WilsonMiller®

RIVERWOOD DRI
INCREMENT TWO

DRI#05-9596-127

CHARLOTTE COUNTY, FLORIDA

ANNUAL MONITORING REPORT
2001 - 2003

PREPARED BY

WilsonMiller

New Directions In Planning, Design & Engineering

Planners Engineers Ecologists Surveyors
Landscape Architects Transportation Consultants

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ID# 143

LOCATION :	Charlotte County		
PROJECT:	Riverwood AIDA Increment Two	DRI#05-9596-127	
APPLICANT:	Centex Homes, Inc. 5801 Pelican Bay Boulevard, Suite 600 Naples, FL 34108		
CONTACT:	Thomas J. Wegwert		
AGENT:	Sharon Jenkins-Owen, AICP WilsonMiller, Inc. 4571 Colonial Boulevard, Suite 100 Fort Myers, FL 33912-1062		
REVIEWED BY:	SWFRPC		
DATE SUBMITTED:	05/24/95		
REVIEW DATE:	11/21/96		
RPC RECOMMENDATION:	Conditional Approval		
DEVELOPMENT ORDER:	Conditional Approval		
DATE ISSUED:	01/09/97		
RPC DO REVIEW:	Accepted Development Order, as rendered, on February 20, 1997		
REGIONAL ISSUES:	Stormwater Management/Water Quality, Hurricane Evacuation, Transportation, Vegetation and Wildlife, Wastewater Management/Water Supply, Wetlands, Energy, Historical and Archaeological sites, Consistency with Local, Regional and State Plans.		
PROJECT TYPE:	Residential		
TOTAL ACRES:	309		
HOUSING UNITS:	641	**HOTEL ROOMS:**	
COMMERCIAL SQ. FT.:		**OFFICE SQ. FT.**	
INDUSTRIAL SQ. FT.:		**HOSPITAL BEDS:**	
WET SLIPS:		**DRY SLIPS:**	
OTHER:	Recreation	**EST. POPULATION:**	1,429
TOTAL PROJECT COST:			
BUILDOUT YEAR:	2007	**CONSTRUCTION YEARS:**	5
PROJECT STATUS:	During the period covered by the 2001 - 2003 Annual Monitoring Report for Increment Two, no construction activity occurred.		
MODIFICATIONS:	No changes have occurred during this annual reporting period.		

ANNUAL STATUS REPORT

Reporting Period: November 01, 2001 to October 31, 2003

Development: Riverwood AIDA - Increment Two

Location: Port Charlotte, Charlotte County

Developer: Centex Homes, Inc.
5801 Pelican Bay Boulevard, Suite 600
Naples, FL 34108

1. **Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.**

   Note: If a response is to be more than one sentence, attach as Exhibit A, a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

   a. **Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;**

   b. **State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.**

   c. **Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.**

   RESPONSE: There have been no changes made to the proposed plan of development, phasing or in representations contained in the AIDA.

2. **Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.**

   RESPONSE: There has been no change in local government jurisdiction for any portion of the development since the development order was issued.

3. **Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.**

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

RESPONSE: There have been no changes to the Increment Two plans. All master plans and incremental site plans were previously submitted.

4. **Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total development proposed and actually conducted to date.**

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

RESPONSE: No development activity has occurred within Increment Two during this reporting period.

5. **Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.**

Note: If a response is to be more than one sentence, attach as Exhibit D.

RESPONSE:. No tracts of land have been sold within the Increment Two project boundaries during this reporting period

6. **Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.**

Note: If a response is to be more than one sentence, attach as Exhibit E.

RESPONSE: No lands adjacent to the original Development of Regional Impact site have been purchased or optioned by the developer.

7. **List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.**

Note: If a response is to more than one sentence, attach as Exhibit F.

RESPONSE:. No development activity has occurred within Increment Two during this reporting period.

8. **Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual report reporting period.**

Note: Attach as Exhibit G.

RESPONSE: Please refer to Exhibit G.

9. **Provide any information that is specifically required by the development order to be included in the annual report.**

RESPONSE: No information is specifically required by the development order to be included in the annual report at this time.

10. **Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.**

RESPONSE: Copies of this DRI Monitoring Report have been sent, via U.S. Mail to:

- Mr. Dan Trescott, Southwest Florida Regional Planning Council
- Mr. Gary Thompson, Comprehensive Plan Review Division, Charlotte County
- Mr. Bernard Piawah, Florida Department of Community Affairs
- Mr. Thomas J. Wegwert, Centex Homes, Inc.

Person completing the questionnaire:	Sharon Jenkins-Owen, AICP
Title:	Project Manager
Representing:	WilsonMiller, Inc. 4571 Colonial Boulevard, Suite 100 Fort Myers, FL 33912-1062

RIVERWOOD AIDA INCREMENT TWO

EXHIBIT G

A. CONDITIONS

1. STORMWATER MANAGEMENT (DRAINAGE) WATER QUALITY

a. **As necessary, the Riverwood Increment Two will obtain an NPDES permit for construction activities and Southwest Florida Water Management District (SWFWMD) permits for the conceptual approval and/or construction and operation of the surface water management system.**

Response: No construction activity has occurred in Increment Two.

b. **All water retention/detention areas must meet SWFWMD criteria. Any areas which do not meet this criteria may not be used in the calculation of water quality or quantity volumes unless otherwise permitted under the appropriate SWFWMD regulations.**

Response: No construction activity has occurred in Increment Two.

c. **The applicant shall confirm, to the satisfaction of the SWFWMD and the applicable federal, state and local permitting agencies that the proposed water management system will not significantly adversely impact habitats of any species of special concern, threatened or endangered species occurring onsite, or that such impacts will be mitigated as deemed appropriate during the permitting process.**

Response: No construction activity has occurred in Increment Two.

d. **If drain-down time frames set for the dry retention areas are of such duration that they result in mosquito breeding detrimental to the health, welfare, safety and quality of life of Riverwood and surrounding residents, as per Florida Statutes Chapter 380.021, or constitute a nuisance injurious to health, as per Florida Statutes Chapter 386.041(e), then those retention areas should be modified in a way which will abate the nuisance, or detrimental conditions consistent with SWFWMD regulations.**

Response: No construction activity has occurred in Increment Two.

e. **All drainage swales and spreader-swales shall be finish-graded to levels such that no isolated pool of water will stand in any swale for more than 72 hours after a ten-year storm event.**

Response: No construction activity has occurred in Increment Two.

f. **In order to assure unimpaired tidal flushing, no spoil pile or berm shall be constructed, and no existing spoil pile, berm or excavation shall be allowed to remain within the wetland reserve or buffer areas, which spoil pile, berm or excavation detains or impounds water for more than 72 hours after high tide or a 10-year storm.**

Response: No construction activity has occurred in Increment Two.

g. **At least once annually, the applicant, or the entity responsible for maintenance of the surface water management system, shall remove trash and eradicate from all lakes, buffer areas, dry retention areas, swales and spreader swales, plant species listed in the "Florida Prohibited Aquatic Plants" list published by the Florida Department of Natural Resources, Bureau of Aquatic Plant Management.**

Response: No construction activity has occurred in Increment Two.

h. **Provisions for the drainage of off-site areas and outparcels that presently drain through Increment Two site must be provided at the time of SWFWMD permit application.**

Response: No construction activity has occurred in Increment Two.

i. **The applicant shall undertake a regularly scheduled vacuum sweeping of all paved common areas, parking facilities, and internal roads to be incorporated as a best management practice (BMP).**

Response: No construction activity has occurred in Increment Two.

j. **The operation of the Riverwood Surface Water Management System is dependent on the Myakka River for an outlet. Therefore, the water management plan shall demonstrate that the system is designed in accordance with existing SWFWMD permit design parameters for the adjacent portions of the Myakka River.**

Response: No construction activity has occurred in Increment Two.

k. **The applicant shall cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan.**

Response: The applicant will cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan. Best Management Practices (BMP's) and monitoring and maintenance of the stormwater management system shall be implemented by the applicant in accordance with SWFWMD guidelines.

m. **The applicant shall designate a specific entity to manage and maintain the surface water management system. This entity may be a utility company, a community development district, a homeowner's association or similar entity, or one of the entities described in the AMDA. Residents will be encouraged not to eat fish caught in the stormwater treatment facilities.**

Response: The Applicant has established a Chapter 190 Community Development District.

2. **HURRICANE EVACUATION/FLOODPLAINS**

a. **Mitigation for hurricane shelter impacts shall consist of funding by December 31, 1997 for hurricane panels at the Charlotte County public shelter designated by the Charlotte County Emergency Management Official. The amount of the funding shall be $3,500.**

b. **Mitigation for hurricane evacuation route impacts shall be implementation of one of the following provisions ("A Riverwood Hurricane Awareness Guide" has been sent to Charlotte County for processing to comply with #1 below):**

1. **Provision for the establishment and maintenance of a public information program within an existing homeowners association for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters; and the identification of steps to minimize property damage and to protect human life. In order to use this mitigation option' the developer must develop a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan shall address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program which addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, friends, residences and public hurricane shelter locations, and other protective actions which may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate.**

The plan shall be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by SWFRPC, DCA and Charlotte County and must address the recommendations provided by the reviewing agencies; or

2. **Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.0245, Florida Administrative Code; or**

3. **Provision of funds to be used for the purpose of procuring communications equipment which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the developer must provide reasonable assurance from local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts.**

Response: The Riverwood Hurricane Awareness Guide has been approved by Charlotte County.

3. **TRANSPORTATION**

a. **In addition to the other obligations specified in the Development order, the Applicant, or his successor shall be required to construct, at no cost to Charlotte County, all site-related improvements deemed necessary by Charlotte County and the Florida Department of Transportation. Site-related improvements shall be those improvements deemed site-related under criteria or standards applicable to all other developments in Charlotte County by the county development review process prior to construction. The Applicant's obligation shall include but not be limited to the full cost of design and engineering' drainage and utility relocation, dedication of right-of-way under the Applicant's ownership, construction of turn lanes, acceleration and deceleration lanes' construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization, and construction schedule shall be approved by either the County Engineer and/or the Florida DOT, as appropriate.**

b. **The Applicant or his successor shall submit an annual traffic monitoring report. The monitoring report shall be designed in cooperation with Charlotte County, the Southwest Florida Regional Planning Council and the Florida Department of Transportation. The annual monitoring report shall contain PM peak-hour, peak season turning movements counts and roadway segment counts and mutually agreed upon professionally acceptable level of service analyses (including a projection of the LOS for impacted roadways for the next year) at all project access points onto the**

roadway network and at the following significantly impacted regional intersections:

REGIONAL INTERSECTIONS

US41
- Murdock Circle South
- Toledo Blade Boulevard South
- Midway
- Forrest Nelson

SR 776
- Cornelius Boulevard
- Jacobs Street
- Project Entrance (East)
- Project Entrance (West)
- David Boulevard
- 0ceanspray Boulevard
- Collingswood
- Flamingo
- Biscayne

In addition, peak season peak hour counts and level of service calculations shall be submitted as part of the annual monitoring report for all of the foregoing significantly impacted regional intersections and for all of the significantly impacted regional roadway links listed below:

REGIONAL ROADWAY SEGMENTS

US41
- Murdock Circle South to Toledo Blade Boulevard South
- Toledo Blade Boulevard South to Forest Nelson Boulevard
- Forest Nelson Boulevard to Midway Boulevard
- Midway Boulevard to Harbor Boulevard

SR 776
- Project Entrance (West) to Gillot Street
- Gillot Street to CR 771
- San Casa to Pine Street

Also, the annual monitoring report shall indicate the status of those road improvements from the County's Capital Improvement Program and the FDOT Five Year Work Program that were assumed to be committed for this analysis.

Riverwood shall submit the annual monitoring report to Charlotte County, the Southwest Florida Regional Planning Council, FDOT, and the Florida

Department of Community Affairs for review. The first report shall be submitted on or before the anniversary of the effective date of the MDO and may be done jointly with the MDO and Increment One report. Reports shall then be submitted annually until project buildout. The purpose of the annual monitoring program is to:

- Assist Charlotte County and FDOT in determining the proper timing of necessary roadway improvements; and

- Determine the existing and projected levels of service on regional facilities.

It is recognized and understood that traffic counts may be obtained from original machine and manual peak hour counts, County traffic volume reports, Florida Department of Transportation, other ADA's and DRI's with similar monitoring requirements, and other generally acceptable sources. However, all counts must be no older than one (1) year.

c. Based on the RPC staff transportation assessment of significant project impacts, construction of the following transportation improvements will be needed prior to, or coincident with, development of Riverwood Increment Two, if adopted level of service conditions are to be maintained through buildout on regional road segments and intersections. The adopted level of service determination shall be made by Charlotte County.

<u>REGIONAL ROADWAY SEGMENTS</u>

US 41:	Lanes:
• Murdock Circle S. To Toledo Blade Boulevard S.	8*
• Midway Boulevard to Harbor Boulevard	8*

SR 776	
• Project Entrance (W) to Gillot Street	4
• San Casa to Pine Street	6

*Or restricted access to improve a parallel facility.

<u>LOCAL ROADWAY SEGMENTS</u>

• Toledo Blade Boulevard S:	
Pellam Boulevard to Lakeview Boulevard	4

<u>REGIONAL INTERSECTIONS</u>

- US 41 at Murdock Circle S.
- US 41 at Toledo Blade Boulevard S.
- SR 776 at Collingswood Boulevard
- SR 776 at Flamingo Boulevard
- SR 776 at Biscayne Boulevard
- SR 776 at Cornelius Boulevard

- SR 776 at Jacobs Street
- SR 776 at Project Entrance (E)
- SR 776 at Project Entrance (W)
- SR 776 at David Boulevard
- SR 776 at Oceanspray Boulevard

For Regional Intersections, based on the annual monitoring report if Charlotte County determines that there are improvements required due to the impacts of Increment Two, and if those improvements are not part of the Charlotte County Capital Improvement Plan which is funded in part by Roads Impact Fees, then the Applicant and Charlotte County (with input from FDOT) shall mutually agree upon any additional payment from the Applicant for its fair share of such improvements. If not mutually agreed upon within nine (9) months from the County's determination, then issuance of building permits submitted after nine (9) months shall cease until agreement is reached.

d. In order to mitigate the transportation impacts on the regionally and locally significant roads as identified in Exhibit C for this increment and meet comprehensive plan concurrency requirements, the applicant shall pay its proportionate share of offsite regionally and locally significant roadway and intersection improvements coincident with the impacts of the Increment Two traffic. The proportionate share necessary to mitigate the impacts of Increment Two has been identified in Exhibit D and is $1,016,346. If the proportionate share amount is less than or equivalent to the road impact fees in the Charlotte County Impact Fee Ordinance, then the Applicant shall comply with the provisions of that ordinance. If the proportionate share exceeds the amount of road impact fees, the Applicant may make a lump sum payment equivalent to the difference between proportionate share and the total of impact fees, and proceed by complying with the provisions of the Charlotte County Impact Fee Ordinance. If the proportionate share amount exceeds the amount of road impact fees and the Applicant chooses to pay the balance of the proportionate share payment in a lump sum, then upon such payment Charlotte County will expeditiously pursue capital improvements related to the road segments significantly impacted by this development. Upon provision of the financial assurances for the identified proportionate share, the Applicant shall have satisfied the obligations of the development order and shall be subject to the adopted Charlotte County concurrency management ordinance for the Increment Two transportation impacts.

e. Charlotte County will address the need for the improvements to the regionally and locally significant roadway network in the Capital Improvements Element of the Comprehensive Plan, as amended from time to time.

f. **During the planning and permitting stages of development, the developer will reserve an easement that could connect a road in the development to Prentice Avenue that would provide a future access should the residents of Riverwood, through the Riverwood Community Development District or its successor, choose to fund construction of the road and ancillary structures.**

Response: Transportation issues are addressed in the attached Annual Traffic Monitoring Report prepared by Florida Transportation Engineering, Inc. dated October 2003.

4. **VEGETATI0N AND WILDLIFE**

a. **Construction and land clearing activity shall be permitted pursuant to the Increment Two Master Development Plan (Map H as revised and dated December 5, 1996), subject to compliance with the management plans for scrub jays. bald eagle and} gopher tortoises which will be finalized through receipt of the appropriate permit from USFWS (for bald eagle and scrub jays) and FGFWFC (for gopher tortoises) and which are substantially consistent with the management plans as revised December 5, 1996 with December 26, 1996 and January 8, 1997 Revision Pages (for bald eagle and scrub jays), and October 30, 1996 (for gopher tortoises), respectively, and submitted to SWFRPC in the review process, as contained herein and attached hereto as Exhibits E, F, & G. Copies of the approved permits will be provided to Charlotte County. There will be no construction activity in Increment II until issuance of all necessary permits from the US Army Corps of Engineers, and the Southwest Florida Water Management District, or until final approval of the management plans for the bald eagle, scrub jay, and gopher tortoise preserve areas which will be established and maintained within this Increment.**

Response: No construction activity has occurred in Increment Two.

b. **The USFWS Standard Construction Precautions for the Eastern Indigo Snake shall be followed except that a biologist need not be onsite during all construction except for purposes of actually relocating an Eastern Indigo Snake.**

Response: No construction activity has occurred in Increment Two.

c. **To the extent allowed by and acceptable to the appropriate permitting agencies, the Applicant shall be permitted to use any permanently preserved (through a conservation easement or other acceptable method) and managed scrub jay habitat as mitigation for scrub jay impacts related to the FDOT construction of SR 776.**

Response: No construction activity has occurred in Increment Two.

d **To address long term bald eagle habitat, except for clearing within the footprint of residential structures, and within six feet (6') of the footprint of such structures, the removal of any native pine with a diameter measured at breast height (54" above the natural ground level) of ten inches (10") or greater shall be prohibited within fifty feet (50') of the jurisdictional line of wetlands along the Myakka River. The removal of such pines for residential structures as specified above may be negotiated on a case-by-case basis at the time of application for building permits. Clearing within upland buffer zones which are required by jurisdictional permitting agencies shall be limited to the minimum amount necessary to accommodate the construction of private, non-commercial docking facilities, and to accomplish activities specified as allowed in the jurisdictional agencies permits.**

Response: No construction activity has occurred in Increment Two.

e. **The "Gopher Tortoise Habitat" identified on Map H shall be a preserve area and will be shown as such as part of the FGFWFC Gopher Tortoise permit.**

Response: No construction activity has occurred in Increment Two.

f. **Florida Department of Community Affairs is designated as a party with the right to enforce the management plans' provisions to ensure protection of the preservation lands subject to the Gopher Tortoise, Bald Eagle and Scrub Jay Management Plans, and will be allowed access to the site upon request, and may rely upon Section 380.11, F.S., or other proceedings to enforce the requirements of the development order.**

Response: Representatives of the Florida Department of Community Affairs will be allowed to access the site upon request.

g. **The status of maintenance and management of the areas subject to the management plans shall be included annually in the DRI annual status report required by Section 380.06 (18), F.S.**

Response: A Spring/Summer 1999 Scrub Jay Census was provided as Exhibit H in the Riverwood 1999 AMDA Annual Monitoring Report. A final Habitat Management Plan, Eagle Preserves A and B, dated June 1999 was submitted to and approved by the Florida Fish and Wildlife Conservation Commission (FFWCC). The report was also submitted with the 1999 DRI Monitoring Report.

5. **WASTEWATER MANAGEMENT/WATER SUPPLY**

a. **The Applicant has committed to the gradual phasing out of the use of potable water for non-potable (primarily irrigation) purposes, and the replacement of potable water by reclaimed water from the onsite wastewater treatment plant. The Applicant has also committed to the construction of dual water piping, within Increment Two, to enable the**

project to utilize such reclaimed water. The use of the project's potable water (to meet non-potable demands) shall be discontinued at the earliest possible date, and the use of reclaimed water for non-potable demands shall be initiated. The applicant is encouraged to incorporate stormwater into the wastewater reuse system to help reduce the need for potable irrigation water.

Response: No construction activity has occurred in Increment Two.

b. **The applicant shall establish (or designate) a responsible entity for the non-potable water supply and distribution system.**

Response: This condition was met by the establishment of the Riverwood Community Development District.

c. **Prior to construction of buildings, the applicant should show verification, acceptable to the Southwest Florida Water Management District and Charlotte County, that adequate potable water capacity is available to serve Riverwood Increment Two.**

Response: No construction activity has occurred in Increment Two.

d. **The applicant shall acquire, as required by SWFWMD, a water use permit for withdrawals from groundwater, project lakes and/or other surface water bodies for irrigation or potable uses and for dewatering activities associated with the construction of project lakes, and/or road or building foundations.**

Response: No construction activity has occurred in Increment Two.

e. **In areas of Increment Two employing treated wastewater for irrigation purposes, the applicant shall ensure that onsite lakes and wetlands, and the Myakka River, are adequately protected from possible effluent contamination, as required by the appropriate regulatory agencies.**

Response: No construction activity has occurred in Increment Two.

f. **Water shall not be used for the purpose of cleaning parking lots, streets or paved common areas. Such areas shall be cleaned through a regular vacuum sweeping program.**

Response: No construction activity has occurred in Increment Two.

g. **Water conservation measures and practices should be utilized in Riverwood Increment Two such as low water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices. Unless spray effluent is utilized for irrigation, landscape irrigation should**

be restricted to the hours of between 5:00 p.m. and 9:00 a.m. after the establishment of landscaping.

Response: No construction activity has occurred in Increment Two.

h. **Riverwood Increment Two shall utilize xeriscape principles in the design and maintenance of the project's landscaping.**

Response: No construction activity has occurred in Increment Two.

i. **All construction plans, technical specifications, and proposed plats, if applicable, for the Riverwood Increment Two Water Distribution System, shall be reviewed and approved by Charlotte County prior to commencement of construction.**

Response: No construction activity has occurred in Increment Two.

j. **Temporary septic tanks may be used for residential models, construction and sales offices. Any residential model utilizing septic tanks shall be properly connected to a central sewer system prior to permanent residential use. Septic tanks shall not be allowed within 900 feet of the Myakka River. The purpose of this condition is to protect the water quality of the Myakka River from potential wastewater contamination.**

Response: No construction activity has occurred in Increment Two.

k. **The applicant shall provide assurances that needed wastewater treatment plant capacity shall be in place by buildout of Riverwood Increment Two to service the Increment.**

Response: No construction activity has occurred in Increment Two.

l. **The applicant shall provide assurance, for Riverwood Increment Two, that non-domestic wastewater will be treated separately from domestic wastewater and handled in accordance with FDEP criteria.**

Response: No construction activity has occurred in Increment Two.

6. **WETLANDS**

Construction and land clearing activity within any wetland areas shall be prohibited until the appropriate permits have been obtained for such areas following an opportunity for review and comment by the SWFRPC and Charlotte County. Appropriate mitigation for all wetland impacts (4 acres estimated) shall be provided to permit agencies which can include credit for upland preservation associated with the eagle/tortoise/scrub jay preserve. The applicant will cooperate with Charlotte County Mosquito Control to provide access for necessary mosquito control activities.

Response: Access for necessary mosquito control activities will be provided to Charlotte County Mosquito Control.

7. **ENERGY**

The applicant is encouraged to incorporate the following energy conservation features where appropriate, into final site plans and architecture. These features may be implemented through appropriate deed restrictions and covenants in order to mitigate further energy impacts of the project. To the extent practicable the following shall be undertaken or incorporated into development plans:

a. **Provision of a bicycle/pedestrian system along Riverwood Drive and other collector roads within the project connecting Increment Two with Increment One and to the Charlotte County bicycle/pedestrian system.**

b. **Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.**

c. **Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area.**

d. **Use of energy-efficient features (e.g., tinting and exterior shading).**

e. **Use of operable windows and ceiling fans.**

f. **Installation of energy-efficient appliances and equipment.**

g. **Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).**

h. **Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.**

i. **Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.**

j. **Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.**

k. **Preservation and planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.**

l. Preservation and placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

m. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

n. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

o. Inclusion of porch/patio areas in residential units.

p. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

Response: No construction activity has occurred in Increment Two.

8. HISTORICAL/ARCHAEOLOGICAL SITES

Pursuant to the AMDA containing an archaeological study and report identifying various historical or archaeological sites:

a. Shell midden A is not eligible for listing in the National Register of Historic Places, nor otherwise has any national, state, regional, or local significance, therefore, no further archaeological consideration is necessary for this site.

b. Preservation of shell midden B shall occur if it is determined to be a site eligible for inclusion on the National Register of Historic Places. Such determination shall be based on an archaeological test excavation conducted prior to local development permitting to provide sufficient data to make a final determination concerning its possible regional significance. The resultant project report must be forwarded to the State Division of Historical Resources to complete the process of reviewing the impact of this project on significant archaeological resources.

c. If preservation of shell midden B is chosen as an option it shall be stabilized through use of native vegetation, rip-rap, or similar barrier.

d. Preservation of the burial mound shall occur if reasonably feasible, and if not, prior to local development permitting, heavy equipment shall be used to remove the overburden covering the mound to determine if burials are present. This work shall be monitored by a professional archaeologist. If human burials are encountered, all work within the burial mound area shall

cease pending compliance with the provisions of Section 872.05, Florida Statutes.

e. **If preservation of the burial mound is chosen as an option it shall be recontoured, capped and planted with native vegetation.**

Response: No construction activity has occurred in Increment Two.

9. **GENERAL CONSIDERATIONS**

a. **All commitments and impact mitigating actions provided by the applicant within the Application for Incremental Development Approval (and supplementary sufficiency documents) that are not in conflict with specific conditions for project approval outlined above are incorporated herein and officially adopted as conditions for approval.**

b. **This Increment Two is a single five (5) year phase buildout, as adjusted to the effective date of development order (i.e., after expiration of any appeal or appeal period). If development order conditions and applicant commitments incorporated within the development order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.**

c. **Pursuant to Chapter 380.06, the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of his fair share.**

d. **Certain outparcels within the outside perimeter of Riverwood Increment Two considered during review of the Riverwood Increment Two project are not owned by the applicant. Therefore, the applicant shall either obtain the development rights to the parcels or indicate them as "outparcels" to the project. Because the entire area within the perimeter of the Riverwood boundary has already been extensively reviewed and inspected, subsequent acquisition of the "outparcels" shall not create a substantial deviation pursuant to Chapter 380, Florida Statutes. Upon being acquired by the Applicant, these outparcels shall be subject to Map H and all conditions of the Development Order.**

e. **The applicant will comply with all applicable local codes, ordinances and regulations of Charlotte County to the extent not inconsistent with this D.O.**