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RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 78.00
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RESOLUTION No. 06-122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, ADOPTING A DEVELOPMENT ORDER WITH CONDITIONS FOR A DEVELOPMENT OF REGIONAL IMPACT KNOW AS RIVER RANCH, ON PROPERTY DESCRIBED HEREIN, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06, FLORIDA STATUTES; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL: PROVIDING FOR SUBSTANTIAL DEVIATIONS; PROVIDING FOR LOCAL MONITORING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Polk County (the "Board") is the governing body of the unit of local government having jurisdiction over the issuance and conditions of issuance of a Development Order, pursuant to Section 380.06 Florida Statutes; and

WHEREAS, Augustine Fragala, the authorized representative of CFI Westgate, the successor in title of Outdoor Resorts, filed a Notice of Proposed Change (NOPC) for the River Ranch Development of Regional Impact pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the NOPC seeks to amend the Development Order for the River Ranch DAI, which was approved by the Board on July 16, 1991, and was subsequently amended by the Board on October 15, 1991, August 4, 1998, August 1, 2000, December 18, 2002, March 3, 2004, and again on July 26, 2006; and

WHEREAS, the Board of County Commissioners of Polk County has conducted a duly noticed public hearing to consider the NOPC, and during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both oral and written, from local, state and regional agencies and interested citizens concerned with the amendment of the River Ranch Development Order by Polk County; and

WHEREAS, the Board has determined that the proposed amendment to the Development Order for River Ranch is a non-substantial change and is not required to undergo additional Development of Regional Impact Review;

WHEREAS, the Board, after due consideration, hereby makes the following Findings of Fact and Conclusions of Law which address the project as described and defined in the Notice of Proposed Change:

Findings of Fact

1. River Ranch, Inc. and River Utilities, Inc., both being Florida corporations (hereinafter referred to as the "Applicant"), submitted an Application for Development Approval entitled "River Ranch" (hereinafter referred to as the "Application") to the Board, said Application being incorporated and made part of this Development Order by reference.
2. The real property which is the subject of the Application is legally described in the Application (and attached hereto as **Exhibit "A"**) and is located in Polk County, Florida.

Generally, the resort is located on the eastern border of Polk County, Florida, three miles south of State Road 60 on the Kissimmee River.

3. The information and data contained in the Application were sufficient for the Board to perform the review required by Section 380.06, Florida Statutes.
4. A Development Agreement was entered into by and between Applicant, Polk County, Central Florida Regional Planning Council (CFRPC), and the Department of Community Affairs on the 11th day of December, 1989, First Amendment dated April 26, 1990, and a Second Amendment on April 30, 1991, recorded on May 29, 1991 in official Records Book 2977 at page 104; and a Third Amendment on August 1, 2000 Board Resolution 00_68 and recorded in the public records of Polk County; and a Fourth Amendment on December 18, 2002, Board Resolution 02-79 and recorded on January 17, 2003 in Official Records Book 05235; and a Fifth Amendment, Board Resolution 04-35, recorded on March 24, 2004 in Official Records Book 05714 beginning at page 1432.
5. The Applicant proposed a mixed-use development to consist of 2,086 resort residential units, 300 wilderness camping spaces, 512 residential units, 7.57 acres of office/retail and other related ancillary recreational facilities. Buildout, at the time of the original approval, is was proposed to take seven years.
6. The Application includes land use plans and maps illustrating the general distribution of land uses, major transportation routes, development phases, drainage plans, vegetative and soil associations, flood prone areas, and site topography.
7. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05 of the Florida Statutes.
8. The State of Florida has adopted a statewide comprehensive plan and a statewide land-development plan.
9. The Central Florida Regional Planning Council has adopted a regional policy-plan.
10. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.3161 Florida Statutes.
11. A religious institution, which was constructed after the establishment of the River Ranch Saloon, is located at the northeast corner of River Ranch Boulevard and the entrance to the Trap and Skeet range.
12. The Board approved the Development Order for the River Ranch DRI on July 16, 1991, following a public hearing on the issue and review of the evaluation and recommendation regarding the River Ranch project by the CFRPC.
13. The Board approved an amendment to the Development Order on October 15, 1991, that added a condition requiring the Applicant to set aside a 24-acre wildlife preservation area.
14. The Board approved a second amendment to the Development Order on August 4, 1998, which extended the buildout date of the River Ranch project by two (2) years.

15. The Board approved a third amendment to the Development Order on August 1, 2000, which extended the buildout date of the River Ranch project to August 5, 2005.
16. The Board approved a fourth amendment to the Development Order on December 18, 2002, which permitted the substitution of 75 site built cabins in lieu of 250 Recreational Vehicles.
17. The Applicant overstated the conversion of cabins in lieu of Recreational Vehicles analyzed in the fourth amendment to the Development Order by one hundred and seventy-five (175) RVs.
18. On March 3, 2004 the Board convened the required public hearing to consider a NOPC submitted to the County on December 9, 2003.
19. The Board approved a fifth amendment to the Development Order on March 3, 2004, which provided a Traffic Equivalency Table, and revised Map H (River Ranch Master Plan) (Exhibit B).
20. All development, existing and proposed residential is classified as Resort Residential. Such individual Resort Residential units are intended for residential occupancy, whether short-term, seasonal or time share.
21. A Recreational Vehicle (RV) Unit equals one and one-half (1½) Resort Residential (RR) Units as based on the Institute of Traffic Engineers Trip Generation Manual, (6th Edition), and detailed in the Traffic Analysis of the NOPC (Exhibit C).
22. All existing, approved development, including that for which building permit application are pending are depicted in the areas designated "A" on Map H.
23. All future development is depicted in the areas designated as "B" on Map H.
24. The intersection improvements to SR 60, as specified in the Conditions of Approval, of this Development Order have been completed by the Applicant.
25. There are no additional traffic impacts to the regional transportation network that result from this NOPC.
26. Florida Statutes Chapter 721.05 Subparagraph (41) defines Timeshare Unit.
27. On July 26, 2006, the Board convened the required public hearing to consider a Notice of Proposed Change submitted to the County on March 21, 2006.

Conclusions of Law

1. The Board's review of the proposed Notice of Proposed Change has been conducted pursuant to and has complied with the provisions of Chapter 380 of the Florida Statutes.
2. The Notice of Proposed Change, as submitted, complies with the requirements of Section 380.06 of the Florida Statutes and all applicable chapters of the Florida Administrative Code.
3. The development, as proposed, is consistent with the State Land Development Plan and the State Comprehensive Plan.
4. The development, as proposed, is consistent with the CFRPC Regional Policy Plan.
5. The development, as proposed, is consistent with the Polk County Comprehensive Plan, concurrency requirements and local land development regulations.
6. All development activities described in the Notice of Proposed Change shall be subject to the terms of this Development Order and shall not be subject to future Development of Regional Impact review pursuant to Section 380.06 of the Florida Statutes, unless the Board determines that any proposed changes to the development constitutes a substantial deviation pursuant to Section 380.06(19) of the Florida Statutes.
7. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the Applicant, any subsequent property owners affected by this Order and their successors, assignees, and grantees.
8. The provisions of this Development Order shall not be construed as a waiver of exception to any applicable rule, regulation or ordinance of Polk County, and therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations, or ordinances in effect at the time of the review.
9. A Timeshare unit containing a lock-off provision shall only constitute one unit, unless, the Timeshare instrument provides that timeshare interests may be separately conveyed in the lock-off portion.

NOW THEREFORE, BE IT RESOLVED, by the Polk County Board of Commissioners, in public meeting, duly constituted and assembled ~~March 3, 2004~~ July 26, 2006, that the Development of Regional Impact Notice of Proposed Change submitted by Augustine M. Fragala, Jr., is hereby ordered approved subject to the following conditions:

Conditions of Approval

- A. **Environmental and Natural Resources:**
 1. The surface water management system and wetland mitigation, as proposed in the Application, shall be constructed in accordance with the applicable Water Management District Policies and Guidelines in effect at the time this Development Order is adopted. Under no circumstances shall post-development runoff rates exceed pre-development

runoff rates. The permitted and constructed surface water management systems shall be operated and maintained in accordance with Water Management District permit-conditions.

2. Xeriscape landscaping and water conservation landscaping techniques shall be used on the project site. Exotic species, such as Brazilian Pepper, shall be eliminated if found on-site.
3. For the purpose of potable water conservation, the DRI shall utilize low volume plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices.
4. Buffer areas of native upland vegetation with a minimum width of 25 feet wide shall be retained around all wetlands. Upland buffers between on-site wetlands, marshes, rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.
5. Unavoidable losses of wetlands must be mitigated through creation of wetlands or restoration of wetlands in accordance with adopted rules and policies of the County and the District. Wetlands to be created shall be located contemporaneously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation.
6. Where feasible, pervious surface pavement for parking areas shall be utilized to facilitate groundwater recharge and to reduce surface water runoff.
7. Treated wastewater shall be used for non potable needs such a landscape irrigation when the development begins generating suitable quantities.
8. The design of the master drainage system shall maintain the existing natural hydroperiod of any wetlands which are incorporated into the overall drainage system. The applicant shall provide accurate documentation of the natural hydroperiods of the subject wetlands for approval by the CFRPC. All construction permit applications to the water management districts shall be copied to the CFRPC.
9. No direct discharge from the storm water system wetlands shall be permitted. Any drainage outfalls from on-site retention/detention ponds which discharge into on-site wetland shall be discharged directly into a marsh system created adjacent to existing wetlands. This created marsh area may be located within the buffer adjacent to on-site wetlands. The buffer area may be altered to accommodate the marsh creation area; however, such alteration shall not exceed 25% of the linear distance of the buffer. Storm water flows through the marsh system shall be regulated in a manner to maximize water quality improvement.

10. The Applicant shall provide a detailed wetland delineation, including identification of those to be impacted by the proposed project, for fieldstaking and verification by the District staff. The Applicant shall also provide a detailed mitigation and monitoring plan which is consistent with the final wetland delineations and District criteria.
11. Prior to development of any golf course, the Applicant shall develop an integrated Chemical Management Plan (CMP) as a component of the golf course design process. The CMP shall be submitted to the water management district, CFRPC and Polk County for review. Following review, the CMP shall be subject to approval by the South Florida Water Management District (SFWMD) and CFRPC.

The CMP shall appropriately address the utilization of fertilizers, fungicides, herbicides, pesticides, insecticides, etc., including: application; storage and handling; cleaning procedures; quality control and assurance procedures; and golf monitoring of the adjacent wetland areas specifically related to bottom sediment sampling to determine any potential buildup of such chemicals shall be performed. The protocol for the monitoring program shall be a part of the CMP.

12. Any sandhill crane nests shall be protected by a buffer with a 300-foot radius between it and any landscaping or buildings. Suitable forage areas shall be protected. The existing nest area shall be checked at least once a week during the nesting season (January through April), and if evidence of nesting is found, the buffer area shall immediately be marked to warn people to remain out of the buffer zone until the nest area has been abandoned for that season.
13. The Applicant shall set aside a 24-acre wildlife preserve pursuant to pages 19-21 of the CFRPC's Evaluation and Recommendation Report. The Applicant shall amend the management plan, previously submitted, in a manner consistent with the comments provided by the Florida Game and Freshwater Fish Commission no later than December 31, 1991. The amended plan shall be re-submitted for review and final approval by the Florida Game and Freshwater Fish Commission by January 29, 1992. Following approval, the amended plan, with map, shall be incorporated into this development order by reference; and a certified copy shall be issued to the Florida Department of Community Affairs for their files. The wildlife preserve shall be managed according to the approved management plan. Any decrease to the wildlife preserve shall be considered a substantial deviation. (Amended 10/17/91 by BoCC and recorded at Official records Book 3030, Page 0488, Public records of Polk County, Florida.)
14. The Applicant shall protect any occurrence of burrowing owls on site by the placement of warning signs near the burrow, and setting aside a protection area of approximately 20 feet in diameter during development of the project. Construction activities near active owl burrows shall be limited to times of year other than nesting months, which are February 1 through July 7, annually.

B. Transportation:

1. The developer shall provide the following improvements to the intersection of State Road 60 and River Ranch Boulevard.

- a. Construct a westbound left-turn lane of adequate length to provide storage for several large-sized vehicles.
- b. Lengthen the existing eastbound right-turn lane to accommodate the storage of large-sized vehicles.

The required improvements shall be constructed within eighteen (18) months of the adoption of the Development Order.

2. The developer shall monitor traffic volumes and turning movements at the intersection of State Road 60 and River Ranch Boulevard on an annual basis. The monitoring information shall be provided to the Florida Department of Transportation (FDOT) and the CFRPC with the required annual report.

Annual traffic monitoring shall continue until the intersection meets warrants for signalization or until buildout of the development occurs, whichever occurs first. If the intersection meets warrants for signalization during the monitoring period, the developer shall pay for the signalization.

C. Annual Report:

The developer shall submit an Annual Report utilizing the form required by the State. The Annual Report shall be submitted on or before the 15th day of May each year to Polk County, the CFRPC, the State Land Planning Agency and all affected permit agencies, including the FDOT, Florida Department of Environmental Regulation and the SFWMD. The form may be modified by the CFRPC at its discretion.

D. Termination Date/Downzoning:

1. This Development Order shall terminate on ~~August 5, 2005~~ August 5, 2011.
2. Polk County shall not downzone/reduce the intensity of the property for five (5) years from the date of adoption of this Development Order.

E. Recording Notice of Adoption:

Notice of adoption of this Development Order shall be recorded by the developer in accordance with the provisions of Section 380.06 (15) (f) Florida Statutes and the Land Development Code within ten (10) days after its adoption.

F. Substantial Deviation:

Failure to comply with these conditions shall be determined to be a substantial deviation and thus initiate the DRI review process and potential shutdown of all development activities.

G. Development Totals

River Ranch, as herein amended on July 26, 2006, is a mixed use recreation and residential resort which consists of 1,836 recreational vehicle spaces, 300 wilderness

camping spaces, 587 site-built residential units, 7.57 acres of office/retail space and other related ancillary recreational and community facilities. The general location of these land units is depicted on Map H; revised on March 3, 2004, and attached hereto as Exhibit B.

All units, whether existing or proposed, intended for residential occupancy are hereafter classified as Resort Residential Units. Such units may either be short-term or seasonal or time-share, and include the previously identified residential categories of development depicted as Recreational Vehicles, Cabins, Estate Homes Single Family Homes, and Multifamily Condominiums as shown on Map H, (Exhibit B)

All types of Resort Residential units as defined in this Development Order may be located within any area of the Project site intended for Resort Residential use as depicted on Map H. Any and all development shall be designed so that RV units shall not be intermixed with conventionally constructed Resort Residential Units within an individual pod, tract or area. This condition shall not prohibit any two or more such development pods, tracts or areas from being contiguous to one another or from sharing common entrances, access roads, security gates or other common facilities.

H. The Breakdown of Resort Residential Units is depicted in the following table:

**TABLE 1
RESORT RESIDENTIAL UNIT BREAKDOWN**

CATEGORY	PHASE A	PHASE B	TOTAL
RESORT RESIDENTIAL ¹			
Single Family or Estate	90	2	90 ²
Multifamily	192	2	192 ²
RV Units	486	2	486 ²
All Other Resort Residential Units	0	2,130	2,130
Total Resort Residential	786	2,130	2,898
Office / Retail Space ³	7.57 acres	n/a	7.57 acres

¹ Resort Residential Units include previously built or approved RVs, Single Family or Estate, Multifamily, Cabins, Wilderness Campsites and like residential occupancy units.

² Some or all of the Resort Residential Units may be of this dwelling type in Phase B.

³ Includes office, retail, and other ancillary recreational and community facilities.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Polk County, that:

1. All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval and supplemental documents that are not in conflict with conditions or stipulations specifically enumerated herein above, are hereby appended to this Development Order by reference.
2. The Polk County Community Services Director shall be the local official responsible for assuring compliance with this Development Order.
3. The terms and conditions of this Agreement shall expire in the event that development activities do not commence at the River Ranch site on or before August 6, 1994 and demonstrate regular progress.

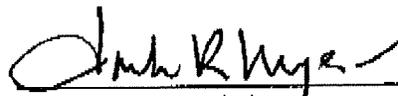
4. The Applicant or its successors in title to the subject property shall submit the first required annual report in calendar year 1992.
5. Subsequent requests for development permits shall not require further review pursuant to Section 380.06 Florida Statutes, unless it is found by the Polk County Board of County Commissioners, after due notice and hearing, that one or more of the following is present:
 - a. A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated by the CFRPC.
 - b. An expiration of the period of effectiveness of this Development Order as provided herein.
 - c. Except as specifically set forth in the Conditions, failure to comply with the Conditions shall be determined to be a substantial deviation from the adopted Development Order and may result in the termination of development activities.

Upon finding that either of the above is present, the Polk County Board of County Commissioners shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed, and approved in accordance with Section 380.06 Florida Statutes.

6. The approval granted by this Development Order is limited. Such approval shall not be construed to obligate the duty of the Applicant to comply with all other applicable local or state land-use and permitting procedures.
7. A lock-off unit shall not, in and of itself, be counted as a unit for purposes of density provided that the Applicant shall record covenants, running with the land, which shall inure to the benefit of Polk County and be binding upon CFI Westgate, its successors, and assigns, which prevent and prohibit the sale of a timeshare interest in the lock-off unit. The Applicant shall comply with this condition of approval within sixty (60) days of the recording of this Development Order.

DULY PASSED AND ADOPTED this 26TH day of July, 2006.





Jack R. Myers, Chairman
Polk County Board of Commissioners

ATTEST: Richard M. Weiss; Clerk

By: 
Deputy Clerk