

CFN 2008056208
Bk 03663 Pgs 1264 - 1295; (32pgs)
DATE: 03/28/2008 10:18:18 AM
LARRY WHALEY, CLERK OF COURT
OSCEOLA COUNTY
RECORDING FEES 273.50

Westside DRI

3rd Amended and Restated Development Order

**Including:
Planning Commission Recommended**

Note: The recommendation is the addition of three years for build-out and phasing.

Westside DRI

3rd Amended and Restated Development Order

WHEREAS, it is the intent of the State of Florida, as expressed in Chapter 380.06, Florida Statutes, to protect the natural resources and environment of the state, facilitate orderly and well planned development, protect the health, welfare, safety and quality of life of the residents of the state; and

WHEREAS, the State of Florida has established land and water management policies to guide and coordinate local decisions relating to growth and development, and has determined that such policies should, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development, and has also determined that all the existing rights of private property shall be preserved in accord with the constitutions of the State of Florida and the United States; and

WHEREAS, The Development of Regional Impact ("DRI") review program has been established by the State of Florida in recognition that certain development projects which, because of their character, magnitude or location, will have a substantial effect on the health, safety or welfare of the citizens of more than one county; and

WHEREAS, the Developer filed an Application for Development of Approval pursuant to Chapter 380.06, Florida Statutes, for a Development of Regional Impact, on certain real property located in Osceola County and Polk County, Florida; and

WHEREAS, Osceola County previously adopted that certain Development Order with respect to the property on the 10th day of September, 2002 and recorded in OR Book 2141 Page 606 of the Public Records of Osceola County, Florida; and

WHEREAS, Polk County previously adopted that certain Development Order with respect to the property on the 2nd day of October, 2002 and recorded in OR Book 05201 Page 1537 of the Public Records of Polk County, Florida; and

WHEREAS, the Developer filed an Application for Notification of a Proposed Change to the Previously Approved Development of Regional Impact dated December 20, 2004 in order to incorporate the terms of the Developer's Agreement and amend Parcel J to allow for a school site on certain real property located in Osceola County; and

WHEREAS, Osceola County adopted that certain 1st Amended and Restated Development Order with

respect to the property on March 14, 2005 and recorded in OR Book 2867 commencing on Page 827 of the Public Records of Osceola County, Florida; and

WHEREAS, the Developer filed an Application for Notification of a Proposed Change to the Previously Approved Development of Regional Impact (NOPC) dated October 24, 2005 in order to introduce approximately 241.6 acres of land adjacent to the southern boundary of the Westside DRI, accelerate phasing (one phase build out year 2013), and increase residential units by 155 units for a new total of 3,284 residential dwelling units and a new total in acreage of 1057.3 acres; and

WHEREAS, Osceola County adopted that certain 2nd Amended and Restated Development Order with respect to the property on December 18th 2006 as recorded in OR Book 03440 commencing on Page 2664 of the Public Records of Osceola County, Florida; and

Whereas, the Developer has filed an Application for Notification of a Proposed Change to the Previously Approved Development of Regional Impact (NOPC) dated November 30, 2007 for that certain real property described in *Exhibit 1 – Revised Legal Description* attached hereto, and by this reference made a part hereof, in accordance with Section 380.06, Florida Statutes; in order to introduce approximately 11.1 acres of land adjacent to the eastern boundary of Parcel B of the Westside DRI, exchange 18,973 square feet of retail service for the introduction of 243 residential units as identified on *Exhibit 2 – Revised Master Development Plan*, attached hereto, and by this reference made a part hereof, in accordance with Section 380.06, Florida Statutes, and account for the use of the exchange matrix in PD 07-0005 approved on June 21, 2007 by the Osceola County Board of County Commissioners to allow for the reduction in hotel rooms from 400 rooms to 325 rooms and a reduction in retail-service of 19,850 square feet in order to introduce 328 residential units; and the addition of three years to the build out and phase date as provided for in Section 380(19)(c) of the 2007 Florida Statutes; and

WHEREAS, the modifications as described above are more particularly set forth in the NOPC as submitted by the Developer to Osceola County, Polk County, the East Central Florida Regional Planning Council, the Central Florida Regional Planning Council, and the State of Florida Department of Community Affairs; and

WHEREAS, the Developer as the Owner had the authority to file the NOPC and obtain the 3rd Amended and Restated Development Order with respect to that certain real property described in *Exhibit 1 – Revised Legal Description*, and

WHEREAS, the NOPC application has been reviewed by the East Central Florida Regional Planning Council (“ECFRPC”), and Osceola County in accordance with the requirements of Chapter 380.06, Florida Statutes; and

WHEREAS, the development permitted by the 3rd Amended and Restated Development Order does not

unreasonable interfere with the achievement of the objectives of the State Land Development Plan. The 3rd Amended and Restated Development Order does not relieve the Applicant from complying with all other applicable state laws.

WHEREAS, Osceola County has held a public hearing on March 10, 2008, in accordance with the requirements of Chapter 380.06, Florida Statutes, and did determine that the changes proposed by the 3rd Amended and Restated Development Order do not constitute a substantial deviation in F.S. 380.06.

NOW, THEREFORE, IT IS HEREBY ORDERED AND RESOLVED by the Board of County Commissioners of Osceola County, Florida that the 3rd Amended and Restated Development Order for the Westside DRI for that real property described in Exhibit 1 – Revised Legal Description attached hereto is approved pursuant to Section 380.06, Florida Statutes, subject to the following terms and conditions:

1. The Westside DRI shall be developed in accordance with the information, data, plans and commitments contained in the Westside DRI ADA and supplemental information incorporated herein by reference, unless otherwise provided by the conditions of this 3rd Amended and Restated Development Order. The 3rd Amended and Restated Development Order shall prevail over any conflicting information, data, plan, or commitments. For the purposes of this condition, the 3rd Amended and Restated Development Order shall consist of the following items:
 - a) ADA dated July 19, 2001
 - b) Response to Request for Additional Information dated November 21, 2001
 - c) Final Responses to Agency Comments dated March 18, 2002
 - d) Notification of a Proposed Change to the Previously Approved Development of Regional Impact dated December 20, 2004 and materials and information submitted by the Developer in connection therewith
 - e) Notification of a Proposed Change to the Previously Approved Development of Regional Impact dated October 24, 2005 and materials and information submitted by the Developer in connection therewith
 - f) Notification of a Proposed Change to the Previously Approved Development of Regional Impact dated November 30, 2007 and materials and information submitted by the Developer in connection therewith
 - g) Response to Requests for Additional Information and materials and information submitted by the Developer in connection therewith

2. Those portions of the Westside DRI which lie within Sections 7 and 18, Township 25 South, Range 27 East, shall be governed by the Goals, Objectives, and Policies adopted under the Comprehensive Plan Amendment for the Westside DRI and as may be amended from time to time.
3. The 3rd Amended and Restated Development Order shall govern the development of lands totaling approximately 1068.4 acres being located in Osceola County, as described in *Exhibit 1 – Revised Legal Description* herein and as summarized on the Master Development Plan, as described in *Exhibit 2 – Revised Master Plan* attached hereto and by this reference made a part hereof of the 3rd Amended and Restated Development Order. Development is to consist of 3,855 residential units, 523,177 square feet of retail/services, 325 hotel rooms and 80,000 square feet of office space.

Matrix

4. The Developer may increase or decrease the amount of a particular land use within the approved development summary, as described in *Exhibit 3 – Revised Development Summary* attached hereto and by this reference made a part hereof of the 3rd Amended and Restated Development Order, by using a conversion table, as described in *Exhibit 4 – Trip Interchange Matrices*, attached hereto and by this reference made a part hereof of the 3rd Amended and Restated Development Order, which is based on equivalent peak hour directional trip ends. Use of the conversion table may increase or decrease the total amount of each land use by no more than the amount allowed for in the substantial deviation criteria identified in Chapter 380.06(19)(b) 1-14, Florida Statutes, unless the Development Order is amended to accommodate such a change. Greater changes than those discussed above, considered cumulatively, and shall be subject to normal Development Order amendment processes. Any time the conversion table is to be used, the Florida Department of Community Affairs “FDCA”, ECFRPC, Central Florida Regional Planning Council (“CFRPC”), Osceola County and Polk County must be provided notice of the proposal at least 30 days in advance of the change. Use of the conversion table will be reported on an individual and cumulative basis and Project impacts documented in the annual report. Any future Notifications of Proposed Change (“NOPC”) shall incorporate any changes due to the use of the matrix.

Archeological Resources

5. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historic or archaeological significance during project construction, the Developer shall stop construction at the site of discovery and notify Osceola County, Polk County and the Division of Historic Resources (“DHR”) of the Florida Department of State. From the date of notification, construction shall be suspended within a 100-foot radius of the site of discovery for a period

of up to 120 days to allow evaluation of the site. The Developer shall provide proper protection of the discovery, to the satisfaction of the DHR.

Natural Systems

6. To minimize dependence on grounds irrigation and promote retention of wildlife habitat, native vegetation shall be utilized to the maximum extent practicable in site development.
7. Designated preserves, conservation buffers and the edges of retained wetlands shall be inspected at least annually for the establishment of any Category I Invasive Plant Species, as defined by the Florida Exotic Pest Plant Council ("FLEPPC"). Should any such plants be observed in excess of the extent of invasive plants which exist at the time of adoption of this 3rd Amended and Restated Development Order during the scheduled annual review or during any unscheduled review, then they shall be systematically removed and destroyed within 30 days to prevent further propagation.
8. Except as otherwise allowable by this 3rd Amended and Restated Development Order or by permits obtained by the Developer from the Florida Fish and Wildlife Conservation Commission ("FFWCC") or the US Fish and Wildlife Service ("USFWS"), site development related activities shall not result in the harming, pursuit or harassment of plant or animal species classified as Endangered, Threatened or a Species of Special Concern by either the state or Federal government in contravention of applicable state or federal laws. Should such species be at any time determined to be residing on, or be otherwise significantly dependent upon the project site, the Developer shall immediately notify Osceola County and Polk County, the FFWCC, and the USFWS and, to the extent required by laws and regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction. "Harming" and "harassment" as used in this development order shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

Wildlife Corridors

9. a) A wildlife corridor has been established and shall be maintained parallel to US Highway 192 to maintain the wildlife and drainage connection between US Highway 192 beginning at a point fifty (50') feet east of the 3 box culvert crossing of US 192 that is west of Westside Boulevard and continues westward to the Westside property line and then southward along the west line of Parcel A to the Davenport Creek Swamp. This corridor is one hundred (100') feet in width on the Westside property, both along US Highway 192 and along the western property line. The corridor shall be fenced and consist of and be managed for the retention of existing vegetation, with the exception that Category I Invasive Plants shall be removed. No artificial lighting installed on the Westside site shall be directed toward this corridor, nor

shall any artificial light source be visible from corridors.

- b) Wetlands fringing Lake Davenport within Parcel D have been placed in a conservation easement that provides riparian rights for up to three individual property owners. This area coincides with the final jurisdictional wetlands determined along the lake's edge. Vegetation removal within this zone shall be restricted by Florida Department of Environmental Protection ("FEDP") permitting criteria. This area shall be managed for the retention of existing vegetation, with the exception that Category 1 invasive Plants in excess of existing conditions shall be removed.
 - c) An upland wildlife corridor, fifty (50') feet in width, has been established and shall be maintained within uplands for Parcels D and E. This wildlife corridor is intended to connect existing wetland systems and parallels that portion of the western property line of the Westside site at Parcel E, and project northerly through Parcel D to the conservation area northerly thereof. This corridor may incorporate side slopes above the design control elevation of adjacent water management facilities, if such areas are maintained with native vegetation to resemble natural conditions. With the exception of the local road crossing, no artificial lighting installed on the Westside site shall be directed toward this corridor, nor shall any artificial light source be visible from this corridor.
10. Any US Highway 192 frontage road shall not extend into the wildlife corridor at the northwest corner of Parcel A as described in condition 9a above.
 11. Parcel D's xeric communities have been thoroughly surveyed for listed species, and all necessary permits and approvals have been obtained from the FFWCC and USFWS, prior to final development approval of this parcel. The layout of Parcel D has minimized impacts to Lake Davenport shoreline vegetation and has used clustering and modified residential densities as needed to promote the retention of existing upland vegetation into cross-parcel connections that has maximized protection of any protected wildlife species habitat and joined with similar lands in Parcel E and wetland areas of the out parcel to the south,
 12. A 100' wildlife corridor has been provided between the Warea Archipelago and Davenport Creek Swamp and shall be established from the Warea Archipelago across Parcel H and connected to the wildlife corridor within Polk County, as shown on *Exhibit 2 - Revised Master Plan* herein. The corridors and their road crossings shall be designed in accordance with the development criteria in compliance with the Goals, Objectives and Policies of the Comprehensive Plan Amendment for the Westside DRI. These corridors may be co-located with trails, walkways, stormwater basins and similar features that are compatible with wildlife corridor usage. No artificial lighting shall be directed toward this corridor, nor shall any artificial light source be visible from this corridor.

Wetlands

13. Upland buffers between on-site wetlands and any type of development or land alteration shall be established in accordance with South Florida Water Management District ("SFWMD") permit approvals, but except for the following, these upland buffers shall be no less than one hundred (100') feet minimum for that portion of the project within Section 7 and the north 1/2 of Section 18, Township 25 South, Range 29 East, for wetlands which are regionally significant (i.e. 5 acres or greater). The Westside Boulevard right of way and the existing Goodman Road right of way shall be exempt from this upland buffer requirement. Upland buffer requirements for these roadway segments shall be subject to permit requirements of the SFWMD. Upland buffers within Parcel E shall be an average of one hundred (100') feet, minimum fifty (50') feet adjacent to wetlands of the Davenport Creek Swamp. Upland wetland buffers shall be an average of fifty (50') feet, minimum twenty-five (25') feet adjacent to the wetlands of Davenport Creek Swamp in the remaining portions of the project. Such buffers shall be delineated with temporary construction fencing prior to construction in adjacent areas to allow these buffers to be protected from construction disturbance and maintained with existing native vegetation.

Wildlife Surveys and Mitigation

14. The site's upland parcels, particularly the xeric communities, have been surveyed for listed species using methodologies approved by the FFWCC and USFWS and all necessary permits and approvals shall be obtained from the FFWCC and USFWS, prior to final development approval of these parcels. The FFWCC has determined that the proposed xeric oak preserve between Parcels C and D, due to its small size (approximately 3 acres) and narrow configuration will not be suitable for listed species mitigation.
15. There are two eagle nest sites within the proximity of the Westside DRI Parcel D, as shown on *Exhibit 2 - Revised Master Plan* herein. The applicant shall at all times be compliant with current State and Federal guidelines or Biological Opinion identified by Service Log No. 4-I-05-PL-1 161 regarding the American Bald Eagle (*Haliaeetus leucocephalus*).
16. The Habitat Management Plan (HMP) submitted in support of the ADA has been amended and incorporated into final development approvals for Parcel D. In accordance with future permit conditions, the HMP shall include, at a minimum, provisions that:
 - a) Promote the indefinite viability of populations of endemic Lake Wales Ridge plants and animals;
 - b) Provide, at a minimum, for management of Protected Areas identified as the Warea Archipelago, Wildlife Corridors, Upland Buffers and Mitigation Areas on the Revised Master Development

- Plan (“*Exhibit 2 — Revised Master Plan*” herein);
- c) Provide for fire management for the Warea Archipelago. The development surrounding areas to be burned should include any necessary buffers, deed restrictions or conditions, or whatever other means is necessary to facilitate that controlled burning can be conducted on these preserves.
 - d) Provide for control of irrigation and stormwater management components that may affect lands within these Protected Areas;
 - e) Provide for the regular monitoring of the condition of the preserve areas incorporated into the HMP and reporting of such monitoring in the DRI annual reports;
 - f) Provide for alternative mitigation strategies, both on and off site should the original plans prove ineffective;
 - g) Provide for financing and professional implementation of the HMP, to include the power to access and lien property owners within the Westside development for the purpose of insuring adequate funding to implement the purposes set forth herein;
 - h) Provide for controlled access to the Protected Areas by residents and visitors and exclusion of household pets;
 - i) Provide for Westside resident and visitor education regarding the purpose and methods of the HMP;
 - j) No site development activities shall conflict or interfere with the achievement of the HMP’s objectives;

17. Areas controlled by the HMP shall be designated as separate tracts, shall have their title held by an entity approved in the HMP and shall be subjected to permanent Conservation Easements made to the benefit of the FFWCC, SFWMD, or other conservation oriented entity approved by Osceola County.

Water Management

18. The Developer shall provide information on Xeriscape™ and/or native vegetation and/or drought-tolerant vegetation (e.g. SFW1~4D Xeriscape Plant Guide, water conservation guides & the Institute of Food and Agricultural Service’s (IFAS) Xeriscape™ plant guides and the IFAS Cooperative Extension Service’s “Florida Yards and Neighborhoods” materials) to all new and existing residents (This can be partially met by placing said literature in a prominent display in the sales office for the development).
19. The Developer shall include covenant deed restrictions for all new landowners that prohibit private irrigation wells throughout the development.
20. To meet the non-potable water use demands of the Project, the development shall use the following

sources, in order of priority, for surface irrigation of common and private areas, to include parks, commercial, industrial and residential areas, unless prohibited by the FDEP, SFWMD, or other regulatory agency.

- a) Treated wastewater made available to the Property;
- b) Surface water stored on-site in surface water storage ponds;
- c) Potable water may be used on residential lots if no lesser quality source is available, but shall be converted to a lesser quality source when it becomes available.

21. The Developer shall provide for the installation of reuse infrastructure necessary to serve all irrigated areas of the Project at the time of initial infrastructure installation.

Transportation

22. For purposes of the transportation conditions, the Westside DRI shall be completed in one phase build out year 2013 based on reaching any of the following: the year, the daily trip level, the external daily trip level, the peak hour trip level or the external peak hour trip level, as follows:

Phase and Year	Daily Trips	Daily Trips Cumulative	Daily External *	Daily External Cumulative*	Peak Hour Trips	Peak Hour Trips Cumulative	External Peak Hour Trips*	External Peak Hour Trips Cumulative*
1 2002-2013	22,163	22,163	21,075	21,075	2,119	2,119	2,015	2,015
	52,442	52,442	41,647	41,647	4,921	4,921	3,908	3,908

*Includes passer-by and transit trip ends but not internally captured trip ends.

23. Monitoring and Modeling Methodology

If the project is not complete by December, 2013, then prior to additional building permits being issued after December 2013, as identified in the preceding paragraph, the developer shall conduct a monitoring/modeling program. This program shall ascertain the Level of Service (“LOS”) on facilities where the Westside DRI is estimated to contribute an amount of traffic greater than or equal to 5 percent of the adopted LOS service volume. The ECFRPC, Osceola County, Orange County, Polk County, Lake County, the Florida Department of Transportation (“FDOT”), the CFRPC, the FDCA and the Developer shall agree upon the methodology of the monitoring/modeling program. The scope of each monitoring and modeling effort shall be similar to that required for an ADA and shall be consistent with the requirements of the Osceola County Concurrency Management System as it relates to facilities within the County. All

studies and monitoring/modeling programs shall be consistent with the ECFRPC's methodology. In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, Osceola County and Polk County shall be the final arbiters. Osceola or Polk County's decision shall be final as it relates to their county facilities, the FDOT's decision shall be final on state facilities and the ECFRPC's decision shall be final as it relates to all other facilities.

24. The following roadways are those within the study area that were analyzed for full build out of the Westside DRI. The facilities to be monitored/modeled if issuance of building permits are requested after December 2013 may include, but shall not be limited to, those segments of the regional roadways within this list and one segment beyond where the Westside DRI is estimated to contribute a cumulative amount of traffic greater than or equal to five percent of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps. Osceola County, ECFRPC, CFRPC, Orange County, Polk County, Lake County, FDOT and FDCA shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The Developer shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring/Modeling Study

CR 545/Westside Boulevard

Seidel Road to US 192
US 192 to Parcel A and B Entrance
Parcel A and B Entrance to Parcel C Entrance
Parcel C Entrance to Funie Steed Road
Funie Steed Road to Florence Villa Grove Road
Florence Villa Grove Road to Parcel M Entrance

CR 545 South (Old Lake Wilson Road)

US 192 to Westgate Blvd.

Florence Villa Grove Road

US 27 to Parcel G Entrance
Parcel G Entrance to Westside Blvd.

Formosa Gardens Blvd

US 192 to Funie Steed Road
Funie Steed Road
Westside Boulevard to Lindfields Blvd.
Lindfields Boulevard to Formosa Gardens Blvd.
Formosa Gardens Blvd. to Entry Point Blvd.
Entry Point Blvd. to CR 545 South (Old Lake Wilson Road)

Lindfields Blvd.

US 192 to Funie Steed Rd.

US 27

Hartwood Marsh Road to CR 474

CR474 to US 192

US 192 to Florence Villa Grove Road

Florence Villa Grove Road to Sand Mine Road

US 192

US 27 to Lake/Orange County Line

Lake/Orange County Line to CR 545/Westside Boulevard

CR 545/Westside Boulevard to Lindfields Blvd

Lindfields Blvd to Osceola County Line

Osceola County Line to SR 429 /Western Expressway

SR 429/Western Expressway to Formosa Gardens Blvd

Formosa Gardens Blvd. to CR 545 South (Old Lake Wilson Rd)

CR 545 South (Old Lake Wilson Rd) to Griffin Road

Griffin Road to World Drive

World Drive to Interstate 4

Sand Mine Road

Westside Boulevard to US 27

SR 429/US 192 Interchange

All Ramps

US 27/US 192 Interchange

All Ramps

25. Monitoring and Modeling Results/Mitigation

The Westside DRI shall not continue to obtain building permits beyond year 2013 Phase I — build-out (an equivalent of 3,908 external peak hour trip ends or 41,647 external daily trips) when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and the project contributes, or is projected to contribute with the next set of building permits, five (5%) percent of the adopted LOS service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase in which the impacts occur. The following schedule of improvements shall be tied to the Development level that the improvement is needed within build-out phase. The 2nd Amended and Restated Development Order shall be amended to incorporate these needs and the commensurate trip level by which the improvement is needed to support project development.

For the purposes of this 3rd Amended and Restated Development Order, adequate "secured and committed" mitigation measures shall include one of the following:

- (a) A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element); A roadway improvement scheduled for construction within the first three (3) years of the FDOT's five-year Work Program.
- (b) A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction) within the next three years and incorporated by reference into the 3rd Amended and Restated Development Order.
- (c) Any other mitigation option specifically provided for in this 3rd Amended and Restated Development Order.
- (d) Any other mitigation option permitted by law, including a local government development agreement consistent with Chapter 163, F.S., which ameliorates the projected impact and is incorporated into the Development Order by amendment.

These mitigation measures shall occur by the required threshold in order for the Project to proceed through the balance of the applicable phase.

- 26. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT (e.g. 10 laning of a state roadway) or local government (e.g. constrained), the Developer, Osceola County, the ECFRPC and the party having either maintenance or jurisdictional responsibility for the facility shall jointly determine alternate mitigation solutions to provide for the movement of people.
- 27. Toward the achievement of the objectives in the two preceding conditions, an agreement(s) among Osceola County, Polk County, the Florida Department of Transportation and the developer shall be entered into within twelve (12) months of the issuance of a Development Order for this Project by Osceola County.

Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. Application of fees shall be on a fair-share basis with respect to the improvements to be provided and not solely on the basis of impact fees. However, such an agreement(s) would not alter or waive the provisions and requirements of the other conditions of the Development Order as a mitigation measure for the transportation impacts of the Westside DRI. In the event that one of the designated parties to the agreement(s) (other than the Developer) fails to execute said interlocal agreement(s) within the specified time, then the developer may proceed with the project based upon the monitoring/modeling schedule and all other recommendations specified herein as it affects the non-participating party. Separate agreements may be entered into with one or more parties and the Developer.

28. The following state and regionally significant roadway segments are projected to be both significantly impacted by traffic from the Westside DRI development and to operate below the adopted LOS standard during Phase 1 – build-out. Mitigation shall be in place prior to Westside exceeding the trip levels noted below unless the final results of the monitoring and modeling study proves otherwise. This list shall be amended based upon the results of the monitoring and modeling study as necessary.

It is expected that, by buildout, Florence Villa Grove Road will be in place between US 27 and Westside Boulevard. At this time, the timing above is the recommended sequence for construction, however this may change based on future traffic studies and how development patterns occur adjacent to these roadways.

	Roadway Section	County of Jurisdiction	Improvement	Timing of Improvement
Phase 1	Goodman Road from Westside Blvd. to eastern property line	Osceola	Paving	As parcels J, K & L are developed or sooner determined by Osceola County Engineering
Phase I	Florence Villa Grove Road connection between US 27 and Westside Blvd.	Osceola/Polk	2 lane section	41647 external ADT

29. If the monitoring/modeling results which are required above indicate that improvements must be made to state roads, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to 9J-2.045(7), then prior to any building permit issuance beyond December 2013 and subject to the provisions of Section 380.06(15)(e), Florida Statutes, the Developer, Osceola County, Polk County and FDOT shall enter into an agreement which ensures the following:

- (a) a proportionate share payment is made by the Developer to the appropriate entity/(ies) to mitigate Project impacts;
- (b) said proportionate share payment shall be used by the appropriate entity only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the segments/intersections for which the payment is made; and

- (c) said proportionate share payment by the Developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the project through the phase for which the fair share was calculated, as required by Section 380.15(e)(2), Florida Statutes. All such proportionate fair share agreements shall be included in this development order by amendment pursuant to Section 380.06(19), Florida Statutes. The formula to be used to determine proportionate share contribution is as follows:

$$\frac{\text{(DRI Trips)}}{\text{(SV Increase)}} \times \text{Cost} = \text{Proportionate Share}$$

For this formula, DRI Trips is the cumulative number of trips from the development expected to reach the roadway during the peak hour from the phase under development. SV increase is the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired LOS; and Cost of Improvement is the cost (at the time of Developer payment) of constructing an improvement necessary to maintain the desired LOS, including all improvement associated costs (engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement) as determined by the governmental agency having maintenance obligations over the roadway.

30. If the parties cannot reach agreement independently by that time, or if so desired by the parties at any time prior to that, then the issues in dispute shall be submitted to the ECFRPC for voluntary mediation pursuant to its adopted dispute resolution process. The solutions recommended as a result of this process shall be implemented and the Development Order amended pursuant to Section 380.06(19), Florida Statutes, to include these solutions. These solutions must also be acceptable to Osceola County and/or Polk County in its sole discretion and these solutions shall not include any requirement that Osceola County or Polk County participate in or contribute to the funding of improvements to any state roads, unless the subject County agrees otherwise.
31. In the interest of safety, and to promote alternative forms of transportation, the Developer shall provide an on-site system of bikeways during construction and/or resurfacing of named internal roads shown on *Exhibit 2 — Revised Master Plan* herein. Special consideration shall be given to roadways connecting short-term residential units, residential units, schools and commercial centers. Bicycle support facilities (e.g., bicycle parking) shall be made available at commercial centers, parks and other community facilities.

32. The on-site bicycle systems shall be designed and constructed to provide for adjacent expansion with a smooth transition to external bicycle systems. Improvements to Westside Boulevard, Fume Steed Road, and Florence Villa Grove Road shall incorporate bicycle and pedestrian facilities conforming to the latest state criteria.
33. Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed by the Developer where necessary to augment and facilitate the operations of transit service to the site and bicycle facilities. The Developer shall assure that van shuttles or transit service to the area attractions and to the Orlando International Airport are provided. This service may be shared with other area hotels. Prior to build-out, the Developer shall hire a part-time ride sharing coordinator who is responsible for working with the area public transit provider, conducting employee ridesharing campaigns within the Project, publicity, processing applications, distribution information (including transit information), etc.
34. The Developer shall cooperate with Osceola County and LYNX to accommodate any additional buses that Osceola County determines are necessary to fully service any increased ridership to the site. Funding necessary to extend LYNX routes to the site shall be in accordance with policies and ordinances of Osceola County, current at the time. The Developer shall provide required transit stops and shelters within the public right-of-way. The Town Center layout shall be designed to support safe and convenient pedestrian access to transit service.
35. In order to minimize impacts to the roadway network, parcels within the Westside DRJ property shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by the Counties.
36. The Developer shall cooperate with any county initiated efforts to continue roadways from or through the site with other roadway facilities that are hereafter endorsed by Osceola County and/or Polk County and which do not materially and adversely impact the Project. If a facility is identified that should be continued into Polk County or if a Polk County roadway facility should be continued into this Project, the Developer shall cooperate with the counties toward a mutually agreeable routing.
37. In the event that a third party wishes to construct Westside Boulevard, as shown on *Exhibit 2-Revised Master Plan* herein, prior to the development schedule contained herein, the Developer shall provide adequate right of way to allow for the construction proposed.
38. The Developer shall provide one or more park and ride lots either on site or purchase and construct a site for use as a rideshare lot to lessen the overall impacts on regional roadways. Onsite lot(s) shall accommodate a minimum total of 100 vehicles and may be shared with parking for commercial land uses and shall be

coordinated with future transit service to the site. The Developer shall coordinate with Osceola County, FDOT and LYNX to accomplish this requirement. This recommendation is not intended to require more parking spaces than is normally required by local government ordinance.

Schools

39. A 30 acre joint school/park site located on Parcel J, as shown on *Exhibit 2 — Revised Master Plan* herein, shall be donated. The donating property owner will be eligible for public service impact fee credits and reimbursement from impact fees. The Developer shall establish a funding mechanism to provide funding for construction of the school. This funding mechanism may be an Education Facilities Benefit District, a Community Development District, or any other funding mechanism mutually agreed to by the Osceola County School Board and the Developer. Osceola County shall coordinate with the Osceola County School Board regarding the timing of the construction of the proposed school and the associated infrastructure to ensure the site is fully accessible by automobile and interconnected with pedestrian and bicycle paths. Osceola County will also support the efforts of the Osceola County School Board in its efforts to share educational facilities with Polk, Lake and Orange Counties.

Public Safety

40. The Osceola County Fire Rescue Department would like 2.5 acres dedicated to and meet the requirements of Osceola County and the Osceola County Fire Department. This site would well be served in the County Regional Park area.

Housing

41. Prior to issuance of building permits for the 200 ksf Village Center in Parcel K, the Developer, using the then current ECFRPC methodology — or if none exists, another methodology approved by the DCA, ECFRPC, Osceola County and Polk County - shall provide the DCA, ECFRPC, Osceola County and Polk County with a study determining:
- a. Actual housing demand created by existing uses
 - b. Projected housing demand created by the 200 ksf Village Center by build-out for very-low and low income households; and
 - c. Supply of housing within or reasonably accessible to the Project for very low and low income households.

If the resulting cumulative projected demand for adequate housing exceeds the available supply, and the impact is deemed significant, then the Developer shall implement a mitigation program developed in coordination with the DCA, ECFRPC and the appropriate County. Any necessary mitigation measures shall be adopted by a Development Order amendment prior to issuance of building permits for the 200 ksf Village Center in Parcel K.

Green Building

42. In order to produce healthier and more resource-efficient buildings, the Developer is encouraged to utilize the following techniques and building practices for vertical and horizontal development that occurs after the effective date of the 3rd Amended and Restated Development Order.
- a. Construction standards should be consistent with any nationally recognized green building system approved by the Department of Management Services (DMS), such as the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) program, the Florida Green Building Coalition, or the Green Building Initiative's Green Globes program. However, the Developer shall not be required to implement construction standards that are not compatible and consistent with the Building and Land Development Codes adopted by Osceola County.
 - b. Site infrastructure and building related equipment and appliances installed for or within approved land uses should, at a minimum, meet the ENERGY STAR and Water Star standards.
 - c. To minimize light pollution the Developer shall implement "dark skies" measures.

Period of Effectiveness

This Development Order and any subsequent amendments shall be effective (the "Effective Date") on the later of: (i) forty-five (45) days after the date it is rendered by the County to the Developer, the owner of the Property, the DCA and the ECFRPC, or (ii) the resolution of any appeal of the Development Order by final judicial action or confirmation of withdrawal of the appeal by the Florida Land and Water Adjudicatory Commission. The date of transmission is also "rendition" under Rule 9J-28.025(5), FAC. Under Section 380.07, Florida Statutes, an appeal may be taken within forty-five (45) days after rendition. Any construction activity undertaken by the Developer prior to the expiration of the forty-five (45) day statutory period shall be at the Developer's risk.

The continued right to develop (subject to the terms, general provisions and conditions of the Development Order) shall terminate ten (10) years from the Effective Date of this Order. The above time limitations may be extended upon the County's findings of excusable delay, and no adverse impacts resulting from the delay in any

proposed development activity, consistent with the substantial deviation provision of subsection 380.06(19) (C) Florida Statutes. The termination date of development rights granted by this Development Order shall not affect the continuing obligations of the Developer or the enforcement authority of the County, and the Developer shall continue to be bound by the terms, general provisions and conditions of the Development Order.

Annual Report Requirements

The Developer shall conduct an Annual Report for the life of the 3rd Amended and Restated Development Order. In the event portions of the property are sold to one or more other parties for development purposes, then the Developer shall retain the responsibility for seeing that the Annual Report is duly submitted and address the development on the entire property. The Developer shall include in all land contracts executed after the date of this 3rd Amended and Restated Development Order, language requiring buyers and their successors to provide the Developer all necessary information to complete this Annual Report requirement. The report shall be distributed to Osceola County, Polk County, the ECFRPC, the CFRPC, FDCA, FDOT, FFWCC, SFWMD, and all affected permit agencies. The report shall include any information specifically required to be included by the conditions of the 3rd Amended and Restated Development Order as well as the information required by FDCA rules and shall be presented in a format as depicted in *Exhibit 3 — Revised Development Summary* Table. The report to the County shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. The report shall include the information enumerated below and in the format specified in Form #RPM-BSP-Aflriual Report-I of the Florida Department of Community Affairs. In accordance with Chapter 380.06 (18), Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order.

Restrictions on Down Zoning

This DRI will not be subject to down zoning, unit density reduction or intensity reduction for the duration of the effectiveness of this 3rd Amended and Restated Development Order, unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this 3rd Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Osceola County to be essential to the public health, safety or welfare.

Modifications to the Amended and Restated Development Order

The Developer shall submit, simultaneously, to Osceola County, Polk County, Central Florida Regional Planning Council, the East Central Florida Regional Planning Council and the Department of Community Affairs

any requests for approval of a proposed change to this 3rd Amended and Restated Development Order for the Subject Property.

This submission shall be in a format established by the FDCA and shall include as a minimum the precise language which is proposed for deletion or addition to the 3rd Amended and Restated Development Order and a statement summarizing all previous changes that have been made to the 3rd Amended and Restated Development Order.

Certification

Certified copies of this Development Order shall be transmitted by certified mail to the FDCA, Polk County, CFRPC, ECFRPC and all other parties required by law.

Recording

Notice of the adoption of this 3rd Amended and Restated Development Order or any subsequent modification of this 3rd Amended and Restated Development Order shall be recorded by the Developer in accordance with Section 28.222, Florida Statutes with the Clerk of the Circuit Court for Osceola County, Florida, at the Developer's expense, immediately after the effective date of this Development Order or any subsequent modifications of this 3rd Amended and Restated Development Order in compliance with Section 380.06 (15) (f), Florida Statutes. The recording of this notice shall not constitute a lien, cloud or encumbrance on the Project, or actual or constructive notice of any such lien, cloud or encumbrance.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA THIS 10th DAY OF March 2008

BOARD OF COUNTY COMMISSIONERS OF
OSCEOLA COUNTY, FLORIDA

By: [Signature]
Chairman/Vice-Chairman



ATTEST:

OSCEOLA COUNTY CLERK OF THE BOARD

BY: Debra A Davis
Clerk/Deputy Clerk of the Board

STATE OF FLORIDA
COUNTY OF OSCEOLA, ss:

I HEREBY CERTIFY that on the 13th day of March 2008 before me personally appeared Bill Lane and Debra A Davis, respectively as Vice and Deputy Clerk of the Board of County Commissioners of Osceola County, Florida and acknowledged that they executed the foregoing.

WITNESS my signature and official seal at Kissimmee, Osceola County, Florida, the day and year last aforesaid.

By: DeLores T. Whaley

(SEAL)
Notary Public, State of Florida

Notary Public, State of Florida
My Commission Expires: _____
Notary Public, State of Florida at Large

DELORES T. WHALEY
Notary Public, State of Florida
My comm. exp. Feb. 17, 2011
Comm. No. DD 623009

Glossary of Abbreviations Used

ACOE	Army Corps of Engineers
ADA	Application for Development Approval
AM&M	Annual Monitoring & Modeling
BRT	Bus Rapid Transit
CCR	Codes, Covenants and Restrictions
CDD	Community Development District
CSDA	Critical Smoke Dispersal Area
DCA	Department of Community Affairs
ECFRPC	East Central Florida Regional Planning Council
ERP	Environmental Review Permit
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FFWCC	Florida Fish and Wildlife Conservation Commission
FIHS	Florida Intrastate Highway System
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
MMTD	Multimodal Transit District
NOPC	Notification of a Proposed Change
OCSD	Osceola County School District
OHW	Ordinary High Water
SFWMD	South Florida Water Management District
TMDL	Total Maximum Daily Load
USFWS	US Fish and Wildlife Service

Westside DRI

Exhibit 1

Exhibit 1 - Revised Legal Description

Osceola County Property

Northern Property:

Lots 7-10, Block A, and Lots 1-6, Block B, and Lots 11-16, Block B, and Lots 1-16, Block C, Florida Fruit and Truck Land's Subdivision of Section 6, Township 25 South, Range 27 East, and Lots 3, 4, and 5, Block B, Florida Fruit and Truck Land's Subdivision of Section 7, Township 25 South, Range 27 East. Less and except, that portion of the above described property lying below the ordinary high water line of Lake Davenport.

And;

Southern Property:

Lots 11-14, Block B, Lots 1-16, Block C and Lots 11-14, Block D, Florida Fruit and Truck Land's Subdivision of Section 7, Township 25 South, Range 27 East, and Lots 3-10, Block A, and the East 1/2 of Lots 3 & 4, Block B, Florida Fruit and Truck Land's Subdivision of Section 18, Township 25 South, Range 27 East. Less and except, that portion of the above described property lying below the ordinary high water line of Lake Davenport.

And;

Lots 1 and 2, the West half of Lots 3 and 4 and all of Lots 5 through 10 and Lots 15 and 16 of Block B; all in Section 18, Township 25 South, Range 27 East; all of the above described parcels being in Florida Fruit and Truck Land Company, according to Plat Book thereof recorded in Plat Book B, Page 68, of the Public Records of Osceola County, Florida.

And;

(Tract 1): Lots 11, 12, 13 and 14, Block B, of Florida Fruit and Truck Land's Subdivision of Section 18, Township 25 South, Range 27 East, according to the plat thereof, as recorded in Plat Book B, Page 68, of the Public Records of Osceola County, Florida;

and

(Tract 2): The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 25 South, Range 27 East, Osceola County, Florida, also described as Lots 7, 8, 9 and 10, Block D, of Florida Fruit and Truck Land's subdivision of Section 18, Township 25 South, Range 27 East, as recorded in Pint Book B, Page 68, of the Public Records of Osceola County, Florida;

And;

(Tract 3): The East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 18, Township 25 South, Range 27 East, less the South 565 feet thereof; and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 25 South, Range 27 East, less begin at the SW corner of the SE $\frac{1}{4}$ of said section 18, run thence North 565.6 feet, thence easterly to a point 569.2 feet north of the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18; thence southerly 569.2 feet to the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18; thence westerly along the section line to the Point of Beginning;

And;

(Tract 4): That portion of Lots 12, 13 and 14, Block D, Florida Fruit and Truck Land's subdivision of Section 18, Township 25 South, Range 27 East, according to the plat thereof recorded in Plat Book B, Page 68, of the Public Records of Osceola County, Florida, being more particularly described as follows: Begin at the SW corner of the SE $\frac{1}{4}$ of Section 18, Township 25 South, Range 27 East, Osceola County, Florida; thence run north 565.6 feet, thence easterly to a point 569.2 feet north of the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18; thence westerly along the south section line to the Point of Beginning, less the South 15 feet and the West 15 feet for platted right-of-way;

And;

(Tract 5): That portion of Lots 1, 15 and 16, Block C, Florida Fruit and Truck Land's subdivision of Section 18, Township 25 South Range 27 East, Osceola County, Florida, according to the plat thereof recorded in Plat Book B, Page 68, of the Public Records of Osceola County, Florida, being more particularly described as follows: The South 565.6 feet of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 18, less the East 15 feet and the South 15 feet for platted right-of-way;

And;

(Tract 6): Lots 3 through 6 inclusive, Block B, Florida Fruit and Truck Land's subdivision of Section 19, Township 25 South, Range 27 East, according to the plat thereof as recorded in Plat Book B, Page 68, of the Public Records of Osceola County, Florida;

And;

Lots 1 and 2, Devon Park, Unit One, of Section 6, Township 25 South, Range 27 East, according to the plat thereof, as recorded in Plat Book 10, Pages 198 + 199, Public Records of Osceola County, Florida.

Said tracts total approximately 1068.4 Acres, more or less. All of the above in Osceola County, Florida

Polk County Portion

Parcel I:

Lots 17 through 27, inclusive of unrecorded survey, collectively described as follows:

Commence at a point 780 feet East of the Northwest corner of the Northeast $\frac{1}{4}$ of Section 12, Township 25 South, Range 26 East, Polk County, Florida; thence S26 degrees, 16 feet W, 661.80 feet; thence S 21 degrees 52 feet E, 940 feet; thence S 39 degrees 55 feet E, 586 feet to the Point of Beginning; thence continue S 39 degrees 55 feet E, 163.65 feet to a point on the west boundary of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 12, said Point lying 635 feet north of the northeast $\frac{1}{4}$ of said Section 12, said point lying 635 feet north of the southwest corner thereof; thence S 87 degrees 20 feet E, 1064.2 feet; thence N 59 degrees 37 feet E, 304.7 feet to the east boundary of said Section 12; thence northerly along said east boundary to the northeast corner of said Section 12; thence southwesterly to the Point of Beginning. Subject to an easement on the southerly side for ingress and egress for the benefit of owners of property located in said Section 12 fronting on Old Lake Davenport.

Parcel 2:

Begin at the southeast corner of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 12, Township 25 South, Range 27 South, Polk County, Florida thence North along the East boundary of said Section 12, 746.5 feet; thence at an angle of 120 degrees 51 feet to the left, 304.7 feet; thence at an

angle of 33 degrees 03 feet to the right, 1064.2 feet to a point on the west line of said southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$; thence south along said west boundary 635 feet to the southwest corner of said southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$; thence east to the Point of Beginning.

Parcel 3:

The northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 12, Township 25 south, Range 27 East, Polk County, Florida. Subject to an easement of 15 feet on the south side of said parcel for the benefit of property owners in Section 11, 12, and 13 of said Township and Range.

Westside DRI

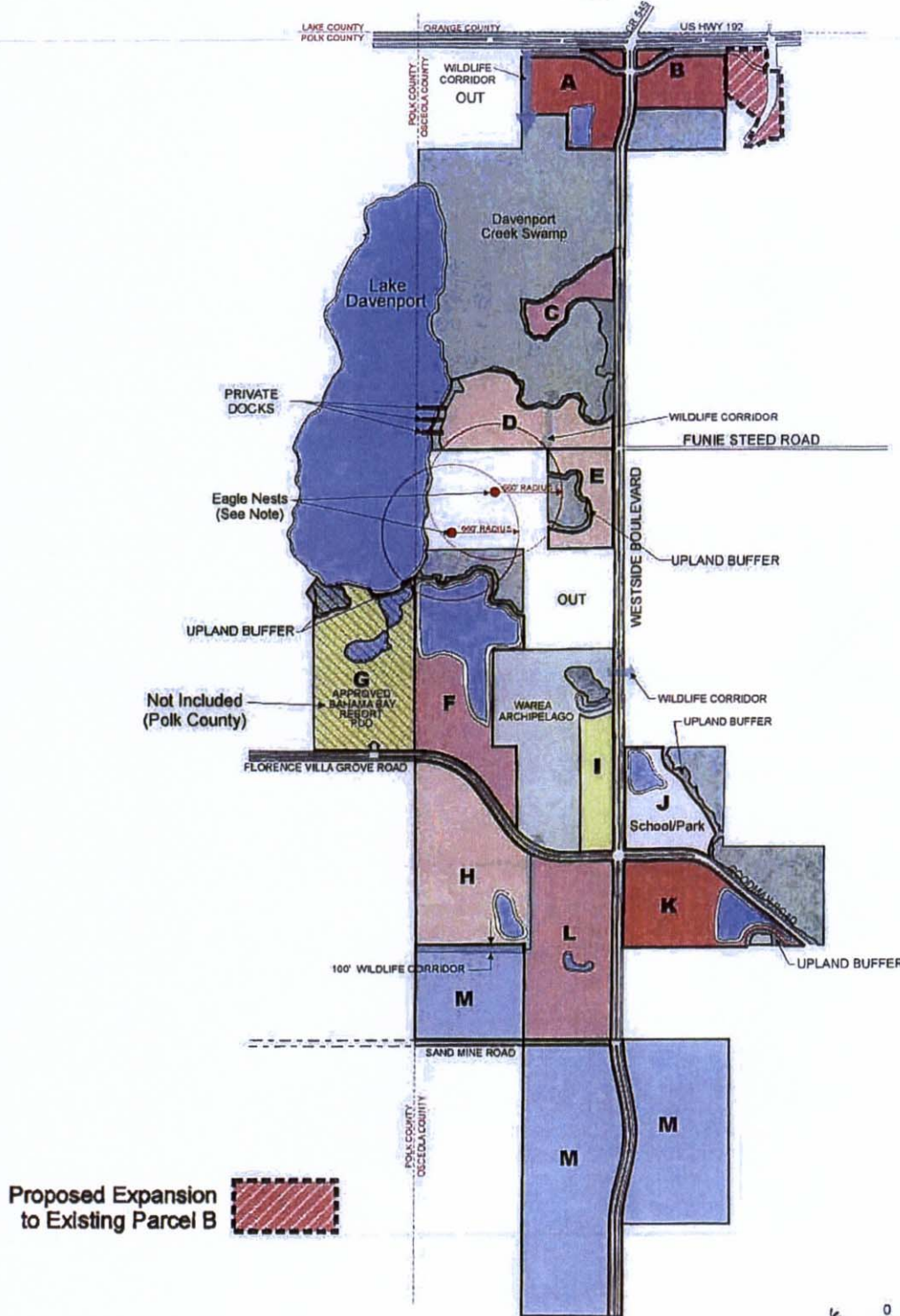
Exhibit 2

Westside DRI NOPC

Sections 6, 7, 18 & 19, Township 25 South, Range 27 East
 Osceola County, Florida
 Section 12, Township 25 South, Range 26 East
 Polk County, Florida

Revised Map H Master Development Plan

Date Revised: 3 December 2007



Note:
 Development within Eagle Nest protection zones will comply with approvals from the US Fish & Wildlife Service. Extent of protection zones shown hereon, are based on current criteria, that are subject to change. Any such change in criteria shall not require a modification to this Map.



Westside DRI

Exhibit 3

Revised Development Summary

Jurisdiction	Land Use	Parcel	Acreage	Units	Density	FAR	FAC 28-24
Osceola County FLUM	Retail/Service	A	31.1	232,177 sf	7,489.6 sf/ac	0.20	031
	Retail/Service	B	18.0	171,000 sf	9,500 sf/ac	0.22	031
Osceola County	60/40 retail/service	K	10.9	120,000 sf	11,009 sf/ac	0.25	031
	And office mix	K	7.3	80,000 sf	10,959 sf/ac	0.25	020
Osceola County FLUM	Hotel	A	4.5	162 rms	45 rms/ac	-	026
	Hotel	B	4.5	163 rms	45 rms/ac	-	026
	Resort Residential	A	-	337 dus	18 dus/ac	-	023
	Resort Residential	B	11.1	234 dus	18 dus/ac	-	023
	Resort Residential	C	12.4	184 dus	18 dus/ac	-	023
	Resort Residential	D	43.2	76 dus	18 dus/ac	-	023
Osceola County	Residential	E	13.8	68 dus	5 dus/ac	-	023
Osceola County	Residential	F	71.1	406 dus	7 dus/ac	-	023
	Residential	H	70.0	264 dus	7 dus/ac	-	023
	Residential	I	12.9	129 dus	10 dus/ac	-	023
	Residential	J	34.0	School/Par k	N/A	-	024
	Residential	K	45.3	650 dus	18 dus/ac	-	023
	Residential	L	64.8	588 dus	10 dus/ac	-	023
	Residential	M	241.6	919 dus	5 dus/ac	-	023
	Preservation-Warea	-	71.6	-	-	-	-

Revised November 30 2007

Notes:

- (a) 7 dus/acre for Parcels F and H as allowed for transfer of density from Preservation-Warea site
- (b) The density from Parcel J (school site) has been transferred to Parcels I and L.

Westside DRI

Exhibit 4

Westside Development of Regional Impact
TRIP INTERCHANGE MATRICES

Daily Trip Matrix

Trips Generated By	Land Use Code	Is equal to	Short Term Rental (DU)	Single Family Residential (DU)	Multi-Family Residential (DU)	Hotel (Rooms)	Shopping Center (KSF)	Daily Trip Rate (\$)
1 Short Term Rental	220 (1)	Is equal to	1,000	0.732	0.984	0.766	0.766	6.150
1 Single Family Residential	210	Is equal to	1,366	1,000	1,367	1,046	1,046	8.400
1 Multi-Family Residential	220	Is equal to	1,007	0.737	1,000	0.771	0.771	6.180
1 Hotel Room	310	Is equal to	1,306	0.966	1,297	1,000	1,000	8.030
1 KSF Shopping Center	820 (2)	Is equal to	14,195	10,393	14,103	10,872	10,872	87,300

PM Peak Hour Trip Matrix

Trips Generated By	Land Use Code	Is equal to	Short Term Rental (DU)	Single Family Residential (DU)	Multi-Family Residential (DU)	Hotel (Rooms)	Shopping Center (KSF)	PM Peak Hour Trip Rate (\$)
1 Short Term Rental	220 (1)	Is equal to	1,000	0.748	1,000	1.016	0.078	0.620
1 Single Family Residential	210	Is equal to	1,335	1,000	1,335	1,357	0.104	0.828
1 Multi-Family Residential	220	Is equal to	1,000	0.749	1,000	1.016	0.076	0.620
1 Hotel Room	310	Is equal to	0.984	0.737	0.984	1,000	0.077	0.610
1 KSF Shopping Center	820 (2)	Is equal to	12,806	9,589	12,806	13,016	1,000	7,940

DU = Dwelling Units

KSF = 1,000 Square Feet

Source: Institute of Transportation Engineers (ITE) "Trip Generation Manual," 6th Edition

Notes: (1) Short Term Rental evaluated as Multi-Family dwelling units

(2) Shopping Center trip rate based on retail land use of 50,000 square feet

(3) ITE Rates based on Westside DR/ADA - Table 21-B-2