown on Map H (3rd revision).

Exhibit 4

Conversion Tables

Part A: Exchange Parameters

ITE Code	Land Use	Proposed Amount	Minimum Allowable	Maximum Allowable	ITE Trip Rate PM Peak Hour(2)
710	Gen Office (square feet)	70,000	56,000	84,000	1.49 per 1,000 sf
820	Shopping Ctr (square feet)	100,000	80,000	120,000	3.74 per 1,000 sf
210	Single Family (units)	1,551	1,241	1,861	1.01 per unit
220	Multi-family (units)	947	758	1,136	0.62 per unit

(1) Institute of Traffic Engineers, Trip Generation, 6th Edition, 1997

Part B: Land Use Exchange Table

Land Use To Increase	Office (1,000 sf)	Retail (1,000 sf)	Single Family (units)	Multi-family (units)
Office (1,000 sf)	- - -	0.398	1.475	2.403
Retail (1,000 sf)	2.510	- - -	3.703	6.032
Single Family (units)	0.678	0.270	- - -	1.629
Multi-family (units)	0.416	0.166	0.614	- - -

Part C: Instructions

The increase in one land use and corresponding decrease in another can be determined by the factors in the Part B using the following formulas:

Land Use to Increase : Land Use to Decrease

(Increase Quantity) x (Factor) = (Decrease Quantity)

Where the Increase and Decrease Quantities are measurable in the units shown

Exhibit 5

Stormwater Pollution Prevention Plan

In order to ensure water quality is maintained and encroachment into environmentally sensitive areas are prohibited, the property owner and contractor shall adhere to the following Operation Plan prior to and during construction.

PRE-CONSTRCUTION ACTIVITIES

Prior to the start of site construction, the property owner or his representative shall conduct a pre-construction conference, which addresses Stormwater Pollution Prevention and Sediment and Erosion Control. At a minimum, the property owner, contractor and design engineer or their representative shall attend a pre-construction conference. Regulatory agencies shall be notified prior to the pre-construction conference regarding the date, time and location of the conference and shall be allowed to attend. The purpose of this conference is to review the site specific details of the SWPPP and identify the individuals responsible for its implementation. In addition, specific conditions of regulatory permits will be reviewed and persons assigned to the monitoring for compliance with these conditions. The pre-construction conference shall be a specific condition in all stormwater management permits issued for the Durbin Crossing project.

CONSTRUCTION ACTIVITIES

The site work contractor shall at a minimum implement the requirements outlined below and those measures shown on the Stormwater Pollution Prevention Plan (SWPPP) and the erosion and turbidity control plan. In addition, the contractor shall undertake additional measures required to be in compliance with applicable permit conditions and state water quality standards. Depending on the nature of materials and methods of construction the contractor may be required to add flocculants to the detention system prior to discharge to Waters of the State.

Sequence of Major Erosion Control Activities:

The order of activities will be as follows:

1. Install stabilized construction entrance

2. Install silt fences and hay bales as required

3. Clear and grub for diversion swales/dikes and sediment basin

4. Construct sedimentation basin

5. Stock pile top soil if required

6. Stabilize denuded areas and stockpiles as soon as practicable

7. Complete grading and install permanent seeding/sod and planting

8. Remove accumulated sediment from basins

9. Flocculate lake system, if required, to meet water quality standards

10. When all construction activity is complete and the site is stabilized, remove any temporary diversion swales/dikes, silt fences, hay bales and reseed/sod as required

Note: Vertical construction of buildings will be taking place during all the sequence steps listed above.

Additional Controls

It is the contractor's responsibility to implement the erosion and turbidity controls as shown on the sediment and erosion control plan. It is also the contractor's responsibility to ensure these controls are property installed, maintained and functioning properly to prevent turbid or polluted water from leaving the project site. The contractor will adjust the erosion control measures, as required, to ensure the site meets all federal, state and local erosion and turbidity control requirements. The following best management practices will be implemented by the contractor as required by the erosion and sediment control plan and as required to meet the sediment and turbidity requirements imposed on the project site by the regulatory agencies.

Erosion and sediment controls stabilization practices. (See the site specific sediment and erosion control plan for applicability):

1. Straw bale barrier: Straw bale barriers will be used below disturbed areas subject to sheet and rill erosion with the following limitations:

a. Where the maximum slope behind the barrier is 33 percent.

b. In minor swales or ditch lines where the maximum contributing drainage area is no greater than 2 acres.

c. Where effectiveness is required for less than 3 months.

d. Every effort should be made to limit the use of straw bale barriers constructed in live streams or in swales where there is the possibility of a washout. If necessary, measures shall be taken to properly anchor bales to insure against washout.

2. Filter Fabric Barrier: Filter fabric barriers shall be installed landward of upland buffers. Filter fabric barriers will be used below disturbed areas subject to sheet and rill erosion with the following limitations:

a. Where the maximum slope behind the barrier is 33 percent.

b. In minor swales or ditch lines where the maximum contributing drainage area is no greater than 2 acres.

3. Sod with Filter Fabric: In areas with slopes steeper than 33 percent, the slope shall be full sodded with dos pinned to the slope. Filter fabric barriers (silt fences) shall be installed at the top and toe of the slope.

4. Brush Barrier with Filter Fabric: Brush barrier will be used below disturbed areas subject to sheet and rill erosion where enough residue material is available on site.

5. Level Spreader: A level spreader will be used where sediment-free storm runoff is intercepted and diverted away from the graded areas onto undisturbed stabilized areas. This practice applies only in those situations where the spreader will be constructed on undisturbed stabilized areas. This practice applies only in those situations where the spreader will be constructed on undisturbed soil and the area below the level lip is stabilized. The water should not be allowed to reconcentrate after release.

6. Stockpiling Material: No excavated material shall be stockpiled in such a manner as to direct runoff directly off the project site into any adjacent water body or stormwater collection facility.

7. Exposed Area Limitation: The surface area of open, raw erodible soil exposed by clearing and grubbing operations or excavation and filling operations shall not exceed 10 acres. This requirement may be waived for large projects with an erosion control

plan, which demonstrates that opening of additional areas, will not significantly affect off-site deposit of sediments.

8. Inlet Protection: Inlets and catch basins which discharge directly off-site shall be protected from sediment-laden storm runoff until the completion of all construction operations that will contribute sediment to the inlet.

9. Temporary Seeding: Areas opened by construction operations and that are not anticipated to be re-evaluated or dressed and receive final grassing treatment within 30 days shall be seeded with a quick growing grass species which will provide an early cover during the season in which it is planted and will not later compete with the permanent grassing.

10. Temporary Seeding and Mulching: Slopes steeper than 6:1 that fall within the category established in Paragraph 8 above shall additionally receive mulching of approximately 2 inches loose measure of mulch material cut into the sol of the seeded area adequate to prevent movement of seed and mulch.

11. Temporary Grassing: The seeded or seeded and mulched area(s) shall be rolled and watered or hydromulched or other suitable methods if required to assure optimum growing conditions for the establishment of a good grass cover.

12. Temporary Regrassing: If, after 14 days from seeding, the temporary grassed areas have not attained a minimum of 75 percent good grass cover , the area will be reworked and additional seed applied sufficient to establish the desired vegetative cover.

13. Maintenance: All features of the project designed and constructed to prevent erosion and sediment shall be maintained during the life of the construction so as to function as they were originally designed and constructed.

14. Permanent Seeding: All areas which have been disturbed by construction will, as a minimum, be seeded. The seeding mix must provide both long-term vegetation and rapid growth seasonal vegetation. Slopes steeper than 4:1 shall be seeded and mulched or sodded.

15. Temporary Diversion Dike: Temporary diversion dikes will be used to divert runoff through a sediment-trapping facility.

16. Temporary Sediment Trap: A sediment trap is usually installed in a drainage way at a storm drain inlet or at other points of discharge from a disturbed area with the following limitations:

    a. The sediment trap will be constructed either independently or in conjunction with a temporary diversion dike.

17. Sediment Basin: Sediment basin(s) will be constructed at the common drainage locations that serve an area with 10 or more disturbed acres at one time. The proposed stormwater ponds (or temporary ponds) will be constructed for use as sediment basins. These sediment basins must provide a minimum of 3,600 cubic feet of storage per acre drained until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. Any temporary sediment basins constructed must be backfilled and compacted in accordance with the specifications for structural fill. All sediment collected in permanent or temporary sediment traps must be removed upon final stabilization.

Site Maintenance Activities

Waste Disposal

Waste Materials

All Waste materials except land clearing debris shall be collected and stored in a securely lidded metal dumpster. The dumpster will meet all local and state solid waste management regulations. The dumpster will be emptied as needed and the trash will be hauled to a state approved landfill. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted at the construction site by the site superintendent, the individual who manages the day-to-day site operations, will be responsible for seeing that these procedures are followed.

Hazardous Waste

All hazardous waste materials will be disposed of in the manner specified by local or state regulation or by manufacturer. Site personnel will be instructed in these practices and the site superintendent, the individual who manages the day-to-day site operations, will be responsible for seeing that these practices are followed.

Sanitary Waste

All sanitary waste will be collected from the portable units as needed to prevent possible spillage. The waste will be collected and disposed of in accordance with state and local waste disposal regulations for sanitary sewer or septic systems.

Offsite Vehicle Tracking

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments. The paved street adjacent to the site entrance will be swept daily to remove any excess mud, dirt or rock tracked form the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

Spill Prevention Plan

Material Management Practices

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff.

Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project:

- An effort will be made to store only enough product required to do the job.
- All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.

- Whenever possible, all of a product will be used up before disposing of the container.

- Manufacturer's recommendations for proper use and disposal will be followed.

- The site superintendent will inspect daily to ensure materials onsite receive proper use and disposal.

Hazardous Products

These practices are used to reduce the risks associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.

- Original labels and material safety data will be retained; they contain important product information.

- If surplus product must be disposed of, manufacturer's or local and state recommended methods for proper disposal will be followed.

Product Specific Practices

The following product specific practices will be followed onsite:

Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Portable petroleum storage tanks shall not be placed within 200 feet of a wetland or water body including stormwater management ponds, unless secondary containment is provided. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.

Fertilizers

Fertilizers used will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to

stormwater. Storage will be in a covered area. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to void spills.

Paints

All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and local regulations.

The site superintendent responsible for the day-to-day site operations will be the spill prevention and cleanup coordinator. He/she will designate at least one other site personnel who will receive spill prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and if applicable, in the office trailer onsite.

MAINTENANCE/INSPECTION PROCEDURES

Erosion and Sediment Control inspection and Maintenance Practices

The following are inspection and maintenance practices that will be used to maintain erosion and sediment controls:

- All control measures will be inspected by the site superintendent, the person responsible for the day-to-day site operation or someone appointed by the site superintendent, at least once a week and following any storm event of 0.25 inches or greater.
- All turbidity control measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- Built up sediment will be removed from silt fence wherein it has reached one-third the height of the fence.
- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- The sediment basins will be inspected for the depth of sediment and build up sediment will be removed when it reaches 10 percent of the design capacity or at the end of the job.
- Diversion dikes/swales will be inspected and any breaches promptly repaired.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth.

- A maintenance inspection report will be made after each inspection. A coy of the report form to be completed by the inspector will attached to the contract. The reports will be kept on site during construction and available upon request to the owner, engineer or any federal, state or local agency approving sediment and erosion plans, or stormwater management plans. The reports shall be made and retained as part of the stormwater pollution prevention plan for at least three years form the date that the site is finally stabilized and the notice of termination is submitted. The reports shall identify any incidents of non-compliance.
- The site superintendent will select up to three individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
- Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

NON-STORMWATER DISCHARGES

It is expected that the following non-stormwater discharges will occur from the site during the construction period:

- Water from water line flushing
- Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred)
- Uncontaminated groundwater (from dewatering excavation)

All non-stormwater discharges will be directed to the sediment basin prior to discharge.

Exhibit 6
Surface Water Quality Monitoring Plan

EXHIBIT
tabbies
6

DURBIN CROSSING DRI
SURFACE WATER QUALITY MONITORING PLAN

ESI Project No. EJ00095.00

2 April 2003

FOR

SOUTHSTAR DEVELOPMENT PARTNERS, INC.
255 Alhambra Circle, Suite 312
Coral Gables, Florida 33134

AND

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST DISTRICT
Attn: Ms. Jodi Conway
7825 Baymeadows Way
Jacksonville, Florida 32256-7590

ENVIRONMENTAL SERVICES, INC.
7220 Financial Way, Suite 100
Jacksonville, Florida 32256
(904) 470-2200

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

DURBIN CROSSING DRI
SURFACE WATER QUALITY MONITORING PLAN

ESI Project No. EJ00095.00
2 April 2003

I. INTRODUCTION

As a commitment to the Florida Department of Environmental Protection (FDEP), during the Durbin Crossing Development of Regional Impact (DRI) process, Southstar Development Partners, Inc., agreed to conduct a limited surface water quality monitoring program. Accordingly, the applicant has contracted Environmental Services, Inc. (ESI) to create and administer a Water Quality Monitoring Plan (WQMP) for Durbin Crossing. This investigation is designed to establish background conditions and to monitor water quality throughout the development of the property.

II. SCOPE

A. Location of Sampling Station

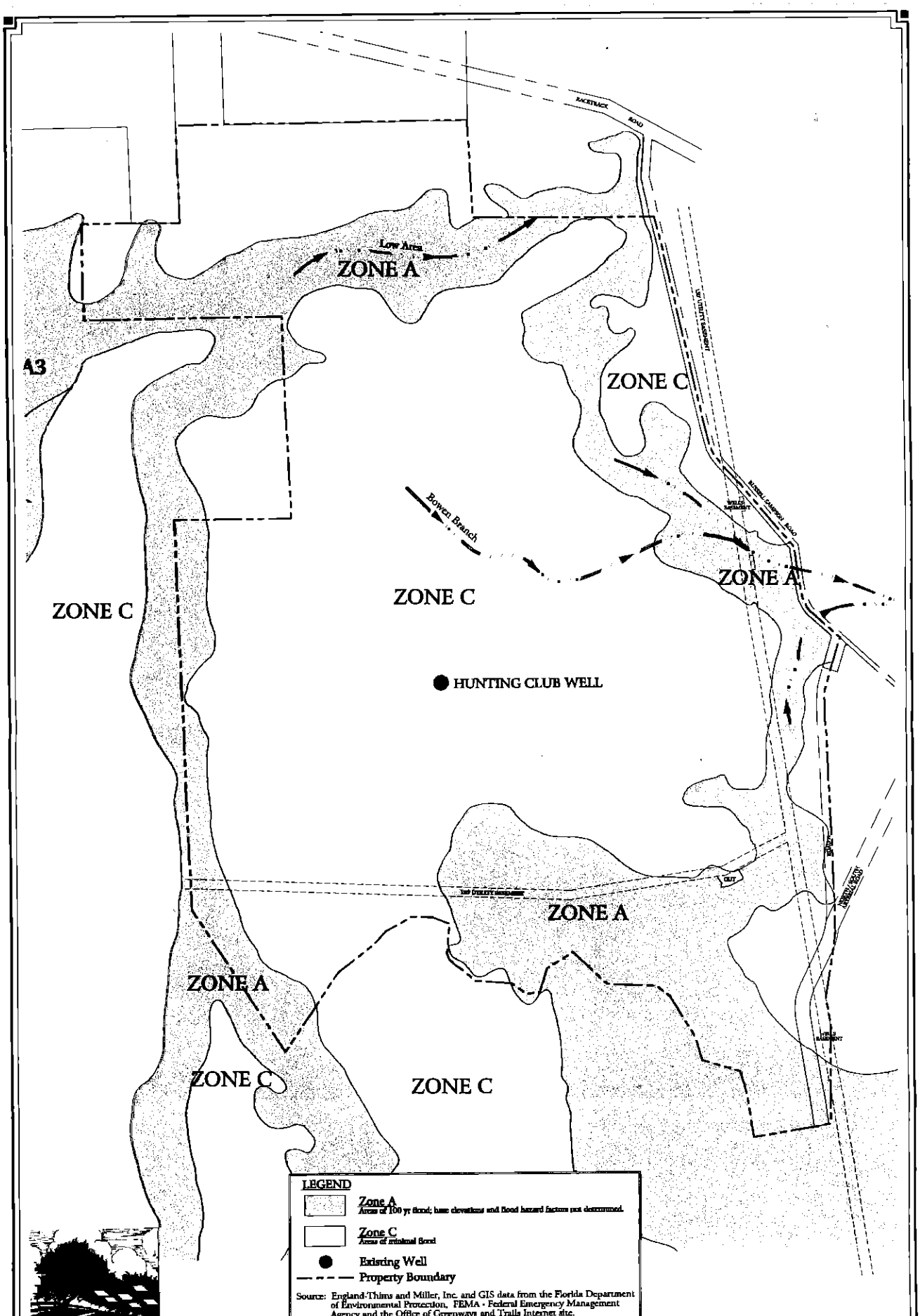
One sampling station for Durbin Crossing is depicted on the Water Quality Monitoring Station Location Map (Map C2). Reference markers will be placed in the field to ensure consistency throughout the sampling events. The sampling station is designated as follows:

> Station 1. Station 1 is located on the west side of Russell Sampson Road at Bowen Branch. This freshwater station is representative of water quality conditions exiting the site.

B. Baseline Monitoring Program

ESI will conduct four baseline (pre-development) water quality-sampling events, prior to commencement of construction. The baseline-monitoring program is intended to establish pre-development conditions in the Bowen Branch basin.

[MAP C2]



Durbin CROSSING

Map C2 (Revised)

Existing Well /100 Year Flood Prone Areas Pre-Development

SouthStar Development Partners Inc.
Applicant

Yates & Company — Project Manager
Conlin Associates — Planner
England—Thims & Miller, Inc. — Civil Engineering/Transportation
Rogers, Towers, Bailey, Jones & Gay — Legal Counsel
Hopping, Green, Sams & Smith — Legal Counsel
Pappas, Metcalf, & Jenks — Legal Counsel
Fishkind & Associates — Economic / Fiscal
Environmental Services, Inc. — Environmental

Aug. 05, 2002
Approx. Scale in Feet
0 1200
N

Baseline water quality data will be used for comparison to construction-phase sampling results. All four baseline sampling events will include *in situ* measurements, water chemistry and bacterial sampling (Table 1). All parameters will be monitored at the designated station.

The baseline monitoring program will assess the influence of rainfall on turbidity, nutrient levels, and other water quality parameters. Two "wet" and two "dry" sampling events will be conducted. Dry and wet weather sampling criteria will follow EPA's Environmental Monitoring & Assessment Program (EMAP) protocol. Wet weather samples will be collected within 24 hours after a rain event of greater than 0.1 inches of rainfall, but following an interevent period of at least 72 hours (*i.e.*, three days of dry weather). Dry weather samples will be taken following at least 7 days of dry weather.

ESI will notify FDEP personnel at least 24 hours (48 hours, when feasible) prior to each sampling event, affording FDEP the opportunity to collect split samples or supervise sampling activities.

C. Construction-Phase Monitoring Program

ESI will monitor water quality within Bowen Branch throughout development of Durbin Crossing. The construction-phase monitoring program has been designed to identify any impacts, trends or changes in water quality occurring since the baseline monitoring events.

The construction-phase monitoring program will comprise of quarterly sampling events for a minimum of two years for the same parameters and at the same station as the baseline sampling events (Table 1). FDEP reserves the right to require additional sampling based on sampling results.

ESI will notify FDEP personnel at least 5 days prior to each quarterly sampling event, affording FDEP the opportunity to collect split samples or supervise sampling activities.

III. METHODS

A. Quality Assurance/Quality Control

All field activities (*in situ* measurements, and collection of water samples) will be conducted in adherence to ESI's Comprehensive Quality Assurance Plan (CompQAP #910112G), and in accordance with FDEP SOP dated April 2002. Instrument calibrations, replicate sampling, and other specific QA/QC procedures are described in the following sections.

Table 1. Water quality parameters and analytical methods for baseline and construction-phase water quality monitoring programs at Durbin Crossing.

Parameter	Units	Method
Field (in situ) Measurements		
Temperature	°C	EPA 170.1
PH	std. units	EPA 150.1
Dissolved Oxygen (DO)	mg/l	EPA 360.1
Specific Conductance	µmhos/cm	EPA 120.1
Salinity	ppt	EPA 2520-B
Flow	cm/sec	FDEP SOP
Secchi Disk Transparency	feet	FDEP SOP
Physical Properties		
Color	CU	EPA 110.2
Total Hardness as $CaCO_3$	mg/l	EPA 130.2
Total Dissolved Solids (TDS)	mg/l	EPA 160.1
Total Suspended Solids (TSS)	mg/l	EPA 160.2
Inorganic Anions		
Alkalinity	mg/l	EPA 310.1
Total Phosphorus	mg/l	EPA 365.4
Nitrate/Nitrite	mg/l	EPA 353.2
Total Kjeldahl Nitrogen (TKN)	mg/l	EPA 351.2
Organics		
Biochemical Oxygen Demand	mg/l	EPA 405.1
Bacteria		
Total Coliform (TC) Bacteria	# per 100 ml	SM 9221-E
Fecal Coliform (FC) Bacteria	# per 100 ml	SM 9221-B

B. Surface Water Sampling

1. Field Measurements and Observations. Weather and water quality conditions and field measurements will be recorded at the station onto ESI field data capture sheets (Attachment A). Weather data will include 24-hour antecedent rainfall (based on published data from JIA). Water quality conditions will include flow regime, water color, surface clarity and any nuisance conditions. Field measurements will include total depth, Secchi disk depth and *in situ* measurements.

The following physico-chemical water quality parameters will be measured *in situ* at the station using a HydroLab Quanta-G: water temperature, dissolved oxygen, salinity, pH, and specific conductance. On the morning of each sampling event, the HydroLab will be calibrated for dissolved oxygen, pH and conductivity. Following each sampling event, calibration checks will be conducted to verify that measurement error was less than 1.0 percent for all parameters. Values from the pre and post calibration will be documented on ESI calibration capture sheets (Attachment A). Turbidity will be measured in the field using a Hach Model 2100P nephelometric turbidimeter. The turbidimeter's calibration will be verified in the field using Gelex secondary turbidity standards (0-10 and 0-100 NTU).

2. Collection of Water Samples. Sample collection information, including sampling time, sampling depth, analytical parameters, sample containers, handling procedures and quality assurance protocol, will be recorded at the station onto ESI field data capture sheets (Attachment A). Pre-cleaned containers will be provided (with preservatives added) by the subcontract laboratory. All sample containers will be labeled on site with station name, sample identification number, and date and time of collection. Water samples for laboratory analyses will be collected subsurface (0.5 feet) by hand grab at the station.

A field duplicate sample will be collected sequentially with the primary water sample at the station, and will be submitted as a blind duplicate to the subcontract laboratories. Immediately following collection, all sample containers will be sealed and placed on ice. Chain-of-custody records for the water samples will be initiated at the time of collection and kept with the sealed sample coolers, which will be hand delivered to the subcontract laboratory by ESI personnel.

3. Laboratory Analyses. Water chemistry and bacteriological parameters will be analyzed using EPA-approved methods, by Environmental Conservation Laboratories ("ENCO"), a subcontract laboratory. ENCO is fully certified for analysis of environmental samples by the FDEP and

NELAC (FDEP: 910190 and NELAC: E82277). The analytical method detection limit (MDL) for each parameter will be lower than its maximum contaminant level (MCL), based on state surface water quality criteria. Copies of the original laboratory reports will be provided as appendices to ESI's monitoring reports.

IV. REPORTING

A. Report of Baseline Conditions

The Report of Baseline Conditions will provide all analytical results from the baseline sampling events, including field measurements and laboratory analyses. Results will be presented in tabular format, along with associated water quality criteria (Rule 62-302.530 F.A.C.). Copies of original laboratory reports and chain-of-custody documentation will be appended. This report will describe any changes in scope or methods from those presented in this WQMP. This initial report will be submitted to FDEP and Northeast Florida Regional Planning Council (NEFRPC).

B. Quarterly Reports

Reports for each quarterly construction-phase monitoring event will be similar in content and format to the Report of Baseline Conditions, and will include data tables presenting cumulative results of all monitoring events to date. Reports of the quarterly monitoring events will be submitted to FDEP for review within 30 days of receipt of the results from the laboratory.

C. Annual Reports

Annual reports summarizing the results of the year's four quarterly sampling events will be presented to NEFRPC.

V. REEVALUATION

After the completion of the storm water system and every five (5) years, unless otherwise agreed upon by Northeast District FDEP and the Developer, the WQMP shall be reviewed and evaluated pursuant to Chapter 62-302 F.A.C. Sampling methods, locations, parameters, and frequency shall be evaluated and, if necessary, modified. Dates of construction phase sampling activities may be scheduled during this meeting. Reevaluation may occur sooner than every five (5) years at the request of either the Developer or FDEP with consent of the other party.

ATTACHMENTS

HydroLab Quanta-G Calibration Capture Sheet (ESI)
Field Water Quality Data Capture Sheet (ESI)

Environmental Services, Inc.

HydroLab Quanta-G

Calibration Capture Sheet

Project

Personnel: _____

Location: _____

Date:_____

ESI Project:

_____

Start Time: _____

Finish Time: _____

Conductivity

Rinse 3 Times with DI Water_____
Fill with Conductivity Solution Equal to _____mS/cm
Date Received: _____
Lot No: _____
Expiration Date: _____
Reading: _____ mS/cm
Adjusted Reading ____ to _____mS/cm
Rinse 3 Times with DI Water_____
Filled with Conductivity Solution Equal to _____. Reading _____

Dissolved Oxygen %

Rinsed 3 Times with DI Water _____
Filled with DI Water, Water Level Equal to O-ring _____
Blotted Membrane _____
Covered Calibration Cup with Cup Cover _____
Barometric Pressure: _____ mmHg
% DO: _____ Sat.

pH

Rinsed 3 Times with DI Water _____
Filled with pH Solution Equal to 7.00
Date Received: _____
Lot No: _____
Expiraton Date: _____
Reading: _____
Adjusted Reading _____ to pH: _____
Rinsed 3 Times with DI Water _____
Filled with pH Solution Equal to 4.00 (fresh) or 10.00 (marine)
Date Received: _____
Lot No: _____
Expiration Date : _____
Reading: _____
Adjusted Reading _____ to pH: _____
Filled with pH Solution Equal to 7.00. Reading: _____

Post Sampling Calibration Check Date: _____
Start Time: _____ Finish Time: _____
Filled With Conductivity Solution Equal: _____mS/cm Reading: _____mS/cm
Filled With pH Solution Equal: _____ Reading: _____
Filled With DI Water: Temperature Reading: _____C DO Reading: _____mg/l

Environmental Services, Inc.

Water Quality Monitoring

Field Data Capture Sheet

Project

WQ Station: _____

Personnel: _____

Durbin Crossing DRI
ESI Project No. EJ00095

Date: _____

Time: _____

Field Conditions

Air Temp: _____ ° C

Cloud Cover: _____ %

Windspeed: _____ MPH

Wind Direction: _____

Rainfall (past 24 hr): _____ in.

Sampling Event: ☐ "Wet" ☐ "Dry"

Flow Speed:	Water Color:	Water Surface:	Nuisance Conditions:
Fast	Clear	Clear	
Moderate	Tannic	Oily Sheen	
Slow	Algal	Slick	
Not Visible	Other:	Algal Scum	

Water Odors:	Water Clarity:
Normal	Clear
Sewage	Slightly Turbid
Petroleum	Turbid
Chemical	Opaque

Hach 2100P Turbidimeter

Calibration Verification: ☐ 0-10 NTU ☐ 0-100 NTU

Turbidity: _____ NTU

Field Measurements

Measurement Time: _____

Total Depth: _____ ft

Secchi Depth: _____ ft

In situ Depth: _____ ft

Flow: _____ cm/sec

HydroLab Quanta-G

Water Temp: _____ °C Calibrated meter @ _____

pH: _____ std. Units

pH calibration:
☐ 7.00 & 4.00 Standards
☐ 7.00 & 10.0 Standards

Cond: _____ µmhos/cm

Salinity: _____ ppt

Cond calibration:
☐ 0.005 M KCl (718 µmhos/cm)
☐ 0.01 M KCl (1,413 µmhos/cm)

DO: _____ mg/L

DO: _____ % Sat'n ☐ DO calibrated in Air (100% sat'n)

Water Sampling

Sampling Time: _____

Sampling Depth: _____ ft

Sampling Equipment:
☐ Hand Grab
☐ Kemmerer Sampler
☐ Other: _____

Composite Sample? _____

Sample Parameters	Containers:
BOD	1,000 ml HDPE (unpreserved)
Color, Alkalinity, TDS, TSS	500 ml HDPE (unpreserved)
TKN, NO_X, TP	500 ml HDPE (H_2SO_4)
Hardness	250 ml HDPE (HNO_3)
TC, FC (bacteria)	Bacterial Vial (Na-thiosulfate)

Other: _____

QA/QC Samples:

☐ Field Duplicate (blind)
☐ Equipment Rinse
☐ Travel Blank

Samples on Ice? _____

Chain-of-Custody _____

Laboratories: _____

Additional Notes/Field Observations/Equipment Maintenance:

Signature: _____

Time: _____

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

DURBIN CROSSING DRI
SURFACE WATER QUALITY MONITORING PLAN

ESI Project No. EJ00095.00
2 April 2003

I. INTRODUCTION

As a commitment to the Florida Department of Environmental Protection (FDEP), during the Durbin Crossing Development of Regional Impact (DRI) process, Southstar Development Partners, Inc., agreed to conduct a limited surface water quality monitoring program. Accordingly, the applicant has contracted Environmental Services, Inc. (ESI) to create and administer a Water Quality Monitoring Plan (WQMP) for Durbin Crossing. This investigation is designed to establish background conditions and to monitor water quality throughout the development of the property.

II. SCOPE

A. Location of Sampling Station

One sampling station for Durbin Crossing is depicted on the Water Quality Monitoring Station Location Map (Map C2). Reference markers will be placed in the field to ensure consistency throughout the sampling events. The sampling station is designated as follows:

> Station 1. Station 1 is located on the west side of Russell Sampson Road at Bowen Branch. This freshwater station is representative of water quality conditions exiting the site.

B. Baseline Monitoring Program

ESI will conduct four baseline (pre-development) water quality-sampling events, prior to commencement of construction. The baseline-monitoring program is intended to establish pre-development conditions in the Bowen Branch basin.

Baseline water quality data will be used for comparison to construction-phase sampling results. All four baseline sampling events will include *in situ* measurements, water chemistry and bacterial sampling (Table 1). All parameters will be monitored at the designated station.

The baseline monitoring program will assess the influence of rainfall on turbidity, nutrient levels, and other water quality parameters. Two "wet" and two "dry" sampling events will be conducted. Dry and wet weather sampling criteria will follow EPA's Environmental Monitoring & Assessment Program (EMAP) protocol. Wet weather samples will be collected within 24 hours after a rain event of greater than 0.1 inches of rainfall, but following an interevent period of at least 72 hours (*i.e.*, three days of dry weather). Dry weather samples will be taken following at least 7 days of dry weather.

ESI will notify FDEP personnel at least 24 hours (48 hours, when feasible) prior to each sampling event, affording FDEP the opportunity to collect split samples or supervise sampling activities.

C. Construction-Phase Monitoring Program

ESI will monitor water quality within Bowen Branch throughout development of Durbin Crossing. The construction-phase monitoring program has been designed to identify any impacts, trends or changes in water quality occurring since the baseline monitoring events.

The construction-phase monitoring program will comprise of quarterly sampling events for a minimum of two years for the same parameters and at the same station as the baseline sampling events (Table 1). FDEP reserves the right to require additional sampling based on sampling results.

ESI will notify FDEP personnel at least 5 days prior to each quarterly sampling event, affording FDEP the opportunity to collect split samples or supervise sampling activities.

III. METHODS

A. Quality Assurance/Quality Control

All field activities (*in situ* measurements, and collection of water samples) will be conducted in adherence to ESI's Comprehensive Quality Assurance Plan (CompQAP #910112G), and in accordance with FDEP SOP dated April 2002. Instrument calibrations, replicate sampling, and other specific QA/QC procedures are described in the following sections.

Table 1. Water quality parameters and analytical methods for baseline and construction-phase water quality monitoring programs at Durbin Crossing.

Parameter	Units	Method
Field (in situ) Measurements		
Temperature	°C	EPA 170.1
PH	std. units	EPA 150.1
Dissolved Oxygen (DO)	mg/l	EPA 360.1
Specific Conductance	µmhos/cm	EPA 120.1
Salinity	ppt	EPA 2520-B
Flow	cm/sec	FDEP SOP
Secchi Disk Transparency	feet	FDEP SOP
Physical Properties		
Color	CU	EPA 110.2
Total Hardness as $CaCO_3$	mg/l	EPA 130.2
Total Dissolved Solids (TDS)	mg/l	EPA 160.1
Total Suspended Solids (TSS)	mg/l	EPA 160.2
Inorganic Anions		
Alkalinity	mg/l	EPA 310.1
Total Phosphorus	mg/l	EPA 365.4
Nitrate/Nitrite	mg/l	EPA 353.2
Total Kjeldahl Nitrogen (TKN)	mg/l	EPA 351.2
Organics		
Biochemical Oxygen Demand	mg/l	EPA 405.1
Bacteria		
Total Coliform (TC) Bacteria	# per 100 ml	SM 9221-E
Fecal Coliform (FC) Bacteria	# per 100 ml	SM 9221-B

B. Surface Water Sampling

1. Field Measurements and Observations. Weather and water quality conditions and field measurements will be recorded at the station onto ESI field data capture sheets (Attachment A). Weather data will include 24-hour antecedent rainfall (based on published data from JIA). Water quality conditions will include flow regime, water color, surface clarity and any nuisance conditions. Field measurements will include total depth, Secchi disk depth and *in situ* measurements.

The following physico-chemical water quality parameters will be measured *in situ* at the station using a HydroLab Quanta-G: water temperature, dissolved oxygen, salinity, pH, and specific conductance. On the morning of each sampling event, the HydroLab will be calibrated for dissolved oxygen, pH and conductivity. Following each sampling event, calibration checks will be conducted to verify that measurement error was less than 1.0 percent for all parameters. Values from the pre and post calibration will be documented on ESI calibration capture sheets (Attachment A). Turbidity will be measured in the field using a Hach Model 2100P nephelometric turbidimeter. The turbidimeter's calibration will be verified in the field using Gelex secondary turbidity standards (0-10 and 0-100 NTU).

2. Collection of Water Samples. Sample collection information, including sampling time, sampling depth, analytical parameters, sample containers, handling procedures and quality assurance protocol, will be recorded at the station onto ESI field data capture sheets (Attachment A). Pre-cleaned containers will be provided (with preservatives added) by the subcontract laboratory. All sample containers will be labeled on site with station name, sample identification number, and date and time of collection. Water samples for laboratory analyses will be collected subsurface (0.5 feet) by hand grab at the station.

A field duplicate sample will be collected sequentially with the primary water sample at the station, and will be submitted as a blind duplicate to the subcontract laboratories. Immediately following collection, all sample containers will be sealed and placed on ice. Chain-of-custody records for the water samples will be initiated at the time of collection and kept with the sealed sample coolers, which will be hand delivered to the subcontract laboratory by ESI personnel.

3. Laboratory Analyses. Water chemistry and bacteriological parameters will be analyzed using EPA-approved methods, by Environmental Conservation Laboratories ("ENCO"), a subcontract laboratory. ENCO is fully certified for analysis of environmental samples by the FDEP and

NELAC (FDEP: 910190 and NELAC: E82277). The analytical method detection limit (MDL) for each parameter will be lower than its maximum contaminant level (MCL), based on state surface water quality criteria. Copies of the original laboratory reports will be provided as appendices to ESI's monitoring reports.

IV. REPORTING

A. Report of Baseline Conditions

The Report of Baseline Conditions will provide all analytical results from the baseline sampling events, including field measurements and laboratory analyses. Results will be presented in tabular format, along with associated water quality criteria (Rule 62-302.530 F.A.C.). Copies of original laboratory reports and chain-of-custody documentation will be appended. This report will describe any changes in scope or methods from those presented in this WQMP. This initial report will be submitted to FDEP and Northeast Florida Regional Planning Council (NEFRPC).

B. Quarterly Reports

Reports for each quarterly construction-phase monitoring event will be similar in content and format to the Report of Baseline Conditions, and will include data tables presenting cumulative results of all monitoring events to date. Reports of the quarterly monitoring events will be submitted to FDEP for review within 30 days of receipt of the results from the laboratory.

C. Annual Reports

Annual reports summarizing the results of the year's four quarterly sampling events will be presented to NEFRPC.

V. REEVALUATION

After the completion of the storm water system and every five (5) years, unless otherwise agreed upon by Northeast District FDEP and the Developer, the WQMP shall be reviewed and evaluated pursuant to Chapter 62-302 F.A.C. Sampling methods, locations, parameters, and frequency shall be evaluated and, if necessary, modified. Dates of construction phase sampling activities may be scheduled during this meeting. Reevaluation may occur sooner than every five (5) years at the request of either the Developer or FDEP with consent of the other party.

ATTACHMENTS

HydroLab Quanta-G Calibration Capture Sheet (ESI)
Field Water Quality Data Capture Sheet (ESI)

Exhibit 7

Transportation Improvements Map (Pipelining)

[Figure 21-9 provided by Canin Associates]

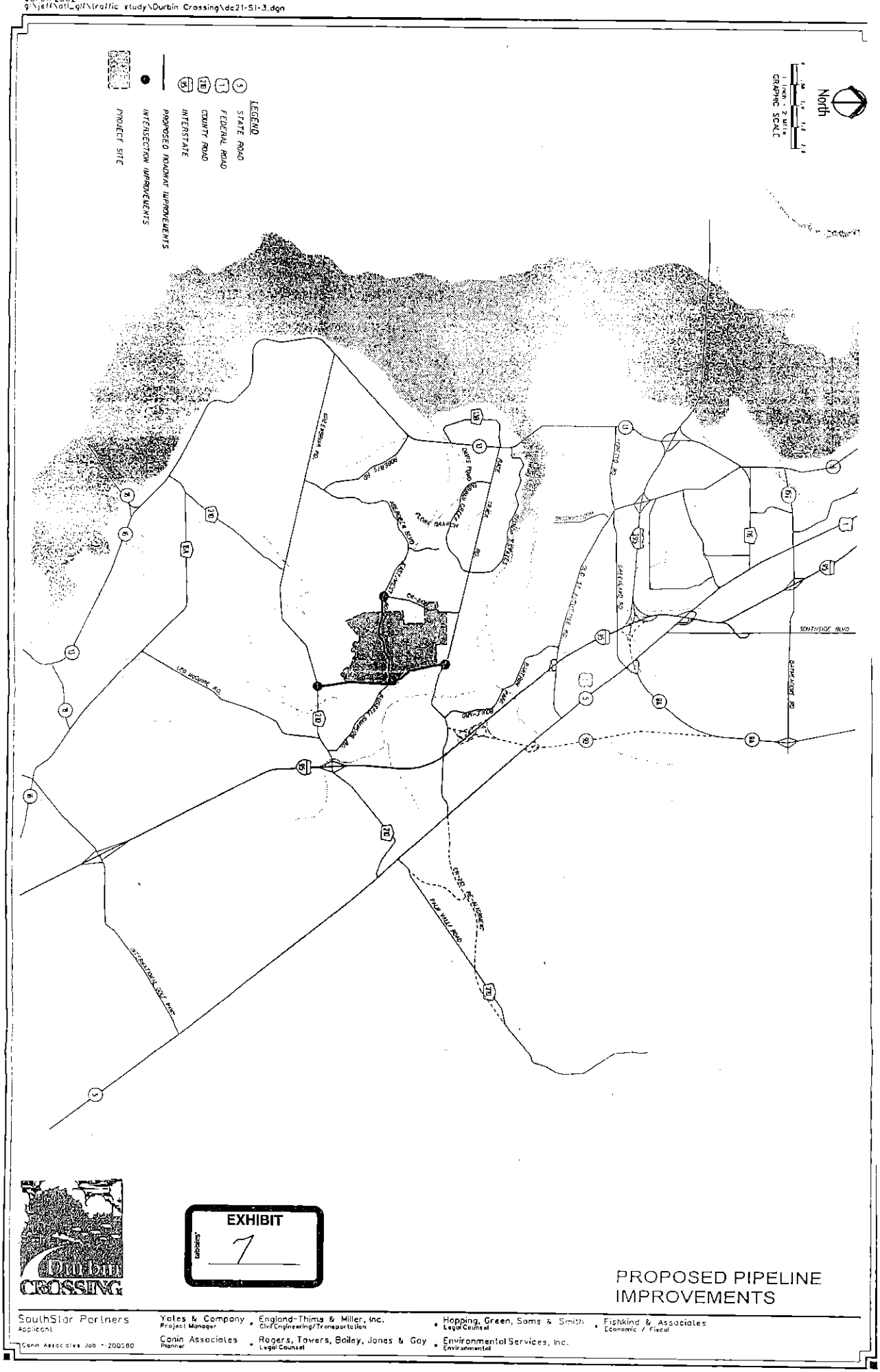


EXHIBIT
Exhibit 7

PROPOSED PIPELINE IMPROVEMENTS

SouthStar Partners
Applicant

Conin Associates Job # 200580

Yates & Company — Project Manager
England-Thims & Miller, Inc. — Civil Engineering/Transportation
Hopping, Green, Sams & Smith — Legal Counsel
FishKind & Associates — Economic / Fiscal
Conin Associates — Planner
Rogers, Towers, Bailey, Jones & Gay — Legal Counsel
Environmental Services, Inc. — Environmental

FIGURE 21-9

Exhibit 8

Table

TABLE 21-19 PROPORTIONATE SHARE CALCULATIONS (Durbin Crossing)

Road Name	Section	A Total Estimated Improvement Costs	B Existing Typical Section	C Existing Maximum Service Volume	D Proposed Typical Section	E Proposed Maximum Service Volume	F Project Traffic Volume	G Proportionate Share G = (F / (E - C)) * A	Pipelining Costs
Aberdeen Blvd	Greenbriar Rd to East Property Line	$9,788,702	N/A	0	2-ln Undivided	1,390	106	$746,477	
CR-210	I-95 to US-1	$13,383,519	2-ln Undivided	1,760	4-ln Divided	3,580	154	$575,716	
CR-210B	East/West Connector to Race Track Rd.	$5,352,088	N/A	0	2-ln Undivided	1,390	125	$481,303	
East/West Connector	Aberdeen Blvd to CR-210B	$2,980,621	N/A	0	2-ln Undivided	1,390	113	$242,309	
	CR-210B to Durbin Crossing	$1,079,641	N/A	0	2-ln Undivided	1,390	231	$179,422	$1,079,641
	Durbin Crossing to Russell Sampson Rd.	$6,045,548	N/A	0	4-ln Divided	2,950	628	$1,286,984	$6,045,548
I-95[1]	St. Augustine Rd to I-295	$6,872,300	6-ln Divided	8,270	8-ln Divided	11,180	945	$580,888	
North/South Arterial	CR-210 to North/South Connector	$4,849,453	N/A	0	4-ln Divided	1,390	1,088	$3,795,831	$4,849,453
North/South Connector	North/South Arterial to Russell Sampson Rd.	$1,630,960	N/A	0	2-ln Undivided	1,390	1,088	$1,276,608	$1,630,960
Race Track Rd	JCP Boundary to Russell Sampson Rd.	$2,993,202	2-ln Undivided	1,450	4-ln Divided	2,950	233	$236,412	
	Russell Sampson Rd. to I-95	$13,730,568	2-ln Undivided	1,450	4-ln Divided	2,950	857	$3,988,846	
Russell Sampson Rd	North/South Connector to Race Track Rd.	$3,097,401	2-ln Unpaved	930	2-ln Undivided	1,390	1,090	$2,428,897	$3,097,401
								$15,819,693	$16,703,003

[1] Assumes that the Level of Service Standard for I-95 in St. Johns County changes to LOS D prior to 2007 per waiver

Source: Florida Department of Transportation, 2000 Transportation Costs, June 2001