

Project Impact Assessment Report and Recommendation

for



Rhythm (FKA Florida Landings) Development of Regional Impact Washington County, Florida

Prepared by:

**West Florida Regional Planning Council
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Approved October 17, 2011



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PART I – APPLICATION & SUMMARY INFORMATION

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Development Summary

TYPE OF DEVELOPMENT:	Master-planned Mixed Use
LOCATION OF DEVELOPMENT:	Washington County, Florida
LOCAL GOVERNMENT OF JURISDICTION:	Washington County, Florida
PRELIMINARY DEVELOPMENT AGREEMENT (PDA):	N/A
APPLICATION FOR DEVELOPMENT APPROVAL:	July 11, 2008
DATE OF SUFFICIENCY DETERMINED:	N/A
REGIONAL PLANNING COUNCIL CONSIDERATION:	October 17, 2012
WASHINGTON COUNTY PUBLIC HEARING:	November 24, 2011
TOTAL ACREAGE:	1,883 acres
TOTAL OPEN SPACE, PASSIVE RECREATION OR NATURAL RESOURCE ACREAGE:	941.5 acres
DEVELOPMENT SIZE:	Retail: 85,000 sq ft Office: 25,000 sq ft Multi-Family: 1,100 units Single Family: 2,016 units Adult Living Facility: 60 beds Civic/Institutional: 10 acres Hotel: 24 rooms
PROJECT BUILDOUT:	Dec. 31, 2023

PROCESS DESCRIPTION

This assessment of the Rhythm (FKA Florida Landings) Development of Regional Impact (DRI) in Washington County, FL has been prepared by the staff of the West Florida Regional Planning Council (WFRPC) in compliance with requirements of Chapter 380.06(12), Florida Statutes (Florida Environmental Land and Water Management Act, 1975) to provide Washington County, the West Florida Regional Planning Council, and the Florida Department of Community Affairs an assessment of the potential impacts resulting from the approval and subsequent construction of this project. This assessment of impacts is based on information submitted to the WFRPC, Washington County and the Florida Department of Community Affairs (now the Florida Department of Economic Opportunity) by the applicant in an Application for Development Approval (ADA) submitted July 11, 2008, Sufficiency Responses of February 29, 2008, February 28, 2011 and August 02, 2011. Recommendations included in this report are primarily directed at regional systems and do not necessarily address all local concerns. The assessment is intended to assist Washington County in reaching a decision concerning the approval or disapproval of the development at the required local public hearing.

PART II – GENERAL SECTION

1. DEVELOPMENT HISTORY SUMMARY

Florida Landings, LLC proposes to develop the Rhythm Development of Regional Impact (DRI) located on approximately 1,883 acres on the South east corner of Washington County abutting both Bay and Jackson Counties.

2. PRELIMINARY DEVELOPMENT AGREEMENT

There was no Preliminary Development Agreement between the Florida Department of Economic Opportunity (FKA the Florida Department of Community Affairs) and the Rhythm (FKA Florida Landings) DRI.

3. PROPOSED DEVELOPMENT

Exhibit “B” depicts the Master Development Plan for Rhythm DRI/PUD. The proposed amount, types of development and phasing are summarized in Table 10-2. Development is proposed to proceed in two phases with build out occurring in 2023.

**TABLE 10-2
Proposed Development**

Land Use	Phase I & II 2011-2023
Retail	85,000 sq ft
Office	25,000 sq ft
Multi-Family	1,100 units
Single Family	2,016 units
Adult Living Facility	60 beds
Civic/Institutional	10 acres
Hotel	24 rooms

The Rhythm DRI development has been delayed to enable Washington County to adopt their EAR based Comprehensive Plan Amendments. During the delay, a detailed market analysis and re-evaluation of the master plan has been undertaken. The market analysis revealed the need to shift from a mixed retirement/conventional housing development to a single focus development as an Active-Adult, Retirement Community. As a result, the Rhythm project is herein presented as an age restricted, Active Adult Retirement community. The final development order and recorded deed restriction will clearly establish this age restriction (applying the age restricted language that has customarily been applied in Florida) as a permanent requirement for the community residents.

The master plan has been modified to reflect the mix of uses necessary to meet the market demands for a retirement community. In addition, specific focus was given to the variety of comments from review agencies regarding the natural features and environmental design.

The following is a summary of the modifications to the project presented in the 2nd Sufficiency Response:

- Change project name to the Rhythm DRI
- Establish a 55+ age restriction (following established definition for age restrictions)
- Redirect housing product to meet the active adult retirement market
- Eliminate Golf Villas
- Introduce Cottage Homes
- Refine single family, Town home and multi-family product for retirement market
- Introduce Cottage Homes in relation to a neighborhood park for inclusion into the single family tracts
- Maintain the development program of 3,200 residential units with 85,000 sf of retail 25,000 sf office
- Eliminate the school site
- Eliminate the Golf Course
- Expand steep head forest protection
- Reduce the number of wetland crossings
- Create a 1,000 ft minimum wildlife corridor along Buckhorn Creek
- Provide a minimum of 50% of the site as community open space
- Modify Gopher Tortoise Mitigation strategy to off-site mitigation
- Update the site wildlife assessment
- Expand the on-site lake (Turnip Pond) buffering plan
- Double the open space buffer to adjacent properties
- Modify and expand recreation and amenity facilities with an allocation of 80,000 sf of recreation, civic/amenity facilities
- Expand the neighborhood park program
- Create a community garden center with flower and vegetable gardens
- Establish an equestrian facility
- Expand the bicycle/pedestrian and the nature trails system to promote non motor vehicle internal travel including introduction of Neighborhood Electric Vehicles (NEV) with a system of off road NEV trails
- Realign Buckhorn Blvd/Elkcam Blvd Extension to create a more cohesive Village Center
- Expand the Village Center
- Refine Village design approach to incorporate Neo-Traditional design features
- Relocate the water and waste water plant sites
- Add 60 unit Adult Living Facility
- Add 24 room Bed & Breakfast
- Add 100 units of mini storage
- Add RV/Boat storage for residents
- Add a power sub-station site
- Add civic/amenity uses
- Add institutional uses (church)

The revised Master Plan (Enclosure A) provides 941.5 acres of community open space as reflected in the open space master plan. It is noted that this is community open space and does not include the variety of additional open space areas contained in individual lots or parcels as reflected in the various per lot/parcel impervious surface restrictions for each lot/parcel. The 50% of the site as community open space (941.5 acres) is comprised of 354 acres of wetland preservation, 126 acres of wetland buffering this includes a doubling of the standard wetland buffer from 25 ft to 50 ft, as well as adding an additional 50 ft of upland preservation adjacent to the wetlands for a 100 ft average (75 ft minimum) standard, 317 acres of upland conservation and 97 acres of greenways, parks/open space. The Buckhorn Creek wildlife corridor has been designed to provide a minimum of 1,000 ft wide with a bridge crossing to provide wildlife underpasses. The expanded program of neighborhood and community parks scattered throughout the project serves as a focal point for neighborhood design and provides access to 90% of the residences within ¼ mile of a park. Buffering between the site development tracts and adjacent properties has been doubled in size to 100 ft.

The project is in the process of pursuing a Florida Green Building Coalition (FGBC) certification as a Florida Green Community and intends to record various deed restrictions to guarantee compliance with Florida Neighborhoods and Yards program, Water Star, Energy Star and various other green building and development criteria. These criteria will be addressed in the FGBC application with restrictions to be applied to all community development.

The residential development program will remain at 3,200 housing units. However, the products and the mix of unit types have been modified to reflect the retirement community demands. The golf villas have been removed and cottage homes have been introduced. The single-family product will consist of 1,380 units along with 636 cottage homes and 200 town homes multi-family units. The neighborhood park program has been expanded to define recreation, civic /amenity uses (80,000 sf) to serve the Rhythm residents. See Table 10-1 for the Development Existing and Proposed Land Use breakdown. The development program has been refined to establish a 2 phase development program. The traffic analysis and Table 10-1 have been modified and updated to reflect this change in response to agency request.

The central focus of the Rhythm community will be the expanded and refined Village Center now covering 155 acres. The realignment of Buckhorn Blvd/Elkcam Blvd Extension has provided a village design approach applying Neo-Traditional design concepts to create an internal focus rather than the previous design which was more highway oriented. Structures will be 1 to 3 story buildings and mix various residential products with retail and office uses, around a village community square as a focal point. Additional uses will include a 24 unit Bed & Breakfast for visiting families, a 60 unit Assisted Living Facility and supporting civic/amenity uses. 2nd and 3rd story uses may include climate controlled mini storage facilities. Parking design will apply shared parking concepts as well as to include provision for Neighborhood Electric Vehicles and bicycles to encourage non motorized travel within the community.

The project will provide central utilities including a central water system and a waste water plant treating waste water to advanced treatment levels to provide reuse water for the Village and certain community open space properties. Fire/EMS services will be addressed concurrent with the DRI to address the provision of services to the community. The specifics of the solution will be addressed in a Developers' Agreement. County Line Road provides the primary access to the site with the current road addressed under joint responsibility of Bay, Jackson and Washington counties. The developer intends to address the paving of County Line Road through a Developers' Agreement that will be presented concurrent with the DRI Development Order.

The project has been designed to reflect modifications to the 2020 Washington County Comprehensive Plan as adopted with the EAR Amendments October 2010. Concurrent with the DRI application, will be an application to amend the Washington County Comprehensive Plan to establish a designation of the **Rhythm DRI-Mixed Use Urban Village**. In addition, an application will be presented to establish a PUD master plan with related development design standards and criteria to serve as an implementation tool to establish consistency with the DRI Development Order and Comprehensive Plan.

**Table 10-1
RHYTHM DRI
EXISTING & PROPOSED LAND USES**

Land Use / PHASE	NON RESIDENTIAL		RESIDENTIAL				OPEN SPACE/ PARKS	RIGHTS OF WAY	CIVIC/ AMENITY	WET-LANDS	AG	MISC.	TOTAL	CUMULATIVE TOTAL
	ACRES	GROSS SQ. FT.	ACRES	D.U.	DENSITY	DENSITY								
Existing									363	1520			1883	
PHASE I														
Commercial	5	30,000											30,000 sq. ft.	
Hotel (Bed & Breakfast)	2	24 rooms											24 rooms	
gas	2	4,000											4,000 sq. ft.	
ALF	3			20	10.0	N.A.							20 units	
Office	4	25,000											25,000 sq. ft.	
Civic/Amenity									32,000				32,000 sq. ft.	
Institutional	5	5,000											5,000 sq. ft.	
Storage	3	50 units											50 units	
SFR/Cottage			420	1,184	4.0	2.8							1,184 units	
TH/MF			90	629	12.0	7.5							629 units	
Wetlands									354				354 ac.	
Iron							443.5						443.5 ac.	
Recreation / Parks							30						30 Ac.	
Open Space							41						41 ac.	
ROW's								25					25 ac.	
Utilities											30		30 ac.	
Drainage											5		5 ac.	
RV / Boat Storage											5		5 ac.	
PHASE II														
Commercial	7	51,000											51,000 sq.ft.	85,000 sq.ft.
Hotel (Bed & Breakfast)													0	24 units
ALF				40									40 units	60 units
Office	0	25,000											0	25,000 sq. ft.
Civic/Amenity									28,000				28,000 sq.ft.	80,000 sq. ft.
Recreation/Parks							32						32 ac.	62 ac.
Open Space							41						41 ac.	82 ac.
Institutional											5		5 ac.	10 ac.
Storage	3	50 units											50 units	100 ununits
SFR/Cottage			292	832	4.0	2.8							762 units	2,016 units
TH/MF			30	471	16.0	7.5							605 units	1,100 units
ROW's								22					22 ac.	47 ac.
Drainage											4		4 ac.	9 ac.
Boat/RV Storage											10		10 ac.	15 ac.
Equestrian											6		6 ac.	6 ac.

The subject property has historically been a vacant wooded tract with no development other than the Florida Gas Transmission easement/gas line crossing the property. The 75 ft gas easement is in the process of being expanded by an additional 50 ft and a new gas transmission line added. Past activities have been limited to silviculture. The site contains a small 4.2 acre ± pond. There are no structures on the property.

A small shopping center is proposed as part of the planned program with uses and tenants supported primarily through activity generated by the residents of the project's proposed residential inventory. Though not necessary to sustain the center, the property also will benefit from other development or activity that may occur in some proximity to the project site.

The shopping center will primarily serve the population of the Rhythm development and those residing in small, but accessible parts of northeast Bay County, southeast Washington County, and southwest Jackson County. The primary trade area is within five miles of the subject property. The only major road that serves as a reference point to the trade area is US 231 which near the eastern border of the 5-mile trade area. The

commercial component of the shopping center is projected to serve the future population of the development and employees of the development. Although the secondary trading area would be greater than a 5-mile radius of the project, potentially attracting shoppers from other portions of Washington, Bay, Jackson, and Calhoun Counties, demand from this secondary trade area would be expected to account for less than 10% of the demand within the shopping center in the Rhythm development.

Based on a review of tax records in eighteen counties (rural and urban) throughout the State of Florida, it is not reasonable to project that each dwelling unit will support as much as 113 square feet (SF) on average with a low being about 44 SF. Applying the estimated residential count (3116 single and multi-family units) to the program's planned commercial square footage indicates that the program's non-residential uses are very modest relative to potential demand, and indeed the project might reasonably support more than included in the program.

The primary focus of Rhythm is residential development with a specific emphasis on age restricted housing. There are no projects comparable in scope and market orientation anywhere else in the Florida Panhandle. Projects that might otherwise be suitable or of interest to an older, active population are centered almost exclusively on golf as a recreational amenity. By contrast, the proposed residential community envisions a much broader and richer mix of cultural, educational and recreational options.

The demand analysis for this project stems from observations about the marketplace, data collected for the relevant region, case study analysis, and the property owner's vision for the land. The following discussion describes the developer's methodology used to project future demand for age restricted housing generally and in Washington County, Florida, specifically. As the analysis suggests, the scale of potential need generated by the target population is much larger than the particular market segment of interest to Rhythm.

As noted in the ADA table, prepared by Pro-Matura, illustrates by age group the number of *financially qualified households within some proximity* to the proposed location of Rhythm, in years 2010 and 2015. Over this five-year period, the total regional population of interest may increase significantly.

For a variety of different reasons - including program availability, a desire to stay in place, resistance to age segregated living, financial priorities, and general locational preferences among many others - the number of people *most likely to respond* to the concept being advanced at Rhythm is more limited. Of the total households meeting the age and income profiles defined by the project's market advisors (Pro-Matura), about 16,000 households comprise the *core market*. By 2015, this market segment grows to about 19,000 senior households. The 2015 population is less than 1% of the total number of households that are otherwise positioned to be residents at Rhythm.

These numbers must then be considered in the context of the project's specific attributes. Pro-Matura has determined by time period the mix and features of the single-family and multi-family units commensurate with the needs of the targeted population. Again, the

estimates suggest both need and local demand in excess of that being programmed into the development itself.

Table 10-5 shows BEBR’s most current population projections for Washington County by various age segments focusing on those persons 55 or older as a percentage of the larger population, prepared in the absence of specific assumptions or knowledge of Rhythm. In 2010, Washington County is estimated to have about 7,000 persons who fit the Pro-Matura age profile with the number growing to about 8,000 people in 2015. By 2030, this number is expected to grow to more than 10,000 people. Given the presence of Rhythm in Washington County, it is not unreasonable to anticipate these numbers will be actually higher as time passes.

According to Table 10-5 the age group of 55-64 in this county and state is increasing. The 5 and up age group is the largest portion of the population. The 55-64 age group is also the largest segment of the county and state population going into the future.

Table 10-5: Population Projections by Age for Washington County and State of Florida, 2009–2030

Sex/Age	2000	2009	2010	2015	2020	2025	2030
	Census	Estimate					
WASHINGTON							
Total	20,973	24,721	25,017	26,007	27,281	28,501	29,622
0-4	1,267	1,239	1,245	1,306	1,344	1,353	1,373
5-17	3,638	3,903	3,855	3,841	3,999	4,186	4,299
18-34	4,365	5,717	5,909	6,276	6,317	6,314	6,368
35-54	6,053	6,901	6,963	6,670	6,726	6,980	7,378
55-64	2,357	2,942	2,955	3,185	3,482	3,375	3,080
65-79	2,404	2,891	2,939	3,401	3,891	4,448	4,837
80+	889	1,128	1,151	1,328	1,522	1,845	2,287
Total 55 plus	5,650	6,961	7,045	7,914	8,895	9,668	10,204
% of total Population	26.9%	28.2%	28.2%	30.4%	32.6%	33.9%	34.4%
FLORIDA							
Total	15,982,378	18,750,483	18,773,356	19,881,179	21,246,926	22,573,559	23,821,251
0-4	945,823	1,132,590	1,136,948	1,172,024	1,211,567	1,240,712	1,267,834
5-17	2,700,519	3,009,469	2,988,515	3,087,933	3,276,517	3,426,944	3,532,863
18-34	3,414,702	3,954,052	3,961,816	4,170,951	4,308,540	4,432,198	4,577,585
35-54	4,554,684	5,105,874	5,067,547	4,985,628	5,025,315	5,229,158	5,487,263
55-64	1,559,039	2,265,108	2,313,114	2,635,102	2,898,204	2,877,873	2,761,434
65-79	2,068,883	2,242,776	2,244,295	2,658,022	3,225,905	3,838,396	4,280,506
80+	738,728	1,040,614	1,061,121	1,171,519	1,300,878	1,528,278	1,913,766
Total 55 plus	4,366,650	5,548,498	5,618,530	6,464,643	7,424,987	8,244,547	8,955,706
% of total Population	27.3%	29.6%	29.9%	32.5%	34.9%	36.5%	37.6%

Source: U of F, BEBR, Population Projections by Age, Sex, Race, and Hispanic Origin for Florida and Its Counties, 2009–2030

4. FOUR COUNTY AREA GROWTH PATTERNS & PROJECTIONS

The four county region, defined by Washington, Bay, Jackson, and Walton counties, is linked by physical proximity, historical ex-urban or rural character, distance from major employment centers, and distance from other major concentrations of urbanized initiative. Washington County's proximity to Bay and Walton counties suggests that its longer term growth prospects rely on prospective (re)settlement patterns, as lands and options in the same regional transportation infrastructure are reduced. For the most

part, the counties are linked by the same regional transportation infrastructure, specifically I-10 or US 98 and a network of smaller state and county roads including US 231, Hwy 77, and Hwy 20.

As of July 2009, the United States Census Bureau estimated a population of approximately 300,000 people in the four county region. Again, this figure does not address specifically seasonal residents, many of whom will be second homeowners, with a significant percentage older than age 55. The figure has to be viewed as strictly a baseline population against which the need and demand for additional housing must be measured.

More densely populated Bay County represents approximately 56% of this estimated population. Washington County itself is a largely rural inland county comprising 616 square miles of rolling topography and includes the municipalities of Chipley, Caryville, Ebro, Vernon, and Wausau. Though historical population growth and economic activity in the county has been slow, Washington County continues to experience development pressures from Bay County and the gulf coast to the south. The impact and market orientation of Rhythm and its aggressive marketing efforts can only affect that growth.

5. IMPACT OF SUNNY HILLS ANALYSIS

Today, only one major project in Washington County, Sunny Hills, appears positioned to accommodate development in the context of expected growth in the four county region. If so, this would presuppose a single property might accommodate the expected level of demand to the exclusion of all others. This outcome is neither likely nor desirable from a policy perspective.

The development is of an older style and allows for each property owner to dig a well and have a septic field on their lot, regardless of the small size, generally ¼ acre. The Rhythm DRI will be comprised of properties which are clustered and designed to be on a central water and wastewater system.

For many different reasons, it becomes apparent that Sunny Hills is not an ideal candidate to address Washington County's future housing needs except in the most limited market segments.

6. SUMMARY

Rhythm will be the only age restricted community of its type in Florida's Panhandle. It will be the first residential project in Washington County to compete on the basis of environmental stewardship, energy efficiency, design controls, centralized utilities, and tightly controlled planning and development standards. The infrastructure and controls anticipated will distinguish the quality of development in this project from that found in the region's many smaller residential communities, whatever their market orientation. Variations in lot and unit sizing, as well as product type, will allow a broad spectrum of price points, enabling Rhythm to respond to the specific needs and conditions imposed by the seniors market.

Other projects in the area, including Sunny Hills, do not offer viable options and/or attributes attractive to all buyers and sellers. It is not suitable to accommodate an age and cultural centered community such as Rhythm envisions. Forcing development concepts, such as those to be utilized at Rhythm, into the physical and regulatory constraints imposed by existing conditions will simply shift demand opportunities to nearby settings where the preferred amenities, price points, social or community infrastructure, and age segmented products are available. Specific to Sunny Hills, it is unreasonable to believe it by itself is capable of accommodating a large portion of this future need or demand.

Rhythm presents an opportunity for Washington County as an opportunity to redefine its future growth prospects by containing the mistakes of past planning, increasing the standards by which future development will occur, and defining the platform for a new market segment.

7. CONSISTENCY WITH REGIONAL, STATE AND LOCAL PLANS

In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which the development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. For the purposes of this subsection, “applicable state plan” means the state comprehensive plan. For the purposes of this subsection, “applicable regional plan” means the adopted strategic regional policy plan.

CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN (SRPP)

The adopted West Florida Strategic Regional Policy Plan contains goals and policies for five (5) regional issue areas: Affordable Housing, Economic Development, Emergency Preparedness, Natural Resources of Regional Significance and Regional Transportation. The goals and policies of the West Florida Regional Planning Council Strategic Regional Policy Plan (“SRPP”) direct the actions of the regional planning council or local governments.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

After the adoption of HB 7207 this is no longer a requirement in the State of Florida.

8. QUESTION 11 - REVENUE GENERATION SUMMARY

Rhythm will generate substantial incremental revenues to Washington County and its various local governments or agencies. The most pertinent revenue items are described over the next several pages. It is worth noting that the ad valorem revenues in particular compare with prior submissions. Given the age restricted orientation of Rhythm, it will produce significant revenues for the County’s school district *without* imposing the costs and burdens of school age children that would otherwise be anticipated in a conventional residential development. From a financial perspective, Rhythm should be viewed very favorably.

The yearly ad valorem tax revenue estimated at build-out the project is anticipated to generate approximately \$13,072,000 annually. Based on the land use program, the project is anticipated to generate approximately \$3,518,000 in total impact fees. The estimated annual sales tax generated by the project is shown in Table 11-3. These annual estimates do not include sales tax revenue associated with the project’s construction materials purchased within Washington County.

Table 11-3: Yearly Sales Tax Received by Washington County

Year	Total Sales Tax	Sales Tax Collected by Washington County
2013	\$ 568,000	\$ 123,000
2014	568,000	123,000
2015	568,000	123,000
2016	568,000	123,000
2017	568,000	123,000
2018	1,467,000	315,000
2019	2,158,000	464,000
2020	2,158,000	464,000
2021	2,166,000	466,000
2022*	2,166,000	466,000

*Buildout is to 2023 data provided to 2022

Washington County will receive an estimated \$66,000 gas tax revenue generated by the project at build out in 2022. The following table presents the estimated annual gas tax revenue collected by Washington County. There are no other significant revenue sources expected to be generated by the project. Although other sources might be expected, these are immaterial when compared to those provided.

The Rhythm DRI development program shown in Table 11-7 below was employed in calculating the revenue generated by the project. All dollar figures shown are presented in 2010 constant dollars.

Table 11-7: Rhythm Development Program

	Single Family	Multifamily	Retail	Office	Assisted Living	Recreational Facility	Hotel
	(DU)	(DU)	(SF)	(SF)	(Beds)	(SF)	(Room)
2013-2022*	2,016	1,100	85,000	25,000	60	80,000	24

*Buildout is to 2023; data provided to 2022

Yearly ad valorem tax receipts

The following table (Table 11-8) summarizes the real taxable value assumptions used in this analysis for projecting property tax revenues. These assessments, which include the value of land and structures, are based on an analysis of available assessed value data for similar types of properties.

Table 11-8: Taxable Value Assumptions for Rhythm

Land Use	Value	Per
Single Family	\$300,000 - \$400,000	Unit
Multi-Family	\$250,000 - \$350,000	Unit
General Office	\$70	SF
Retail/Service	\$50	SF
Assist Living Facility	\$10,000	Bed
Recreational Facility	\$20	SF
Hotel	\$50,000	Room Key

The adopted 2010 millage rates were applied to projected assessed values according to the development program. The 2010 Washington County Millage rates are summarized below by taxing authority. The millage is assumed to remain constant over the entire projection period.

Yearly impact fees collected

Estimated impact fees are based on fee schedules effective in 2010 for Washington County. The following table (Table 11-10) lists the current fees by type and land use. Although it is assumed these fees will remain the same throughout the life of the project, they may increase in the future.

Table 11-10: Impact Fee Schedule for Washington County

	EMS		Fire		Roads	
Residential		<u>per</u>		<u>per</u>		<u>per</u>
Single Family	\$ 74.98	DU	\$ 106.59	DU	\$ 972.00	DU
Multifamily	74.98	DU	106.59	DU	595.00	DU
Non-Residential		<u>per</u>		<u>per</u>		<u>per</u>
Office	\$ 0.20	SF	\$ 0.11	SF	\$ 1,119.00	1,000 SF
Retail	\$ 0.20	SF	\$ 0.11	SF	\$ 1,336.00	1,000 SF
Assisted Living ¹	\$ 0.20	SF	\$ 0.11	SF	\$ 151.00	Bed
Recreational Facility ²	\$ 0.20	SF	\$ 0.11	SF	\$ 1,143.00	1,000 SF
Hotel/B&B	\$ 0.20	SF	\$ 0.11	SF	\$ 816.00	Room/Key
Totals	\$283,000		\$358,000		\$2,877,000	

Developer has voluntarily added the following: a \$50.00/residential unit impact fee and a \$50.00/1,000 SF Office and Commercial Impact Fee.

1. Per SF fee rates applied to average of 900 SF per bed
2. Per SF fee rates applied to average of 450 SF per hotel room

These fees were then applied to the development program to produce the annual impact fee collections from Rhythm. It is reasonable to suggest the estimated impact fee collections are greater than the amount actually collected. The difference is due to contributions made in lieu of fees or results of other negotiations between the development team and affected jurisdictions.

Yearly sales tax receive by local government

Sales tax revenue associated with the project was derived from three sources: taxable sales generated from project construction, taxable sales generated from the retail/service component of the development program, and taxable hotel use. The following paragraphs discuss the assumptions associated with each of the above sources as well as assumptions relating to tax rates and the appropriate redistribution of tax revenues to Washington County.

Construction-related sales tax revenue was calculated from non-labor expenditures associated with the purchase of supplies and materials for the project. The cost of supplies and materials were assumed to be 60% of the total cost of construction. For analysis purposes, it was assumed that 70% of these sales are taxable. It was further assumed that 30% of the taxable construction expenditures are captured within Washington County.

Using industry standard figures found in *Dollars and Cents of Shopping Centers: 2008* for community shopping centers, the sales tax revenue associated with the retail/service component of the project is calculated based upon estimated gross sales of approximately \$285 per square foot, including both taxable and non-taxable transactions. The resulting sales figure was adjusted to reflect the assumption that 90% of total gross sales are taxable.

Sales taxes associated with hotel room usage were calculated based on an average occupancy rate of 62% and an average daily rate of \$107. It was assumed that once the hotel is constructed, revenues will remain the same into the future.

Another source of sales tax that will be collected is associated with rental revenue, derived from long term lease payments by tenants occupying the various non-residential components of the project. This is a small portion of the collected sales tax, and although it was acknowledged, for the purpose of this analysis, it was assumed to be marginal and therefore not calculated.

The total Washington County sales tax rate consists of a 6.0% state sales tax rate. Only a portion of the 6.0% sales tax collected is returned to the county for distribution between the county and its municipalities. Each county in the state currently receives 8.814% of the total 6.0% state sales tax collected. This revenue is then divided between the county and its municipalities using population-based distribution factors. Accordingly, Washington County will receive nearly 81.113%, of these revenues. The remaining revenues are divided amongst the other municipalities based on population.

PART III – ENVIRONMENTAL RESOURCES IMPACTS

QUESTION 12 – VEGETATION AND WILDLIFE

Existing Conditions

The area around the Rhythm DRI site is in outer reaches of black bear habitat and accordingly the human-bear interaction is a concern for FFWCC. Discussions were organized with representation of FFWCC and the Rhythm DRI with the WFRPC staff mediating. In these discussions it was agreed that this development was, in fact, among the lands rightfully monitored by FFWCC for human-bear activity even though the Developer held that bear do not

cross SR 20. The discussion resulted in the explanation of a list of preventative techniques a developer can adopt into their practices to prevent any negative interaction. They included education of all residence, changing common habits with garbage, outdoor feeding of pets and feeders designed to attract wildlife such as birds. Many deterrence measures were discussed and the Developer plans to minimize the potential for negative human-bear interactions. If the Developer follows all the conditions discussed by FFWCC then it is likely the impacts will be adequately mitigated.

QUESTION 14 – WATER

Existing Conditions

The area around the Rhythm DRI site is in the high aquifer recharge portion of Washington County and as such, water resources in the Floridan Aquifer, which is recharged in this region, are an important issue to discuss with a development of this scale in this particular location. Water resources on this site must be fully protected. The DRI is drained by tributaries of the Econfina Creek, a Class I water body and primary tributary of Deer Point Lake. Deer Point Lake Reservoir serves as the primary water supply for Bay County. This development must take into consideration the long term stewardship of these sensitive water resources.

Ground Water

Even though the developer has assured that the pre-existing conditions will equal post development conditions it is important that any level of contamination from this DRI site not contaminate the Econfina Creek.

Water Quality

It is important that this DRI in both the construction and post-buildout phase not adversely impact regional water resources or possibly degrade the water quality. The developer must take great care to ensure this potential not become a reality. Conditions have been included in this report to detail the necessary water quality mitigation.

QUESTION 17 – WATER SUPPLY

Existing Conditions

As mentioned in Question 14, there are certain sensitivities of this site when it comes to the underlying Florida Aquifer. Since there are karst features proximate to the site and since the site is within the high aquifer recharge area of Washington County measures must be in place to fully protect the water resources.

Ground Water

It is planned that this site will have two 500 foot deep wells that are, according to the developer, not to be within 700 feet of the edge of the DRI location. This is critical if the impacts to neighboring property owners are to be minimized as the cone of influence of a large well can be significant within 500 feet of well heads.

Water Quality

It is important that this DRI not adversely impact regional water supply resources or possibly degrade the water quality in the Floridan Aquifer. The developer must take great care to ensure this potential not become a reality. Conditions have been included in this report to detail the necessary water quality mitigation.

PART IV – TRANSPORTATION RESOURCE IMPACTS

QUESTION 21 – TRANSPORTATION

Existing Conditions

Currently there is not much in the way of a developed paved road network adjacent to this DRI. Most of the issues concerning mitigating the impact are with the connection of this development to US 231 to the East.

Impact Summary

This section of the report will summarize public facility costs associated with the project impacts. As you can see from the Table 10-10 below other than the Transportation costs all expenses will be the responsibility of the Developer. Transportation costs are to be determined.

Table 21-10: Public Facility Expenditures

	Public Cost(s)	Private Cost(s)
Transportation	TBD	TBD
Wastewater	0%	100%
Water	0%	100%
Recreation	0%	100%

As detailed in Table 21-10 the transportation costs will be shared between public and private contributors must await the detailed transportation analysis which is being considered between Washington, Bay and Jackson Counties.

Mitigation

In order for the impacts of this development to be properly handled for the surrounding lands, which comprise three counties the Developer must be prepared to enter into Developer Agreements to address each unique impact. This may mean several agreements must be developed before all impacts are properly addressed. The developer has settled to compensate \$7.4 million for local roads, and the proportionate fair share will be at least 2.7 Million

Another element to this is there is a possibility that this development will be absorbed into the MSA to the South of the DRI which today is primarily in Bay County, FL. If this does occur the Developer must be prepared to not only inform the Bay County TPO but also work with them in addressing road projects into the future.

PART V – HUMAN RESOURCE IMPACTS

QUESTION 24 – HOUSING

Rhythm is primarily a residential community. The project incorporates a mix of housing types with all development oriented exclusively to an age restricted population as described in detail in Question 10. The current plans anticipate only housing targeted to the for sale market. The housing will be in the form of single family, condominiums, or townhomes. The following table illustrates the new residential units proposed in the Rhythm DRI. The sale of unimproved lots other than to builders is not anticipated.

Table 24-1: New Dwelling Units Within the Proposed Development

Unit Type	Unit Count
Single Family (Sale)	2,016
Townhouses/Stacked Flats (Sale)	<u>1,100</u>
Total	3,116

The target market for residential development is exclusively the age restricted, senior population described in detail in Question 10. Marketing efforts will target those households with income/net worth necessary for purchase. While market conditions will dictate the ultimate breakdown, the target seniors for this development will reflect a combination of permanent, seasonal and second home residents.

Generally, this analysis uses the housing supply and demand methodology originally created by the East Central Florida Regional Planning Council (ECFRPC) and accepted as a template by the Department of Economic Opportunity (FKA Department of Community Affairs) in the past. In this template, employment opportunities are those created by the project itself because other impacts are conjectural and, to the degree they do occur, may stem from development or activity outside the influence or control of this project. The housing supply considered in the analysis does not include any of the units that might be developed in the project.

Because the project is age restricted, there will be only limited opportunities to accommodate residents other than those comprising the target market. Still, some employment is likely to be filled by residents of the project itself, potentially diminishing or eliminating need for additional housing. Further, because of the likelihood that many residents will be seasonal, it must be assumed that periodically *some* units will become available on a cost basis that matches the needs of certain other employees if they also meet the community's age requirements.

Methodology

The estimated number of permanent employees within the Rhythm project is 250 positions. The income estimates are based on ES-202 figures and represent the average for the North American Industry Classification System (NAICS) Codes for each category. All of the employees presented in the following table are not necessarily included within the demand analysis due to some occupations earning salaries above 120% of the moderate income range. Of the 267 total employees estimated, approximately 260 employees are included in

this analysis as a result of their salaries being less than or equal to 120% of the moderate income. Although described and planned as a *two phase* project, actual development and construction will occur over the years. Whatever the *total* new employment generated, as a result of new construction completed at the end of the planned phase, it is rational to assume this employment will occur incrementally over the course of this phase; not in a single year. This applicant's analysis reflects this likelihood.

In calculating the housing demand, single and multiple worker households are considered separately because multiple worker households earn considerably higher wages. Households with two workers earn an estimated 75% more than single worker households in Washington County. Households with three or more workers earn an estimated 121% more than single worker households in Washington County. The following information was also considered:

- Permanent employment was estimated using typical square feet per employee or employees per hotel room ratios for each appropriate land use as referenced in the following table.
- The median household income for Washington County in 2010 - \$43,100 - was utilized to provide relative comparisons for household incomes for the estimated number of employees.
- Income classification thresholds (Very Low, Low etc.) are based upon multiples of the median household income for Washington County. Households in the very low-income category have incomes of less than 50% of the county median. Households in the low-income category have incomes of between 50% and 80% of the county median. Households in the moderate-income category have incomes of between 80% and 120% of the county median. Households with incomes above this range are not considered relevant in terms of the impacts that this question seeks to address.
- Household headship rates were applied to the estimated number of permanent employees at the project in the relevant income ranges to arrive at the total number of households where a project employee is the head of the household. The household headship rates used in this analysis are as follows: Very Low – 40.6%, Low – 57.4% and Moderate – 67.8%.
- Total household income is assumed to be higher for multiple worker households than single worker households based on whether there are two or three or more workers in the household.
- Affordable housing prices were established using, as a starting point, the wage ranges previously discussed as well as certain reasonable assumptions concerning maximum affordable housing costs and mortgage terms. Of particular importance are the demands generated for housing at the very low and low income ranges. The specific assumptions used to establish housing affordability and demand are summarized below:
- Housing affordability was calculated assuming an industry standard of 30% of household income can be allocated to total housing payments. The midpoint of each defined income range was used to calculate a maximum monthly payment based upon this 30% housing expense.
- Total affordable monthly housing payments were discounted by 10% in order to reflect taxes, insurance and utilities under an owner-occupied scenario or by \$50 to reflect

utilities under a renter-occupied scenario. The discounted amounts represent the total monthly sum available for principal and interest under an owner-occupied scenario or the total sum available for rent under a renter-occupied scenario.

- For owner-occupied housing, the estimate of the total household income available for principal and interest was translated into a supportable home price using a 7% interest rate, 30-year mortgage, and a 5% down payment. The resulting home prices represent the amounts that reasonably can be afforded by households within a given income range under these specific financing assumptions. Under current conditions of the mortgage environment, these assumptions might be considered conservative such that the analysis tends to overstate housing costs.

The demand analysis indicates that of the total 267 permanent employees the Rhythm project might generate, there could be demand for approximately 129 housing units in the low, very low, and moderate income ranges. It is not unreasonable to assume that at least some of these will be residents of Rhythm itself.

The available supply necessary to meet these demands must be located within a 10-mile radius. The analysis must be considered conservative because of the means used to screen or exclude potential units. To estimate the availability of affordable *for sale*, or owner-occupied, units within the housing study area, the analysis focuses on data associated with an average of housing transactions recorded between 2007 and 2009 with the property appraiser offices in Washington County. The analysis includes sales of single family residences, townhouses, and condominiums. These transactions fall within the appropriate affordability thresholds identified in the project housing demand analysis and include only those transactions recognized by the property appraiser as being qualified, arm's-length sales. Other properties excluded from the analysis are mobile homes, and properties with a transaction price of less than \$50,000, properties with a transaction price greater than \$299,000.

In order to avoid any potential distortions caused by multiple sales of the same housing unit, our analysis includes only the most recent sale of any given residence and excludes any prior sales of the same residence. The resulting sample provides a good picture of the affordable *for sale* housing market in the study area for a typical year.

A field survey indicates there are limited rental units available in the designated impact area. If they can be identified, they may offset some of the calculated deficits shown in the analysis.

As previously explained, this analysis concentrates on the relationship between supply and demand for the entire project without regard to a time dimension. The following table summarizes the relationship between total demand for housing and the supply that is representative of a *single* typical year.

If only a single year of sales activity is reflected in the analysis, there would be a deficit of affordable housing to meet the demand from the proposed development program. Phasing, however, needs to be distinguished from timing to correlate the demand of employment with the availability of housing. Regardless of its planned phasing, some construction activities will occur at Rhythm over *several years*. Given the likelihood that

activity will actually occur over multiple years, it is not unreasonable to expect the supply of available homes to expand. Further, it is also reasonable to assume that sales currently reported do not adequately reflect normal market conditions. We would expect transactions to be down because prices are depressed. In effect, the scale of the market in which affordable housing might otherwise be available is abnormally constrained.

To summarize, the analysis based on a *single* year average, indicates there may be a deficit of approximately 95 units resulting from employment generated by the project. The reality is that the project will unfold over a multiyear period, resulting in employment that grows commensurate with the project's resident population. By addressing need in terms of a more plausible three to four year supply, any presumed need is eliminated entirely.

Other than those residents residing in Rhythm - and potentially working in some support capacity at non-residential employers - other residents are expected to be retired or work outside the local region.

Excluding construction jobs, about 267 jobs are expected to be created by the availability of various commercial and medical facilities associated with the Rhythm project. In the current context, this small complement of commercial and medical space would be considered an important employment center. Aside from the persons who might live and work here, most employees are likely to have their principal residence elsewhere in the county. According to data collected by ACS, nearly 91% of Washington County residents either drive alone or carpool to their place of work. Approximately 3% of the residents work at home and less than 1% of the residents choose to take public transportation, bike or walk to work.

PART VI – DEVELOPER COMMITMENTS & PLAN CHARACTERISTICS

Commitments from the Application for Development Approval (ADA) and Sufficiency Responses (SR):

1. The Developer will agree to provide 12 moderate income housing units in accordance with 9J-2.048.
2. The HOA will be informed that prescribed burning and hunting are legal activities which may occur on Econfina Creek Water Management Area Lands adjacent to the site.
3. The HOA will be responsible for long-term funding for the monitoring of the conservation area and easement. The Developer will be responsible for all on site conservation areas until such a time when they will be turned over to the HOA.
4. Wetland buffers will be equivalent to wetland setbacks. Limited development activities will be permitted in the wetland buffers.
5. The Developer will commit to establish ground water and surface water monitoring programs.
6. The Developer will follow the best management practices for green sustainable land development and shall be compliant with Florida Water Star Criteria.

7. In response to the need for additional quantitative analysis of the sufficiency of the water supply the Developer will provide quantitative analysis as needed for the permitting process.
8. Over 50% (941 acres) of the property will be set aside for protection as conservation or as open space.
9. The Developer shall commit to all development control as described on Page D-8 – D-10 in the First Sufficiency Response minus references schools and golf course.
10. Post-development stormwater flow will equal the pre-development state.
11. The project will meet or exceed ERP standards for stormwater treatment and attenuation.
12. All wetland encroachments, not to exceed a total of 9 acres will be spelled out in the habitat management plan (HMP).
13. Development impacts will not adversely impact groundwater and surface water quality and onsite wetlands that will be subject to appropriate mitigation (see #12 above).
14. The wastewater will be treated in accordance with state guidelines for reuse water and for rapid rate infiltration.
15. Stormwater management facilities associated with roadways will be designed to county and ERP standards and constructed by the Developer.
16. Gopher tortoises will be relocated to the FWC certified offsite recipient site.
17. Sidewalks and bicycle lanes or a multiuse path will be provided on Elkam Blvd. It will also include crosswalks at key intersections.
18. A central water system will be used for this development.
19. Wildlife corridors will be addressed in the HMP.
20. The Developer will provide a letter from County Waste Management that there is capacity at the landfill.
21. The Developer will enter into a public/private partnership to make any and all necessary improvements to the Elkam Blvd. project.
22. The Developer will be responsible for mitigating all transportation impacts of the development.
23. The development will no longer include a golf course.
24. All conservation easements will be recorded and deeded to the appropriate third party (e.g. DEP).
25. The Developer will ensure that there is a minimum of 75 feet, average of 100 feet of buffer around all jurisdictional wetlands (exceptions indicated on Map H from the Second Sufficiency Review).
26. The development will adhere to the following impervious surface coverage percentages; SFR 75%, CH 75%, TH/MFR 90%, VD 90%, C/A 85% & ROW 90%.
27. The development will have two five year building phases.
28. The wastewater treatment will be as follows; CBOD5 5mg/1 annual average, TSS 5mg/1 annual average, TN 3mg/1 annual average & TP 1mg/1 annual average.
29. Wastewater will be subjected to AWT levels of treatment, which exceed standards of DEP.
30. There will be no residents of school age as this is an age restricted retirement community and this will be recorded into all appropriate real estate documents.
31. If van or shuttle service is offered then future traffic analysis will consider the derived benefits.

32. Conceptual intersection improvements will be identified along jurisdictional responsibilities.
33. The Developer will attempt to enter into a separate developer agreement with Bay County to address the improvements along County Line Road or provide alternative assess improvements.
34. The age restricted language to be used will be that demonstrated on page F-2 of the 3rd Sufficiency Response.
35. The Developer will work with Washington County EMS, Fire, and Sherriff's Department to determine how emergency services will need to be provided to the development.
36. The Developer will coordinate the timing of interim improvements as well as permanent improvements to the western portion of Buckhorn Blvd. to the satisfaction of Washington County.
37. The development will adopt a walkable community design.
38. The Developer shall incorporate Fire-Wise community concepts to the vegetative buffer areas of the development and all other commitments described in the 3rd Sufficiency Response on pages G-4 – G-5.
39. The Developer will address the conditions, improvements timing and obligations for the work on County Line Road to include the rail road trestle.
40. The Conservation Easement will address rights/limitations prior to the recording of the easement.
41. Vegetated swales will be provided by the Developer along roads where grades will not promote erosion.
42. It is the responsibility of the Developer to minimize human-bear interactions through provision of educational resources to homeowners.
43. The HMP will provide a sufficient level of detail approved by forestry professionals to achieve the management goals of prescribed burning.
44. The ponds that are used for the storage of water will be lined with 50 ml thick HDP liner and will be monitored and adjusted after consultation with FWC to adjust the stormwater management plan.
45. The Developer proposes two well sites that are to be 500 feet deep and are not to be within 700 feet of the edge of the property mitigating impacts of the cone of influence of these wells to neighboring property owners with permitted wells.

PART VII - DRAFT DEVELOPMENT ORDER & RECOMMENDATIONS

RESOLUTION NO. 11-__

A RESOLUTION OF WASHINGTON COUNTY, FLORIDA, APPROVING ISSUANCE OF A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE FLORIDA LANDINGS, LLC, FOR RHYTHM (FKA FLORIDA LANDINGS), A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AUTHORIZATION TO COMMENCE DEVELOPMENT; ESTABLISHING THE RIGHTS, CONDITIONS AND OBLIGATIONS OF THE

DEVELOPER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Rhythm (FKA Florida Landings) Development of Regional Impact (“Project”) is a proposed mixed-use development of regional impact to be located on approximately 1883 acres located on the southeast corner of Washington County abutting both Jackson and Bay Counties as more particularly described in Composite Exhibit “A” (“DRI Property”); and

WHEREAS, Florida Landings, LLC is a Florida corporation; and

WHEREAS, on July 11, 2008, the West Florida Regional Planning Council (“WFRPC”) convened a pre-application conference at which the Developer and various agencies addressed methodology issues and other preliminary matters concerning the Project; and

WHEREAS, on February 29, 2008, pursuant to section 380.06, F.S., Florida Landings, LLC filed an Application for Development Approval for the Project, to be located on the DRI Property; and

WHEREAS, upon filing of the ADA, Florida Landings, held fee simple title to, and all land use and development rights in the DRI Property, and no other person or legal entity held an interest in said land; and

WHEREAS, Florida Landings, LLC provided complete copies of the ADA to the Washington County Board of County Commissioners, FDCA, WFRPC, and other review agencies and,

WHEREAS, the statutory DRI notice required by Florida Statute Section 380.06(11)(b) with respect to the public hearing for the ADA was provided by publication in the Washington County News on September 7, 2011 and additional notice of the public hearings was provided in accordance with Washington County law; and

WHEREAS, on October 17, 2011, the WFRPC recommended approval of the ADA with conditions as set forth in its regional report issued pursuant to section 380.06(12), F.S.; and

WHEREAS, on _____, the Board of County Commissioners of Washington County held a public hearing on the ADA and recommended approval with conditions; and

WHEREAS, on _____, the Board of County Commissioners of Washington County held a public hearing to consider the ADA, the WFRPC regional report, and comments upon the record made at said public hearing, and afforded all interested persons an opportunity to be heard and present evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, FLORIDA:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The above recitals are true and correct, and are incorporated into this development order by this reference.
2. The Board of County Commission is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 380, F.S., to issue this development order.
3. The Project is consistent with the WFRPC Strategic Regional Policy Plan.
4. The Project is consistent with 2020 Washington County Comprehensive Plan and Washington County Land Development Code.
5. The Project is consistent with the WFRPC regional report.
6. The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.
7. The impacts of the Project, as conditioned by this development order, are adequately addressed pursuant to the requirements of section 380.06, F.S.

GENERAL CONDITIONS

1. The name of the Project is Rhythm DRI/PUD.
2. The legal description of the DRI Property is attached as Composite Exhibit "A," which is incorporated into this development order by this reference.
3. The Developer is Florida Landings, LLC ("Developer").
4. The Developer's authorized agent is: Florida Landings, LLC
Florida Landings, LLC
P. O. Box 31-0430
Miami, Florida 32231
(407) 721-8831
5. The Rhythm DRI is a mixed-use age-restricted community on 1,883 acres. The Project shall occur in a two phases and shall consist of a maximum of:
 - A. 2,016 Single Family residential dwelling units;
 - B. 1,100 Multi-Family residential dwelling units;
 - C. 85,000 GSF of retail and service;
 - D. 25,000 GSF of office;
 - E. 24 Hotel Rooms;

- F. 60 Bed Adult Living Facility; and
- G. 10 acres devoted to Institutional/Civic uses.

6. Development shall be located substantially as depicted on the Master Development Plan depicted on Exhibit "B", which is incorporated into this development order by this reference.

7. Development shall be consistent with the 2020 Washington County Comprehensive Plan, the Washington County Land Development Code and this development order. All construction shall conform to applicable covenants and restrictions running with the land not in conflict with the 2020 Washington County Comprehensive Plan, the Washington County Land Development Code and this development order and environmental permits issued by the regulatory agency having jurisdiction.

8. The Project shall be developed in accordance with the information, plans and commitments contained in the Application for Development Approval for the Project (dated July 11, 2008), the Responses to the Sufficiency Review (transmitted on February 29, 2008, February 28, 2011 and August 2, 2011), which are incorporated into this development order by this reference, unless superseded by the express terms and conditions of this development order.

9. Physical development as defined by section 380.04 F.S., shall commence within three years after the effective date of this development order. However, this time period shall be tolled during the pendency of any appeal pursuant to section 380.07, F.S.

10. The projected build out date for all development is December 31, 2023. The termination and development order expiration dates are established as December 31, 2023. The provisions of section 380.06(19), F.S., shall govern extensions of the DRI build out, termination or expiration dates.

11. Within 10 days after adoption of this Development Order, the Clerk of the Circuit Court shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer, Florida Department of Economic Opportunity (FKA the Florida Department of Community Affairs) and WFRPC as provided by Rule 9J-2.025(5), F.A.C.

12. This Development Order shall take effect as provided by Rule 9J-2.025, F.A.C.

13. The Washington County Planning Department shall be responsible for monitoring the Developer's compliance with this development order. Monitoring shall be accomplished through review of the biennial report, building permits, certificates of occupancy, rezoning, public hearings and on-site observations.

14. Notice of the adoption of this Development Order or any subsequent amendment shall be recorded by the Developer, within 30 days after its effective date, in accordance with sections 28.222 and 380.06(15)(f), F.S., with the Clerk of the Circuit Court of Washington

County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Washington County Planning Department within seven days after recordation. Any contract or agreement for sale by the Developer for all or any part of the DRI Property shall contain a legend substantially in the following form, clearly printed or stamped thereon:

THE PROPERTY DESCRIBED HEREIN IS PART OF THE RHYTHM DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF WASHINGTON 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 FLORIDA LANDINGS, LLC. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD OR ENCUMBRANCE OF THE REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE WASHINGTON COUNTY BUILDING DEPARTMENT AND AT THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY IN TALLAHASSEE, FLORIDA.

15. The Developer or its successors or assigns shall prepare and submit a biennial report on November 1 of each alternate year, beginning in 2012, until the expiration date of this development order. The report shall be submitted to the Washington County Planning Department, WFRPC and FDEO or successors to such agencies as determined by law. Failure to timely file a biennial report may result in temporary suspension of this Development Order. The biennial report shall include, at a minimum, a complete response to the following:

- A. Any changes in the plan of development or in the representations contained in the ADA or in the phasing for the biennial reporting period and for the next biennial reporting period.
- B. A summary comparison of development activity proposed and actually conducted for the biennial reporting period.
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer.
- D. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to or within one-half mile of the original site since issuance of this Development Order.

E. An assessment of the Developer's and Washington County's compliance with each individual condition of approval contained in this development order and the commitments which are contained in the ADA.

F. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed during the biennial reporting period and to be filed during the next biennial reporting period.

G. Any indication of a change, if any, in local government jurisdiction for any portion of the development since issuance of this development order.

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

I. A statement that all persons have been sent copies of the biennial report in conformance with sections 380.06(15) and (18), F.S.

J. A copy of any recorded notice of adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to section 380.06(15)(f), F.S.

16. The Project shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this development order, unless either (a) the Developer consents to such a change or (b) Washington County demonstrates that a substantial change in the conditions underlying the approval of the development order has occurred, or that the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Washington County as essential to the public health, safety or welfare.

17. This Development Order shall not preclude Washington County from requiring the payment of impact fees and/or other fees for development or construction within the Project, provided that such fees are assessed in accordance with a duly adopted ordinance and are charged to all other similarly situated developers for the same activities within all other areas of Washington County. Pursuant to section 380.06(16), F.S., Washington County shall grant to the Developer, on a dollar-for-dollar basis, impact fee credits for contributions by the Developer of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility required by this development order to meet the same need that the impact fee would address, provided that such credits shall not be required for internal on-site facilities required by local regulations or off-site facilities to the extent such facilities are required to provide safe and adequate services to the development.

18. The Developer shall submit simultaneously to Washington County, WFRPC and DEO any notification for proposed change to this development order and shall comply with the requirements of section 380.06(19), F.S. Further review pursuant to section 380.06, F.S.,

shall be required if a proposed change constitutes a substantial deviation as defined in section 380.06(19), F.S.

19. In the event that the Developer, its successors, assigns or both violates any condition of this development order or otherwise fails to act in substantial compliance with this development order, the effectiveness of this development order shall be stayed as to the tract, or portion of the tract, in which the violative activity or conduct has occurred.

20. It is declared to be the intent of Washington County that if any section, subsection, sentence, clause or provision of this development order is held to be invalid, the remainder of this development order shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SPECIFIC CONDITIONS

The Project shall be subject to the following specific conditions:

1. Vegetation and Wildlife

A. The Developer will be required to obtain a Gopher Tortoise Conservation Permit in order to relocate any gopher tortoises to an approved recipient site. The Conservation permit is available for development projects which require the relocation of gopher tortoises when more than 10 burrows occur on the development site. This permit allows for relocation either to an on-site preserve or off-site to an FWC-certified Recipient Site.

B. The Developer will provide educational resources to new homeowners and encourage adherence to as many deterrence measures as practicable, since it is their intent to minimize the potential for negative human-bear interactions. These educational resources may include, but are not limited to, the numerous informational flyers and brochures provided by the FWC and at the FWC website <http://myfwc.com/wildlifehabitats/managed/bear/brochures/>.

C. The Developer will continue to coordinate with Waste Management to investigate utilizing bear-resistant residential and commercial garbage containers within the development, perhaps as a developer's option. The use of bear-resistant garbage containers will further reduce the potential for negative human-bear interactions within the development.

D. The Developer will ensure the Habitat Management Plan (HMP), which has been modified to incorporate Fire-Wise Community principals and criteria, is incorporated into the Development Order for the community to ensure it is implemented. The mandatory Home Owners Association will assume responsibility for implementation of this HMP for the life of the Rhythm DRI project.

E. The Developer will ensure development plans recognize and are consistent with the management of adjacent Northwest Florida Water Management District lands. These lands are open to public uses, including hunting, and are managed with the use of periodic

prescribed fire. Maintaining vegetated buffers helps avoid conflicts while also protecting resource quality. It is recommended that development adjacent to District lands apply guidelines and standards provided in the publication “Wildfire Mitigation in Florida: Land Use Planning Strategies and Best Development Practices,” available at: http://www.floridadisaster.org/Mitigation/Documents/Wildfire_Mitigation_in_FL.pdf.

F. The Developer shall follow Developer Commitments 2, 3, 8, 9, 10, 11, 16, 19, 24, 26, 38, 40, 42, & 43 as established in Part VI of this Project Impact Assessment and Recommendation Report.

2. Wetlands

A. The Developer will establish and maintain 100 feet of sufficient vegetated buffers along riparian zones and wetlands, as well as adjacent to steep slopes, to protect water and habitat quality and slope stability. Where trails or other development intersects with these systems, the Developer will ensure proper alignment and construction techniques to avoid impacts during and after construction.

B. And Developer Commitment 4 established in Part IX of this Project Impact Assessment and Recommendation Report.

3. Water Quality and Stormwater Management

A. The Developer will demonstrate to the satisfaction of NFWFMD through hydrologic-modeling and investigation that the proposed withdrawal will not result in detrimental impacts on quality and quantity of water reserved to Bay County through its intergovernmental agreement with NFWFMD, protecting 280 MGD low flow into Bay County.

B. The Developer will implement low impact development techniques to conserve potable water, maintain aquifer discharge, protect surface and groundwater quality, and maintain wetland and floodplain functions. Among such techniques are limitations on impervious surface area, stormwater best management practices (BMPs), riparian buffer zones, and Florida Friendly landscaping.

C. The Developer will utilize public access quality reclaimed water for landscape irrigation and to minimize other nonpotable water needs. Reclaimed water distribution lines will be installed during initial construction so that the water reuse for irrigation of common and residential landscapes is feasible once sufficient effluent volume is generated. It is further recommended that the developer evaluate the feasibility of using captured stormwater to meet irrigation needs.

D. The Developer will implement a comprehensive water conservation plan, incorporate high efficiency, low-volume plumbing fixtures, appliances and other water conserving devices; Florida Friendly/xeriscape landscaping; and public awareness. Ecologically viable areas of existing native vegetation should be incorporated into the landscape design to the extent practicable. Soil moisture sensors are to be required for any automatic irrigation systems, although it's preferable that such systems avoid the use of potable water altogether.

E. The Developer will provide stormwater management facilities that protect water quantity and quality and treat water to Outstanding Florida Waters (OFW) standards. Facilities should be planned to avoid impacting slope stability.

F. The Developer will monitor surface waters and stream habitat quality during construction to facilitate early identification of and response to instances where development begins to affect water resources. Conduct periodic post-construction monitoring and comparison with baseline data to allow identification and correction of impacts in the future.

G. The Developer shall follow Developer Commitments 5, 6, 12, 13, 14 & 44 as established in Part VI of this Project Impact Assessment and Recommendation Report.

4. Water and Sewer

A. Developer Commitments 7, 18 & 45 established in Part VI of this Project Impact Assessment and Recommendation Report.

5. Capital Improvements

A. The Developer shall follow Developer Commitment 27 as established in Part VI of this Project Impact Assessment and Recommendation Report.

6. Solid and Hazardous Waste

A. The Developer shall follow Developer Commitments 20, 28 & 29 as established in Part VI of this Project Impact Assessment and Recommendation Report.

7. Transportation

A. The Developer will work with all affected Counties to address needs along County Line Road to include the Rail Road Trestle. This must be clearly spelled out in the form of a Developer's Agreement.

B. The Developer will keep FDOT, Bay County, Washington County and the WFRPC apprised of the discussions relative to the location of the MPO boundary and any final decision that is made on where the MPO boundary is most appropriately located.

- C. The Developer will specify the threshold or schedule that will be used to determine when a signal warrant study would be conducted for US 231. Then, should the signal be warranted, identify the level of responsibility the developer will have for designing, permitting, and constructing the signal. Based upon our understanding of the existing and future traffic on County Line Road, it is FDOT's recommendation that the developer be wholly responsible for any signalization of County Line Road at US 231.
- D. The Developer shall follow Developer Commitments 17, 21, 22, 31, 32, 33, 36, 37, 39 & 41 as established in Part VI of this Project Impact Assessment Report.

10. *Affordable Housing*

- A. The Developer shall follow Developer Commitment 1 as established in Part VI of this Project Impact and Assessment Report.

11. *Recreation*

- A. The Developer shall follow Developer Commitment 23 as established in Part VI of this Project Impact Assessment Report.

12. *Homeowners Association*

- A. The Developer shall follow Developer Commitments 2 & 3 as established in Part VI of this Project Impact Assessment Report.

13. *Status Report*

- A. A status report shall be prepared every other year, at a minimum, beginning November 2012. The status report shall be sent to Washington County, FDEO and WFRPC. Any modifications to other project-related agreements shall be sent to Washington County, the FDEO and WFRPC at the time the agreement or change thereto is executed.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

Under the Florida Land Use and Environmental Dispute Resolution Act, §70.51, Fla. Stat. (2003), if the Developer believes this development order is unreasonable or unfairly burdens the use of its land, it may file a request for relief with the Board of Washington County Board of County Commissioners 1331 South Blvd. Chipley, Florida, 32428. Before relief is requested under this statute, any appellate proceedings available under the Washington County Land Development Code must be exhausted. A request for relief under this statute must be filed within 30 days after conclusion of the appellate proceedings or the expiration of 4 months.

PASSED AND ADOPTED by the Washington County Board of County Commissioners on this ____ day of _____, 2011.

**Washington County Board of County
Commissioners**

CHAIRMAN

ATTEST:

CLERK

APPROVED AS TO FORM:

COUNTY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION OF DRI PROPERTY

Official Records book 677, pages 5-6, as recorded in the public records of Washington County, Florida.

All of Section 9, Township 02 North, Range 12 West;

and

all of Section 16, Township 02 North, Range 12 West;

and

all of Section 17, Township 02 North, Range 12 West.

Washington County, Florida.

Containing 1,883 Acres, More or Less.

EXHIBIT "B"

MASTER DEVELOPMENT PLAN

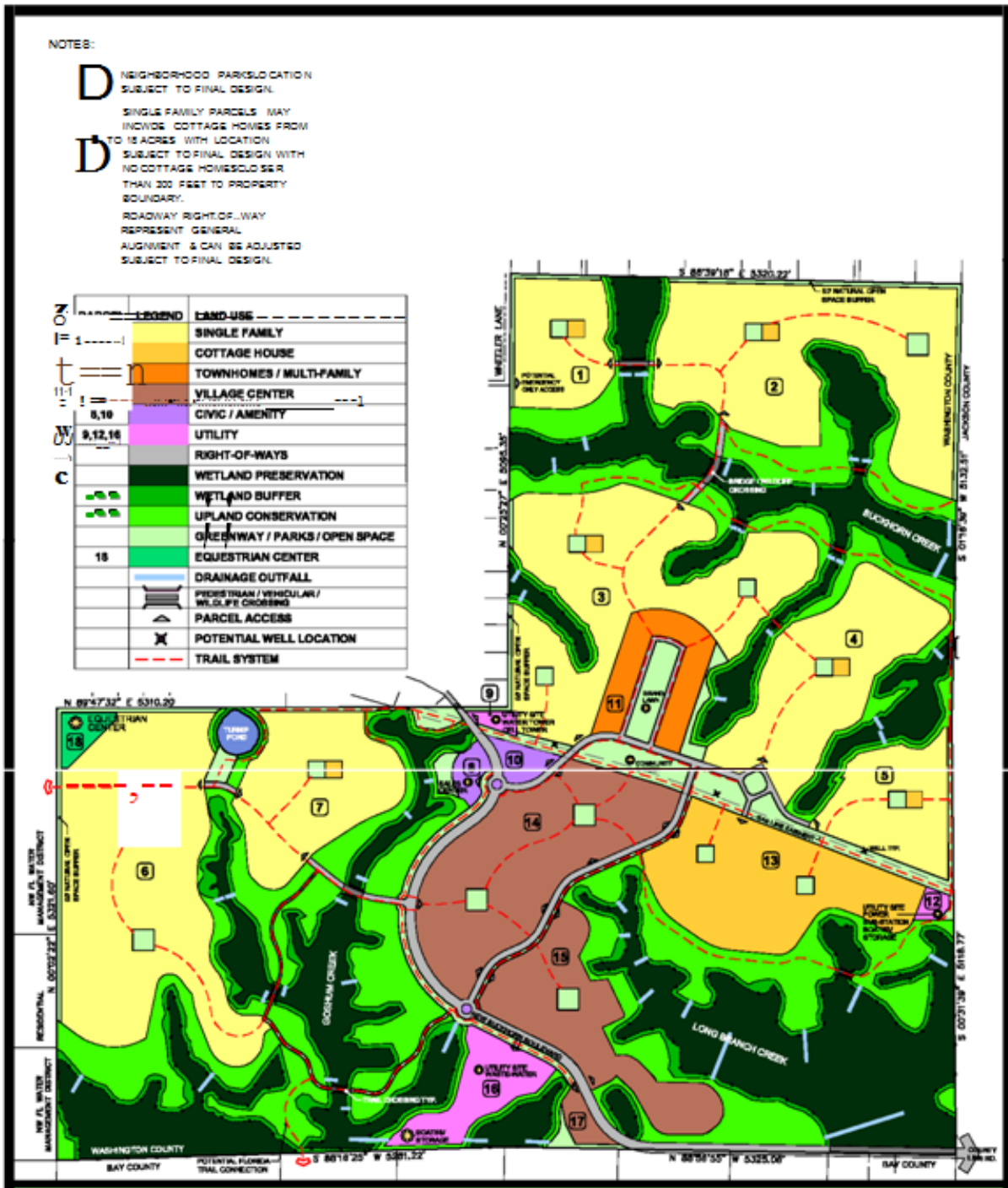


EXHIBIT C – REVIEW COMMENTS

First Sufficiency Review Letter (PDF), March 28, 2008

Second Sufficiency Review Letter (PDF), April 4, 2011

Third Sufficiency Agency Comments (PDF), October 7, 2011