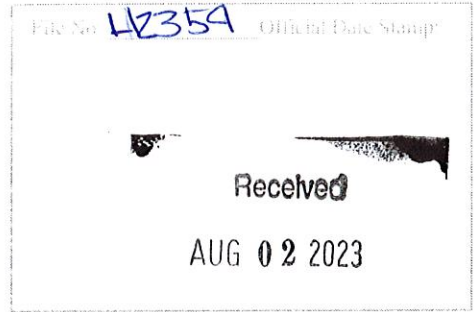


HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):  
Rezoning  Standard  PDP  
Master Plan  New  Revised  
PSFOD  Communication Tower  Other  
PRINT OR TYPE ALL INFORMATION



Date: \_\_\_\_\_

APPLICANT NAME: Oak Development Group LLC

Planning Department  
Hernando County, Florida

Address: 1025 58th Street North  
City: St. Petersburg State: FL Zip: 33710  
Phone: (727) 560-7827 Email: casey@oakdq.com  
Property owner's name: (if not the applicant) Panther I, LLC

REPRESENTATIVE/CONTACT NAME: Jacob T. Cremer & Cynthia Spidell

Company Name: Stearns Weaver Miller  
Address: PO Box 3299  
City: Tampa State: FL Zip: 33601-3299  
Phone: (813) 223-4800 Email: jcremer@stearnsweaver.com; cspidell@stearnsweaver.com

HOME OWNERS ASSOCIATION:  Yes  No (if applicable provide name) Royal Highlands

Contact Name: Harry Purdy, President  
Address: 5350 Monarch Boulevard City: Leesburg State: FL Zip: 34748

PROPERTY INFORMATION:

- 1. PARCELS/KEY NUMBER(S): 00343015 and 00103907
- 2. SECTION 6 TOWNSHIP 22 South RANGE 18 East
- 3. Current zoning classification: AR and AG
- 4. Desired zoning classification: PD-P (SF)
- 5. Size of area covered by application: 53.28
- 6. Highway and street boundaries: East of Eakin Street
- 7. Has a public hearing been held on this property within the past twelve months?  Yes  No
- 8. Will expert witness(es) be utilized during the public hearing(s)?  Yes  No (If yes, identify on an attached list)
- 9. Will additional time be required during the public hearing(s) and how much?  Yes  No (Time needed: \_\_\_\_\_)

PROPERTY OWNER AFFIDAVIT

I, PANTHER I, LLC, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

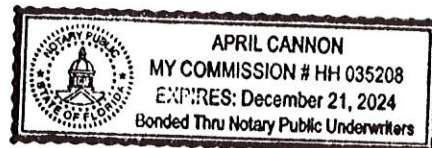
- I am the owner of the property and am making this application OR
- I am the owner of the property and am authorizing applicant: Oak Development Group LLC and representative, if applicable: Jacob T. Cremer & Cynthia D. Spidell - Stearns Weaver Miller to submit an application for the described property.

Jodi V. Shinn  
Signature of Notary Public

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of July, 2023, by Jodi V. Shinn who is personally known to me or produced \_\_\_\_\_ as identification.

April Cannon  
Signature of Notary Public



Effective Date: 11/8/16 Last Revision: 11/8/16

Notary Seal Stamp

# **REZONING APPLICATION NARRATIVE**

**\*\*\*\*\***

## **LAKE MIRAGE PROPERTY OAK DEVELOPMENT GROUP, LLC**

**Submitted by:**

**Jacob T. Cremer, Esquire  
Jessica M. Icerman, Esquire  
Cynthia D. Spidell, AICP  
Stearns Weaver Miller  
401 East Jackson Street, Suite 2100  
Tampa, Florida 33602  
(813) 222-5051**

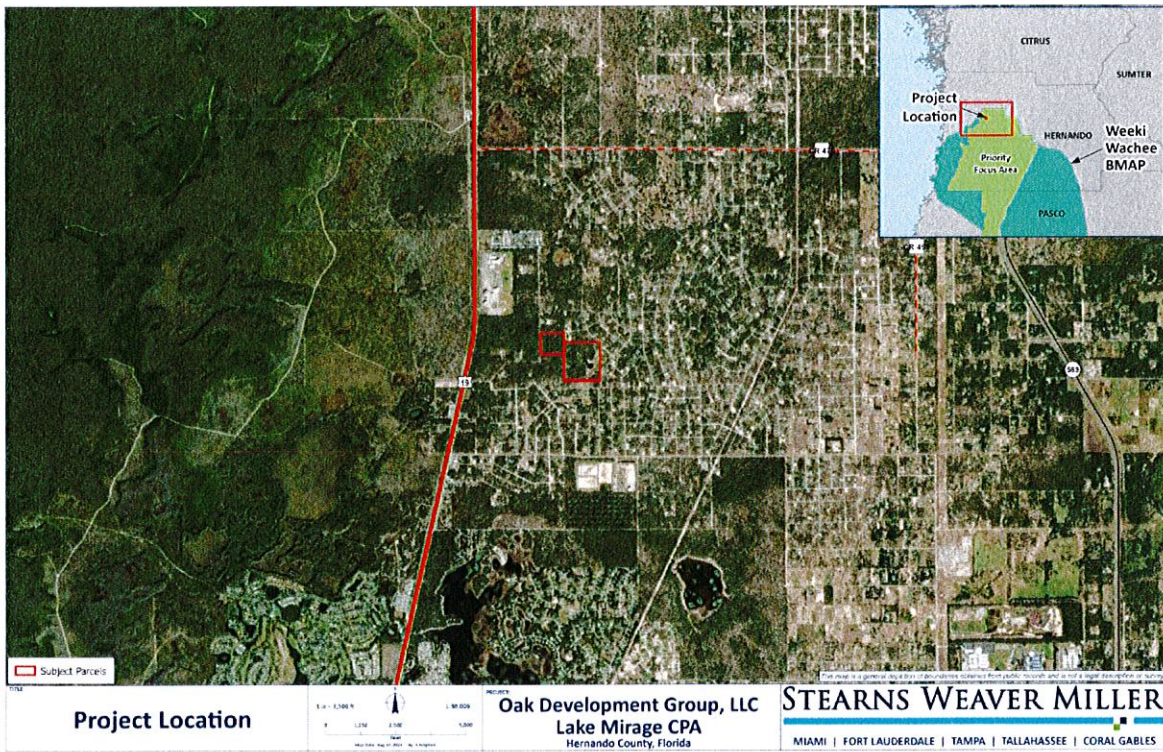
*Original Submittal: August 2, 2023*

**JUSTIFICATION REPORT**  
**LAKE MIRAGE REZONING FROM AG & AR to PDP-SF**

**I. Proposal**

**a. Statement of Proposed Land Use & Acreage.**

This rezoning application proposes to change the zoning from the Agricultural District (AG) and Agricultural Residential District (AR) to Planned Development - Single Family (PDP-SF) on approximately 53.28 acres on parcel keys no. 00343015 and 00103907 (the “Property” or “Project”) (Exhibit A – Location Map).

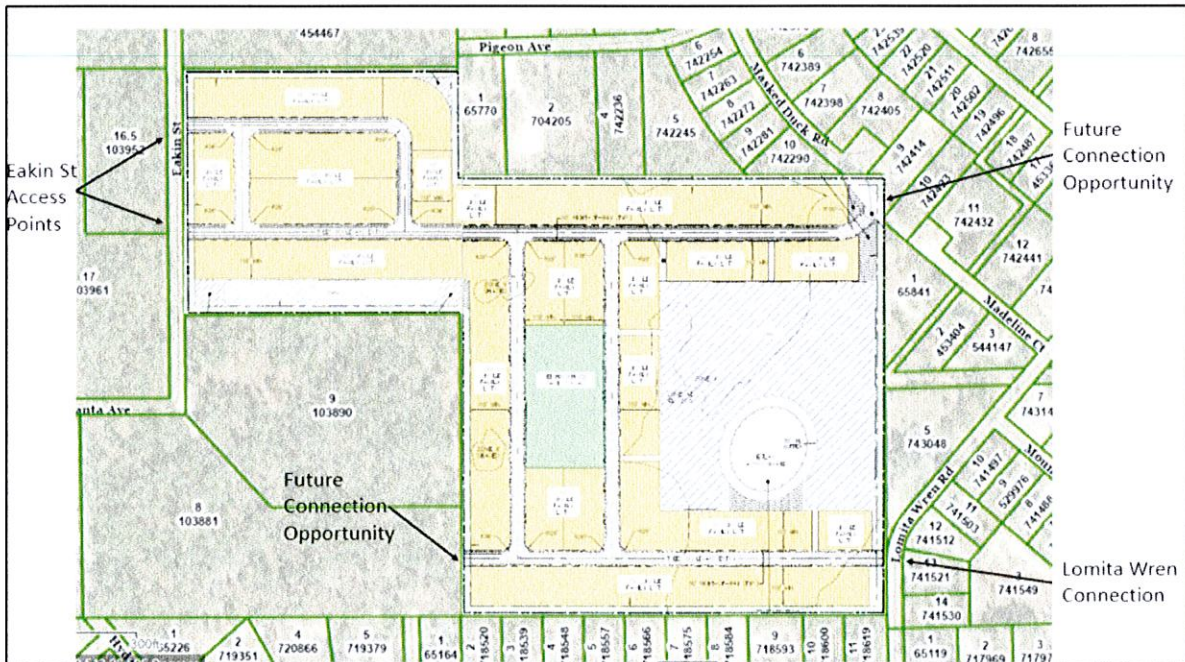


**b. Statement of Density Level of Residential Uses.**

This rezoning proposes a maximum of 190 single family residential units on 53.28 acres for a gross density of 3.57 dwelling units/gross acre. This rezoning also proposes a neighborhood park consisting of 2.4 acres which meets the County’s land development regulations (LDR’s) pursuant to Code of Ordinance Section 26-75. Pursuant to such LDR’s, the amount of acreage required is one (1) acre for the first fifty (50) units plus 1/100<sup>th</sup> of an acre for each dwelling unit over fifty (50) up to 250 dwelling units for a maximum of 3 acres. As this rezoning seeks a maximum of 190 dwelling units, the calculation is as follows:

<b>Dwelling Units</b>	<b>Acreage</b>
First 50 units	1 acre
Units 51 to 190 = 139 units	(139 * 1/100) 1.39 of acres
<b>Minimum Park Acreage:</b>	<b>(1 + 1.39) 2.4 acres</b>

The neighborhood park has been creatively located central to the project increasing its accessibility to the homeowners. Due the unique features of the Property, there are significant open space opportunities, including the designated open space, wetland, and stormwater areas as depicted on the master plan. The proposed master plan actively provides connectivity through the site and notably provides multiple connection points including two (2) connections to Eakin Street, one (1) connection to Lomita Wren Road and two (2) future connection opportunities:



**c. Statement of Proposed Square Footage of Development and Building Heights of Commercial Uses**

No commercial uses are proposed. The single family residential lot layout and dimensional standards are located on the Master Plan (**Exhibit B**). There are two minimum lot sizes proposed:

- 50' width x 110' length (50 x 110 = 5,500 total lot size)
- 70' width x 110' length (70 x 110 = 7,700 total lot size)

**d. Statement of Proposed Deviations from Code.**

The proposed rezoning is to PDP-SF with specific standards unique to this development. The proposed standards deviate from the Euclidian standards for the R1-A zoning district in the following ways:

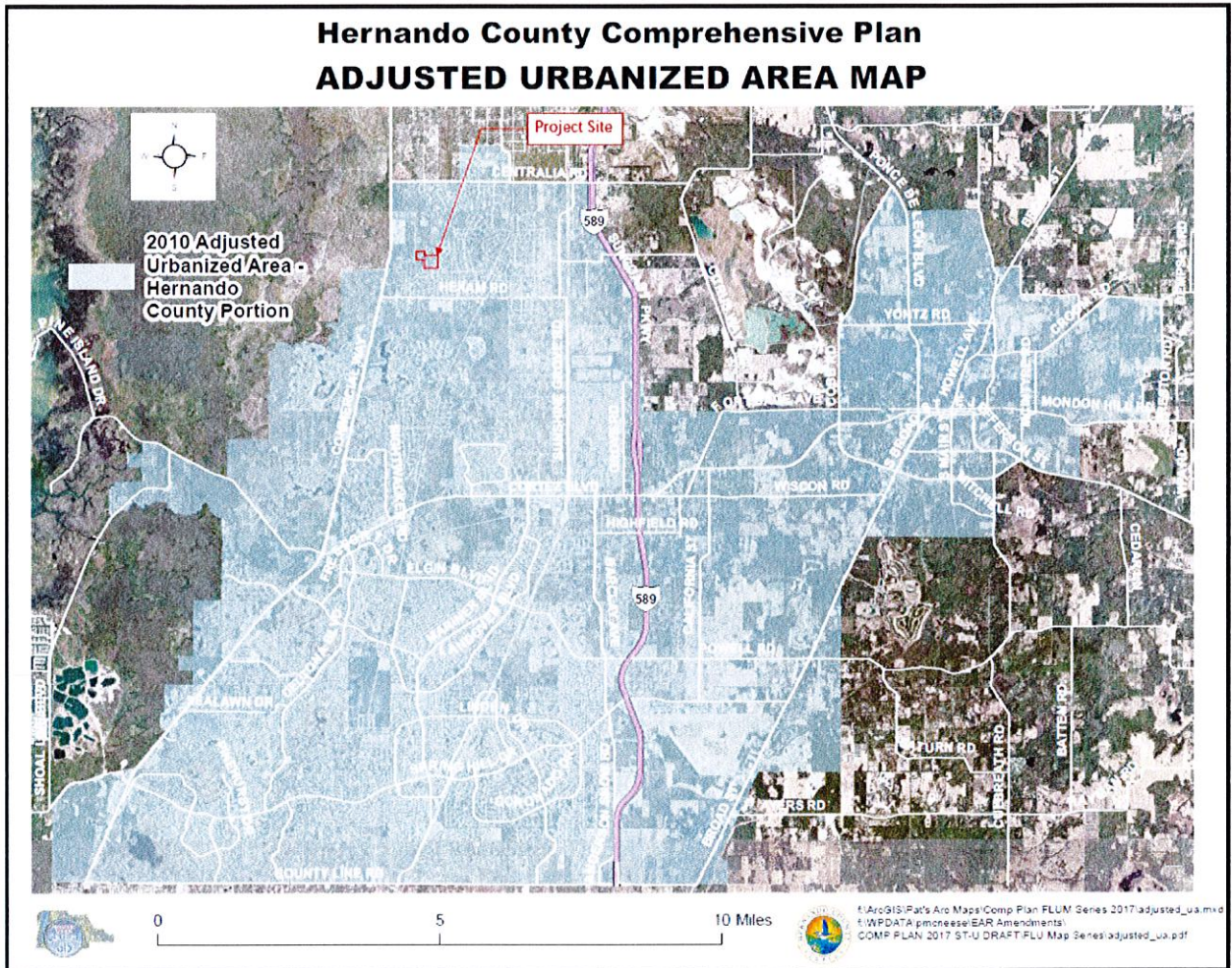
<b>LDC Section</b>	<b>Description</b>	<b>LDC Requirement</b>	<b>Proposed Amount</b>	<b>Requested Deviation</b>
LDC App. A, Art. IV, Sec. 2, C: R-1A Residential District	Minimum Lot Area	6,000 square feet	5,500* square feet	(500) square feet
LDC App. A, Art. IV, Sec. 2, C: R-1A Residential District	Minimum Lot Width	60 feet	50* feet	(10) feet
LDC App. A, Art. IV, Sec. 2, C: R-1A Residential District	Minimum Front Yard	25 feet	20 feet	(5) feet
LDC App. A, Art. IV, Sec. 2, C: R-1A Residential District	Minimum Side Yard	10 feet	5 feet	(5) feet
LDC App. A, Art II, Sec. 3, General regulations for lots and yards	Double frontage and corner lots shall meet front yard regulations on all adjacent streets	2 Fronts	Request to have only one front: 20 feet on primary front yard and 10 feet on secondary front yard.	(15) feet for secondary front yard
*Note: Represents minimum requested for 50-foot lots which are restricted as to location per the Master Plan.				

The R1-A Euclidean zoning district is designed primarily to permit the continued development of established residential areas which include a mixture of conventional single family dwellings and mobile homes and is therefore, not intended to be utilized extensively for future development. *See* App. A, Article IV, Sec. 1(3). The proposed density is 3.57 du/ga (190 units/53.28 acres). Clustering density to provide perimeter buffers, wider entrances at the access points to accommodate treed boulevards, and the neighborhood park, all require relatively smaller lots and reduced setbacks. However, the proposed PDP(SF) is appropriately buffered and screened to ensure compatibility with the surrounding neighborhoods.

As described in section III.B below, a 20' landscape buffer has been shown on the Master Plan along the full perimeter of the project. Additionally, the strategic location of the stormwater ponds provide additional buffering.

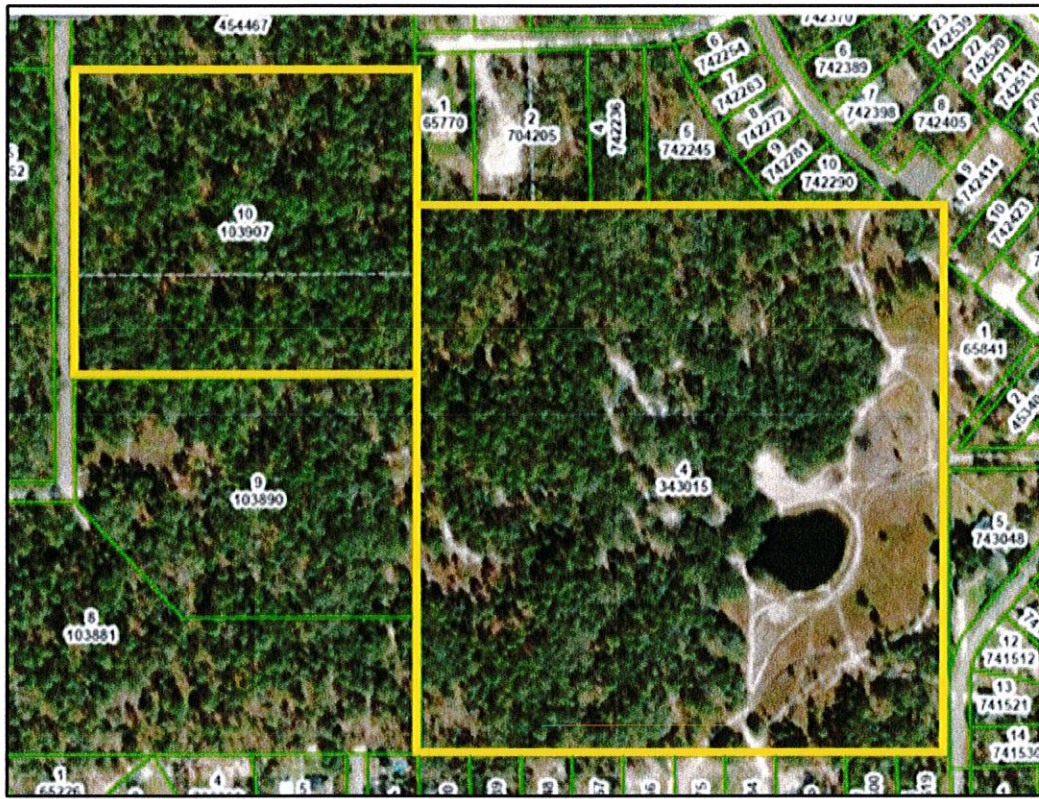
This development is located in the adjusted urbanized area and will allow for an efficient use of public facilities and services.

## Hernando County Comprehensive Plan ADJUSTED URBANIZED AREA MAP



### II. Site Characteristics

- a. **Site Size:** The Property is 53.28 acres. (Exhibit C)
- b. **Existing Land uses and their specific acreage:** N/A. The lot is currently vacant:
- c. **Known activities or uses on-site:** There are no known uses on the site; however, a review of the aerial photograph reveals that an unofficial trail system may be used to access the Property, particularly Lake Mirage:



### III. Environmental Considerations.

Environmental considerations such as flood zone, drainage features, and water features have been noted on the Master Plan including a 30-foot wetland buffer is proposed around the wetland. A supplemental environmental review is attached hereto as **Exhibit D**. The applicant will comply with all applicable environmental permitting regulations. Furthermore, the County's standard environmental Planned Development conditions approval shall apply:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner is required to comply with all applicable FWC regulations and permitting.
3. The petitioner must meet the minimum requirements of Florida Friendly-Landscaping™ publications and the Florida Yards and Neighborhoods Program for design techniques, principles, materials and plantings for required landscaping, as applicable.

4. The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ (FFL) Program information and include FFL language in the HOAs covenants and restrictions. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department.
5. A jurisdictional wetland line shall be shown on the conditional plats.
6. Geotechnical subsurface testing and reporting in accordance with Hernando County's Facility Design Guidelines shall be conducted for all proposed drainage retention or detention areas within the project.
7. Invasive plant species must be removed, including wetland areas, during the development process and controlled through the approved Association documents during the subdivision process for long-term maintenance and control.

#### **Site Plan Discussion.**

a. **Description of the concept of the development plan.**

As can be seen on the attached Master Plan (**Exhibit B**), the County's latest development guidelines have been incorporated into the design. Larger lots have been strategically placed along the perimeter with 50' lots primarily located interior to the site.

b. **Proposed buffer sizes and separation widths between proposed land uses.**

A 20' landscape perimeter buffer has been shown on the Master Plan. Additionally, as depicted on the Master Plan, the applicant/developer is committed to placing larger lots (minimum 70' wide) along the perimeter with the exception of those areas adjacent to the stormwater ponds. It should be noted that the stormwater pond locations and native vegetation areas are proposed to be strategically located around the outer portions of the project to maximize perimeter buffering opportunities.

c. **Proposed setbacks and minimum sizes for individual lots.**

The master plan contains the various lot sizes proposed for the project and includes all applicable setbacks on the lot layout.

d. **Proposed uses within pods.**

This rezoning proposes single family residential and a potential recreational amenity center within the neighborhood park.

#### **IV. Public Facilities Impact Analysis.**

- a. **Water & Wastewater Analysis.** The following charts outline the potential impacts on water and wastewater:



<b>Potable Water Impacts</b>	
<b>Zoning District</b>	<b>Proposed Density EDU</b>
Planned Development - Single Family*	190
Average Daily Demand	74,100 gallons per day
Maximum Daily Demand	111,150 gallons per day (77.19 gallons per minute)
Required Fire Flow	1000 gallons per minute
Required Fire Flow + Maximum Daily Demand	1077.2 gallons per minute
*Analysis based on PDP (Single Family) Zoning District of 190 equivalent dwelling units as the Zoning Application.	
<b>Sanitary Sewer Impacts</b>	
Average Daily Flow	38,000 gallons per day
Peak Hourly Flow	79.17 gallons per minute

b. **Schools.** School concurrency applies to residential development and thus shall apply to this project. The applicant will work with the school board to complete a school capacity application and shall comply with applicable school concurrency requirements in conjunction with development of the property.

c. **Parks.** In accordance with Strategy 7.01B(4) of the Hernando County Comprehensive Plan, a project in excess of 1000 new residential units will require an analysis of the proximity and accessibility of a district or community park by the proposed development to determine whether additional facilities are needed. As this project is a maximum of 190 dwelling units, an additional park analysis is not required.

V. **Water and Sewer Services.**

It is understood that the county subdivision regulations require the dedication of sewer and water systems to the County. It is also understood that such regulations provide

for obtaining water and sewer service from the county, payment of connection fees, and commitments for service.

As part of the zoning and permitting process, the applicant will work with the County and enter into applicable water and sewer agreements. It is also acknowledged that the developer must request water and sewer service from the County.

**VI. Senior, Age-Restricted or Affordable Housing.**

N/A. None of these items are proposed.

**Exhibit List**

*Listed here but attached to the initial narrative submittal*

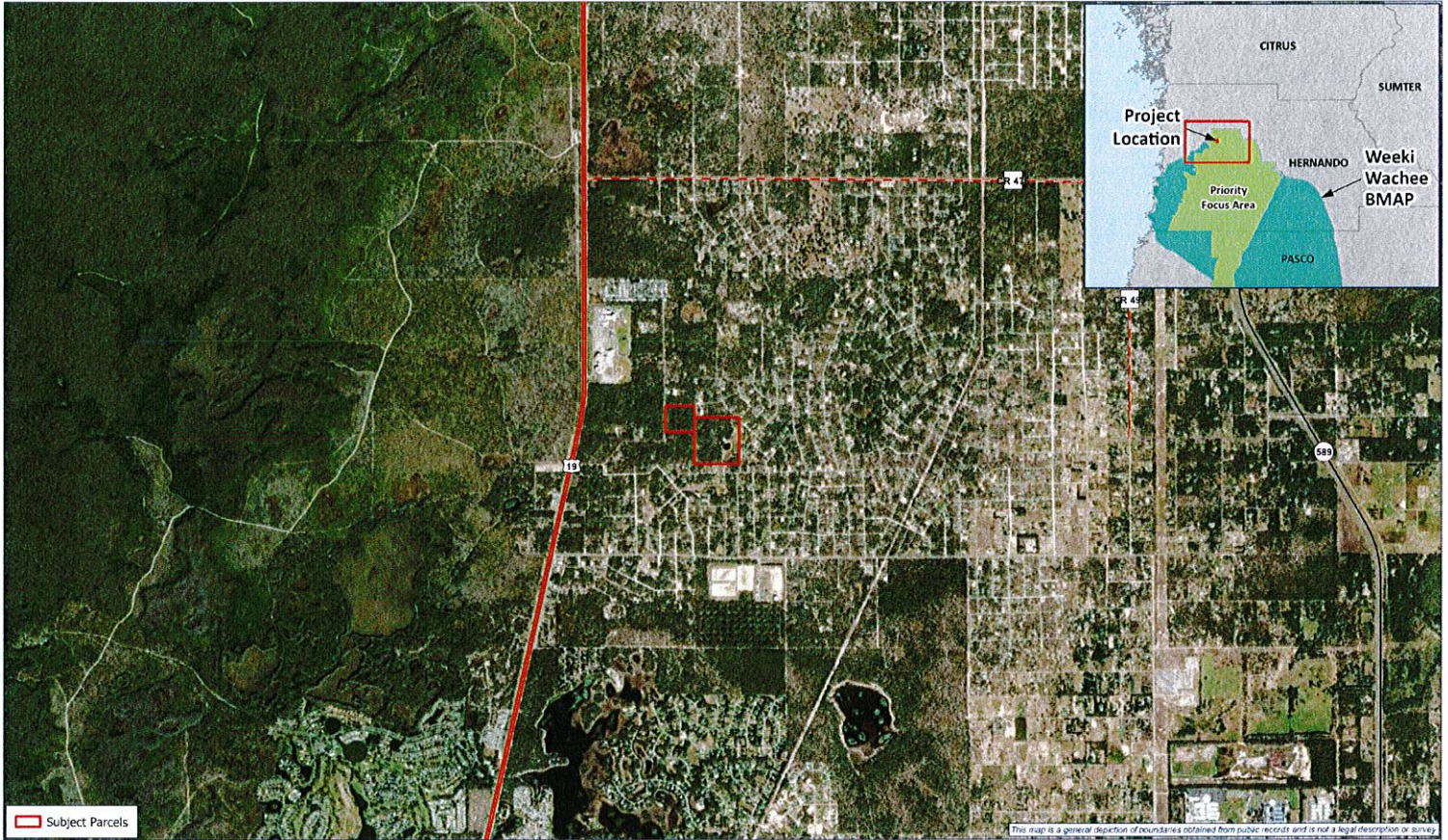
Exhibit A – Location Map

Exhibit B – Master Plan

Exhibit C – Deed/Legal Description

Exhibit D – Environmental Considerations

# Exhibit A



Subject Parcels

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

<p><b>Project Location</b></p>	<p>1 in = 2,500 ft</p> <p>0 1,250 2,500 5,000 Feet Map Date: Aug 20, 2014 By: K. Hines</p>	<p><b>Oak Development Group, LLC</b>  <b>Lake Mirage CPA</b>          Hernando County, Florida</p>	<p><b>STEARNS WEAVER MILLER</b></p> <p>MIAMI   FORT LAUDERDALE   TAMPA   TALLAHASSEE   CORAL GABLES</p>
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## Exhibit B



## Exhibit C



July 31, 2023

Casey Krauser  
**Oak Development Group**  
1025 58<sup>th</sup> Street N.  
St. Petersburg, Florida 33710

**Proj: Lake Mirage Site – Brooksville, Unincorporated Hernando County,  
Florida  
Section 06, Township 22 South, Range 18 East  
(BTC File #1241-17)**

**Re: Desktop Environmental Assessment Report**

Dear Mr. Casey Krauser:

In July of 2023, Bio-Tech Consulting, Inc. (BTC) conducted a desktop environmental assessment of the approximately 54-acre Lake Mirage site. This site is located east of the intersection of Atlanta Avenue and Eakin Street and northwest of the intersection of Mirage Avenue and Lomita Wren Road in Brooksville, unincorporated Hernando County, Florida, within Section 06, Township 22 South, Range 18 East, Some County, Florida (**Figures 1 and 2**). This desktop environmental assessment includes the following elements:

- **general review of site topography;**
- **desktop review of soil types mapped within the site boundaries;**
- **desktop evaluation of land use types/vegetative communities present;**
- **desktop review for protected flora and fauna; and,**
- **an overview of potential development constraints.**

## **TOPOGRAPHY**

Based upon a review of the USGS Topographic Map present in **Figure 3** (Weeki Wachee Spring, Florida Quadrangle), elevations on the subject property range from highs between +40 and +30 feet above the North American Datum of 1927 in the northern portion of the parcel, to below +30 feet NGVD on the southern portion of the property.

Orlando: Main Office  
3025 East South Street  
Orlando, FL 32803

Jacksonville Office  
11235 St Johns Industrial Pkwy N  
Suite 2  
Jacksonville, FL 32246

Tampa Office  
6011 Benjamin Road  
Suite 101-B  
Tampa, FL 33634

Vero Beach Office  
4445 North A1A  
Suite 221  
Vero Beach, FL 32963

Key West Office  
1107 Key Plaza  
Suite 259  
Key West, FL 33040

Land & Aquatic Management  
3825 Rouse Road  
Orlando, FL 32817

407.894.5969  
877.894.5969  
407.894.5970 fax

[info@bio-techconsulting.com](mailto:info@bio-techconsulting.com)

[www.bio-techconsulting.com](http://www.bio-techconsulting.com)



The property is generally flat, but it appears that the subject parcel slopes gradually from north to south.

## SOILS

According to the Soil Survey of Hernando County, Florida, prepared by the U.S. Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS), three (3) soil types occur within the subject property boundaries (**Figure 4**). These soil types include the following:

- **Basinger fine sand, depressional (#10)**
- **Candler fine sand, 0 to 5 percent slopes (#14)**
- **Tavares fine sand, 0 to 5 percent slopes (#49)**

The following presents a brief description of each of the soil types mapped for the subject site:

**Basinger fine sand, depressional (#10)** is a very poorly drained soil found in depressional areas and flatwoods. Typically, the surface layer of this soil type is black muck about 27 inches thick. The water table for this soil type is at or above the surface except for extended dry periods. The permeability of this soil type is rapid in the surface and subsurface layers, very slow to slow in the subsoil, and moderate to rapid in the substratum.

**Candler fine sand, 0 to 5 percent slopes (#14)** is a nearly level to gently sloping, excessively drained soil in very large to small areas on uplands. Typically, the surface layer of this soil type is grayish brown fine sand about 4 inches thick. The water table for this soil type is below 80 inches. The permeability of this soil type is very rapid in the upper 48 inches of the profile and rapid below.

**Tavares fine sand, 0 to 5 percent slopes (#49)** is a moderately drained soil found on low ridges and knolls. Typically, the surface layer of this soil type is dark grayish brown fine sand about 4 inches thick. The next 4 inches is brown fine sand. The water table for this soil type is at a depth of 40 to 60 inches except during very dry periods. The permeability of this soil type is very rapid.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components in the Basinger fine sand, depressional (#10) soil type associated with the site to be hydric. This FAESS also considers inclusions present in the Basinger fine sand, depressional (#10) soil type associated with the site to be hydric. This information can be found in the [Hydric Soils of Florida Handbook](#), Fourth Edition (March 2007).

## **LAND USE TYPES/VEGETATIVE COMMUNITIES**

This desktop review does not constitute an on-site assessment of the land use/vegetative communities present, but rather general land use types mapped by the Florida Natural Areas Inventory Cooperative Land Cover Classification System and land use descriptions of the *Guide to the Natural Communities of Florida 2010 Edition*.

As previously stated, according to a desktop review, the subject site supports five (5) land use types/vegetative communities within its boundaries. These areas were identified utilizing the Florida Natural Areas Inventory Cooperative Land Cover Classification System (FNAI) (**Figure 5**) and *Guide to the Natural Communities of Florida 2010 Edition*. The upland land use types/vegetative communities mapped on the site are classified as Sandhill (1240), Transportation (1840), and Residential, Low Density (18212). The wetland/surface water land use types/vegetative communities mapped on the site are classified as Wet Prairie (2111) and Artificial Impoundment/Reservoir (3220). The following provides a brief description of the land use types/vegetative communities identified mapped on the site.

### **Uplands:**

#### **1240 Sandhill**

A majority of the upland areas are described by the FNAI on site as Sandhill. This land use type is described as upland with deep sand substrate; xeric; Panhandle to central peninsula; frequent fire (1-3 years); savanna of widely spaced longleaf pine and/or turkey oak with wiregrass understory.

#### **1840 Transportation**

The eastern and westernmost portions of the subject site are described by the FNAI on site as Transportation. This land use type is described as used for the movement of people and goods. Highways include areas used for interchanges, limited access rights-of-way and service facilities. The Transportation category encompasses rail-oriented facilities including stations, round-houses, repair and switching yards and related areas. Airport facilities include runways, intervening land, terminals, service buildings, navigational aids, fuel storage, parking lots and a limited buffer zone and fall within the Transportation category. Transportation areas also embrace ports, docks, shipyards, dry docks, locks and water course control structures designed for transportation purposes. The docks and ports include buildings, piers, parking lots and adjacent water utilized by ships in the loading and unloading of cargo or passengers. Locks, in addition to the actual structures, include the control buildings, power supply buildings, docks and surrounding supporting land use.

## **18212 Residential, Low Density**

The southeastern and northeastern portions of the subject site is described by the FNAI on site as Residential, Low Density. This land use type is described as structures within low intensity urban areas.

### **Wetland/Surface Water:**

#### **2111 Wet Prairie**

The southwestern portion of the subject site is described by the FNAI on site as Wet Prairie. This land use type is described as flatland with sand or clayey sand substrate; usually saturated but only occasionally inundated; statewide excluding extreme southern peninsula; frequent fire (2-3 years); treeless, dense herbaceous community with few shrubs; wiregrass, blue maidencane, cutthroat grass, wiry beaksedges, flattened pipewort, toothache grass, pitcherplants, coastalplain yellow-eyed grass.

#### **3220 Artificial Impoundment/Reservoir**

In the southeastern portion of the subject site is an area described by the FNAI on site as Artificial Impoundment/Reservoir. This land use type is described as stream or watershed impoundment, water retention ponds, cattle ponds, and borrow pits.

## **PROTECTED SPECIES**

A desktop assessment for listed floral and faunal species that may be located on the property was conducted on July 31, 2023. An on-site assessment for fauna and flora using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FWC's) Gopher Tortoise Permitting Guidelines (April 2023) is recommended prior to any work being conducted on the subject site. For the purposes of this assessment, no on-site assessment was conducted. The assessment focused on species that are listed by the FWC's Official Lists - Florida's Endangered and Threatened Species (December 2022) and listed species that have the potential to occur in Hernando County (**see attached Table 1**).

The FDACS protection of listed plant species centers on preventing the illegal collection, transport and sale of the listed plants. The FDACS will issue permits for collection purposes. There are no regulations that prohibits the destruction of state-listed flora species as a result of proposed development activities.

The following provides a brief description of applicable species as they may relate to the development of the site.

## **Potential Wildlife**

The desktop wildlife assessment conducted does not preclude the potential for any listed species, currently or in the future. The following listed species have the potential to occur in the Sandhill, Transportation, Residential, Low Density, Wet Prairie, and/or Artificial Impoundment/Reservoir areas identified by FNAI (**Figure 5**). However, no on-site assessment was conducted and therefore, none of these species were observed on-site

### **Bald Eagle (*Haliaeetus leucocephalus*)**

*State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FWC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FWC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FWC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FWC issued "A Species Action Plan for the Bald Eagle" in response to the sunset of the 2008 Bald Eagle Management Plan. Under the USFWS's management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. As provided within the above referenced Species Action Plan, the USFWS is the regulating body responsible for issuing permits for Bald Eagles. In 2017, the need to obtain a State permit (FWC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to Rule 68A-16.002, F.A.C. A USFWS Bald Eagle "Non-Purposeful Take Permit" is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest without a USFWS permit.

BTC conducted a review of FWC's database (2016-2017 Nesting Season) and Audubon's Eagle Watch program database (2022 Nesting Season) for recorded Bald Eagle nests within the surrounding 660 feet of the subject site (**Figure 6**). This review revealed that there are no Bald

Eagle nests within 660 feet of the project site boundaries. Prior to development of the site, a wildlife survey should be conducted in order to determine if any Bald Eagle nests are located within of within the surrounding 660 feet of the subject site.

In the event that Bald Eagle nests are identified within or within close proximity to the subject site, construction activities proposed to occur between the 330-foot buffer and the 660-foot buffer would be allowed to continue during the Bald Eagle nesting season (October 1 – May 15) as long as monitoring activities per the USFWS Bald Eagle Monitoring Guidelines are conducted.

Monitoring of the Bald Eagle nest must be implemented according to the Bald Eagle Monitoring Guidelines (USFWS 2007). Per these guidelines initial monitoring is to be conducted beginning October 1 until positive direct or indirect evidence that the Bald Eagles have returned to the nesting territory is observed. This is to be conducted for a minimum of 2 hours per day, one day per week. (It should be noted that if no nesting activity is observed by February 1, monitoring may cease as the nest will be determined as inactive for the current nesting season). Once nesting behavior has commenced, monitoring of the nest increases to a minimum of 4 hours per day, 3 days per week. This monitoring sequence continues through 4 weeks post-hatching. Beginning the fifth week post-hatching, monitoring of the nest/ young is reduced to 4 hours per day, one day per week. This continues until fledging occurs, or until May 15, whichever occurs first.

### **Gopher Tortoise (*Gopherus polyphemus*)**

*State Listed as “Threatened” by FWC*

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a “Category 2 Candidate Species” by the USFWS, and as of September 2007 is now classified as “Threatened” by FWC, and as “Threatened” by FCREPA. The basis of the “Threatened” classification by the FWC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned orange groves. Several other protected species known to occur in Hernando County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Peromyscus floridanus*) and the gopher frog (*Rana capito*). However, as only a desktop review was conducted, none of these species were observed.

Prior to construction activities on the subject site, a 100% gopher tortoise survey is recommended and off-site relocation will be required through FWC within the areas proposed for development.

The FWC provides three (3) options for developers that have gopher tortoises on their site. These options include: 1) avoidance (i.e., maintain at least a 25-foot distance from construction activities), 2) preservation of habitat and 3) off-site relocation. The likely option to addressing any

on-site gopher tortoise population is off-site relocation and would require that any gopher tortoise within 25 feet of proposed construction activities be relocated off-site to an approved recipient site. Relocation will need to be permitted through FWC prior to any on-site construction activities. A formal 100% gopher tortoise survey will be required by FWC in order to secure an off-site relocation permit.

*If relocation efforts cannot be completed within 90 days of a formal gopher tortoise survey, FWC requires an additional survey to be conducted.*

**Indigo Snake (*Drymarchon couperi*)**

*Federally Listed as “Threatened” by USFWS*

The indigo snake (*Drymarchon couperi*) is a federally threatened species. The basis for this listing was a result of dramatic population declines caused by over-collecting for the domestic and international pet trade as well as mortalities caused by rattlesnake collectors who gassed gopher tortoise burrows to collect snakes. Since its listing, habitat loss and fragmentation by residential and commercial expansion have become much more significant threats to the eastern indigo snake. This species is widely distributed throughout central and south Florida and primarily occurs in sandhill habitat in northern Florida and southern Georgia.

The FNAI indicates that the majority of upland areas within the subject site consist of sandhill. No wildlife survey was conducted. However, the site does contain at least twenty-five (25) acres of suitable upland or xeric habitat to support this species. Based upon the USFWS’s August 2013 Consultation Key for the Eastern Indigo Snake and that the property will result in the removal of more than 25 acres of eastern indigo snake habitat and/or more than 25 gopher tortoise burrows, a key determination would result in a finding of “may affect.”

During the ERP, State 404 or USACOE Dredge and Fill permit review process, the USFWS may determine that an Indigo Snake survey is required during the review of the project. The survey can be accomplished from October 1st thru April 30 for a minimum of five (5) surveys with 2 days of optimal weather (overnight low temperature above 60° F). It should also be noted that eastern indigo snake mitigation may be purchased in lieu of conducting the indigo snake survey. A FDEP 404 or USACOE Permit may also require following the Service’s Standard Protection Measures for the Eastern Indigo Snake which will include, but not limited to, posting eastern indigo snake identification signage and educational material at the site, inspecting on-site holes and other refugia, as well as stopping construction to allow any indigo snake to safely vacate the project site. In addition, a FWC Conservation Permit to relocate Gopher tortoises will also contain permit conditions relating to the safety of indigo snakes.

**Little Blue Heron (*Egretta caerulea*), Reddish Egret (*Egretta rufescens*), Roseate Spoonbill (*Platalea ajaja*), & the Tricolored Heron (*Egretta tricolor*)**  
State Listed as “Threatened” by FWC

For the purposes of this report, four species of ‘wading bird’ have been consolidated into one (1) group. Each is listed in the state of Florida as a “Threatened” due to historically aggressive hunting practices and habitat loss. Currently, the majority of wading bird habitat tends to be federally protected wetlands under the ‘Clean Water Act’ and the Florida’s ‘Wetland Resource Permitting Program.’

Since this report consists of a desktop review, no Little Blue Heron, Reddish Egret, Roseate Spoonbill, and/or Tricolored Heron were observed located within the subject property. However, these species have the potential to occur in the Wet Prairie and Artificial Impoundment/Reservoirs FNAI mapped areas. These species are listed as colonial nesting birds. There are no protection requirements for these species unless they are observed nesting on the site. BTC recommends a survey be conducted prior to any construction activities to determine if any these species are nesting within the subject property.

## **USFWS CONSULTATION AREAS**

The U.S. Fish and Wildlife Service (USFWS) has established “Consultation Areas” for certain listed species (**Figure 7**). Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers (USACOE) or Florida Department of Environmental Protections (FDEP). The user of this report should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS. The following presents further information pertaining to species in which their USFWS consultation areas covers the subject property.

**Florida Scrub-Jay (*Aphelocoma coerulescens*)**  
*Federally Listed as “Threatened” by USFWS*

Currently the Florida Scrub-Jay is listed as “Threatened” by the USFWS. Florida Scrub-Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

Florida Scrub-Jays are most abundant in open, oak-dominated scrub communities of the interior and Atlantic coast sand ridges of the Peninsula. Florida Scrub-Jay habitat is broken down into three (3) types. These habitat types are the following:

- TYPE I HABITAT. Any upland plant community in which the percent cover of the substrate by scrub oak species is 15% or more.
- TYPE II HABITAT. Any plant community not meeting the definition of Type I habitat, in which one or more scrub oak species is represented.
- TYPE III HABITAT. Any upland or seasonally dry wetland within ¼ mile of any designated as Type I or Type II habitat.

In most cases, the Type I habitat is recognized as xeric oak scrub, scrubby pine flatwoods, scrubby coastal strand, or sand pine scrub. Usual classification schemes are not as useful in identifying or predicting habitat type; the presence of scrub oaks is the key indicator. The third habitat type includes many different plant communities where scrub oak species are not represented, but that are nearby or adjacent to Type I or Type II habitat. According to the FNAI, potentially suitable sandhill habitat for this species is mapped within the limits subject site is consistent with Type I or Type II Habitat. Therefore, a formal survey would be required by the USFWS or another agency to determine if Florida Scrub-Jays are utilizing any portions of the site. Surveys should be conducted during 1). Spring (March), 2). Fall (September and October) and 3). Mid-summer (July).

## **DEVELOPMENT CONSTRAINTS AND PERMITTING**

The FNAI map (**Figure 5**) and National Wetlands Inventory (NWI) (**Figure 8**) indicate wetland and/or surface water land uses located on the subject site. Therefore, a wetland delineation is recommended. All wetland/surface water flag locations will need to be approved by the



appropriate regulatory agencies during the permitting process. The subject site is located within the Upper Coastal Areas basin (**Figure 9**).

### **Hernando County (HC)**

Hernando County will rely on the wetland line approved by SWFWMD. Hernando County will require a natural or planted buffer to be provided for all wetlands that remain on-site post development. Hernando County requires mitigation for all wetland impacts regardless of size of quality. Impacts to the project's wetland and/or other surface water communities would be permissible by Hernando County as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

### **Southwest Florida Water Management District (SWFWMD)**

An Environmental Resource Permit (ERP) through the SWFWMD will be required for construction approval on the subject site. This will include a review and approval of the project's proposed stormwater management system and wetland/surface water boundaries. Impacts to the project's wetland and/or other surface water communities would be permissible by SWFWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

According to the SWFWMD ERP website, ERP# 694362 for portions of the property provides an exemption for the paving of 27 roadways. Although only some of the roadways would be located within the subject site, with regards to the roadway construction, an ERP will not be required.

### **Florida Department of Environmental Protection**

#### *State 404 Program*

Section 404 of the Clean Water Act (CWA) requires that federal authorization be obtained for all activities that propose the placement of dredged or fill material in "Waters of the United States" (WOTUS). The regulatory program established by CWA Section 404 is jointly implemented by the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (USACE) and applies to regulated activities associated with development, water resource projects (dams, levees, etc.), infrastructure, and mining. Guidelines that outline the conditions under which the implementing agency may, or may not, issue a permit are described in CWA Section 404(b)(1) Guidelines. Included in those guidelines is the mandate that discharges of dredged or fill material into WOTUS are not permissible if (a) a practicable alternative exists that is less damaging to the aquatic environment, or (2) the nation's waters would be significantly degraded. Under that mandate, in most cases, the applicant's burden to justify impacts to jurisdictional wetlands includes an alternative sites analysis, in which the applicant is required to

justify that the subject site is the most viable in the vicinity for the project, and will result in lesser environmental impacts compared to alternative site locations. The applicant is then required to demonstrate on-site avoidance and minimization of impacts, to the maximum practicable extent, while allowing for the project purpose.

CWA Section 404(b)(1) Guidelines also define conditions under which a State may assume the permitting authority under CWA Section 404. In December of 2020, the Florida Department of Environmental Protection (FDEP) assumed federal permitting authority for most wetland and surface water resources regulated exclusively under Section 404 of the Clean Water Act (CWA). The State 404 Program is a separate program and process from the existing State ERP Program described in the SWFWMD section above, and applies only to those waters not regulated under other federal legislation. Wetlands and surface water resources associated with tidal waters or traditional navigable waters are regulated under Section 10 of the Rivers and Harbors Act. For those waters (“retained waters”), including wetlands and/or other surface waters that fall within the 300-foot guideline established from the ordinary high-water mark or mean high tide line of the Section 10 waters, the USACE will retain federal permitting authority. It should be noted that regulated activities proposed in waters assumed by the State 404 Program are still required to meet all standards mandated under the CWA Section 404(b)(1) guidelines.

With respect to the subject site, it does not appear that any wetlands and/or surface waters mapped by FNAI are not associated with Section 10 waters. Therefore, the federal permitting authority will be assumed by the FDEP under Section 404. Currently, FDEP considers all wetland and/or surface water resources to be federally jurisdictional unless the applicant provides documentation proving otherwise. Once a site plan has been created, a Waters of the U.S. (WOTUS) Determination and “No Permit Required” can be submitted to determine jurisdictional and non-jurisdictional systems (interior, isolated). If FDEP concurs with BTC’s position that these wetlands and/or other surface waters are non-jurisdictional per WOTUS, no federal permitting will be required and a “No Permit Required” letter can be requested from FDEP. If, however, FDEP disagrees with BTC’s position and claims federal jurisdiction, then federal permitting through FDEP will be required. Please be advised that the State ERP is required prior to the issuance of the FDEP 404 Permit.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

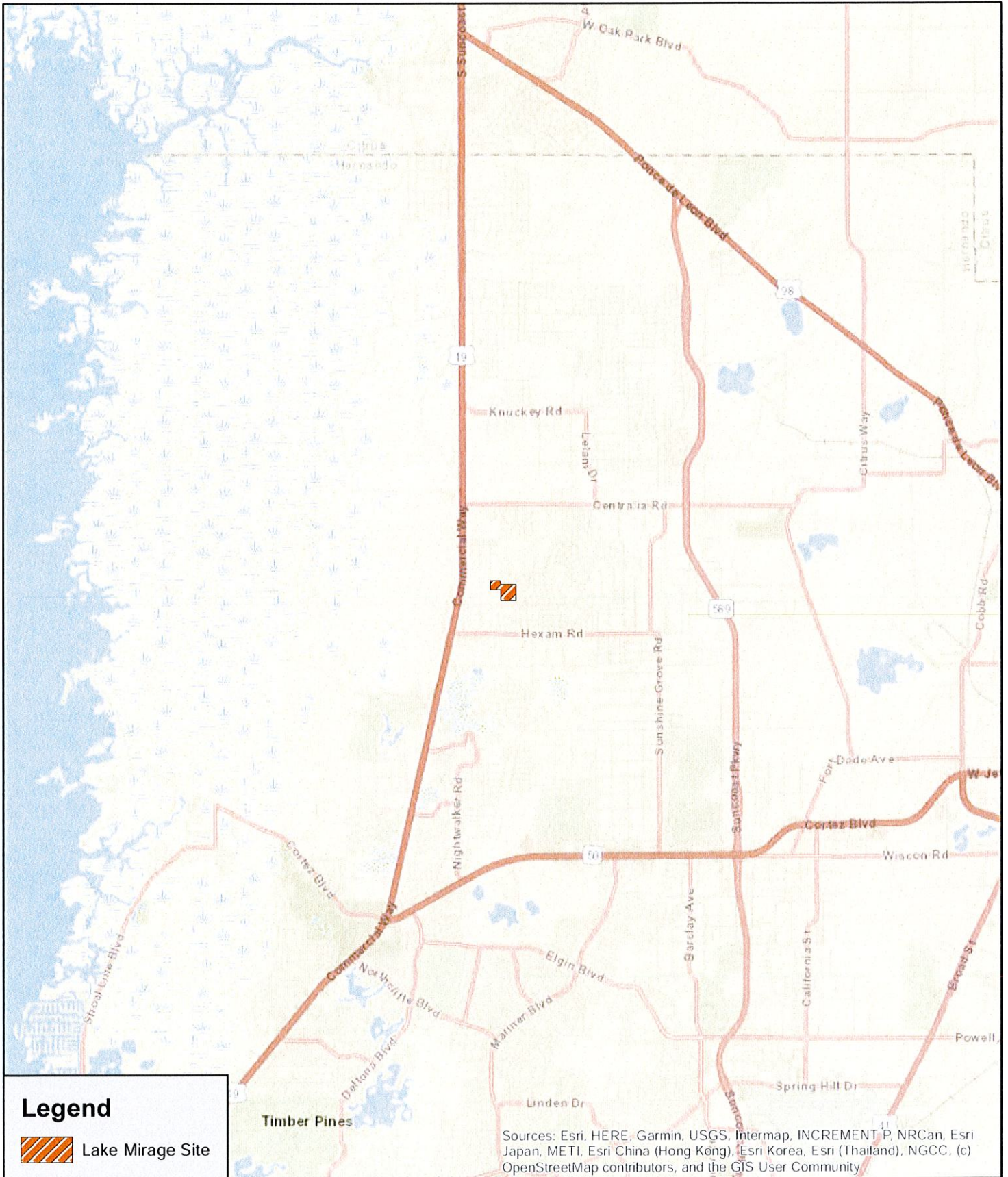
Regards,



Matthew Schubart  
Project Manager

**Attachments:**

- Figure 1 – Location Map
- Figure 2 – Aerial Map
- Figure 3 – USGS Topographic Map
- Figure 4 – USDA Soils Map
- Figure 5 – FNAI Map
- Figure 6 – Wildlife Proximity
- Figure 7 – USFWS Consultation Map
- Figure 8 – National Wetlands Inventory Map
- Figure 9 – Basin Map
- FWC Eagle Nest Locator
- Audubon Florida EagleWatch Nest Map





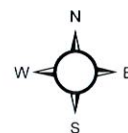
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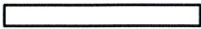
 Lake Mirage Site (± 54.00 Ac.)

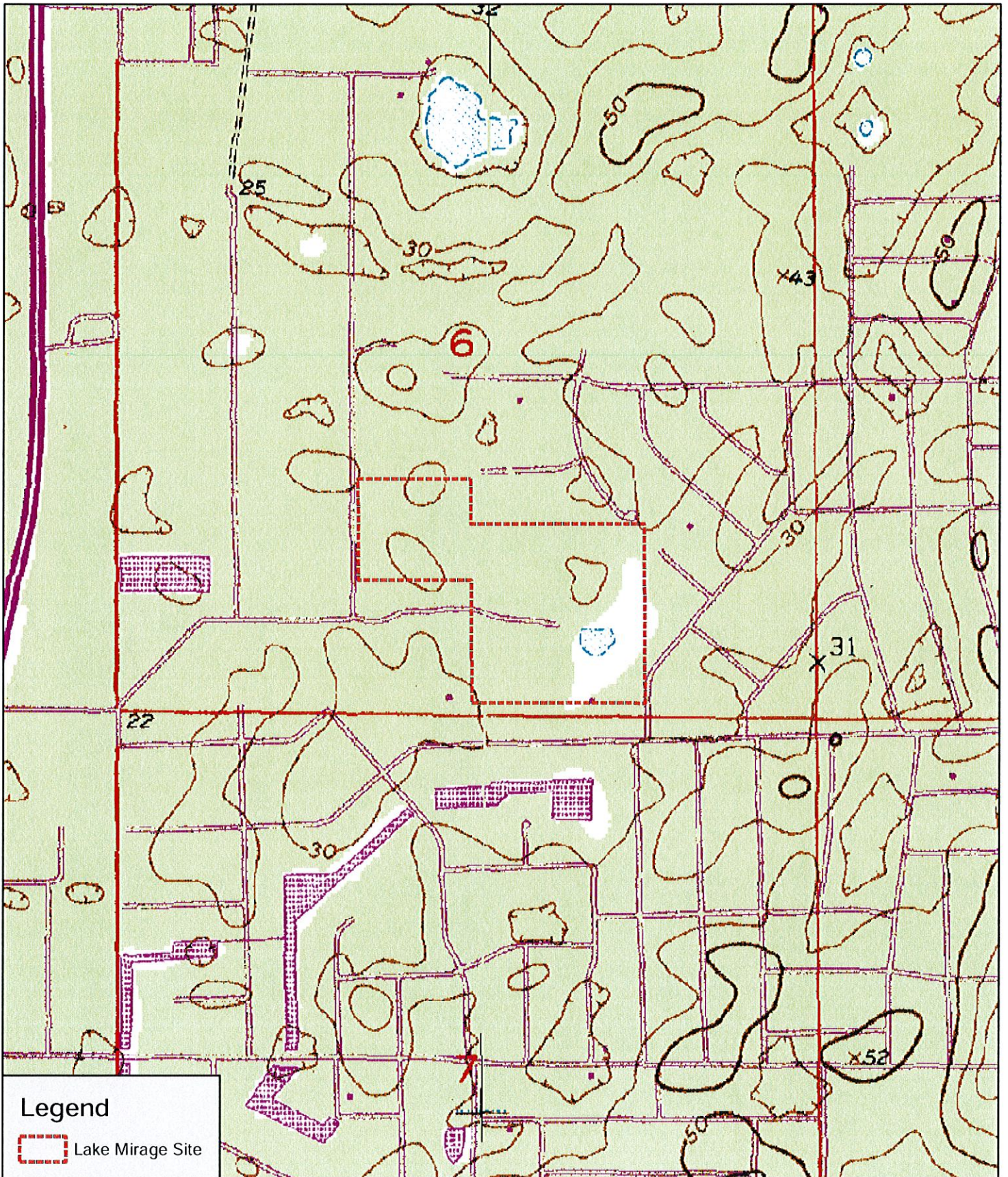
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**Bio-Tech Consulting Inc.**  
 Environmental and Permitting Services  
 3025 E. South Street Orlando, FL 32803  
 Ph 407-894-5969 Fax: 407-894-5970  
 www.bio-techconsulting.com


Lake Mirage Site  
 Hernando County, Florida  
 Figure 2  
 2022 Aerial Map



400  
 Feet  
 Project #:1241-17  
 Produced By: JDH  
 Date: 7/25/2023

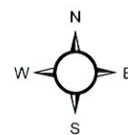


**Legend**

 Lake Mirage Site

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Lake Mirage Site  
 Hernando County, Florida  
 Figure 3  
 USGS Topographic Map




1,000 Feet  
 Project #:1241-17  
 Produced By: JDH  
 Date: 7/25/2023







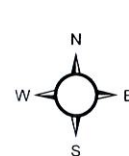
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**Legend**

 Lake Mirage Site

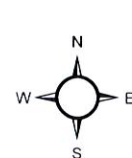
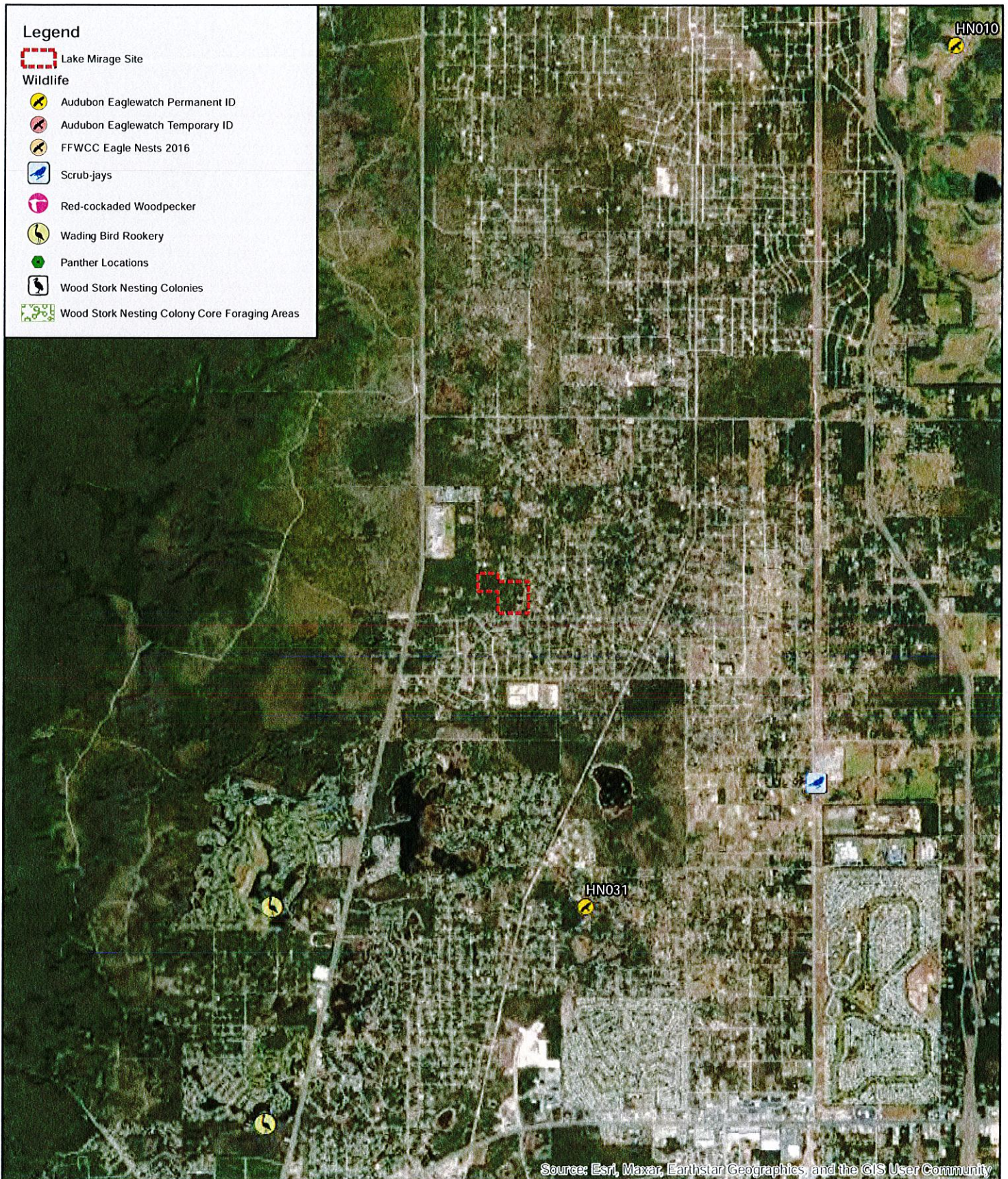
**Hernando County Soils**

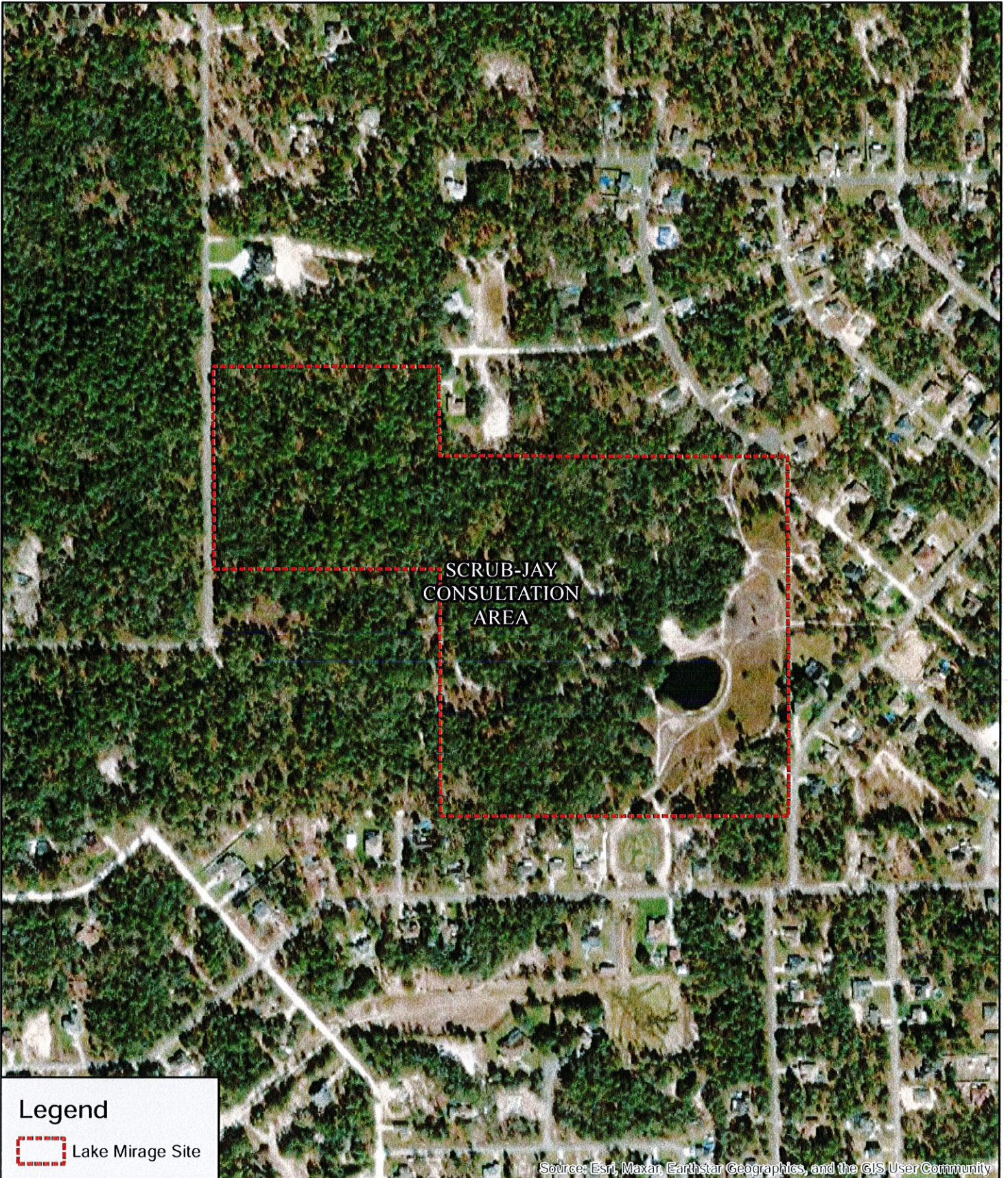
-  10: Basinger fine sand, depressional, 0 to 1 percent slopes
-  14: Candler fine sand, 0 to 5 percent slopes
-  49: Tavares fine sand, 0 to 5 percent slopes
-  99: Water











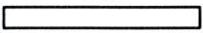
**Legend**


 Lake Mirage Site

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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Lake Mirage Site  
 Hernando County, Florida  
 Figure 7  
 USFWS Consultation Areas

500  
 Feet






Project #:1241-17  
 Produced By: JDH  
 Date: 7/25/2023



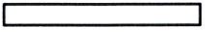
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

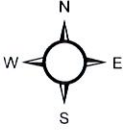
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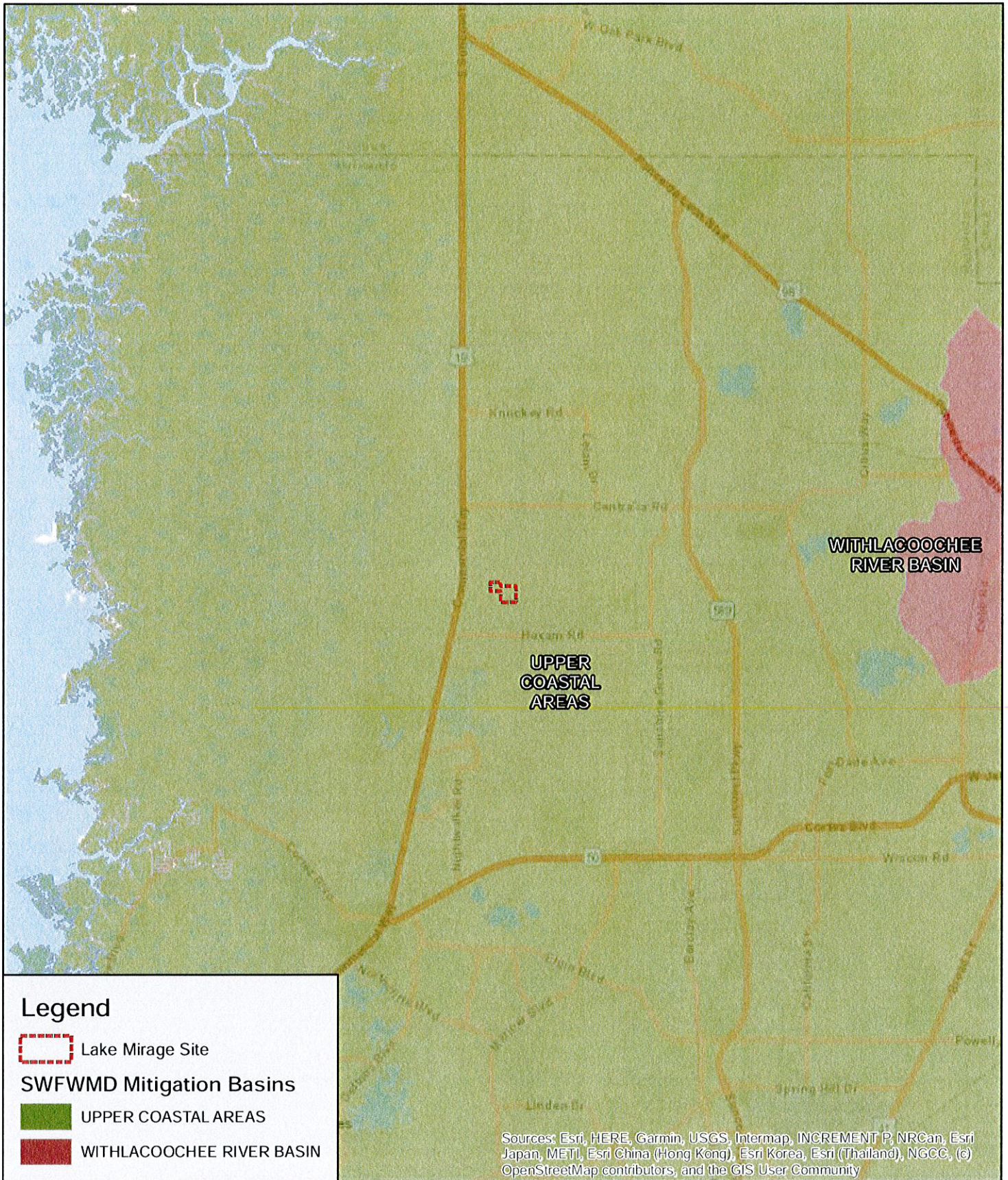
-  Lake Mirage Site
-  Freshwater Emergent Wetland
-  Freshwater Pond

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Lake Mirage Site  
 Hernando County, Florida  
 Figure 8  
 National Wetlands Inventory

400  
 Feet  
 Project #:1241-17  
 Produced By: JDH  
 Date: 7/25/2023

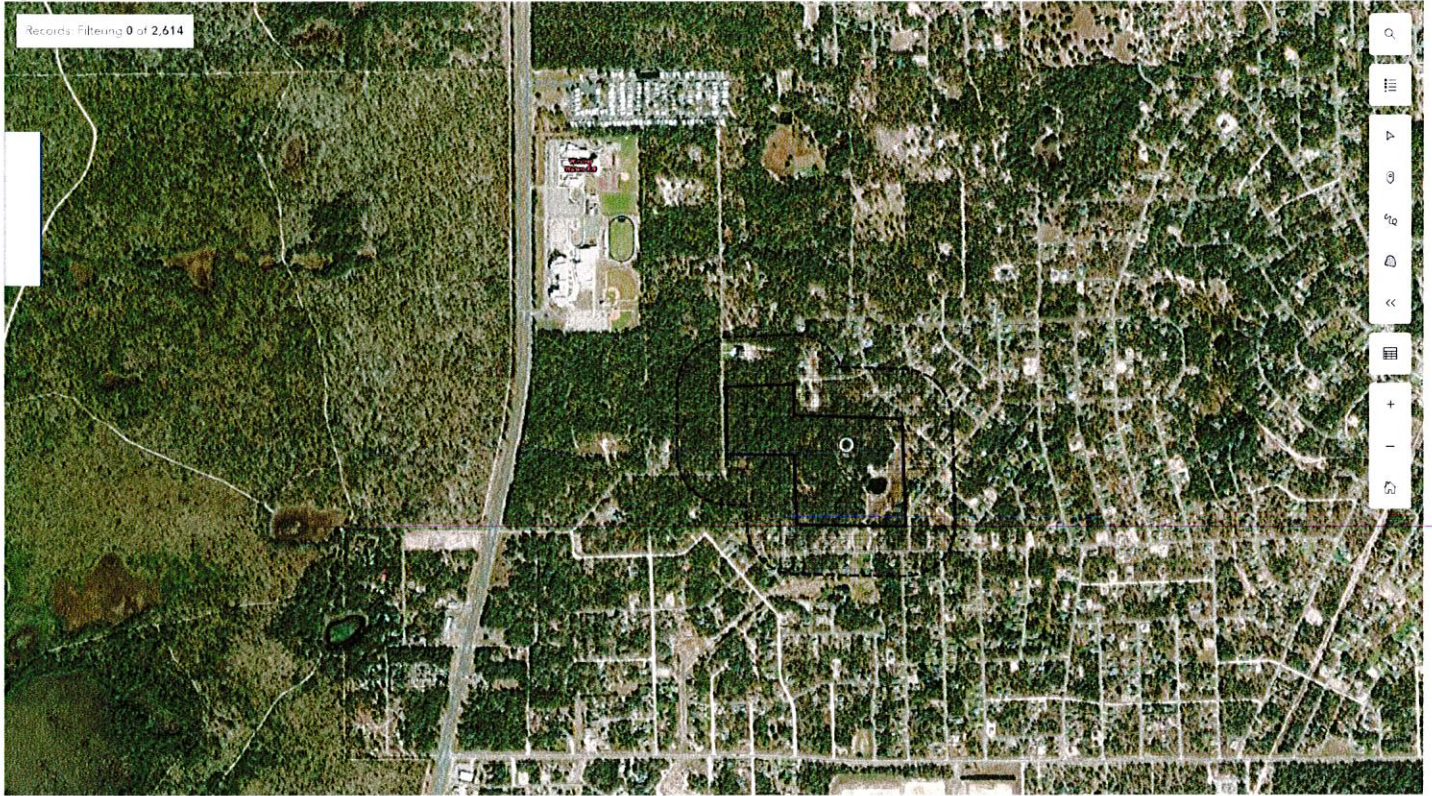




**Legend**

-  Lake Mirage Site
- SWFWMD Mitigation Basins**
-  UPPER COASTAL AREAS
-  WITHLACOOCHEE RIVER BASIN

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Data of Florida (Mapbox) | Fish and Wildlife Conservation Commission - Fish and Wildlife Research Institute | Esri, HERE, Garmin, IGC

Powered by Esri



Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Hernando County, Florida		
Scientific Name	Common Name	Federal Status	State Status
<b>REPTILES</b>			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Caretta caretta</i>	Loggerhead Sea Turtle	LT	FT
<i>Chelonia mydas</i>	Green Sea Turtle	LT	FT
<i>Dermochelys coriacea</i>	Leatherback Sea Turtle	LE	FE
<i>Drymarchon corais couperi</i>	Eastern Indigo Snake	LT	FT
<i>Gopherus polyphemus</i>	Gopher Tortoise	C	ST
<i>Lampropeltis extenuata</i>	Short-tailed Snake	N	ST
<i>Pituophis melanoleucus</i>	Pine Snake	N	ST
<b>BIRDS</b>			
<i>Ammodramus maritimus peninsulae</i>	Scott's Seaside Sparrow	N	ST
<i>Antigone canadensis pratensis</i>	Florida Sandhill Crane	N	ST
<i>Aphelocoma coerulescens</i>	Florida Scrub-Jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida Burrowing Owl	N	ST
<i>Egretta caerulea</i>	Little Blue Heron	N	ST
<i>Egretta tricolor</i>	Tricolored Heron	N	ST
<i>Falco sparverius paulus</i>	Southeastern American Kestrel	N	ST
<i>Mycteria americana</i>	Wood Stork	LT	FT
<i>Picoides borealis</i>	Red-Cockaded Woodpecker	LE	FE
<i>Platalea ajaja</i>	Roseate Spoonbill	N	ST
<b>MAMMALS</b>			
<i>Trichechus manatus</i>	West Indian Manatee	LT	FT
<b>VASCULAR PLANTS</b>			
<i>Adiantum tenerum</i>	Brittle Maidenhair Fern	N	E
<i>Agrimonia incisa</i>	Incised Groove-bur	N	T
<i>Asplenium erosum</i>	Auricled Spleenwort	N	E
<i>Asplenium pumilum</i>	Dwarf Spleenwort	N	E
<i>Blechnum occidentale</i>	Sinkhole Fern	N	E
<i>Campanula robinsiae</i>	Brooksville Bellflower	FE	E
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Coelorachis tuberculosa</i>	Piedmont Jointgrass	N	T
<i>Justicia cooleyi</i>	Cooley's Water-willow	FE	E
<i>Lechea cernua</i>	Nodding Pinweed	N	T
<i>Lechea divaricata</i>	Pine Pinweed	N	E
<i>Malaxis unifolia</i>	Green Adder's-mouth Orchid	N	E
<i>Matelea floridana</i>	Florida Spiny-pod	N	E
<i>Monotropsis reynoldsiae</i>	Pygmy Pipes	N	E
<i>Nolina brittoniana</i>	Britton's Beargrass	FE	E
<i>Pechluma dispersa</i>	Widespread Polypody	N	E
<i>Pechluma plumula</i>	Plume Polypody	N	E
<i>Pechluma pilota var. bourgeauana</i>	Comb Polypody	N	E
<i>Peperomia humilis</i>	Terrestrial Peperomia	N	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Pycnanthemum floridanum</i>	Florida Mountain-mint	N	T
<i>Schizachyrium niveum</i>	Scrub Bluestem	N	E
<i>Stylisma abdita</i>	Scrub Stylisma	N	E
<i>Triphora craigheadii</i>	Craighead's Nodding-caps	N	E

## FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.

LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

XN-Non-essential experimental population.

SC-Not currently listed, but considered a "species of concern" to USFWS.

N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

## STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service.

FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service.

FXN- Federal listed as an experimental population in Florida.

FT(S/A)- Federal Threatened due to similarity of appearance.

ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC\* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*\*\* State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

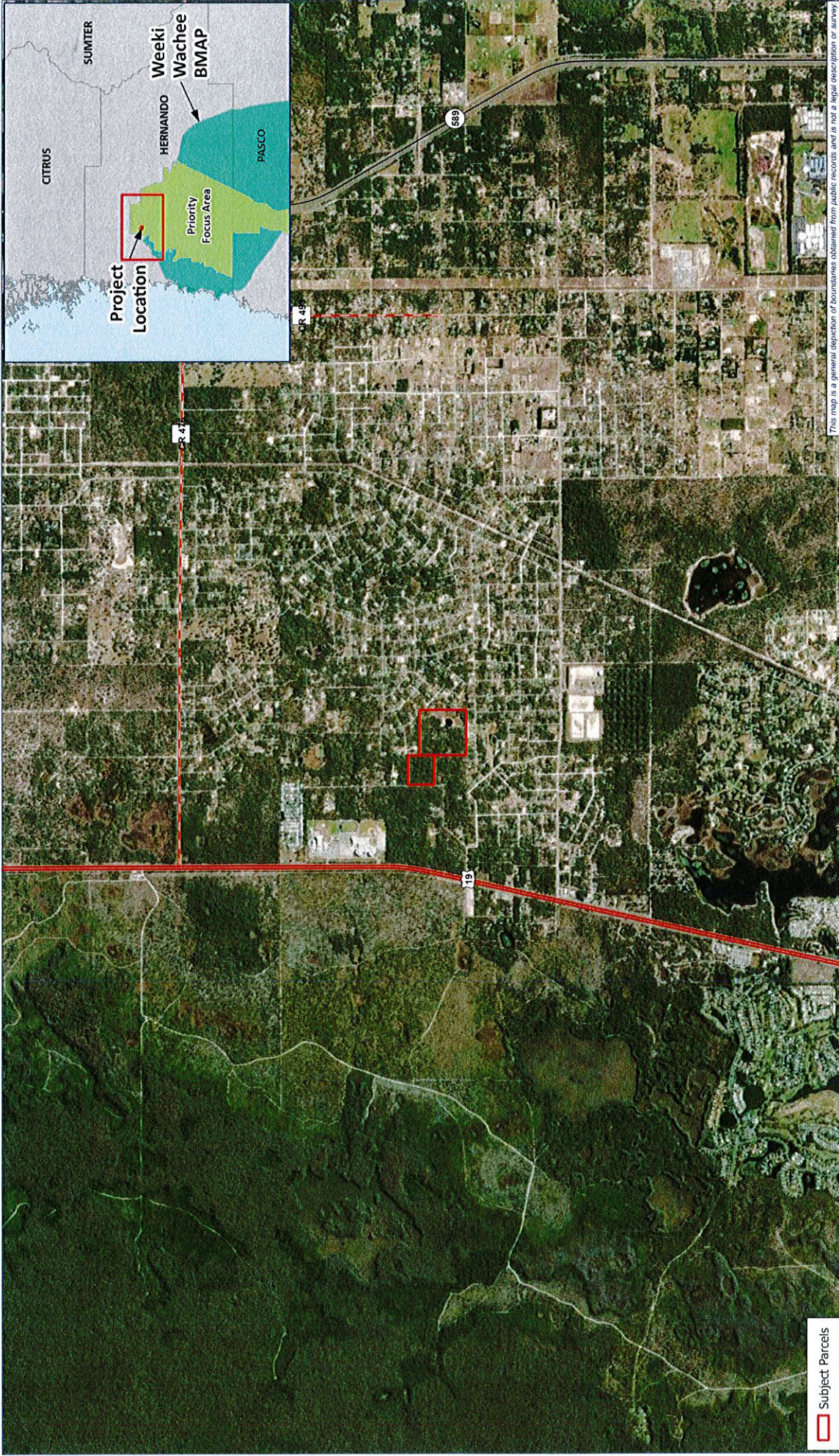
## STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue, includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

N-Not currently listed, nor currently being considered for listing.





This map is a general depiction of boundaries obtained from public records and is not a legal description of survey.

 Subject Parcels

TITLE

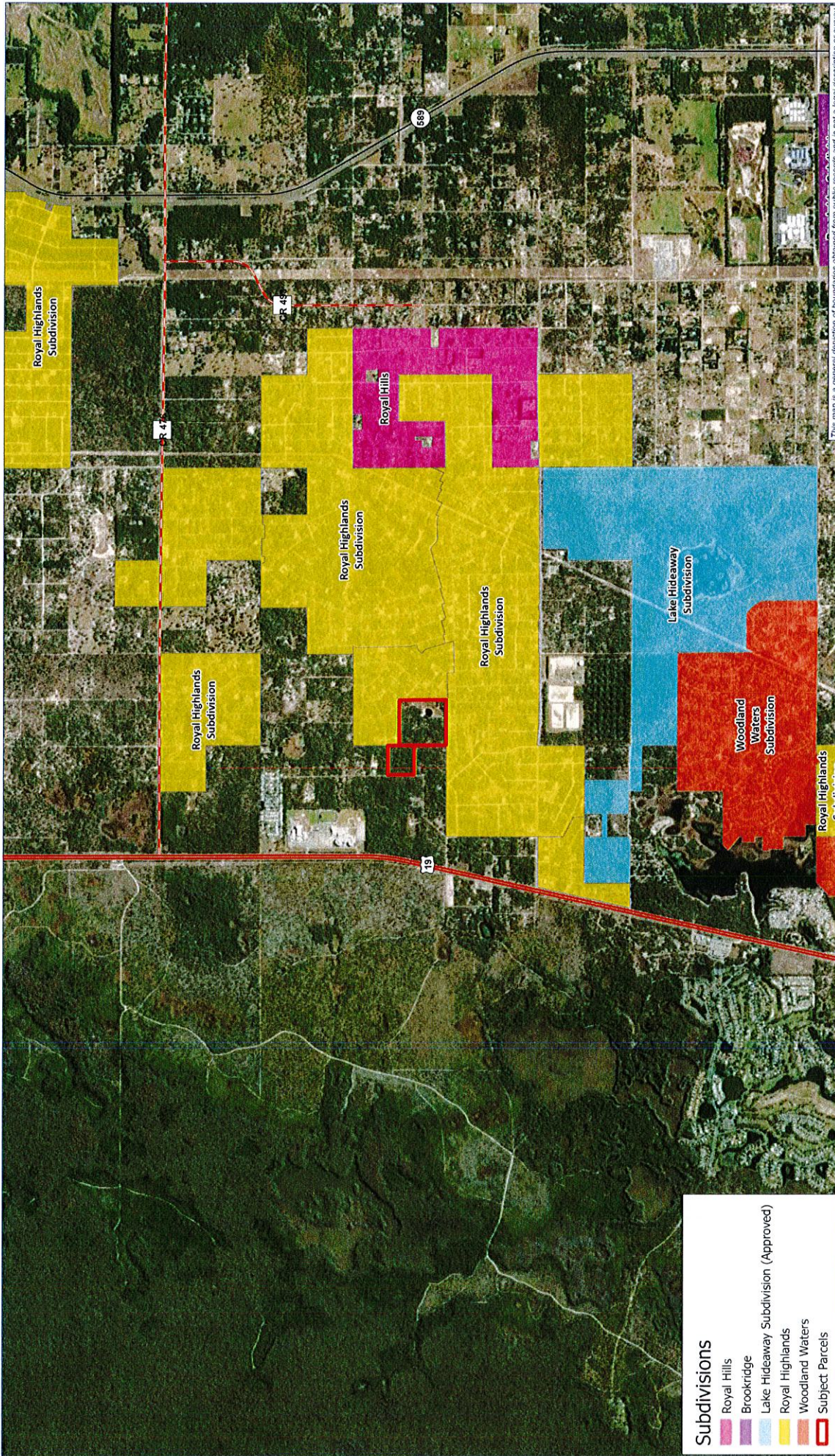
# Project Location



PROJECT:  
**Oak Development Group, LLC**  
**Lake Mirage CPA**  
 Hernando County, Florida

# STEARNS WEAVER MILLER

MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES



- Subdivisions**
- Royal Hills
  - Brookridge
  - Lake Hideaway Subdivision (Approved)
  - Royal Highlands
  - Woodland Waters
  - Subject Parcels

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

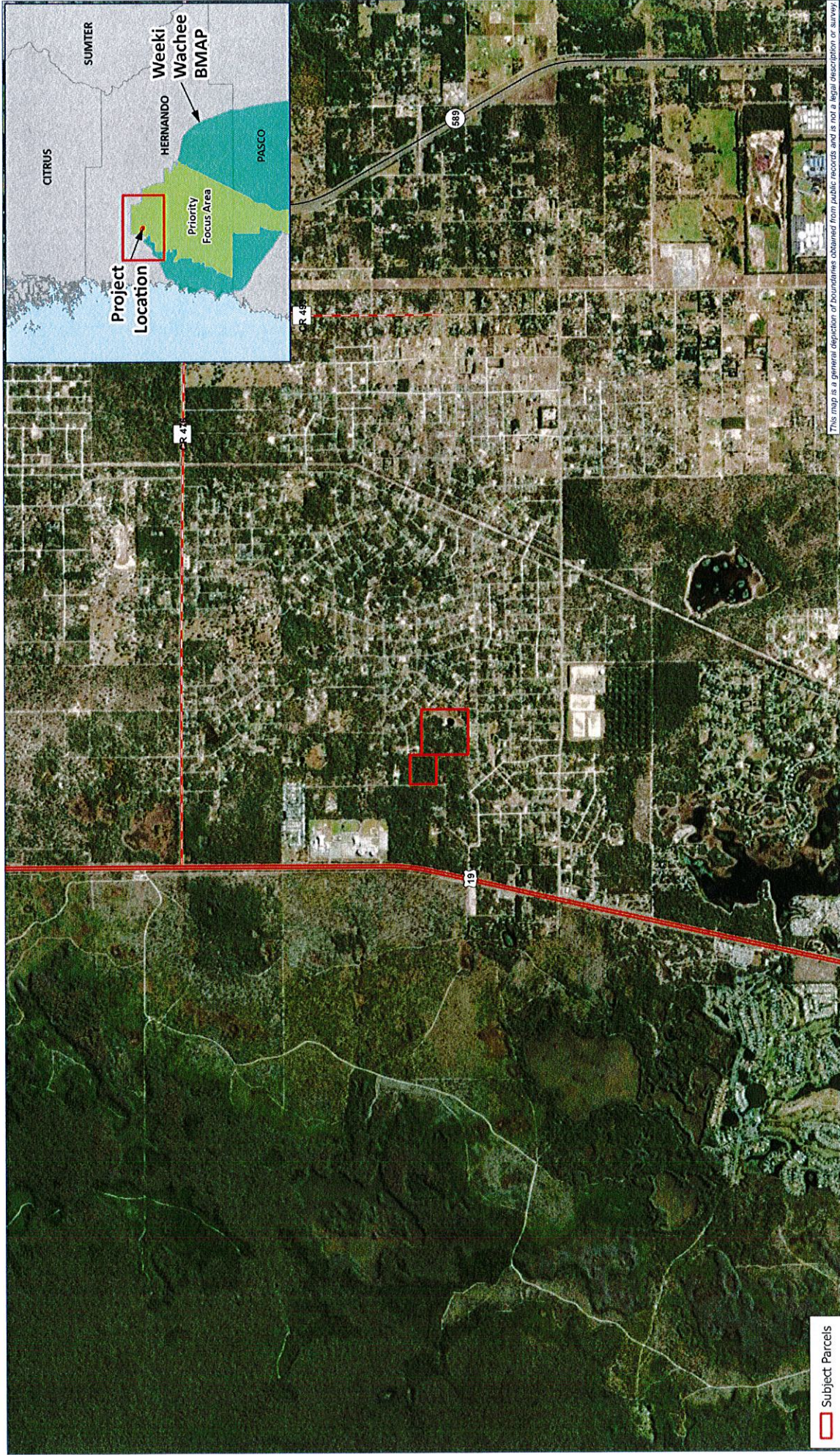
PROJECT: Oak Development Group, LLC  
Lake Mirage CPA  
Hernando County, Florida



**Surrounding Development**

TITLE:

**STEARNS WEAVER MILLER**  
MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES



This map is a general depiction of boundaries obtained from public records and is not a legal description of property.

**Project Location**

**Subject Parcels**

**PROJECT:**  
**Oak Development Group, LLC**  
**Lake Mirage CPA**  
 Hernando County, Florida

**SCALE:**  
 1 in = 2,500 ft  
 0 1,250 2,500 5,000  
 Feet  
 Map Date: Aug-01-2023 By: J. Haldeman

**STEARNS WEAVER MILLER**  
 MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES