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STACY M. BUTTERFIELD,  
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**FIFTH RESTATED AND AMENDED  
DEVELOPMENT ORDER FOR PROVIDENCE  
A DEVELOPMENT OF REGIONAL IMPACT  
DRI 90-04**

**Resolution 14- 019**

A RESOLUTION ADOPTING A FIFTH RESTATED AND AMENDED DEVELOPMENT ORDER FOR THE PROVIDENCE DEVELOPMENT OF REGIONAL IMPACT (DRI) PURSUANT TO THE REQUIREMENTS OF SECTION 380.06, FLORIDA STATUTES.

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

WHEREAS, the Board adopted a Development Order with conditions of approval on October 16, 1990 for the Oak Hills Estates Development of Regional Impact which was recorded in Official records Book 2905, Page 2072, Public Records; and

WHEREAS, the Board received proposed changes to the Development Order from the Oak Hills Estates Partnership on May 25, 1994 and July 25, 1994. The Board held a public hearing pursuant to section 380.06 Florida Statutes on August 16, 1994, and determined that the proposed changes presented at the public hearing did not constitute a substantial deviation from the adopted Development Order and the proposed amendments to the development conditions were adopted; and

WHEREAS, on July 27, 1998, the Oak Hills Estates Partnership submitted an Application for Development Approval on a Substantial Deviation in accordance with Section 380.06 Florida Statutes to the Central Florida Regional Planning Council (CFRPC). The Substantial Deviation requested full approval of Phase II and III; a shift in the timing of commercial development between phases; rerouting the northernmost entrance on US 17-92 through Commercial Tract A to Kinny Harmon Road; the establishment of new build-out dates for the three project phases; and a new termination date; and

WHEREAS, on December 1, 1998 the CFRPC advised the Polk County Board of County Commissioners that the CFRPC had completed the review for informational sufficiency of the Oak Hills Estates Development of Regional Impact Substantial Deviation and found the application sufficient for review; and

WHEREAS, the Board, on April 6, 1999 in regular session, pursuant to Section 380.06, Florida Statutes, after having considered the report and recommendations of the CFRPC, the Polk County Planning Staff; and the documents and comments upon the record made before the Board, determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a First Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through April 6, 1999; and

WHEREAS, on October 18, 2002, the Oak Hills Estates Partnership submitted a Notice of Proposed Change to extend the build out dates for each phase of development by five years (the "2002 NOPC"); and

WHEREAS, on December 18, 2002 in regular session, pursuant to Section 380.06, Florida Statutes, after having considered the report and recommendations of the Polk County Planning staff; and the documents and comments upon the record made before the Board determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a Second Restated and Amended Development Order cumulatively incorporating all changes to the Development Order through December, 2002; and

WHEREAS, a scrivener's error was made on page 5 by leaving the letter "K" and should be "A" by "Condition One" and on page 6 stating that the buildout date for Phase II was 20013 rather than 2013 in the December 18, 2002 Development Order; and

WHEREAS, on March 19, 2003, the Board of County Commissioners approved the correction on the Consent Agenda; and

WHEREAS, on February 4, 2003, the Oak Hills Estates Partnership submitted a Notice of Proposed Change (the "2003 NOPC"). The 2003 NOPC included a new proposed site plan which modified the sizes and shapes of the various development parcels, the locations of certain roadways, and the phasing. Furthermore, it provided for revised build-out dates as follows: Phase 1 – December 31, 2008, and Phase 2 – December 31, 2013. Finally, the NOPC provided for a complete rewrite of "Condition 3: Transportation" so that the transportation condition would be consistent with the Traffic Impact Study prepared and submitted with the 2003 NOPC.

WHEREAS, the Board held a public hearing pursuant to Section 380.06 Florida Statutes on May 7, 2003 and determined that the proposed changes presented at the public hearing do not constitute a substantial deviation from the adopted Development Order and the Board also determined that the proposed changes be approved and that the amendments to the development conditions be adopted in the form of a Third Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through May 7, 2003; and

WHEREAS, the Board, on May 7, 2003 conducted a duly noticed public hearing for the issuance of a Development Order and, during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both oral and written, from local, state and regional agencies and interested citizens concerned with the issuance of Development Order by Polk County for Oak Hills Estates.

WHEREAS, on July 28, 2003, Applied Building Development Company - Oakhills, Inc., a Florida corporation ("ABD"), purchased the real property which is the subject of the Development Order. By virtue of that transaction, ABD became the Declarant/Developer of the Oakhills Estates DRI hereunder and obtained all rights described in the Development Order; and

WHEREAS, on June 7, 2004, ABD submitted a Notice of Proposed Change (the "2004 NOPC"). The 2004 NOPC included a new proposed site plan which modified the sizes and

shapes of the various development parcels and the locations of certain roadways and changed the name of the Oakhills Estates DRI to "Providence DRI."

WHEREAS, the Board held a public hearing pursuant to Section 380.06 Florida Statutes on September 21, 2004 and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through September 21, 2004.

WHEREAS, on November 14, 2013, ABD submitted a Notice of Proposed Change to the Development Order to extend the buildout dates for Phase I & II of the DRI.

WHEREAS, the Board held a duly noticed public hearing on March 4, 2014, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through March 4, 2014.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. FINDING OF FACT**

A. Oak Hills Estates Partnership, a Florida general partnership, hereinafter referred to as the "Developer") submitted an Application for Development Approval to the Central Florida Regional Planning Council (hereinafter referred to as CFRPC) and Polk County on the 7<sup>th</sup> day of December 1989 and additional information on the 22<sup>nd</sup> day of March, 1990, which application and additional information (hereinafter referred to as the "ADA", and incorporated herein by reference) were deemed sufficient for final review on June 12, 1990 by the CFRPC.

B. The ADA proposed a mixed-use development to be completed in three five-year phases, including hotel, residential, golf course, shopping center, elementary school, and conservation and open space, all of which will hereinafter be referred to as the "Project".

C. The real property which is the subject of this ADA is located within Polk County and contains approximately 2215 (+) acres as more particularly described in the ADA and the attached **Exhibit "A"** (hereinafter referred to as the "Property").

D. The Project is not located within an Area of Critical State Concern as defined in Section 380.05, Florida Statutes ("F.S.")

E. On September 5, 1990, the CFRPC conducted a duly noticed public hearing pursuant to Section 380.06 F.S., and on September 14, 1990, transmitted to Polk County its written recommendations concerning the issuance of a Development Order (hereinafter referred to as "CFRPC Report").

F. The CFRPC Report recommended final approval of Phase I and Conceptual Approval of Phases II and III of the Project.

G. The data and information in the ADA is sufficient to enable Polk County to consider and issue a Development Order.

H. The staff of Polk County reviewed the ADA and the recommendation of the CFRPC. The Staff concurred with ADA and the recommendation of the CFRPC. The staff concurred with the CFRPC Report regarding final development approval of Phase I and Conceptual Approval of Phases II and III.

I. On September 18, 1990, the Board of County Commissioners of Polk County convened a public hearing to consider the ADA, and comments from the public and the-Oak Hills Estates Partnership.

J. The existing and planned public utilities to be made available to the Project in accordance with the information in the ADA are adequate to service the Project.

K. Oak Hills Estates Partnership proposed changes to the Board on May 25, 1994 which changes were amended on July 25, 1994.

L. The Board held a public hearing on August 16, 1994 pursuant to Section 380.06(19), Florida Statutes and determined that the proposed changes did not constitute a substantial deviation from the previously adopted Development Order.

M. The Board on August 16, 1994, approved revisions to the Master Site Plan, Map H:

N. On July 27, 1998, Oak Hills Estates Partnership submitted an Application for Development Approval for a Substantial Deviation. The Staff of Polk County reviewed the Application For Development Approval of a Substantial Deviation (found sufficient for review by the CFRPC) and the CFRPC staff report dated January 15, 1999 containing the recommendations of the CFRPC. The staff concurred with the CFRPC report regarding final development approval of Phases I, II and III.

O. The Board of County Commissioners approved the Application for Development Approval on April 6, 1999 and issued the First Restated and Amended Development Order pursuant thereto.

P. The Oak Hills Estates Partnership submitted a Notification of Proposed Change dated October 18, 2002 proposing changes to the Development Order (the "2002 NOPC").

Q. The Board held a public hearing on December 18, 2002 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record,

determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into the Second Restated and Amended Development Order.

R. The Oak Hills Estates Partnership submitted a Notification of Proposed Change dated February 4, 2003 proposing changes to the Development Order (the "2003 NOPC"). The 2003 NOPC provided a new proposed site plan which modified the sizes and shapes of the various development parcels, the locations of certain roadways, and the phasing. Furthermore, it provided for revised build-out dates as follows: Phase 1 – December 31, 2008, and Phase 2 – December 31, 2013. Finally, the 2003 NOPC provided for some general changes and a complete rewrite of "Condition 3: Transportation" so that the transportation condition would be consistent with the Traffic Impact Study prepared and submitted with the 2003 NOPC.

S. The Board held a public hearing on May 7, 2003 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record, determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into the Third Amended Restated Development Order.

T. On July 28, 2003, Applied Building Development Company - Oakhills, Inc., a Florida corporation, purchased the real property which is the subject of the Development Order, and became the Declarant/Developer hereunder and obtained all rights described in the Development Order.

U. Applied Building Development Company - Oakhills Estates, Inc., a Florida corporation, hereinafter referred to as the "Developer" submitted a NOPC dated June 3, 2004 proposing changes to the Development Order (the "2004 NOPC"). The 2004 NOPC provided a new proposed site plan which modified the sizes and shapes of the various development parcels and the locations of certain roadways and also changed the name of the Oakhills Estates DRI to "Providence DRI."

V. The Board held a public hearing on September 21, 2004 in regular session pursuant to Section 380.06, F.S., and after having considered the report and recommendations of the Polk County Planning staff, and the documents and comments made upon the record, determined that the proposed changes did not constitute a substantial deviation and should be approved and incorporated into this Fourth Restated Amended Development Order.

W. On November 14, 2013, ABD submitted a Notice of Proposed Change to the Development Order to extend the buildout dates for Phase I & II of the DRI. The request included a recognition of the four year extension granted by SB 360 & SB 1762 in 2009, the four year extension granted by the Legislature in 2011, and States of Emergency declared by the governor in 2011, and two additional years requested by the developer.

X. The Board held a duly noticed public hearing on March 4, 2014, pursuant to Section 380.06 Florida Statutes and determined that the proposed changes presented at the public hearing did not constitute a Substantial Deviation from the adopted Development Order and that the amendments to the development conditions be adopted in the form of a Restated and

Amended Development Order for Oak Hills Estates cumulatively incorporating all changes to the Development Order through March 4, 2014.

**SECTION 2. CONCLUSIONS OF LAW**

A. Polk County's review of the Project and the issuance of this Fourth Restated and Amended Development Order have been conducted pursuant to, and comply with, the provisions of Chapter 380, F.S.

B. The ADA and the subsequent Application for Development Approval of a Substantial Deviation, and the subsequent NOPCs, comply with the requirements of Section 380.06, F.S., and Section 9J-2, Florida Administrative Code.

C. The development activities of Phase I, and II as described in the NOPC dated March 4, 2014, shall be subject to the terms and conditions of this Fifth Restated and Amended Development Order and shall not be subject to future development of regional impact review, pursuant to Section 380.06, F.S. (As amended), unless a proposed change or failure of condition constitutes a substantial deviation, pursuant to Section 380.06, F.S., (as amended), or the provisions of this Development Order. The DRI boundary shall remain as described in the ADA and in **Exhibit "A"** attached hereto.

D. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the Developer, and subsequent property owners affected by this Order and their successors, assigns and grantees.

E. The Polk County, Florida, Director of Community Services Director, or his designee, shall be the local government official responsible for assuring compliance with this Development Order.

F. This Development Order constitutes acceptance of the proposed uses, size, type and intensity of the Project. Development shall occur strictly in accordance with this Development Order and all other applicable regulations.

G. Unless otherwise provided herein, governing regulations, rules, ordinances, fee schedules, maps, permits and jurisdictional determinations regarding design, improvements, exactions, construction standards and specifications, applicable to development of the Project, shall be those rules, regulations, and official policies enforced at the time of adoption of this Development Order.

H. The conditions contained in SECTION 3 hereof constitute reasonable mitigative techniques that address the reasonably anticipated impacts on the Project.

I. The Project conforms to and is consistent with the duly adopted Polk County Comprehensive Plan, and local land development regulations.

J. The Project conforms to and is consistent with the applicable provisions of the adopted Regional Comprehensive Policy Plan and the State of Florida Land Development Plan.

K. This Development Order is consistent with all the CFRPC reports issued from time to time regarding the ADA and the July 27, 1998 Application for Development Approval of a Substantial Deviation and the Notices of Proposed Changes filed in 2002, 2003, 2004 and 2013. In the event of any inconsistencies between any previously recorded development orders and this Fifth Restated and Amended Development Order, the terms of this document shall prevail.

**SECTION 3. CONDITIONS OF APPROVAL**

In accordance with Chapter 380.06, Florida Statutes, the Providence Development of Regional Impact is hereby approved subject to the following conditions.

**A. CONDITION ONE: Scope of Approval**

1. **Map H** - The Master Development Plan (Map H) for Providence, attached as **Exhibit “B”**, illustrates the project and incorporates the changes described in the Notice of Proposed Change dated June 3, 2004 including the modification of the locations and configurations and sizes of roads, tracts, development “pods”, golf course, clubhouse, and other improvements. Map H shall be provided in the Annual Report along with final square footage, acreage and unit totals for each neighborhood as they develop; the square footage, acreage and unit totals for each neighborhood may increase or decrease based on final engineering, so long as the final totals in Phase I and Phase II do not increase. The Project shall be developed in accordance with Map H attached hereto as **Exhibit “B”** and in accordance with the following phasing schedule (Table 1):

<b>Table 1</b>			
<b>LAND USE</b>	<b>PHASE I<sup>1</sup></b>	<b>PHASES II<sup>1</sup></b>	<b>TOTAL DEVELOPMENT</b>
Single Family	1,431 Dwelling Units	716 Dwelling Units	2,147 Dwelling Units
Multi-Family <sup>2</sup>	617 Dwelling Units	2,097 Dwellings Units	2,714 Dwelling Units
Commercial <sup>3</sup>	135,000 Square Feet	180,000 Square Feet	315,000Square Feet
Golf Course w/club house	76 ± acres	63.04 ± acres	139.04 ± acres
Elementary School	24.5 acres (Existing)		24.5 acres (Existing)
<sup>1</sup> Other Miscellaneous uses as listed on Map H such as lakes, major ROW, conservation, utility, and lakes <sup>2</sup> Multi-family includes townhouses and apartments <sup>3</sup> Commercial includes only commercial and retail uses as permitted in the Community Activity Center (CAC) Future Land Use designation.			

2. **Pedestrian Connections** - Pedestrian interconnectivity access shall be provided between tracts N-5, N-6 and N-8, as well as between tracts N-1, N-5 and the Loughman Elementary School. Verification of the approval of the interconnectivity between tracts N-6, N-8

and any easement holder(s) shall be submitted to the County prior to Level 2 Planned Development approval. If that approval is not granted, then the interconnectivity between N-6 and N-8 shall not be required. In addition, tracts N-3 and N-26 shall have a pedestrian interconnectivity access to N-27; said access is not required to be paved.

3. **Consistency** - The ADA, the July 27, 1998 Application for Development Approval of a Substantial Deviation, the Sufficiency Response, the Notices of Proposed Changes described above, and all other documentation provided by the Applicant are adopted by reference as part of this Development Order. The Project shall be developed in accordance with the 2004 NOPC, the conditions of this Development Order, and the Polk County Comprehensive Plan and the Land Development Code

4. **Phasing Dates** - The buildout dates for the two phase areas as shown on Revised Map H are as follows:

Phase I	November 21, 2019
Phase II	November 21, 2024

5. **Short Term Rental** - The applicant may be permitted to have Short Term Rental units through the approval of a Planned Development and according to the following conditions:

- a. The construction plans (Level 2 Review) and the plat (Level 5 Review) for any subdivision shall contain a conspicuous note that short-term rentals are allowed within the subdivision. No subdivision shall be a mix of short term rental units and permanent residents.
- b. The deed restrictions for the subdivision or instruments similar in function to deed restrictions shall indicate that short-term rentals are allowed within the subdivision and shall set forth the definition of "short-term rental".
- c. A document to be entitled "Notice of Short-Term Rentals," as set forth, shall be recorded in the public records, separate from the deed restrictions or instruments similar in function for the subdivision. A copy of the recorded Notice shall be provided to the Polk County Development Services Division within ten days of approval of the subdivision plat by the Board of County Commissioners or prior to the sale of any lots within the subdivision, whichever occurs first. In addition, the Notice shall be posted in a conspicuous place in the sales office for the subdivision, if any, and be included in all sales literature for the subdivision.
- d. The applicant shall provide written notice to any prospective purchaser that short-term rentals are allowed within the subdivision.
- e. The applicant shall ensure that the management company operating within a subdivision shall provide a 24 hour phone number to the Development Services Division.

6. **Matrix** - The Developer may increase or decrease the amount of a particular land use approved herein by using the conversion table as described in Exhibit attached hereto and by this reference made a part hereof, which is based upon net external p.m. peak hour, peak directional Project traffic (Conversion Matrix). Use of the Conversion Matrix 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, F.S., unless the Consolidated Amended Development Order is amended to accommodate such a change. Greater changes than those discussed above, considered cumulatively, 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), CFRPC, 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 Property impacts documented in the annual report. Any future Notifications of Proposed Change (NOPC) shall incorporate any changes due to the use of the Conversion Matrix.

**B. CONDITION TWO: Environment and Natural Resource**

1. **Surface Water and Wetland Mitigation** - The surface water management system and wetland mitigation, as proposed in the ADA, shall be constructed in accordance with the applicable Water Management District Policies and Guidelines in effect at the time the Development Order is adopted. Under no circumstances shall post-development peak run-off rate exceed pre-development peak run-off rate. The permitted and constructed surface water management systems shall be operated and maintained in accordance with permit conditions.

2. **Xeriscape** - Xeriscape landscaping and water conservation landscaping techniques shall be used on the project site. Exotic species, such as Brazilian Pepper, shall be eliminated if found on-site.

3. **Potable Water Conservation** - For the purpose of potable water conservation, the DRI shall utilize low volume plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices.

4. **Final Storm Water Management System** - Prior to the final design of the storm water management system a detailed analysis of the off-site drainage area shall be conducted to assure adequate flow capacity through the project site to Reedy Creek for pre-development flows.

5. **Upland Buffers** - Buffer areas of native upland vegetation with a minimum width of 25 feet shall be retained around all wetlands. Upland buffers between on-site wetlands, marshes, rivers and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

6. **NW Corner Forested Wetland** - The large forested wetland in northwest corner of the property shall be retained in its current configuration, with appropriate upland buffers as depicted on Map H. The isolated wetlands in the area of commercial B parcel, of the July 13, 1990 version of the Master Plan, shall be reincorporated into the development plan.

7. **Unavoidable Losses of Wetlands** - Unavoidable losses of wetlands must be mitigated through creation of wetlands or restoration of wetlands within the same watershed and in accordance with adopted rules and policies of the County and the Districts. Wetlands to be created shall be located conterminously with one or more major habitat area to be preserved so as to provide a continuity or expansion of natural areas. Where possible, wetland creation should take advantage of areas of the site that may have been historic wetlands. These areas are likely to contain suitable soils and elevations, thus less contouring and planting of species would be needed and the potential for success would be increased. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetlands mitigation.

8. **Pervious Surface Pavement** - Where feasible pervious-surface pavement for parking areas shall be utilized to facilitate ground-water recharge and to reduce surface-water runoff.

9. **Utilities** - The Property shall be connected to the potable water and wastewater services provided by Polk County Utilities, which currently has in place a capital improvements plan which includes the Property. If potable water wells are to be located on site, the location and use shall be consistent with the Polk County Comprehensive Plan and the Land Development Code. The applicant shall develop a water conservation plan which shall, at a minimum, employ water conservation measures including but not limited to irrigation, re-use water, potable water issues, landscaping materials, and water conservation devices, and shall send notices or advertisements to residents, renters, hotel guests, persons employed within the Property. This plan shall be submitted with the first Level 2 Review and shall include the review of the Polk County Utilities Division and Polk County's Water Resources Coordinator, and the Central Florida Regional Planning Council.

The Property shall be connected to Polk County's re-use water system for irrigation, and such re-use water shall be utilized for irrigation, if available in sufficient quantity to meet the demand of the Property and at the times required by development on the Property. If Polk County's re-use system is not available, the Applicant shall install a dry-line system for future connection when available. Notwithstanding the above, irrigation wells may be utilized as a back up system to meet the irrigation needs of the Property if the re-use water from Polk County's re-use water system is not available in sufficient quantities to meet the needs of the development on the Property. Owners of individual tracts within the Property may install irrigation wells within said tract to meet the needs of said tract(s) as a back up system to meet the irrigation needs.

10. **Master Drainage System** - The design of the master drainage system shall maintain the existing natural hydroperiod of any wetlands which are incorporated into the overall drainage system. The applicant shall provide accurate documentation of the natural hydroperiod of the subject wetlands to the CFRPC for review and comment to the Water Management District. All construction permit applications to the Water Management District shall be copied to the CFRPC.

11. **Discharge Into On-site Wetlands** - Any drainage outfalls from on site retention/detention ponds which discharge into on-site wetlands shall be discharged directly into a marsh system created adjacent to existing wetlands. This created marsh area may be located within the buffer adjacent to on-site wetlands. The buffer area may be altered to accommodate the marsh creation area however, such alteration shall not exceed 25% of the linear distance of the buffer. Storm water flows through the marsh system shall be regulated in a manner to maximize water quality improvement.

12. **Compatibility with Reedy Creek** - Detailed design of the project shall be compatible with the valuable wildlife corridor and habitat that the Reedy Creek system provides. Road impacts and development, in the vicinity of this system, shall minimize wetland destruction. Upland buffers shall be in proportion to the sensitive qualities of this major regional wildlife corridor.

13. **Conceptual Permit Application** - At the time of Conceptual Permit Application, the Applicant shall provide a detailed wetland delineation of Phase I wetlands, including identification of those to be impacted by the proposed project, for field staking and verification by District staff. The application shall also include a detailed mitigation and monitoring plan which is consistent with the final wetland delineations and District criteria.

14. **Golf Course Development** - Prior to development of any golf course, the Applicant shall develop an integrated Chemical Management Plan (CMP) as a component of the golf course design process. The CMP shall be submitted to the Water Management District, CFRPC, Polk County and Florida Fish and Wildlife Conservation Commission for review. Following review, the CMP shall be subject to approval by the SFWMD and CFRPC and Polk County. The CMP shall appropriately address the utilization of fertilizers, fungicides, herbicides, pesticides, insecticides, etc., including: application, storage and handling, cleaning procedures, quality control and assurance procedures, and golf course management methods and procedures. In addition, annual monitoring of the adjacent wetland areas specifically related to bottom sediment sampling to determine any potential buildup of such chemicals shall be performed. The protocol for the monitoring program shall be a part of the CMP.

15. **Sandhill Crane Nests** - Any sandhill crane nests shall be protected by a buffer with a 300 foot radius between it and any landscaping or buildings. The existing nest shall be checked at least once a week during the nesting season (January through April), and if evidence of nesting is found, the buffer area will immediately be marked to warn people to remain out of the buffer zone until the nest area has been abandoned for that season. The checking of the nests shall be summarized in the Annual Report.

16. **Turkey Oak Scrub** - A minimum of 55 contiguous acres of turkey oak scrub shall be set aside as an upland wildlife preserve for scrub jays and gopher tortoises and their commensals. The configuration of this preserve is outlined on the July 13, 1990, Conceptual Environmental Management Plan and is designed to accommodate the reported locations of all of the scrub jays on the site. The acreage to be considered in this upland preserve will not include any jurisdictional wetlands, nor will it include the "Wildlife Corridor" consisting of the golf course, out parcels, or wetlands east of the out parcel.

17. **Gopher Tortoises and Commensals** - Gopher tortoises and commensals from the pasture adjacent to the scrub will be relocated in a manner approved by the Florida Fish and Wildlife Conservation Commission or pursue any other approach available as permitted by state statute and/or federal law.

18. **Oak Hills Estates Wildlife Management Plan** - The applicant shall implement the Oak Hills Estates Wildlife Management Plan, dated October 1990 for the upland preserve in order to improve and maintain its value for the scrub jays and gopher tortoises. The Management Plan, as approved by Florida Fish and Wildlife Conservation Commission (or the Florida Game and Fresh Water Fish Commission at the time of the approval) and CFRPC, is attached hereto as **Exhibit "C"**, and by reference made a part hereof.

**C. CONDITION THREE: TRANSPORTATION**

1. **Phasing** - For the purpose of the transportation recommendations, the Project shall be divided into the following phases (p.m. peak hour trips):

Phase	Per Phase	Cumulative
I	1945 per PM peak hour trips	1945
II	2355 per PM peak hour trips	4300

No development can occur which would generate more than 1,945 total p.m. peak hour trips, or 1,010 peak hour trips into the site, or 935 peak hour trips out of the site, without additional monitoring and modeling study as described hereunder.

2. **Annual Monitoring for Phase I** - An annual traffic monitoring program will be prepared and performed in accordance with a methodology to be developed in conjunction with the Region, FDOT, Polk County TPO. The annual traffic monitoring program shall be submitted as part of the annual report and be continued until the buildout of the Oak Hills Estates DRI.

a. The following intersections in Table 2, for Phase I, shall be evaluated as a part of the annual monitoring report to ensure level of service standards are maintained. No other intersections or interchanges or roadway links will be evaluated for Phase I.

<b>Table 2 OAK HILL ESTATES Recommended Phase I Intersections Improvements</b>	
Intersection	Improvements
US 17-92 and CR 54	Signalize when warranted Auxiliary lanes: NB Lt NB Rt SB Lt EB Rt WB Lt WB Rt
CR 547 and CR 54	Signalize when warranted Auxiliary lanes: NB Rt EB Lt/WB Lt
CR 545 and CR 54	Signalize when warranted Auxiliary lanes: SB Lt EB Lt/WB Rt
I-4 and CR 532	Signalize when warranted

b. The annual traffic monitoring program shall be used to assist in determining the proper scheduling of signalization and improvements at the intersections listed above. If signalization or improvements are warranted to maintain acceptable levels of service, then no further Level 2 or Level 5 approvals for residential or non-residential development shall be issued until:

- i. Improvements to the intersection have been programmed within the first three years of the Capital Improvement Plan of the jurisdiction having authority of the roadway or within the first three years of FDOT's Five-Year Work Program for non-FIHS facilities or within the first five years of the FDOT Five-Year Work Program for FIHS facilities; or
- ii. Supplemental intersection or arterial/corridor level of service analyses can reasonably demonstrate that the intersection facility will operate at an acceptable LOS to the satisfaction of the jurisdiction having authority of the roadway; or
- iii. Subject to a Development Agreement, the Developer may seek and obtain the implementation of alternative improvements or mechanisms, which shall maintain the adopted LOS at the intersection(s).

c. The Annual Monitoring for Phase I shall monitor the traffic impacts as listed in the Table 2 above. The applicant shall schedule an annual traffic

monitoring methodology meeting, as determined necessary by Polk County, prior to November 1, each year. This meeting shall include Polk County Planning, Polk Transportation Planning Organization, Florida Department of Transportation, and the Central Florida Regional Planning Council for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

4. **Annual Monitoring for Phase II** - The Annual Monitoring for Phase II shall include traffic impacts of the project on the roadway links determined to be significantly impacted per the Traffic Monitoring and Modeling Study as required prior to Phase II. In addition, the Annual Monitoring for Phase II shall forecast traffic for the year following the report year. The applicant shall schedule an annual traffic monitoring methodology meeting, as determined necessary by Polk County, prior to November 1 each year. The annual traffic monitoring meeting shall be attended by the Polk County Planning Division, Polk County Transportation Planning Organization (TPO), the Florida Department of Transportation (FDOT) Districts I and V, Central Florida Regional Planning Council (CFRPC), East Central Florida Regional Planning Council (ECFRPC), and Osceola County Planning Department for their review and acceptance of the methodology. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

5. **Timing of Improvements** - If the issue(s) pertaining to the adversely impacted intersection(s) are not addressed through supplemental analysis, referred to above, or an alternative concurrency management strategy to the satisfaction of Polk County and the agency having jurisdiction of the facility, then the Developer shall have one year from acceptance of the Annual Report by the Polk County Board of Commissioners to either (i) construct the appropriate improvements, or (ii) enter into a Development Agreement with the Polk County Board of Commissioners per Chapter 163, F.S., that describes the improvement(s), the timing of the improvement(s), and the responsible funding party(s).

6. **Fair Share** - The Developer's fair share of required improvements to intersections shall be based on current traffic monitoring data. The apportionment of fair share costs shall be based upon the approved proportionate share methodology described hereinafter in this Restated Amended Development Order.

7. **Traffic Monitoring and Modeling for Phase II**

a. In addition to annual traffic monitoring, a Traffic Monitoring and Modeling Study shall be initiated not later than the development of 75% of Phase I as described above and shall be completed, and submitted as a NOPC, prior to the initiation of development of Phase 2. The Traffic Monitoring and Modeling Study shall commence with a Traffic Monitoring and Modeling Methodology Meeting. The Traffic Monitoring and Modeling Study shall ascertain the level of service on facilities where the Project is estimated to contribute a significant volume of traffic greater than or equal to 5% of the roadway adopted LOS service volume. The Polk County Planning Division, Polk County TPO, Florida Department of Transportation (FDOT) Districts I and V, Central Florida Regional Planning Council (CFRPC), East Central Florida Regional Planning Council

(ECFRPC), Osceola County Planning Department, Florida Department of Community Affairs (DCA), and the Developer shall agree upon the methodology for the Traffic Monitoring and Modeling Study. The scope of each monitoring and modeling effort is expected to be similar to that required for an Application for Development Approval. In the event that all parties cannot come to an agreement on the methodology, Polk County shall be the final arbiter.

b. As part of the Traffic Monitoring and Modeling Study, the Project's external trip generation shall be counted to determine if observed Project trips are consistent with Institute of Transportation Engineers (ITE) trip rates. If the observed trip rates are not found to be reasonably consistent with ITE trip rates, then adjustments to the trip rates used in the Traffic Monitoring and Modeling Study may be made, as agreed upon by the Developer and the reviewing agencies.

At a minimum, the following intersections shall be evaluated as part of the monitoring report:

**Signalized Intersections:**

US 17/92 & CR 547  
US 17/92 & Poinciana Boulevard  
US 192 & CR 545  
US 192 & Poinciana Boulevard  
US 27 & CR 54

**Unsignalized Intersections**

US 17/92 & CR 532  
US 17/92 & CR 54  
CR 547 & CR 54  
CR 545 & CR 54  
I-4 EB Off Ramp & CR 532  
I-4 WB Off Ramp & CR 542

At a minimum, the following roadways shall be evaluated as part of the monitoring report:

CR 54, US 27 to S 17/92  
CR 532, I-4 to US 17/92 CR 54  
CR 545, US 192 to I-4 and CR 532 to CR 54  
Poinciana Boulevard, US 192 to US 17/92  
US 17/92, Poinciana Boulevard to CR 54  
US 17/92, Project Entrance to Hinson Avenue

c. The property shall not contribute 5% or more of the adopted LOS service volume of the roadway or intersection as determined by traffic monitoring in the preceding condition when service levels are below the adopted minimum LOS standard in the local government's jurisdiction during the PM peak hour, unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase (or subphase) in which the impacts

occur, or if an alternate mechanism is implemented. For purposes of this Amended and Restated Development Order, adequate “secured and committed” mitigation measures shall include one or more of the following:

- i. 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), and/or a roadway improvement scheduled for construction within the first three (3) years of the Florida Department of Transportation’s Five-Year Work Program for non-FIHS facilities or within the first five (5) years of the Five-Year Work Program for FIHS facilities; or
- ii. 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 amount or other security in a form acceptable to the agency of jurisdiction) within the next three (3) years and incorporated by reference into this Development Order; or
- iii. Any other mitigation option specifically provided for in this Amended Restated Development Order; or
- iv. Subject to a Development Agreement, the Developer may seek and obtain the implementation of alternate improvements or mechanisms, which shall either maintain the adopted LOS at any impacted link, intersection, or interchange junction or implement a reduced LOS standard and/or achieve the adopted LOS standard over an established period of time; or
- v. Any other mitigation option permitted by law, including a local government development agreement consistent with Florida Statutes and Polk County’s Comprehensive Plan and Land Development Code which ameliorates the projected impact and is incorporated into this Development Order by amendment; or
- vi. Detailed operational analyses of intersection and arterial/corridor level of service can be performed to the satisfaction of the agency with jurisdiction of the impacted facilities that reasonably demonstrates that projected traffic conditions will meet the adopted LOS; or
- vii. The Developer shall provide adequate documentation to Polk County to demonstrate that one or more of the above mitigation measures have been met. Polk County may consult with other agencies, but the final decision as to what constitutes adequate documentation shall rest with Polk County. Notwithstanding the foregoing provisions of this section of the Restated Amended Development Order, if the Developer can demonstrate that a

portion of a phase or subphase does not adversely affect the regional roadway network as determined by the Traffic Monitoring and Modeling Study, then the Developer may proceed with that portion of the phase (and only that portion).

d. In the event that roadway widening is identified which is not compatible with adopted policy of the FHWA, FDOT District I or District V, or local government, then the Developer, Polk County, the CFRPC, and the party having jurisdictional or maintenance responsibility for the subject facility shall jointly determine alternate mitigation solutions.

e. The Developer's fair share of required improvements to links, intersections, or interchanges shall be based on current traffic monitoring data. The apportionment of fair share costs shall be based upon the approved proportionate share methodology described below.

f. This Restated Amended Development Order shall be amended based upon the results of the Traffic Monitoring and Modeling Study and consistent with Section 380.06 Florida Statutes.

8. **Proportionate Share** - If the Traffic Monitoring and Modeling Study results indicate that improvements must be made, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to FAC 9J-2.045(7), then the Developer, Polk County, Osceola County, and/or FDOT Districts I and/or V shall enter into an agreement within six (6) months of the determination that improvements are needed, which time frame can be extended based upon an agreement of the parties. Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. The 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. In the event Osceola County and/or FDOT District I and/or V fails to execute said agreement(s) within the specified time, then the Developer may proceed with the development based upon the Traffic Monitoring and Modeling schedule and all other conditions specified herein as it affects the non-participating party and the payment of proportionate share. In the event that an agreement is not executed between the applicant, Osceola County, and/or FDOT District I and/or V, the proportionate share, to the referenced parties, shall be paid within one year of the improvement being identified

Separate agreements may be entered into with one or more parties and the Developer. The said agreement between the Developer, Polk County, Osceola County, and/or FDOT Districts I and/or V shall ensure the following:

a. proportionate share payment is made by the Developer within a time frame specified in the agreement to the appropriate entity(ies) to mitigate project impacts;

b. said proportionate share payment shall be used by the appropriate entity(ies) only for the design, engineering, right-of-way purchase,

permitting and/or construction of improvement to the roadway segments, intersections, or interchange junctions 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), F.S. All such proportionate fair share agreements shall be included in this Development Order by amendment pursuant to Section 380.06(19), F.S. The formula to be used to determine proportionate fair share contribution is as follows:

*Proportionate Share = (Improvement Cost) \* (DRI Trips) / (SV Increase) where: DRI trips = the cumulative number of external trips from the development expected to reach the roadway during the PM peak hour from the phase under development. SV Increase = service volume increase, or the change in PM peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired level of service. Improvement Cost = the cost (at time of Developer payment) of constructing an improvement necessary to maintain the desired level of service, including all improvement associated costs (engineering, right-of-way acquisition, planning, inspection, and other associated physical development costs directly required and associated with the construction of the improvements) as determined by the governmental agency having maintenance obligations over the roadway.*

9. **Dispute Resolution** - If the parties cannot reach agreement regarding the proceeding condition, or if so desired by the parties at any time prior to that, then the issues in dispute shall be submitted to the CFRPC for voluntary mediation pursuant to the adopted dispute resolution process. The solutions recommended as a result of this process shall be implemented and this Development Order amended pursuant to Section 380.06(19), F.S., to include these solutions. These solutions must also be acceptable to Polk County in its sole discretion (reasonably exercised) and these solutions shall not include any requirements that Polk County or Osceola County participate in or contribute to the funding of improvements to any state roads, unless the subject county agrees otherwise.

10. **Government Responsibility** - Notwithstanding any provision contained herein to the contrary, except as specifically agreed in writing, Polk County and Osceola County shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting, and/or construction of improvements to state roads. The monitoring and modeling shall be used to verify the impacts from previous phases and to more accurately estimate probable impacts in later phases. If necessary, the proportionate share amount will be adjusted to reflect the estimates for later phases. If it is verified that the improvements mentioned above are still needed, then the Project shall not proceed into later phases until the proportionate share payment is made or said improvements are scheduled for construction in the applicable entity's work program within the first three years when impacts are estimated to be significant and adverse, or within the first five years for FIHS facilities.

11. **Alternative Concurrency Management Strategy** - At any time during the Project, the Developer, Polk County, the Florida Department of Community Affairs, and the

Florida Department of Transportation may proceed with developing an alternative concurrency management strategy that may be approved by either Polk County or FDOT District I. The alternative concurrency management strategy shall include specific objectives and timelines of completing its objectives.

**D. CONDITION FOUR: IMPACT FEES**

As a minimum, the developer shall pay impact fees consistent with the impact-fee ordinance of Polk County.

**E. CONDITION FIVE: ANNUAL REPORT**

The Developer shall submit an Annual Report utilizing as a guide, the form provided by CFRPC. The Annual Report shall be submitted on or before the 15<sup>th</sup> of March of each year to Polk County, Osceola County, the CFRPC, CFRPC, the State Land Planning Agency and all affected permit agencies, including the Florida Department of Transportation, FDER, SWFWMD, SFWMD. The form may be modified by the CFRPC at its discretion.

**F. CONDITION SIX: TERMINATION DATE/DOWNZONING**

1. This Development Order shall terminate on November 21, 2024.
2. Polk County shall not downzone/reduce the intensity of the property until this Development Order terminates.

**G. CONDITION SEVEN: RECORDING NOTICE OF ADOPTION**

Notice of the adoption of this Development Order shall be recorded by the developer in accordance with the provisions of Section 380.06(15) (f) F.S. and the Development Order shall be recorded in accordance with Section 113 of the Polk County's Land Development Code within ten (10) days after its adoption.

**H. CONDITION EIGHT: SUBSTANTIAL DEVIATION**

Failure to comply with "Conditions One through Seven" shall be determined to be a substantial deviation and thus initiate the DRI review process and potential shutdown of all development activities.

Any proposed change to the Project or to this Development Order which, upon review by Polk County and the CFRPC, is determined to create a reasonable likelihood of additional regional impact, or any type of regional impact created by a proposed change not previously reviewed by Polk County and CFRPC shall constitute a Substantial Deviation and shall cause the development to be subject to further Development of Regional Impact review.

**SECTION 4. LOCAL MONITORING**

Polk County shall be responsible for monitoring development and enforcing the provisions of this Development Order.

**SECTION 5. EFFECTIVE DATE**

This resolution shall take effect immediately upon its passage.



3-4-14 p. 24

**EXHIBIT "A"**

## OAK HILLS ESTATES DRI

## LEGAL DESCRIPTION FOR ENTIRE TRACT.

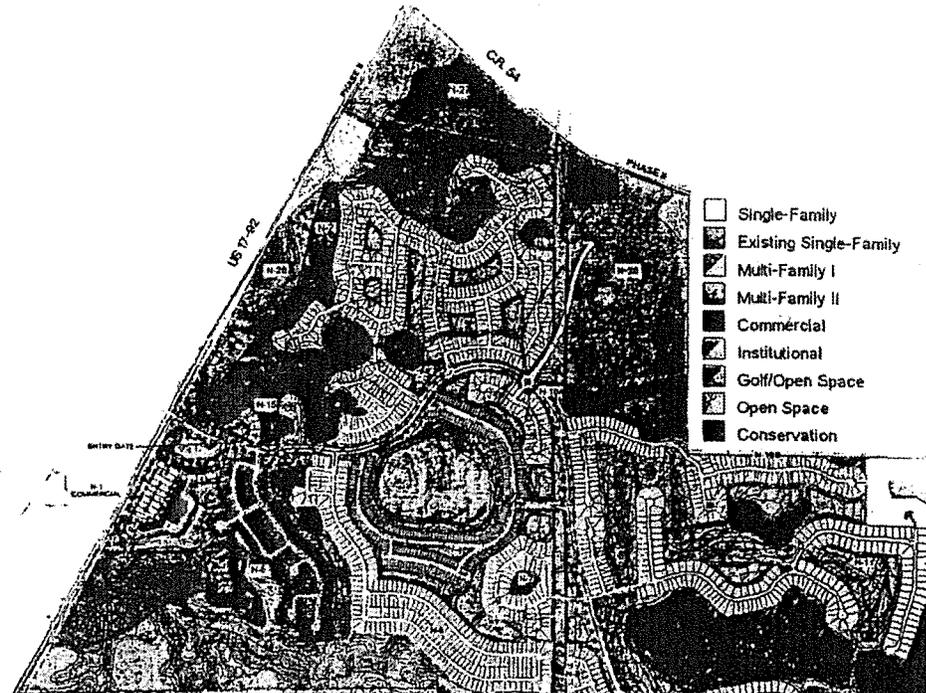
BEGIN AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA AND RUN S00°57'36"W, ALONG THE WEST BOUNDARY OF SAID SECTION 19, 5283.8 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE S01°05'44" W, ALONG THE WEST BOUNDARY OF SECTION 30, 5285.93 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE S01°06'34"W, ALONG THE WEST BOUNDARY OF THE NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 31, 673.13 FEET TO THE SOUTHWEST CORNER OF SAID NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼; THENCE S88°55'48" E, ALONG THE SOUTH BOUNDARY THEREOF, 1348.35 FEET; THENCE N01°14'25" E ALONG THE EAST BOUNDARY THEREOF, 670.61 FEET TO THE NORTHEAST CORNER OF SAID NORTH ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼; THENCE S88°49'23" E, ALONG THE SOUTH BOUNDARY OF SAID SECTION 30, 4049.65 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE N00°37'25" E, ALONG THE EAST BOUNDARY OF SAID SECTION 30, 5291.59 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE N 01°15'57" E, ALONG THE EAST BOUNDARY OF SAID SECTION 19, 5291.02, FEET TO THE NORTHEAST CORNER OF SAID SECTION 19; THENCE N01°13'57"E, ALONG THE EAST BOUNDARY OF THE SOUTHEAST ¼ OF SECTION 18, 2645.56 FEET TO THE NORTHEAST CORNER OF AND SOUTHEAST ¼; THENCE N89°00'27" W ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST ¼ 2689.97 FEET TO THE NORTHWEST CORNER THEREOF; THENCE N01°25'24" E, ALONG THE EAST BOUNDARY OF THE NORTHWEST ¼ OF SAID SECTION 18, 2643.51 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N01°06'19" E, ALONG THE EAST BOUNDARY OF THE SOUTHWEST ¼ OF SECTION 7, 198.66 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF KINNEY HARMON ROAD; THENCE N68°29'13" W, ALONG SAID RIGHT OF WAY LINE, 1180.87 FEET; THENCE N49°13'19" W, 2616.94 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 17&92; THENCE S29°44'57" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 1350.00 FEET TO THE SOUTHWEST CORNER OF LOT 13 OF

BLOCK "K" OF ROY A. MILLER'S SUBDIVISION RECORDED IN PLAT BOOK 32, PAGE 50 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE S60°15'03" E, ALONG THE SOUTHERLY LINE OF SAID LOT 13, 330.00 FEET TO THE CENTERLINE OF CLOSED BAY STREET RIGHT OF WAY; THENCE S29°44'57"W, ALONG SAID CENTERLINE, 739.45 FEET TO IT'S INTERSECTION WITH THE CENTERLINE OF A CLOSED, UN-NAMED 30.00 FEET WIDE ROAD RIGHT OF WAY SHOWN ON THE PLAT OF SAID ROY A. MILLER'S SUBDIVISION; THENCE N55°28'20" W, ALONG SAID CENTERLINE, 146.39 FEET, THENCE S50°32'59" W, ALONG THE WESTERLY LINE OF BLOCK 10, OF CAPTAIN DAVID BURNS SUBDIVISION, RECORDED IN PLAT BOOK 4, PAGE 34 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA 518.64 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 17&92; THENCE S29°44'56" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 6077.45 FEET TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF SAID SECTION 13; THENCE S89°02'11" E, ALONG SAID SOUTH BOUNDARY, 4548.13 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13 AND THE POINT OF BEGINNING. LESS AND EXCEPT COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 19 AND RUN S88°54'01" E, 1340.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°54'01" E, 1340.90 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 19; THENCE N00°59'12" E, 2643.90 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 19; THENCE N88°56'16" W, 1341.73 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 19; THENCE S00°58'06" W, 2642.95 FEET TO THE POINT OF BEGINNING.

CONTAINS 2215.4 ACRES MORE OR LESS.

**EXHIBIT "B"**

# PROVIDENCE

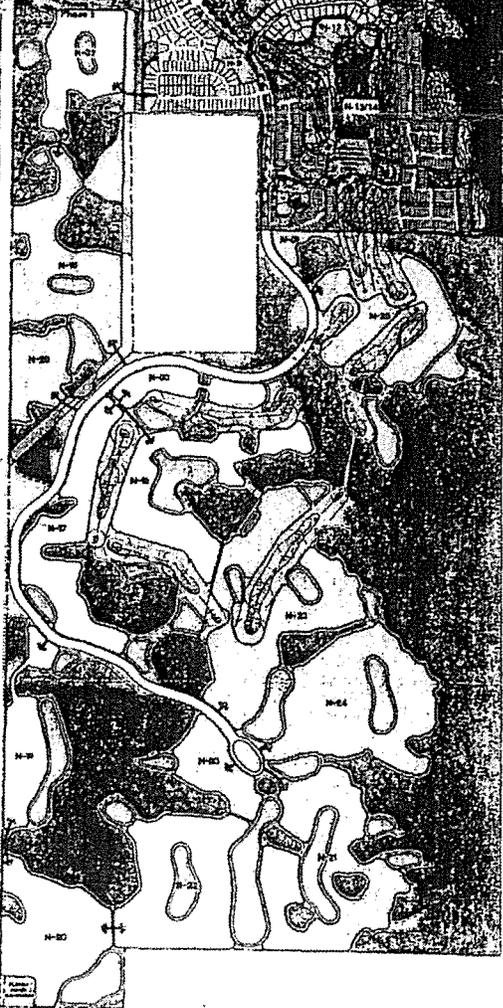


DEVELOPMENT SUMMARY PROGRAM  
August 3, 2004

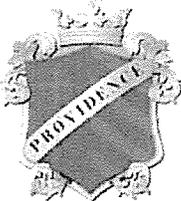
Neighborhood #	Land Use	Gross Acres	Net Acres	Units	Sq. Ft.
N-1	Neighborhood Shopping	19.22	15.25		135,000
N-2	Single-Family	42.87	35.97	186	
N-3	Single-Family	84.83	71.02	256	
N-4	Town Houses	36.27	30.32	280	
N-5	Single-Family	31.98	26.77	100	
N-6	Single-Family	57.5	48.14	228	
N-7	Single-Family	18.22	15.29	66	
N-8	Single-Family	18.84	13.93	61	
N-9	Single-Family	20.86	17.46	83	
N-10	Single-Family	51.55	43.16	102	
N-11	Single-Family	60.34	50.51	208	
N-12	Single-Family	11.55	9.67	41	
N-13-1a	Town Houses	40.19	33.65	337	
N-15	Single-Family	3.49	2.92	8	
<b>Subtotal</b>		<b>494.61</b>	<b>414.06</b>	<b>2,048</b>	<b>135,000</b>
	Golf Course	78.00	63.52		
	Lakes	0.00	06.35		
	Major R.O.W.	21.05	17.82		
<b>Phase I Total</b>		<b>694.66</b>	<b>601.65</b>	<b>2,048</b>	<b>135,000</b>

Neighborhood #	Land Use	Gross Acres	Net Acres	Units	Sq. Ft.
N-16	Townhouses	40.64	35.00	323	
N-17	Single-Family	51.83	44.40	124	
N-18	Single-Family	39.78	34.08	105	
N-19	Single-Family	26.27	22.52	57	
N-20	Single-Family	34.49	29.56	106	
N-21	Townhouses	57.85	49.50	345	
N-22	Single-Family	48.03	41.17	122	
N-23	Townhouses	53.30	45.80	184	
N-24	Townhouses	51.86	44.48	157	
N-25	Townhouses	37.84	32.44	253	
N-26	Multi-Family	58.40	50.82	527	
N-27	Commercial	19.80	16.80		180,000
N-28	Commercial	5.40	4.83		
N-29	Multi-Family	16.34	14.01	217	
N-30	Single-Family	16.19	13.88	123	
N-31	Townhouses	3.49	2.92	28	
N-32	Single-Family	27.22	23.33	80	
N-33	Townhouses	17.16	14.71	68	
<b>Subtotal</b>		<b>607.05</b>	<b>520.37</b>	<b>2,813</b>	<b>180,000</b>
	Golf Course	63.04	54.04		
	Lakes	0.00	00.00		
	Major R.O.W.	23.44	19.24		
<b>Phase II Total</b>		<b>793.53</b>	<b>693.65</b>	<b>2,813</b>	<b>180,000</b>
	School	24.50	24.50		
	Conservation	817.00	817.00		
	Utility	67.00	67.00		
	Lake Gain	71.40	21.40		
<b>Grand Total</b>		<b>2,215</b>	<b>2,215</b>	<b>4,861</b>	<b>315,000</b>

Note: There will be minor relocations of the roads and minor reconfigurations of development blocks during engineering.

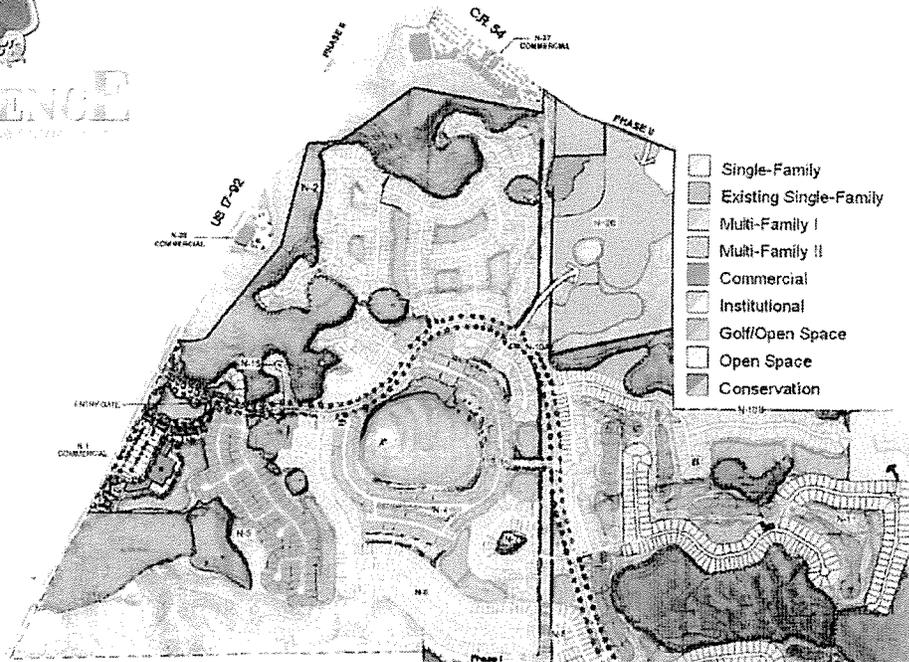


Phase I  
Phase II



# PROVIDENCE

PLANNING AND DEVELOPMENT



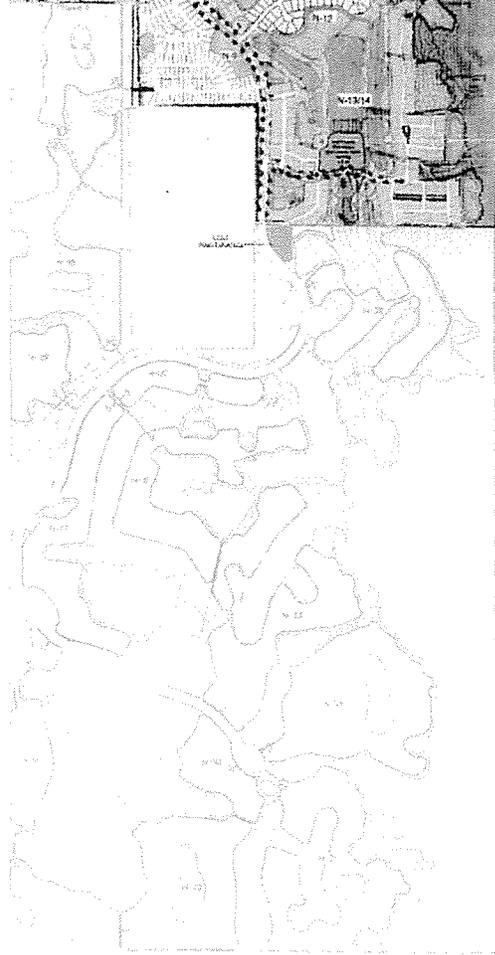
- Single-Family
- Existing Single-Family
- Multi-Family I
- Multi-Family II
- Commercial
- Institutional
- Golf/Open Space
- Open Space
- Conservation

### DEVELOPMENT SUMMARY PROGRAM August 10, 2004

Neighborhood #	Land Use	Gross Acres	Net Acres	Units	Sq Ft
N-1	Neighborhood Shopping	18.77	16.23		135,000
N-2	Single-Family	42.97	35.97	168	
N-3	Single-Family	84.53	71.02	356	
N-4	Town Houses	38.22	29.37	260	
N-5	Single-Family	31.98	26.77	106	
N-6	Single-Family	57.5	48.14	220	
N-7	Single-Family	13.27	10.28	56	
N-8	Single-Family	16.64	13.93	63	
N-9	Single-Family	20.88	17.46	83	
N-10	Single-Family	51.55	43.15	192	
N-11	Single-Family	80.34	56.51	260	
N-12	Single-Family	11.55	9.67	41	
N-13-14	Town Houses	40.19	33.65	327	
N-15	Single-Family	3.49	2.92	8	
<b>Subtotal</b>		<b>494.61</b>	<b>414.06</b>	<b>2,048</b>	<b>135,000</b>
	Golf Course	76.06	63.63		
	Lakes	0.60	0.39		
	Major R.O.W.	21.05	17.62		
<b>PH I Total</b>		<b>601.66</b>	<b>501.65</b>	<b>2,048</b>	<b>135,000</b>

Neighborhood #	Land Use	Gross Acres	Net Acres	Units	Sq Ft
N-16	Townhouses	40.54	35.03	323	
N-17	Single-Family	51.59	44.63	174	
N-18	Single-Family	39.76	34.08	165	
N-19	Single-Family	20.27	17.52	57	
N-20	Single-Family	34.49	29.58	105	
N-21	Townhouses	57.55	49.59	345	
N-22	Single-Family	48.08	41.17	173	
N-23	Townhouses	63.80	55.89	194	
N-24	Townhouses	51.89	44.48	183	
N-25	Townhouses	37.93	32.44	153	
N-26	Multi-Family	59.40	50.82	627	
N-27	Commercial	19.50	16.80		1,800,000
N-28	Conservation	9.42	4.53		40,000
N-29	Multi-Family	19.24	16.31	215	
N-30	Single-Family	18.19	13.65	124	
N-31	Townhouses	3.43	2.89	29	
N-32	Single-Family	27.27	23.33	76	
N-33	Townhouses	17.16	14.71	68	
<b>Subtotal</b>		<b>607.06</b>	<b>520.37</b>	<b>2,813</b>	<b>180,000</b>
	Golf Course	62.51	54.54		
	Lakes	0.20	0.10		
	Major R.O.W.	22.44	18.24		
<b>PH II Total</b>		<b>692.54</b>	<b>522.55</b>	<b>2,813</b>	<b>180,000</b>
	School	24.53	22.59		
	Conservation	817.62	573.05		
	Lakes	67.88	67.90		
	Lake San	21.40	21.20		
<b>Grand Total</b>		<b>2,215</b>	<b>2,215</b>	<b>4,861</b>	<b>315,000</b>

Note: There will be minor realignments of the roads and minor reconfigurations of development blocks during engineering.



Phase I  
Phase II

**EXHIBIT "C"**

OAK HILLS ESTATES  
WILDLIFE MANAGEMENT PLAN

Submitted to:

Florida Game and Fresh Water Fish Commission  
110 43rd Avenue S.W.  
Vero Beach, Florida 32968

Submitted by:

Engineering Management & Design, Inc.  
315 East Robinson St., Suite 190  
Orlando, Florida 32801

October 1990

EMD Project No. 8823.141

# FLORIDA GAME AND FRESH WATER FISH COMMISSION

BOSTICK, JR. DON WRIGHT THOMAS L. HIRSH, SR. MRS. GILBERT W. HUMPHREY JOE MARLIN HILLIARD  
 Haven Orlando Lake Wales Miccosukee Clewiston

DEBERT M. BRANTLY, Executive Director  
 L. ZUBEKI, Ph.D., Assistant Executive Director



FARRIS BRYANT BUILDING  
 626 South Meridian Street  
 Tallahassee, Florida 32399-1600  
 (904) 488-1900

October 11, 1990

Mr. Richard Hughes  
 Imperial Polk County  
 Division of Planning  
 P.O. Box 1909  
 Bartow, Florida 33830

Re: Oak Hills Estates Wildlife  
 Management Plan, October 1990. Polk  
 County

Dear Mr. Hughes:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the referenced wildlife management plan, and provides no objections to its adoption as a condition of the development order for the Oak Hills Estates development project.

Thank you for the opportunity to comment on this plan.

Sincerely,

*Bradley J. Hartman*  
 Bradley J. Hartman, Director  
 Office of Environmental Services

BJH/MAN/rs  
 ENV 1-11-3

cc: Mr. Harold Fitzpatrick, President  
 Oak Hills Estates, Partnership  
 A Florida General Partnership  
 Route 1  
 Houlton, Maine 04730

Mr. Harlan Hanson  
 Harlan Hanson, Inc.  
 1111 S. Orange Avenue, Suite 400  
 Orlando, Florida 32806

LIST OF FIGURES

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3	Scrub Preserve Management Plan	6

## 1.0 INTRODUCTION

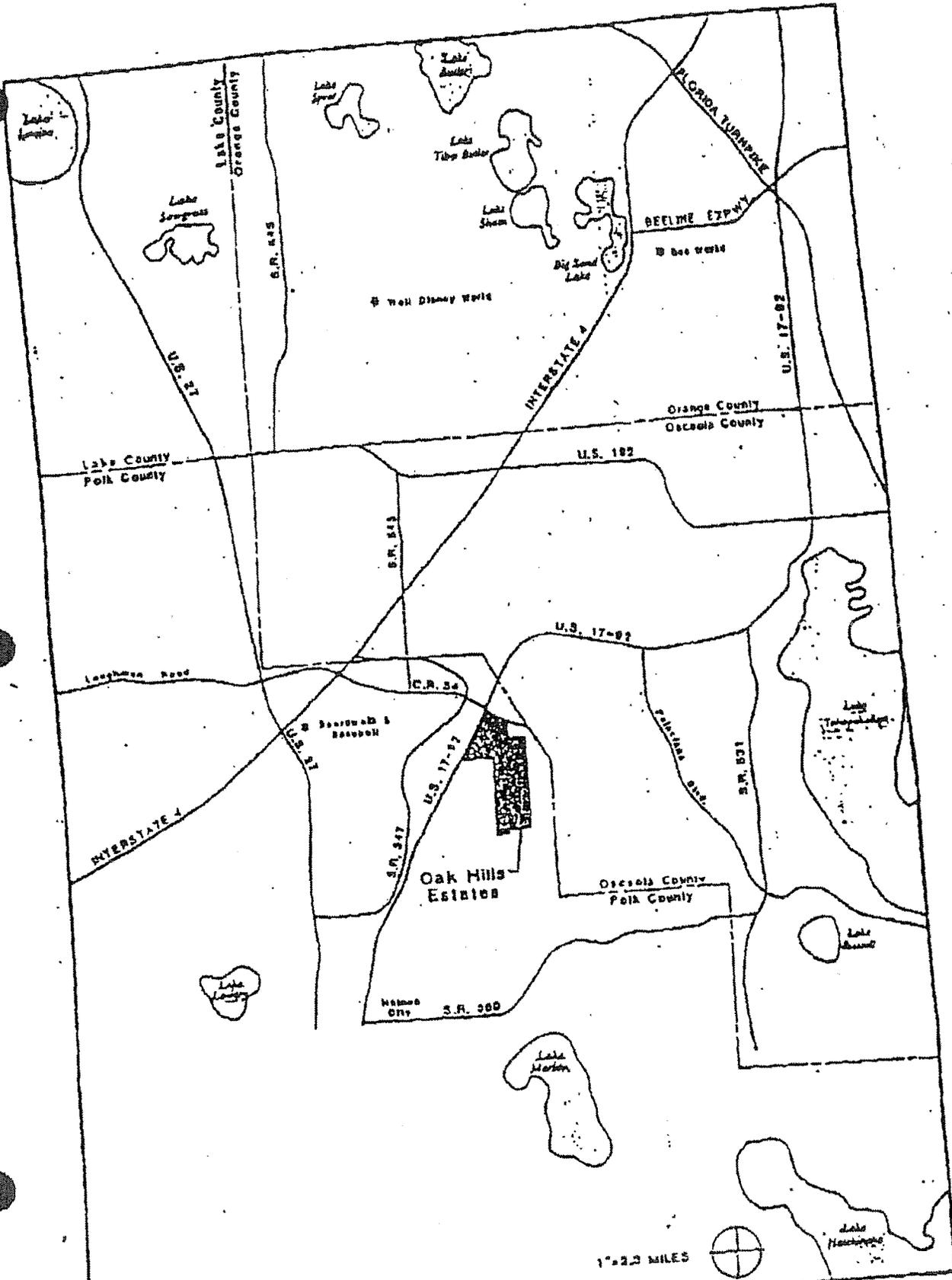
The Oak Hills Estates project site is located in north Polk County approximately one (1) mile south of the Polk-Osceola County Line. As shown on Figure 1, the site is located east of U.S. 17-92 and south of C.R. 54 in Loughman, Florida.

The Oak Hills Estates project site occupies about 2,215 acres of land area and is situated in the middle portion of the Reedy Creek watershed. Topography of the site ranges from an undulating surface with knolls and depressions along the west to gently sloping pasture covering the majority of the land area.

Much of the land area of Oak Hills Estates was previously and is currently used for cattle grazing and hence was cleared for that purpose some years ago. Oak Hills Estates is presently planned as a mixed-use development containing a variety of land uses: residential, commercial, educational, recreational and conservation. Approximately 55 percent of the land has been set aside in open space, including a 56.5-acre scrub preserve. The current site plan calls for linking the open space system where appropriate, to enable unobstructed movement of wildlife through the development.

The proposed Oak Hills Estates Wildlife Management Plan has been prepared in response to requests by the Florida Game and Fresh Water Fish Commission (FGFWFC) to provide protection for targeted state and federally listed wildlife species occurring on the project site. Three (3) targeted listed species have been confirmed on-site: Florida scrub jay (*Aphelocoma coerulescens coerulescens*), Florida sandhill crane (*Grus canadensis pratensis*), and gopher tortoise (*Gopherus polyphemus*). In addition to these species, the presence of gopher tortoises increases the potential for occurrence of the commensalistic Florida gopher frog (*Rana areolata*), the Florida mouse (*Peromyscus floridanus*), and the eastern indigo snake (*Drymarchon corais couperi*) to occur on the site.

Protection of the listed wildlife species occurring or potentially occurring on the Oak Hills Estates project site will be achieved through a program of individual species protection and habitat preservation and management. The primary objectives of the Oak Hills Estates Wildlife Management Plan are to 1) outline the procedures to be taken to protect the individual species, and 2) to preserve suitable, undisturbed habitat and, whenever possible, to enhance the quality of that habitat for the targeted endangered, threatened and species of special concern within preserved areas.



LOCATION MAP

Engineering

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-08-2008 BY 60322 UCBAW

FIG.

## 2.0 WILDLIFE MANAGEMENT PLAN

### 2.1 INTRODUCTION

The Oak Hills Estates Wildlife Management Plan is organized to provide the reader with an overview of the abundance and distribution of listed wildlife species on the project site; the protection measures to be taken for the individual species; a description of the preservation area; the types of management necessary to provide optimum conditions for the targetted species; and the management techniques to be used to accomplish the management. In addition, the plan outlines a monitoring program which will allow periodic analysis of the management plan's success.

The Wildlife Management Plan was developed after comprehensive information gathering from field reconnaissance; site history; literature review on scrub and scrub jay management; conversations with experts on fire, scrub management and scrub jays; and coordination with EGFWFC. It was determined that if the preserve is managed to provide optimal habitat for scrub jays, then the habitat requirements of all other listed species inhabiting the preserve would also be met (Diemer 1990).

Areas set aside for preservation will be designated as a conservation easement; no man-made destruction/alteration will be tolerated. The Oak Hills Estates Partnership, Inc. will be the entity responsible for the financial and management portions of the Wildlife Management Plan. The Oak Hills Estates Partnership, Inc. will ultimately transfer the management and maintenance of the preservation area to a property owners association. This association will be established in conjunction with the filing of the Phase 1 Development Plans. The management plan will go into affect prior to initiating construction on the site.

### 2.2 DISTRIBUTION AND ABUNDANCE OF PROTECTED SPECIES AND INDIVIDUAL SPECIES PROTECTION MEASURES

#### 2.2.1 Florida Sandhill Crane

One Florida sandhill crane pair was determined to have a nest in a freshwater marsh in the north-central portion of the site. The marsh is designated as Wetland Number 10 on Figure 2 and is just under an acre in size. Dominant vegetation consists of maidencane with lesser amounts of pickerelweed and St. John's wort. A single sandhill crane chick was reared successfully from the nest in the marsh (Wetland Number 10) during the breeding season of 1990.

To protect this nest, a 300-foot circular buffer around the nest will be preserved. The 300-foot buffer will be maintained in a natural, open state, with no landscaping, buildings, or other structures within its perimeter. Additionally, the wetland in which the nest is located will not be used for stormwater retention. Communities within this buffer include both



wetlands (freshwater marsh) and uplands (hilly scrub and pasture). Based on literature (Dwyer 1990, Nesbitt and Williams 1990) and information provided by FGFWFC, it is assumed that the marsh system will provide a nest site for future years and upland areas will provide suitable habitat for the young to forage prior to fledging. Monitoring methodology for the nest site is described under Section 3.0 in this plan entitled "Monitoring".

### 2.2.2 Florida Scrub Jay

Suitable habitat on the project site for scrub jays occurs within the turkey oak/scrub oak (hilly scrub) community located in the west-central portion of the site. Within the hilly scrub community on-site, possibly two territories and one partial territory of scrub jay families were determined through field surveys to be present. These territories are located in the southernmost extent of the community.

Based on recommendations made by FGFWFC in their August 14, 1990 letter to the Central Florida Regional Planning Council (Appendix A), it was determined that to maintain the present scrub jay population on the project site, a minimum of 55 contiguous acres of turkey oak scrub would need to be preserved. Therefore, 56.5 acres of contiguous upland scrub have been set aside as a preservation area. This land will be managed to provide suitable habitat for scrub jays, and whenever possible, to enhance the quality of the community. A more detailed description of the preserve is in Section 2.3 entitled "Description of Scrub Preserve". The management techniques to be used within the preserve to maintain suitable habitat is discussed in Section 2.4 entitled "Habitat Management of Preserve".

### 2.2.3 Gopher Tortoise and Burrow Commensals

Approximately 190 acres of suitable habitat for gopher tortoises occurs on the Oak Hills Estates project site. Suitable habitat consists of scrub oak and hilly scrub communities and pastureland adjacent to the hilly scrub community. These areas were systematically surveyed and burrows mapped to estimate gopher tortoise density on the project site. Results of these surveys were integrated as part of Engineering Management & Design, Inc.'s sufficiency response to FGFWFC (EMD 1990).

In order to preserve the gopher tortoise population on the project site, it was determined that the gopher tortoises and any protected commensal species captured would be relocated from pastureland slated for development to the scrub preservation area. Gopher tortoises will be relocated following the FGFWFC "Guidelines for Gopher Tortoise Relocations" (FGFWFC 1988). If during the excavation process, any protected commensal species are observed, they will be captured and relocated at the same time as the gopher tortoises to the scrub preservation area. Management of the scrub preserve for gopher tortoises will be accomplished within the management plan outlined for Florida scrub jays and is described within the "Habitat Management of Preserve" section of this document (Section 2.4).

## 2.3 DESCRIPTION OF SCRUB PRESERVE

The total preserve area encompasses 80.9 acres. Of that, 56.5 acres are contiguous scrub habitat. The remainder (24.4 acres) consists of a few scattered isolated wetlands. Figure 2 depicts the location of the preserve on the project site. Underlying the isolated preserve are soils consisting of Astaula sand, 0-8 percent slopes, while the topography consists of gently rolling hills.

The scrub community consists of a turkey oak/scrub oak association, or a hilly scrub. Canopy species include scattered longleaf pine, turkey oak, bluejack oak and Chapman's oak. The understory includes bracken fern, aster, lupine, saw palmetto, bahia grass and beggarweed. Frequently, ground cover is almost entirely absent, revealing large open patches of sand.

The denseness of the scrub vegetation varies throughout the preserve area. Some areas have not been subjected to fire or other successional setbacks and, consequently, trees are forming a closed canopy. Other areas appear to have been subject to recent fire (approximately five (5) years ago) and contain a more open canopy and a low density of woody understory species. The Wildlife Management Plan has taken into consideration the variations in the scrub vegetation in the preserve.

## 2.4 HABITAT MANAGEMENT OF SCRUB PRESERVE

### 2.4.1 Introduction

Management recommendations for the Oak Hills Estates scrub preservation area are the result of the extensive information gathering completed on scrub jays, gopher tortoises, scrub habitat, and management of scrub habitat. The management objectives are to provide for the preservation and enhancement of the scrub preserve and to maintain optimal habitat for scrub jays, gopher tortoises, gopher tortoise burrow commensals, and other wildlife inhabitants. The scrub jay has been chosen as the targetted species for management efforts because of its status as a threatened species. Management strategies directed towards preserving optimal habitat for scrub jays will additionally provide suitable habitat for other protected species dependant on scrub habitats.

In general, habitat used by scrub jays is composed of low dense thickets with numerous open, sandy spaces (Westcott 1970, Woolfenden 1973). Cox (1984) found that sites where scrub jays were found shared three features, 1) the presence of at least a few shrubby-oaks; 2) an open canopy; and 3) a substantial amount of bare ground, or ground covered only by sparse or very short vegetation.

Specifically, scrub jays attain their greatest densities where habitats are characterized by:

1. Oaks three to nine feet tall covering 50 to 75 percent of the area;
2. Open space (bare ground or vegetation less than six inches tall) covering 10 to 30 percent of the area; and
3. Scattered trees, with no more than 20 percent canopy cover (Cox 1987).

The general features characterizing suitable gopher tortoise habitat are similar to the habitat requirements of scrub jays, 1) presence of well-drained, sandy soils which allow easy burrowing; 2) an abundance of herbaceous ground cover; and 3) generally open canopy and sparse shrub cover which allows sunlight to reach the ground floor (Cox et al. 1987).

Maintenance and enhancement of suitable habitat on the preserve for scrub jays and gopher tortoises required the development of site specific management strategies.

#### 2.4.2 Management Techniques

Fire plays a major role in scrub communities such as the hilly scrub on the project site. Burning stimulates an increase in the quantity and quality of many herbaceous plants that are important wildlife foods and creates openings in the canopy that will allow sunlight to penetrate to the ground. In the absence of fire, the scrub vegetation continually increases in height and cover eventually eliminating all open spaces, consequently, causing a decrease in wildlife species dependant on scrub such as scrub jays and gopher tortoises (Cox 1984).

Techniques used to manage the Oak Hills Estates scrub preserve will consist of a combination of infrequent prescribed fire management and mechanical methods. Fire maintenance is the preferred method, however, where smoke or fire pose a threat to human health and safety, mechanical methods may provide an alternative way of achieving similar results. Polk County presently does not have any regulations regarding controlled burning, mechanical maintenance, and human habitation (State of Florida, Division of Forestry for Polk County, pers. comm, 1990.).

The Oak Hills Estates scrub preserve has been divided into management units, thereby allowing the differences in vegetative density and age to be considered when determining type and intensity of management. Unit management will allow as much of the preserve as possible to be maintained in optimal condition. The management units will be treated individually with the areas of active management rotated to minimize short-term impacts to wildlife species and to create mosaics in stand age, vegetative diversity, and vegetative density within the area.

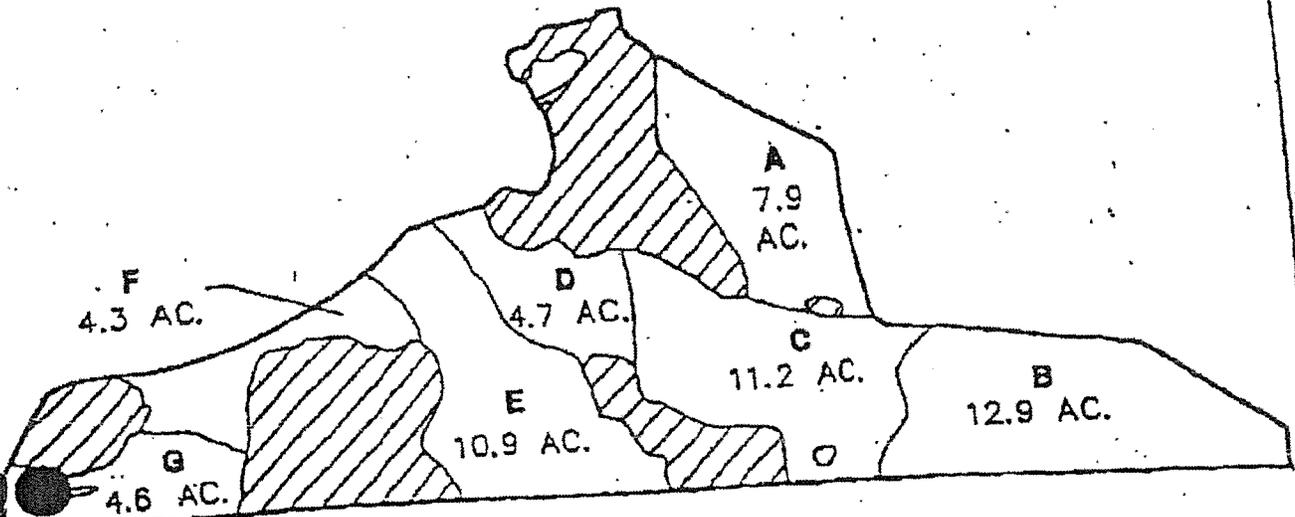
There are seven (7) management units. The units range in size from 4.3 to 12.9 acres and are labelled A through G as shown on Figure 3. All units will be managed individually and Unit G is not scheduled to undergo any fire or mechanical management, instead, it will be allowed to succeed naturally. Units A and F presently contain the most dense stands of vegetation with numerous woody understory species and an oak canopy that is tall and beginning to close. Units C and D are just beginning to success to an area with large shrub thickets and smaller patches of open sand and should continue to provide suitable habitat for the targeted species for several years. Units B and E, however, presently contain optimal conditions for scrub jays and gopher tortoises with large open, sandy patches and small patches of scrub oaks. Unit G is an older oak stand and presently provides minimal habitat for the targeted species. It was determined that saving an area as old growth may provide other wildlife species with components that will no longer be present elsewhere on the preserve after management begins.

#### 2.4.2.1 Fire Management

Prescribed burning is recommended for all management units, except Unit G. However, where potential smoke or fire hazard to surrounding highways and developments exists, particular care will be taken to follow the burn prescription implicitly. All burning will be conducted by a licensed prescribed burn contractor and a burn prescription will be developed for each burn. The burn plan for each management unit will adhere to the state and federal guidelines for prescribed burns.

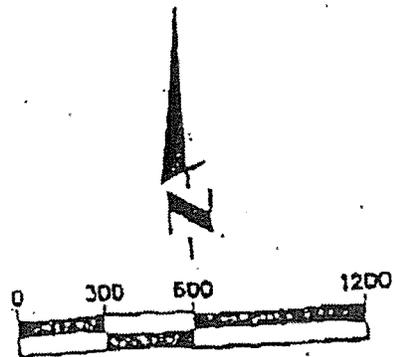
Prescribed burning will be managed using a 24-year rotation, where the same area is burned every 24 years and controlled burns to individual management units will occur every 4 years. Unit A will be burned prior to initiating development on the site. Unit F will be burned 4 years after Unit A, and Units C, D, B, and E will be burned in 4 year intervals with Unit C being burned 4 years after Unit E. The other areas will be burned in the order listed. Unit A will be reburned 4 years after Unit E or 24 years after its initial burn. Continuance of this burn regime is subject to continuing success of the management plan as seen from data collected during periodic monitoring of the preserve. Adjustments to the management schedule can occur as early as the first monitoring analysis succeeding the initial burn. A detailed discussion of monitoring planned for the site is in Section 3.0 entitled "Monitoring".

The prescribed burn will be planned to occur in late winter between January 1 and the last day of February. Scrub jays often prefer certain specific nesting locations within their territories, consequently, nest trees will be flagged prior to burning and whenever possible, protected from burning. This schedule will avoid the scrub jay nesting season and also occur just prior to the flowering season for grasses and herbs which provide food for gopher tortoises. These months normally have days with a more stable wind direction from the north, which is needed to avoid smoke hazards along nearby highways. In addition, burning during these months will encourage a hotter fire which is necessary because the hilly scrub preserve contains low fuel levels (Geoff Babb, The Nature Conservancy, pers. comm. 1990).



**LEGEND**

-  PRESERVE BOUNDARY
-  MANAGEMENT UNIT BOUNDARY
- D**  
11.1 AC.  
MANAGEMENT UNIT AND ACRES
-  WETLANDS



WETLANDS = 24.4 AC.  
 SCRUB MANAGEMENT UNIT AREAS = 56.5 AC.  
 TOTAL PRESERVE AREA = 80.9 AC.

**SCRUB PRESERVE MANAGEMENT PLAN**

REV. DATE: 10-8-90

PROPERTIES



**Engineering Management Inc.**

111 E. BOWLING GREEN  
SUITE 100  
DULAND, FLORIDA 32001

PH: (907) 258-2510

FIG.

3

ning should occur one (1) to three (3) days following the last rainfall of at least 1/4 inch, providing for the quick resprouting of vegetation, as the moisture in the soil will protect the root systems from fire damage.

The perimeters of each management unit to be burned will be cleared as necessary to contain the burn within the unit. Naturally occurring fire breaks such as wetlands, topography, or existing roads will be used when possible. Any natural breaks or existing roads used for this purpose will be examined for spotting potential and cleared as necessary to contain the burn.

The perimeter of the preserve will be double plowed where cleared breaks do not already exist to insure fire containment within the preserve. Fire breaks will be constructed using a fire plow; however, prior to plowing, the fire break area will be surveyed for gopher tortoise burrows. These burrows will be marked and plowing will proceed cautiously, with special care being taken to ensure burrow protection. Plow lines will be kept shallow and to a minimum. The use of existing fire barriers and watering will occur where possible. Fire breaks will be established as they pertain to the units being burned that year. The prescribed burn contractor will oversee the placement and construction of firebreaks.

Prior to each burn, the certified burn contractor will obtain a two-day weather forecast from the National Weather Service and will secure any necessary burn permits from the Polk County Fire Department and the State of Florida Division of Forestry. The burn contractor will also develop a burn plan considering all parameters necessary to determine acceptable site and weather conditions for prescribed burning. A preliminary list of parameters has been compiled through contact with experts on prescribed burning (Dale Wade, U.S. Forest Service 1990; Dick Roberts, Jonathan Dickenson State Park 1990; Georgia Dempsey, Everglades National Park 1990). The following list of parameters will be used to determine acceptable weather and site conditions:

- 1) Fuel moisture of 7 to 13 percent
- 2) Temperature 45 to 80°F
- 3) Relative humidity of 45 to 60 percent
- 4) Wind speed of 3 to 10 MPH
- 5) Preferred wind direction of 0/360 degrees to approximately 315 degrees, or north to northwest
- 6) Rainfall of at least 1/4 inch 1 to 3 days prior to burn
- 7) Stagnation index of less than 8

The values of parameters 1 through 4 may vary depending upon the method of firing used (i.e., backfire, flankfire, or headfire). The parameters will be adjusted and followed as necessary to achieve a predicted flame length of less than 4 feet and an ignition index of less than 20 percent when run through the BEHAVE fire model (Andrews 1986) accepted by the U.S. Forest Service in order to initiate the prescribed burn. It appears that Fire Behavior Fuel Model #2 for grasses, open pine stands, and scrub oaks will be the

appropriate fuel model. The fuel model will be verified by the certified burn manager prior to burning.

Because the managed scrub preserve on Oak Hills Estates is in the vicinity of major highways and developments, smoke impact will be minimized. To minimize impact of smoke, the following conditions on the day of the burn should be met:

- 1) Height of mixing layer is 1,640 feet or greater
- 2) Transport wind speed is 9 MPH or greater
- 3) Background visibility of at least 5 miles within a 1-mile radius of the burn area
- 4) Slow, steady northerly winds will be needed to transport smoke into uninhabited areas and/or away from highways

The burn will be terminated in the event of a change in wind speed or direction that would cause unacceptable smoke concentrations on major highways adjacent to the area being burned.

Each management unit and perimeters will be mopped up during the operation, and thereafter, until there is no further danger of fire escape. The area will be patrolled the following day to inspect the preserve for spotting potential or burning embers.

#### 2.4.2.2 Mechanical Management

Mechanical management may prove to be an acceptable tool in the scrub preserve on Oak Hills Estates to maintain suitable scrub jay and gopher tortoise habitat. Mechanical methods, if they are used, may include mowing, bush hogging, dry drum chopping and/or selective thinning. Mowing would be used to keep some herbaceous species at lower heights, to increase native herbaceous species and to discourage woody saplings from growing up and closing in the understory. Mowing would most assist in maintaining optimal habitat for gopher tortoises. Bush hogging and/or dry drum chopping would disturb the ground layer by increasing patches of open sand. These methods could also be used to decrease the density of shrubby species in the understory to maintain the necessary ratio of scrub oaks to open space for optimal scrub jay nesting habitat. Bush hogging and chopping would also aid in keeping the trees from closing in the canopy.

It may be necessary to remove or selectively thin large trees to provide better feeding and perching habitat for the scrub jays and to allow sun to penetrate to the ground layer. Selective thinning to densities of 30 to 40 trees per acre is recommended to encourage occupancy by scrub jays. At the same time large trees are being culled, mechanical trimming of scrub oaks should occur to keep oaks at heights no greater than 13 feet - the optimal height for scrub jay use, with the exception of a few scattered sentinel trees up to 15 feet in height. Sentinel trees may consist of any species and may even be dead.

Mechanical habitat management, if used, will be conducted only during October through February to minimize disruption of courtship and reproductive activities of Florida scrub jays and gopher tortoises. This timing will also coincide with the spring growing season, enabling treated species to recover as quickly as possible.

### 3.0 MONITORING

Monitoring will occur on the project site for the sandhill crane nesting area and the scrub preserve. The nest area of the Florida sandhill crane will be checked at least once a week during the nesting season (January through April) beginning the nesting season just prior to initiation of development. If evidence of nesting is found, the buffer area will immediately be marked to warn people to remain out of the buffer zone until the nest area has been abandoned for that season. Monitoring of the nest will continue for two (2) years. If there has been no evidence of nesting during those two (2) years, monitoring will cease. If nesting has occurred, monitoring will continue yearly until there has been two (2) consecutive years without evidence of nesting. Should two (2) consecutive years without nesting occur, monitoring will no longer be conducted.

The success of habitat management efforts and the need for management plan modification for the Oak Hills Estates scrub preserve will be determined by the FGFWFC based upon the results of scrub jay, gopher tortoise, and vegetative monitoring. Scrub jay monitoring will include collection of data on individual/family distribution (territories) and nesting. Gopher tortoise monitoring will include the standard one-year-after-relocation survey and any additional observations of gopher tortoises, carcasses, new burrows, etc. encountered while doing vegetative transects and scrub jay monitoring.

Vegetative monitoring will assess the variables which indicate whether optimal habitat for listed scrub species is being provided. The variables will include, but not be limited to:

- 1) An estimate of the number of pine trees greater than 10 feet tall
- 2) Percent canopy closure
- 3) Percent open sandy soil
- 4) Percent herbaceous and grass ground cover
- 5) Percent scrubby vegetation 3 to 15 feet tall
- 6) Average height of scrub oaks

All monitoring will be conducted by a qualified biologist between March and June (inclusive) at least once a year for five (5) consecutive years once the management plan has been initiated. Monitoring will then occur every fifth year after that. The Wildlife Management Plan will be initiated in the spring prior to any development being initiated, whenever development may occur. Results of the monitoring will be submitted to the FGFWFC each year to determine whether the habitat management program requires modification. The plan will then be modified as recommended by the FGFWFC.

## 1.0 COST ESTIMATE

Estimates of costs for implementation of the management plan are based on 1990 costs for various tasks. Costs were provided by the State of Florida Division of Forestry and do not include costs of consultant time assisting with management tasks or costs for monitoring. Consultant and monitoring cost estimates have not been included because there has been no determination of what firm or entity would do the assisting and monitoring.

Fireline plowing can be conducted at a cost of \$35.00 per hour at approximately 2 miles per hour for fire breaks along the perimeters and interiors of the preserve.

The costs of prescribed burning are \$5.00 per acre for the first 50 acres and \$3.50 per acre for any additional acres over 50. This cost is all inclusive (burning, equipment, manhours, burn prescription, responsibility, etc.).

The State of Florida Division of Forestry does not conduct mechanical maintenance. It is estimated that a private contractor could carry out mechanical management at a rate of \$1,000 to \$2,000 per acre for the various tasks proposed in this plan.

LAC/jd  
WP:8823/141KS905

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Appendix A

FLORIDA GAME AND FRESH WATER FISH COMMISSION

WILLIAM G. BOSTICK, JR.  
Winter Haven

DON WRIGHT  
Orlando

THOMAS L. HIRZ, SR.  
Lake Wales

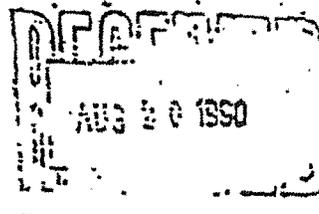
MRS. GILBERT W. HUMPHREY  
Mirkoville

JOE MARLIN HILLIARD  
Circula

ROBERT M. BRANTLY, Executive Director  
ALLAN L. ECKERT, Ph.D., Assistant Executive Director



FARRIS BRYANT BUILDING  
620 South Meridian Street  
Tallahassee, Florida 32399-1670  
(904) 488-1962



August 14, 1990

Mr. Brian Sodt  
Director of Review Coordination  
Central Florida Regional Planning Council  
P.O. Box 2089  
Bartow, Florida 33830

Re: Oak Hills Estates DRI, Final  
Comments, Polk County

Dear Mr. Sodt:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission (GFC) has reviewed the referenced Application for Development Approval (ADA), and provides the following comments.

The applicant proposes to construct a mixed-use development on a 2,215-acre tract of land in northeastern Polk County. The site is composed of 1,127.5 acres of improved pasture, 2.0 acres of pine flatwoods, 135.0 acres of turkey oak scrub, 4.5 acres of other pines, 45.0 acres of xeric oaks, 18.0 acres of live oaks, 12.0 acres of streams, 22.0 acres of lakes, 723.5 acres of mixed forest wetlands, 75.5 acres of freshwater marsh, 13.0 acres of wet prairie, and 34.5 acres of a powerline easement.

In response to requests for information (letters dated January 16, 1990; April 13, 1990; June 5, 1990; and June 28, 1990) staff of GFC met with representatives of the applicant on several occasions and agreed on the following items:

1. The tract was surveyed by helicopter for evidence of sandhill crane (threatened) nests. Only one was found (pond 10), and it will be protected by a buffer with a 300-foot radius between it and any landscaping or buildings. The nest area will be checked at least once a week during the nesting season (January through April), and if evidence of nesting is found, the buffer area will immediately be marked to warn people to remain out of the buffer zone until the nest area has been abandoned for that season.

DR BK 05393 PG 1835

Mr. Brian Sode  
August 14, 1990  
Page 2

2. A minimum of 55 contiguous acres of turkey oak scrub will be set aside as an upland wildlife preserve for scrub jays (threatened) and gopher tortoises (species of special concern) and their commensals. The configuration of this preserve is outlined on the July 13, 1990, Conceptual Environmental Management Plan Exhibit I, and is designed to accommodate the reported locations of all of the scrub jays on the site. The acreage to be considered in this upland preserve will not include any jurisdictional wetlands, nor will it include the "wildlife corridor" consisting of the golf course, outparcel, or wetlands east of the outparcel.
3. Gopher tortoises and commensals from the pasture adjacent to the scrub will be relocated in a manner approved by the GFC Division of Wildlife.
4. The applicant's representative is consulting with GFC staff to develop a management plan for the upland preserve in order to improve and maintain its value for scrub jays and gopher tortoises. The details of this management plan should be incorporated into the Development Order, and will include at a minimum the following:
  - A. A statement describing the physical location and size of the preserve, and the species targeted for protection within it.
  - B. A description of the site in its present condition, and a discussion of optimal habitat conditions as an end to which the plan is geared. This section should include a map delineating management units, depending on the type of management necessary to restore each portion to optimum conditions for the target species.
  - C. A discussion of management techniques to be used. This section should detail whether fire will be used for habitat management and under what conditions, who will be responsible for any prescribed burning, what mechanical means will be used, and an initial (5-year) schedule of management. If burning is to be used, then it will be done by a certified prescribed burn manager.
  - D. A monitoring program for vegetation, scrub jays, and gopher tortoises (and commensals): This monitoring should be performed by a qualified biologist at least once a year for the first five years, and the results should be submitted to the GFC each year in order to determine whether the habitat management program requires modification.
  - E. A cost estimate for implementation of the program.
  - F. The entities responsible for the financial and for the management portions of the program.

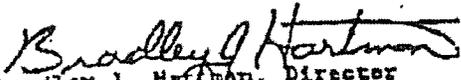
No Development Order should be issued until the details of this management plan have been approved by the GFC. As of this date, a draft

Mr. Brian Soder  
August 14, 1990  
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outline of this plan has been submitted to the CFC by the environmental consultants for this DRI, and this outline mentions most of the conditions above.

5. An information program should be developed to educate residents and others who use the local amenities as to the purpose of the preserve. At a minimum, this program will include a sign posted at the entrance(s) of the preserve, literature distributed to new residents, and a prohibition of cats and dogs within the preserve. In addition, leash laws should be implemented to control cats and dogs, and property owners should be encouraged to landscape with plants native to central Florida.

Sincerely,

  
Bradley J. Hartman, Director  
Office of Environmental Services

BJH/HAN/  
ENV 1-11-3

Mr. Brian Soder  
August 14, 1990  
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cc: Mr. Harold Fitzpatrick, President  
Oak Hills Estates, Partnership  
A Florida General Partnership  
Route 1  
Houlton, Maine 04730

Harlan Hanson  
Harlan Hanson, Inc.  
1111 S. Orange Avenue, Suite 400  
Orlando, Florida 32806

Ms. Linda Caine  
Engineer Management & Design, Inc.  
315 E. Robinson Street, Suite 190  
Orlando, Florida 32801

Ms. Teria Johnson  
Department of Community Affairs  
Division of Resource Planning and Management  
Bureau of State Planning  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

Mr. Ron Borchers  
Polk County  
Planning Division  
P.O. Box 1969  
Bartow, Florida 33830

Colonel Robert M. Brantly, Executive Director

STATE OF FLORIDA )  
COUNTY OF POLK )

I, E. D. "Bud" Dixon, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of a resolution adopting a development order with conditions for a development of regional impact known as Oak Hills Estates (DRI-90-04) which was adopted by the said Board on the 15th day of October, 1990.  
WITNESS my hand and official seal on this 17th day of October,

19 90.

E. D. "Bud" Dixon  
Clerk

(SEAL)

By Bettie L. Darland  
Bettie L. Darland  
Deputy Clerk

**Oak Hills Estates DRI  
Development Conversion Matrix for Phase I**

<b>Change From &gt; Change To</b>	<b>Single Family (Units)</b>	<b>Townhomes (Units)</b>	<b>Golf (Acres)</b>	<b>Commercial (KSF)</b>
<b>Single Family</b>		1.8056	6.5000	0.2390
<b>Townhomes</b>	0.5538		3.6000	0.1324
<b>Golf</b>	0.1538	0.2778		0.0368
<b>Commercial</b>	4.1846	7.5556	27.2000	

Notes:

Example exchanges:

To add 20,000 square feet of COMMERCIAL and change from SINGLE FAMILY  
 $20 \text{ KSF} \times 4.1846 = 83.692 = \text{Reduce SINGLE FAMILY by 14 Units}$

To add 200 SINGLE FAMILY Units and change from COMMERCIAL  
 $200 \text{ Units} \times .2390 = 47.8 = \text{Reduce COMMERCIAL by 47,800 Square Feet}$

Traffic Planning and Design, Inc. (2003)

Exhibit D  
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OR BK 05393 PG 1840

**Oak Hills Estates DRI  
Development Conversion Matrix for Phase II**

Change From > Change To	Single Family (Units)	Townhomes (Units)	Appartments (Units)	Golf (Acres)	Commercial (KSF)
Single Family		1.8056	1.5476	6.5000	0.2234
Townhomes	0.5538		0.8571	3.6000	0.1237
Appartments	0.6462	1.1667		4.2000	0.1443
Golf	0.1538	0.2778	0.2381		0.0344
Commercial	4.4769	8.0833	6.9286	29.1000	

Exhibit D  
Page 2 of 2

Notes:

Example exchanges:

To add 20,000 square feet of COMMERCIAL and change from SINGLE FAMILY  
 $20 \text{ KSF} \times 4.4769 = 89.538$  - Reduce SINGLE FAMILY by 90 Units

To add 200 SINGLE FAMILY Units and change from COMMERCIAL  
 $200 \text{ Units} \times 0.2234 = 44.68$  - Reduce COMMERCIAL by 44,680 Square Feet

STATE OF FLORIDA     )  
                                  )  
COUNTY OF POLK     )

I, Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of the Resolution adopting a Fifth Restated and Amended Development Order for the Providence Development of Regional Impact (DRI) and approved at the Board Meeting of the Polk County Board of County Commissioners held on March 4, 2014.

WITNESS my hand and official seal on this 13th day of March 2014.

STACY M. BUTTERFIELD, CLERK

By: Kim Hancock  
Kim Hancock  
Deputy Clerk

