



LEE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, September 7, 2022

9:30AM

DRI2022-00001 Z-22-032	ALICO INTERCHANGE PARK DRI
DCI2021-00048 Z-22-018	CREEL TRACTOR CPD
DCI2021-00042 Z-22-020	CENTERPLACE MPD AMENDMENT
DCI2021-00014 Z-22-019	WILLIAMS AVENUE CPD
CPA2020-00004 & CPA2020-00005	OWL CREEK– ADOPTION (Continued from the August 17, 2022 BCC)
DCI2021-00011 Z-22-022	OWL CREEK MINOR RPD (Continued from the August 17, 2022 BCC)

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(ADOPTION HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 17, 2022. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2020-00004 Owl Creek Map Amendment – Amend the Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) to add property to the Lee County Utilities Future Water Service Area.

CPA2020-00005 Owl Creek Text Amendment – Add a new policy, Policy 29.2.4, to the Lee Plan that provides incentives for preservation or restoration of Rare and Unique Upland Habitats in developments that are located in the North Olga Community Plan area, clustered, and approved through the planned development process and amend Lee Plan Policy 124.1.1 and Table 1(a), Note 8 to allow for the capture of density from preserved wetlands when adjacent to the Rural future land use category.

CPA2022-00004 Update Map 3-A: Cost Feasible Roadway Projects Amend Map 3-A of the Lee Plan's Transportation Map Series to include 4-laning of Corkscrew Road from Alico Road to the Verdana Village entrance. This update is needed to maintain consistency with the Lee County Metropolitan Planning Organization 2045 Long Range Transportation Plan.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

CPA2020-00004

&

CPA2020-00005

Owl Creek

**Summary Sheet for
OWL CREEK: CPA2020-00004 & CPA2020-00005**

Summary:

The application proposes Lee Plan text amendments to:

- Provide density incentives for Rare and Unique upland habitat preservation, restoration, or creation in the Rural future land use category for clustered developments utilizing the planned development process within the North Olga Community Plan area, and
- Allow the capture of density from preserved wetlands when adjacent to the Rural future land use category in all areas of the County.

The application also proposes a Lee Plan map amendment to add more than 342 acres to the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.

Concurrent Application Review:

A companion rezoning application (DCI2021-00011) to allow development of a clustered residential community containing up to 380 dwelling units, providing a conservation easement over 54% of the property, and connecting to sanitary water service has been concurrently reviewed with these proposed Lee Plan amendments.

BoCC Transmittal Hearing:

The BoCC voted to transmit the proposed amendment to the State Reviewing Agencies on April 20, 2022. The motion was called and passed 4-1.

Public Comments:

One member of the public addressed the BoCC concerning the proposed amendment. The member of the public did not support the proposed amendments citing concerns with traffic, impacts to the environment, appropriateness of the subject property for residential use, and community character.

State Reviewing Agency Objections, Recommendations, and Comments:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Transportation (FDOT)
- Florida Department of Agricultural and Consumer Services

There were **no objections** concerning the proposed amendments. The Florida Department of Transportation provides comments, which are discussed in the staff report.

Staff Recommendation:

Staff recommends that the BoCC ***adopt*** the amendment as provided in Attachment 1 to the Staff Report.

LEE COUNTY ORDINANCE NO. _____
Owl Creek
(CPA2020-00004 & CPA2020-00005)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE OWL CREEK MAP AND TEXT AMENDMENTS (CPA2020-00004 & CPA2020-00005) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on February 28, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 20, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Owl Creek Map and Text Amendments (CPA2020-00004 & CPA2020-00005) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 20, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on August 17, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Owl Creek Map and Text Amendments Ordinance (CPA2020-00004 & CPA2020-00005)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) to add property to the Lee County Utilities Future Water Service Area. The text amendments will:

- Add a new policy, Policy 29.2.4, to the Lee Plan that provides incentives for preservation or restoration of Rare and Unique Upland Habitats in developments that are located in the North Olga Community Plan area, clustered, and approved through the planned development process.
- Amend Lee Plan Policy 124.1.1 and Table I(a), Note 8 to allow for the capture of density from preserved wetlands when adjacent to the Rural future land use category.

The Comprehensive Plan amendment is known as Owl Creek Map and Text Amendments Ordinance (CPA2020-00004 & CPA2020-00005).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L. Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 17th day of August 2022.

ATTEST:
KEVIN C. KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L. Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Map 4-A and text (Adopted by BOCC August 17, 2022)

CAO Draft 7/26/2022 11:02:55 AM

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area future land use category is one dwelling unit per acre (1 du/acre). See Policy 29.2.4 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All

Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas and Rural future land use categories~~ may transfer ~~densities—dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).~~

GLOSSARY

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. ~~as identified by the Lee County Coastal Study (Godschalk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

TABLE 1(A)


⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:


- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or

Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

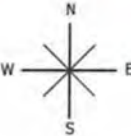
**LEE COUNTY
UTILITIES
FUTURE WATER
SERVICE AREAS**

Existing

 **Future Water Service
Areas**

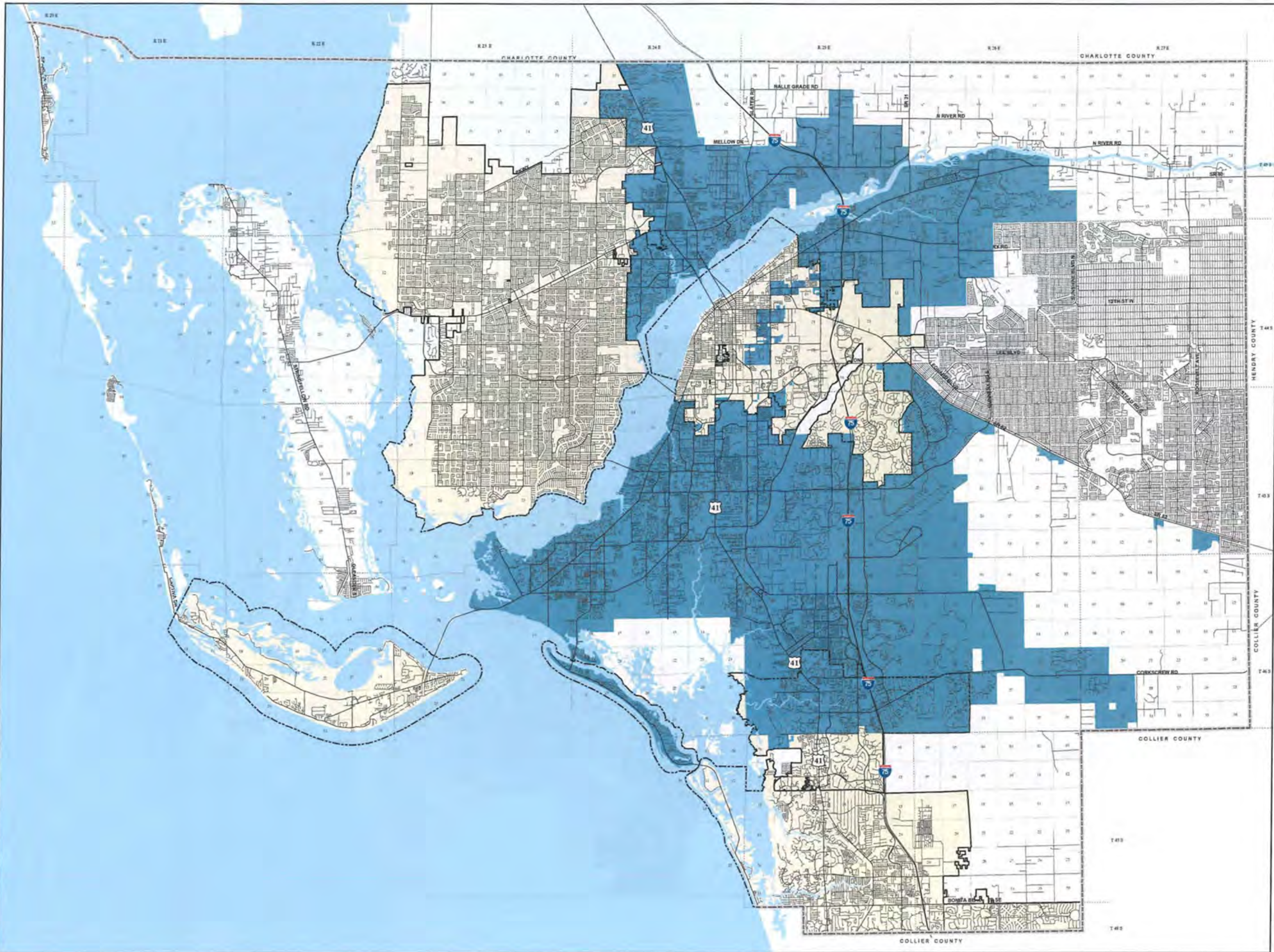
 **City Limits**

Ord. No. 89-02, 00-22, 03-19, 10-06, 10-40, 10-43, 12-24, 13-16,
14-21, 15-13, 15-14, 17-06, 17-23, 19-10, 19-25, 21-09





Map Generated: November 2021
City limits current to date of map generation

Lee Plan Map 4-A

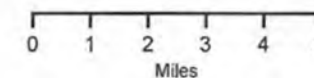


LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

Proposed

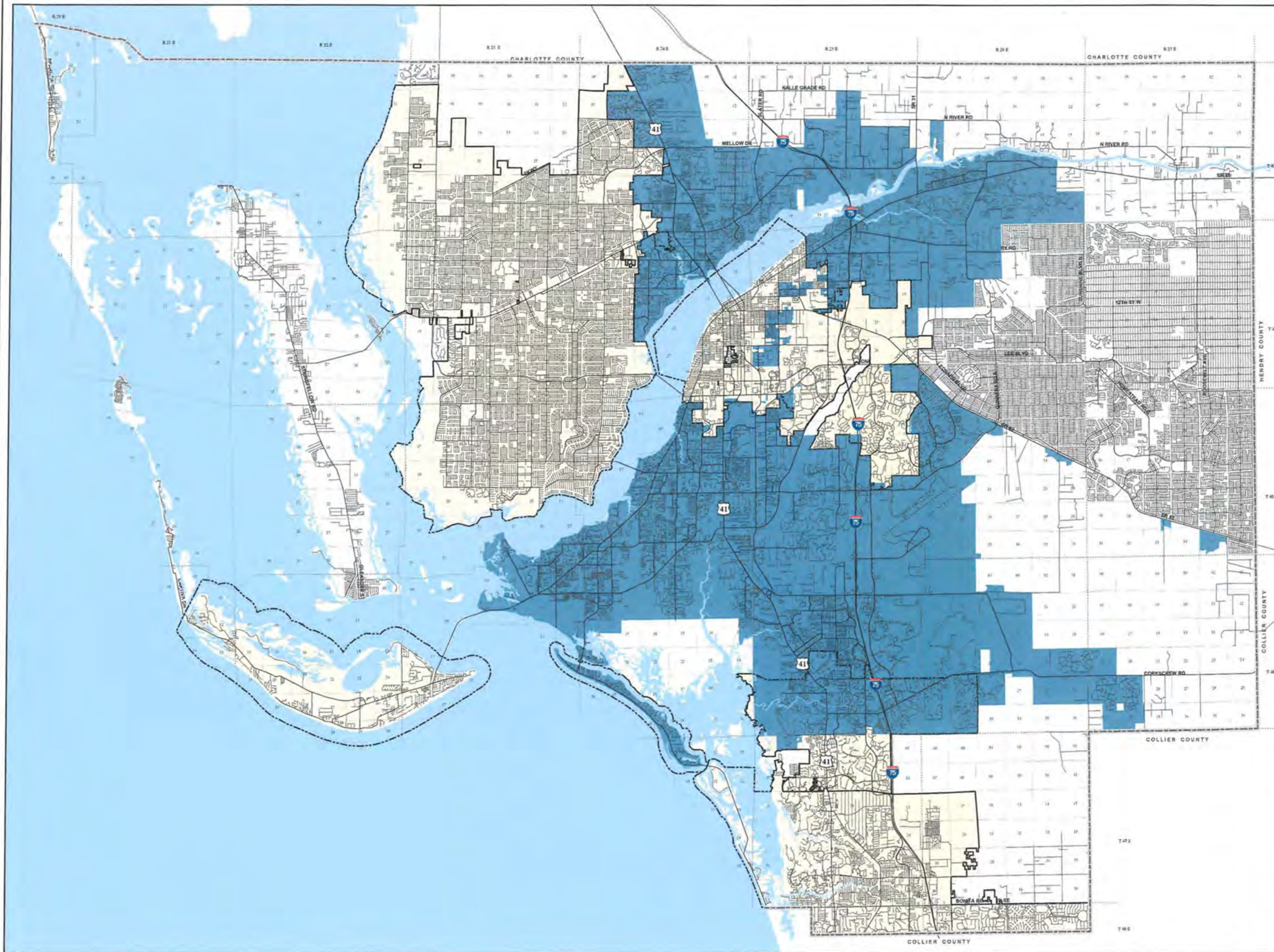
-  Future Water Service Areas
-  City Limits

Ord. No. 89-02, 00-22, 03-19, 10-06, 10-40, 10-43, 12-24, 13-16, 14-21, 15-13, 15-14, 17-06, 17-23, 19-10, 19-25, 21-09



Map Generated: February 2022
City limits current to date of map generation

Lee Plan Map 4-A



STAFF REPORT FOR CPA2020-00004 & CPA2020-00005: OWL CREEK



Privately Initiated Map & Text Amendments to the Lee Plan

Recommendation:

Transmit

Applicant:

D.R. Horton, Inc.

Representatives:

Stacy Ellis Hewitt, AICP
Banks Engineering

Hearing Dates:

LPA: 2/28/2022
BoCC #1: 4/20/2022
BoCC #2: 8/17/2022

Attachments:

1: Proposed Amendments
2: Applicant Materials

SUMMARY OF AMENDMENTS

- Add a new policy, Policy 29.2.4, to the Lee Plan that provides incentives for preservation or restoration of Rare and Unique Upland Habitats in developments that are located in the North Olga Community Plan area, clustered, and approved through the planned development process.
- Amend Lee Plan Policy 124.1.1 and Table 1(a), Note 8 to allow for the capture of density from preserved wetlands when adjacent to the Rural future land use category.
- Amend the Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) to add property to the Lee County Utilities Future Water Service Area.

PROJECT LOCATION

- The proposed text amendments for the Rare and Unique Upland Habitats incentives will apply to the North Olga Community Plan area.
- The amendments for the preserved wetlands density calculations adjacent to land designated Rural will be applied county wide.
- The proposed amendment to Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) is specific to property shown on the map below.



The property is approximately 342.68 acres in size and is located on the south side of North River Road about 0.5 miles east of SR31.

PART 1 - STAFF REVIEW

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2021-00011) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.”

The concurrent rezoning request is to rezone ±342.68 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units.

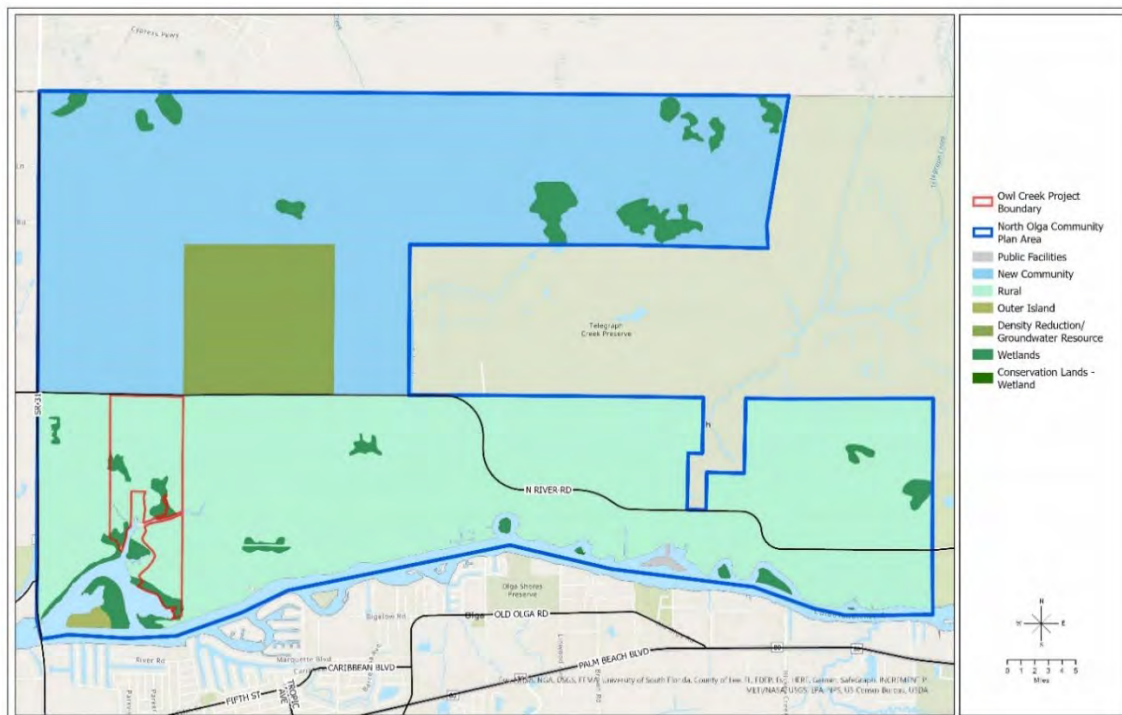
If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant MUST demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

DISCUSSION AND ANALYSIS – TEXT AMENDMENT

The intent of the text amendments is to provide an incentive to preserve, enhance, and restore Rare and Unique Upland Habitats within the North Olga Community Plan area and to expand the incentive for preserving wetlands to include wetlands adjacent to developable contiguous uplands in the Rural future land use category.

Rare and Unique Upland Habitats

The proposed text amendments for preserving, enhancing and restoring Rare and Unique Upland Habitats are specific to property within the North Olga Community Plan area and designated Rural on the Future Land Use Map. See map of the North Olga Community Plan area below.



The Rural future land use category, is described in **Policy 1.4.1**:

POLICY 1.4.1: The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The **Northeast Lee County Community Plan, Lee Plan Goal 27**, provides objectives and policies applicable to both the Alva and North Olga Community Plan areas in order to “maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands” in Northeast Lee County. Objective 27.1 and Policy 27.1.1 of the Lee Plan discusses the need to maintain and enhance the rural character of Northeast Lee County, including through the use of clustered development in order to conserve “large areas of open lands.” Additionally **Objective 27.2** and **Policy 27.2.1** direct applicants to develop and refine rural planning tools in order to “enhance and maintain Northeast Lee County’s sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas.”

The **North Olga Community Plan, Lee Plan Goal 29**, is to: “Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area.” Residential land uses within the Community Plan area are described in Objective 29.2:

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community’s rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

Furthermore, **Policy 29.2.1** encourages the design of planned developments to include a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets and diversity of choice within the community.

Rare and Unique Upland Habitats such as sand scrub, tropical hardwood hammock, live oak hammock, and cabbage palm hammocks are indigenous to Northeast Lee County. These upland habitats are often easier to develop (than wetlands) as mitigation for impacting the upland communities is not required. The definition of Rare and Unique Upland Habitats is provided in the Lee Plan Glossary. Amendments to the definition are proposed to clarify what qualifies as “high-quality”:

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation, ~~as identified by the Lee County Coastal Study (Godschalk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The text amendments below provide a density incentive for the preservation, creation, and/or restoration of Rare and Unique Upland Habitats:

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

These amendments establish standards to ensure the success and protection of the Rare and Unique Upland Habitats being preserved, created and/or restored by requiring evidence of appropriate soils to support the plant community where habitat restoration or creation is proposed and by requiring an ecological restoration plan containing long-term monitoring requirements. In addition, the amendments ensure that projects implementing this policy provide a minimum of 60% open space of which 50% must be indigenous preserve.

The proposed amendments are consistent with the Goals, Objectives and Policies within the Northeast Lee County and North Olga Community Plans by incentivizing the use of clustered development with large, contiguous tracts of open space, preserved in perpetuity, that contribute to the unique rural character, heritage, and natural resources of the North Olga Community Plan area.

Wetlands

While it is evident that the goals for both Northeast Lee County (Goal 27) and North Olga (Goal 29) support incentives that allow for clustered developments in order to protect “ample views of wooded areas” and open space¹, protection of wetlands are addressed county-wide within the Lee Plan².

Policy 124.1.1 (summarized in Table 1(a), Note 8) specifically allow for preserved freshwater wetlands adjacent to the Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban and Sub-Outlying Suburban future land use categories to transfer densities, at the adjacent upland density, to developable contiguous uplands under common ownership. The proposed amendments will expand the applicability of this policy to include preserved wetlands contiguous to uplands designated Rural on the Future Land Use Map:

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas and Rural future land use categories~~ may transfer ~~densities~~ dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands ~~(see Table 1(a))~~.

TABLE 1(A) – SUMMARY OF RESIDENTIAL DENSITIES

⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

Areas within the Rural land use category, as described in **Policy 1.4.1**, are to remain predominantly rural, with low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The proposed text amendment provides a density incentive for development within the Rural future land use category to develop in a manner that contributes to the preservation, enhancement, and restoration of wetland habitats. As stated in **Policy 1.5.1**, the Wetlands land use category identifies lands that are designated as wetlands, and consists of very low density residential use and recreational uses which will not adversely affect ecological functions.

¹ Objectives 27.1 & 29.2 and Policies 27.1.2 & 29.1.3.

² Objectives 124.1 & 124.2, Policies 60.4.1, 101.1.2, 123.1.1, 123.3.1, 124.1.1, 124.1.2, & 158.1.7, and Table 1(a), Note 8.

The current density calculations for Wetlands located adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban and Sub-Outlying Suburban future land use categories were established in 2010, through Ordinance 10-39 (CPA2008-00018). The intent of those amendments was to incentivize wetlands preservation by allowing the density of adjacent (urban and suburban) upland areas to be calculated for the area of freshwater wetlands preserved. Prior to adoption Ordinance 10-39, the density of wetlands was calculated at 1 unit per 20 acres regardless of the wetlands being preserved or impacted; there was no incentive to preserve wetlands. The proposed amendment expands the wetlands preservation incentive to all property designated Rural on the Future Land Use Map, of which there are approximately 24,300 acres.

Growth Management

Objective 2.1 of the Lee Plan states that “Contiguous and compact growth patterns will be promoted to... contain urban sprawl... [and] conserve land, water, and natural resources...” The proposed amendments allow for slight increases in density for properties in the Rural future land use category as an incentive to preserve wetlands and for properties in the North Olga Community Plan area that preserve, create, or restore Rare and Unique Upland Habitats. Implementation of the proposed amendments will not detract from the distinction between future non-urban areas and future suburban or future urban areas as envisioned by the Lee Plan. Policies that encourage both the continued use of the Rural future land use categories in appropriate areas and the protection of wetlands and other natural resources and systems are consistent with Objective 2.1 and 163.3177(6)(a)9 of the Florida Statutes.

DISCUSSION AND ANALYSIS – MAP AMENDMENT

The resulting gross density of the subject property, if the proposed Lee Plan amendments and concurrent rezoning is approved, is approximately 1.1 dwelling units an acre, which does not exceed the 2.5 dwelling units an acre that would require connection to public potable water system or sanitary sewer system.³ However, Lee County Utilities (LCU) has water mains in close proximity to the subject property and the applicant has proposed to add the property to the Lee County Future Water Service Area, Map 4-A.

The proposed amendment to Map 4-A is applicable to 342.68 acres located on the south side of North River Road, approximately 0.5 miles from the intersection of SR31 and North River Road. Lee County Utilities has capacity to serve the proposed project. Amending the Lee Plan to allow for connection to LCU’s potable water is consistent with **Policy 126.1.4** of the Lee Plan, which requires development designs must maintain groundwater levels at or above existing levels. Connecting to the LCU’s potable water system, will reduce stress on the shallow aquifer and help to maintain or improve groundwater levels near the subject property. This is particularly important for the subject property, as the surrounding properties rely on shallow residential wells for their potable water needs. Conditions may also be required to the concurrent rezoning request, DCI2021-00011, in order to demonstrate consistency with Policy 126.1.4.

DISCUSSION AND ANALYSIS – OWL CREEK PROJECT

The proposed Lee Plan amendments are being contemplated in conjunction with a concurrent request to rezone ±342.68 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units.

³ Lee Plan Standard 4.1.1

Surrounding Properties

West - The property immediately to the west is within the Rural and Wetlands Future Land Use Categories and zoned Agricultural (AG-2). The site contains 3 large lot single-family residences and agricultural grazing lands.

Further west there is additional agricultural uses including agritourism uses and large single-family lots ± 1.39 acres and larger. Policy 6.1.2 of the Lee Plan allows for these properties, within $\frac{1}{4}$ mile of SR 31 within the North Olga Community Plan Area, to be developed with neighborhood commercial uses.

North - To the north is North River Road, a 2-lane county maintained arterial roadway. North of North River Road is the Babcock Community, within the New Community future land use category, zoned Mixed Use Planned Development (MPD) by zoning resolution number Z-17-026.

To the northeast is property within the Density Reduction/Groundwater Resource (DR/GR) future land use category zoned AG-2 and Mobile Home residential MH-1. These properties are developed with single-family homes on lots ± 2.12 acres and larger as well as agricultural uses.

East - The properties adjacent to the east are within the Rural and Wetlands Future Land Use Categories, zoned AG-2, and consist of existing agricultural grazing lands, a vacant parcel owned by South Florida Water Management District, and a vacant privately owned parcel along the Caloosahatchee River.

Further East are properties zoned AG-2 and developed with large agricultural tracts then some single-family lots ± 4.45 acres and larger as well as agricultural uses.

South/Internal - The Caloosahatchee River lies to the south of the southern extent of the subject property. At the south end of the subject property there are two privately owned properties that will share an access from North River Road through the proposed Owl Creek development. These properties are within the Rural and Wetlands future land use categories and include:

- Owl Creek Boat Works and Storage, an industrial marina and yacht refinishing establishment located within the Water Dependent Overlay and zoned Marine Industrial (IM).
- Further south, across Trout Creek from Owl Creek Boat Works and Storage, is a vacant parcel and a ± 12 acre parcel developed with two single-family residences. Both of these parcels are zoned AG-2.

Impaired Waters

The property is in the Owl Creek and Trout Creek watersheds with offsite flows conveyed through the property before discharging into the Caloosahatchee River at the southern end of the subject property.

- Owl Creek and a tributary convey water from the northwest corner of the property south to the Caloosahatchee River. The Owl Creek watershed is impaired for Fecal Coliform.
- Trout Creek conveys water from the eastern property line southwest to the Caloosahatchee River. The Trout Creek watershed has a TMDL for fecal coliform and is on the study list for Dissolved Oxygen (percent saturation) based on the number of exceedances for the sample size.
- The Caloosahatchee River is impaired for Fecal Coliform and Iron and has a TMDL for Total Phosphorus, Total Nitrogen, Chlorophyll-a, and Dissolved Oxygen (percent saturation).

In addition to the proposed amendment to Lee Plan Map 4A, the applicant has stated their intent, in the application materials, to connect to sanitary sewer service provided by FGUA in order to address the proximity to Owl Creek, Trout Creek and the Caloosahatchee River. This will ensure water leaving the site is maintained or improved for the protection of the environment and the people of Lee County, consistent with Lee Plan Goal 125. It is recommended that connection to potable water and sanitary sewer services be required through conditions to the concurrent rezoning, if approved. The applicant could also prepare groundwater and surface water monitoring plans to demonstrate consistency with Goal 125 and following policies.

Floodways

The project is proposing to preserve and restore onsite wetlands, consistent with Objective 29.7 to “preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.” Most of the onsite wetlands are comprised of natural flowways and/or are within in FEMA regulatory floodways. The preservation and long-term maintenance of these wetlands will help retain natural flow patterns for lessening flooding impacts consistent with Lee Plan policies 60.4.3 and 61.3.3.

Wellfield Protection Zones

The northern portion of the property is within a future Wellfield Protection Zone (see CPA2021-00006, transmitted to the state on February 16, 2021). Any future development within the wellfield protection zone must comply with the wellfield protection zone ordinance, which requires a valid operating permit for all activity involving the storage, use, handling or production of hazardous substances in order to protect shallow wells. Compliance with the wellfield protection zone ordinance will protect Lee County wellfields consistent with Lee Plan Policy 125.1.6.

Archeological Resources

The proposed areas for preservation of Rare and Unique Upland Habitats contain three known archeological sites, which were documented as part of a cultural resource study conducted on the property. The preservation of the Rare and Unique Upland Habitat will protect these archeological sites.

Public Facilities Impacts

- Fire: The subject property is served by Bayshore Fire Rescue, who has indicated an adequate level of service.
- Emergency Medical Services: Lee County Emergency Medical Services will provide service to the subject property. Lee County EMS has indicated that they can sufficiently serve the property. The primary ambulance for the location is Medic 11, located 5.1 miles southwest. There is a second EMS station located within 6 miles of the property.
- Utilities: The subject property is not currently located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are not in operation at the vicinity, and thus, developer-funded system enhancements are required. Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility.
- Public Transit: The subject property does not meet applicability standards for LeeTran. The property is not within one quarter mile of a fixed route corridor, and there is no identified need for enhanced or additional transit services in the area.

- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property, and has indicated that there are no problems regarding service. Law enforcement will be provided from the North District substation in North Fort Myers.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

CONCLUSIONS

The amendments are consistent with the Lee Plan:

- The proposed amendments incentivize the clustering of residential development in order to protect and preserve large areas of open space, natural resources, unique habitats and rural aesthetic qualities, consistent with Goals 27 and 29 of the Lee Plan.
- The proposed amendments incentivize the preservation of wetlands that are adjacent to uplands in the Rural future land use category and is consistent with the County's overall wetland protection policies.
- The proposed amendments preserve the distinction between future non-urban and suburban areas, consistent with the vision of the Lee Plan.
- The proposed amendment to Map 4-A helps to ensure area groundwater levels will be maintained at or above existing levels, consistent with the Lee Plan.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: February 28, 2022

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation of the proposed amendments, the subject property, surrounding properties, availability of public facilities, surrounding properties, environmental benefits, and consistency with the Lee Plan. Following the applicant's presentation, members of the LPA asked for clarification about density requirements, traffic impacts, community input, what could be developed today without the proposed amendments, compatibility with surrounding uses, required plantings, and timing of the conservation areas.

Staff provided a brief presentation discussing the proposed amendments, consistency with the Lee Plan, and staff's recommendation. Following staff's presentation, LPA members asked questions regarding Policies 1.4.1 and 124.1.1, the nature of the proposed development, and parcel size. Staff provided clarification regarding the current use of density incentives throughout the County, referencing the Environmental Enhancement and Preservation Communities Overlay (EEPCO), and required restoration standards.

Two members of the public addressed the LPA concerning the proposed amendment. One member of the public, representing a nearby property owner, spoke in favor of the proposed amendments, but suggested the proposed incentives for preserving Rare and Unique habitats should be modified and apply county wide. The other member of the public did not support the proposed amendments citing concerns with traffic, and impacts to the environment and community character.

Following public input staff and LPA members discussed allowing for wider applicability of the density incentive for preserving or restoring Rare and Unique upland habitats, but agreed that due to lack of analysis the change was not appropriate at this time.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2020-00004 (MAP). The motion passed 3 to 1.

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	ABSENT
JAMES M. INK	NAY
ALICIA OLIVO	ABSENT
DON SCHROTENBOER	AYE
STAN STOUDE	ABSTAIN
HENRY ZUBA	AYE

A motion was made to recommend that the Board of County Commissioners transmit CPA2020-00005 (TEXT). The motion passed 4 to 0.

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	ABSENT
JAMES M. INK	AYE
ALICIA OLIVO	ABSENT
DON SCHROTENBOER	AYE
STAN STOUDEER	ABSTAIN
HENRY ZUBA	AYE

C. STAFF RESPONSE TO LOCAL PLANNING AGENCY DISCUSSION AND RECOMMENDATION:

Based on the LPAs discussion and questions to staff and the applicant, staff recommends additional changes be made to provide a cross reference to the new Policy (29.2.4) in Policy 1.4.1, which describes the Rural future land use category, and clarify indigenous requirements in Policy 29.2.4. These additions are shown below in double-underline, and have been added to Attachment 1.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural ~~area~~ future land use category is one dwelling unit per acre (1 du/acre). See Policy 29.2.4 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.

The remaining text for proposed Policy 29.2.4 remains unchanged and is shown in its entirety in Attachment 1. Staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Amendment 1.

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: April 20, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, consistency with the Lee Plan and staff recommendation.

An applicant's representative provided a presentation of the proposed amendments, consistency with the Lee Plan, concurrent rezoning request, environmental benefits, and the recommendations of staff and the LPA.

One member of the public addressed the BoCC concerning the proposed amendment. The member of the public did not support the proposed amendments citing concerns with traffic, impacts to the environment, appropriateness of the subject property for residential use, and community character.

B. Transmittal Hearing:

A motion was made to ***transmit*** the proposed amendments as recommended by staff and the LPA. The motion passed 4 to 1.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
FRANK MANN	<u>NAY</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by May 22, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Transportation (FDOT)
- Florida Department of Agricultural and Consumer Services

There were **no objections** concerning the proposed amendments.

The Florida Department of Transportation did provide comments. However, these comments do not accurately reflect the potential impacts of the proposed development and staff and the applicant have provided clarification following each comment.

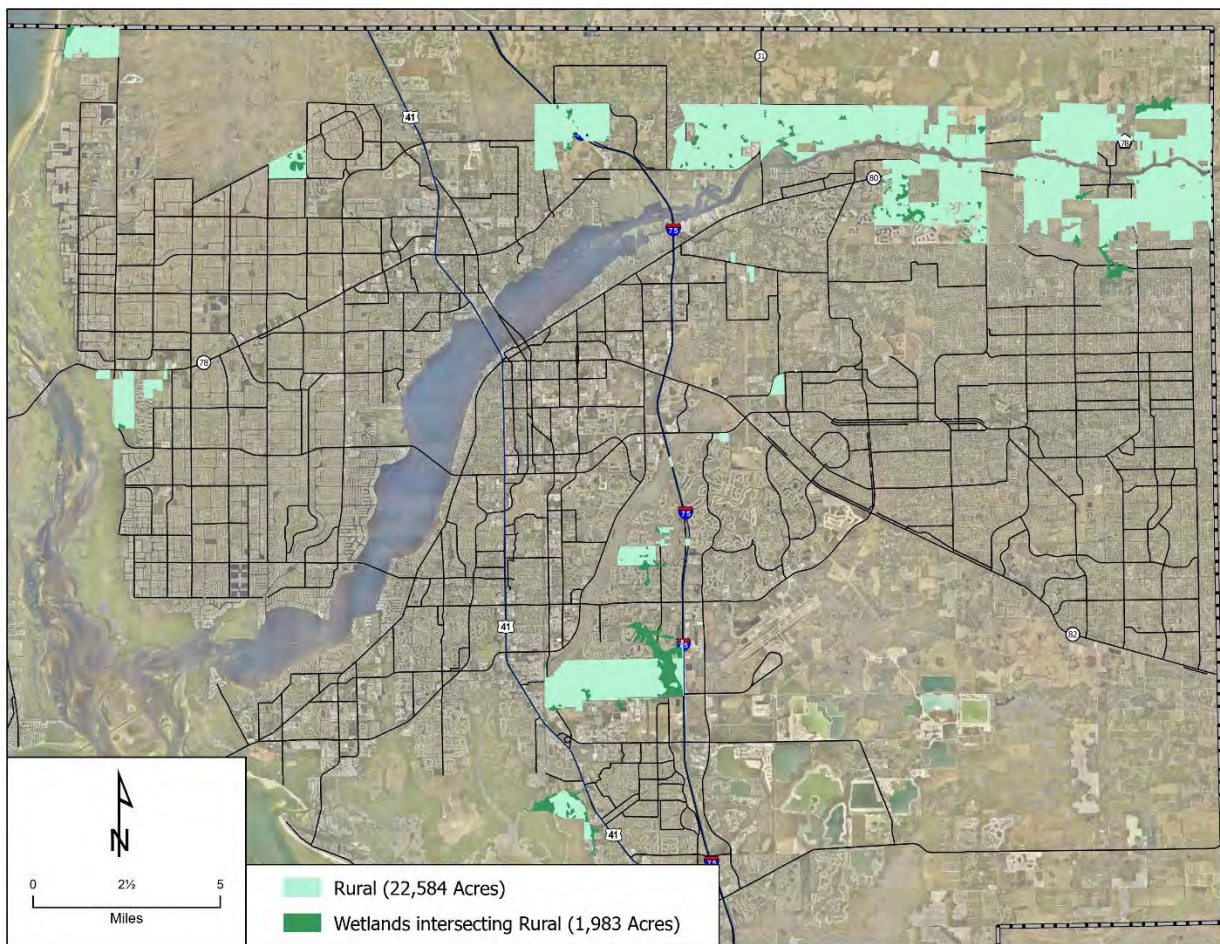
Owl Creek Review Comment: The proposed text amendments (Policies 29.2.4 and 124.1.1) for the Rare and Unique Upland Habitats incentives will apply to the North Olga Community Plan area which consists of 342.68 acres and is located on the south side of North River Road approximately 0.5 miles east of SR 31. The applicant has filed a companion rezoning application (DCI2021-00011) to rezone from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units.

Owl Creek Review Response/Clarification: The review recognizes that Policy 29.2.4 for the Rare and Unique Upland Habitats incentives will apply to the North Olga Community Plan area, but the analysis provided demonstrates application of these incentives to the Owl Creek project only. Policy 29.2.4 incentives would be available to lands within the Rural future land use category within the North Olga Community Plan area which is approximately 4,437 acres. Subtracting the Owl Creek Project (342.68± ac), Conservation 2020 lands (271.76± ac) and adjacent Lee County land (86.19± ac) leaves approximately 3,736 acres that could potentially utilize the incentives. Projects proposing to utilize the proposed incentives will be required to go through the planned development process to demonstrate clustered development and 60% open space of which 50% would be required to be indigenous. If all of the parcels utilized the incentives and all of their required indigenous met the requirements for Rare and Unique incentive, approximately 1,121 acres would be preserved resulting in 1,121± units plus the 56± units associated with Owl Creek that could be requested and thoroughly reviewed through the planned development process.

County Wide Review Comment: The amendment on the Policy 124.1.1 for the preserved wetlands density calculations adjacent to land designated Rural will be applied county wide includes approximately 24,300 acres which may result in an increase in transportation impacts. The CPA

package did not include any county wide transportation analysis to determine impact to the state roadways and the Strategic Intermodal Systems (SIS) facilities.

County Wide Review Response/Clarification: For clarification, while there are approximately 24,300 acres of land within the Rural future land use category in Lee County, not all have wetlands associated with them to be able to use the proposed policy. There are approximately 2,057 acres of land within the Wetlands future land use category adjacent to or within the Rural designated areas throughout Lee County. When only considering Wetlands that are adjacent to the 22,584 acres of privately owned properties in the Rural future land use category the approximate acreage of Wetlands that may take advantage of this is further reduced 1,983 acres, approximately 8.1% of the assumed applicable area per the FDOT review. The map below shows areas currently within the Wetlands future land use category that intersect the Rural future land use category.



In addition, as drafted this incentive is only available when freshwater wetlands are preserved. Some of the 1,983 acres of privately owned wetlands are saltwater wetlands and are not able to utilize this incentive.

B. STAFF RECOMMENDATION

Staff recommends that the BoCC **adopt** the amendment as attached to the staff report.

PROPOSED TEXT AMENDMENTS

Please Note: The applicability of the amendments under this request are anticipated to be expanded by amendments under consideration for CPA2021-00005, Bayshore Ranch. The Bayshore Ranch amendments are expected to be transmitted to the State Reviewing Agencies on August 3, 2022 and are anticipated to be adopted into the Lee Plan within 180 days as required by Florida Statutes.

If the BoCC adopts the amendments for Bayshore Ranch, Policy 29.2.4 from the Owl Creek amendments (identified below) will be removed and replaced by Policy 123.2.17 from Bayshore Ranch. This is necessary to avoid redundancy and maintain internal consistency within the Lee Plan.

FUTURE LAND USE ELEMENT

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural ~~area~~ future land use category is one dwelling unit per acre (1 du/acre). See Policy 29.2.4 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:

- a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
- b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
- c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
- d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas and Rural~~ future land use categories may transfer ~~densities—dwelling units from preserved freshwater wetlands~~ to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).

GLOSSARY

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation,—as identified by the Lee County Coastal Study (Godschalk and Associates, 1988). These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

TABLE 1(A)

⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or

Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.



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FEB 15 2022

Professional Engineers, Planners & Land Surveyors

COMMUNITY DEVELOPMENT

LETTER OF TRANSMITTAL

TO: Ms. Tyler Griffin, Planner
Planning Section
Lee County Department of Community
Development
1500 Monroe Street
Fort Myers, FL 33901

DATE: February 15, 2022

PHONE: (239) 533-8314

FAX:

REFERENCE: CPA2020-00004 & CPA2020-00005 – Owl Creek Reserve **JOB NO:** 8504

COPIES	DESCRIPTION
15	Complete and Sufficient Application Materials for use at LPA and BOCC hearings

REASON:

☐ Your Comments
☐ Your Approval
☐ Your Information
☐ Your Review
☒ Per Your Request

SENT VIA:

☐ Regular Mail
☐ FedEx / UPS
☒ Courier
☐ Pick-up
☐ E-mail

COMMENTS:

Please do not hesitate to contact me at 239-770-2527 or shewitt@bankseng.com if you have any questions or need anything.

We are looking forward to the hearings. Thank you and please take care.


Stacy Ellis Hewitt, AICP
Director of Planning
Email: shewitt@bankseng.com

CC:

S:\Jobs\85XX\8504\Documents\Comp Plan Amendment\8504-Transmittal LPA Packets.docx

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COMMUNITY DEVELOPMENT

Owl Creek Reserve

CPA2020-00004 & CPA2020-00005

**Lee County Local Planning Agency
Applicant Materials**



Professional Engineers, Planners & Land Surveyors

OWL CREEK RESERVE Comprehensive Plan Map & Text Amendment

**List of Exhibits by Application Section
CPA2020-00004 & CPA2020-00005
Revised February 2022**

Map Amendment:

1. Exhibit M1 – Application (Revised February 2022)
2. Exhibit M3 - Disclosure of Interest
 - a. Talon Ventures, LLC
 - b. D.R. Horton, Inc.
3. Exhibit M3 - Variance Report
 - a. Surrounding Property Owners List
 - b. Map of Parcels within 500 Feet
4. Exhibit M4 - Future Land Use Map
 - a. Existing (Revised March 2021)
5. Exhibit M5 & M6 - Map & Designation of Existing Land Uses & Zoning, including
 - a. Map of Existing Land Uses
 - b. Map of Existing Zoning
 - c. Description Narrative of Existing Land Uses & Zoning
6. Exhibit M7 - Signed/Sealed Legal Description & Sketch for each FLUC Proposed
 - a. Legal Descriptions (Revised November 2021)
 - b. Boundary Survey (Revised January 2022)
7. Exhibit M8 - Deed of Subject Property
8. Exhibit M9 - Aerial Map Showing the Subject Property & Surrounding Properties
9. Exhibit M10 - Authorization Letter from the Property Owner, including
 - a. Talon Ventures, LLC
 - b. D.R Horton, Inc.
10. Exhibit M11 & M18/ T6, T9 & T10 - Lee Plan Consistency & State-Regional Plans (Revised February 2022)
11. Exhibit M12/T7 - Environmental Impacts Analysis (Revised January 2022)
 - a. Indigenous Habitat Management Plan
 - b. Protected Species Assessment
12. Exhibit M13/T8 - Historical Resources Impact Analysis, including
 - a. Archaeological Sensitivity Map
 - b. Analysis of Potential Impacts to Cultural Resources Report
13. Exhibit M14 & M16/T5 - Public Facilities Impact Analysis & Existing & Future Conditions Analysis (Revised February 2022)
 - a. Letter of no objection from LCU for sanitary sewer connection to FGUA
14. Exhibit M15/T5 - Traffic Circulation Analysis (Supplemented March 2021)
15. Exhibit M17 - Letters of Determination for Adequacy and copies of requests
 - a. Bayshore Fire Protection & Rescue Service District
 - b. Division of Emergency Medical Services
 - c. Lee County Utilities
 - d. Lee County Transit

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Application (Exhibit M1)

CPA2020-00004
Revised February 2022

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COMMUNITY DEVELOPMENT

- e. School District of Lee County
- f. Lee County Sheriff's Office
- g. Lee County Solid Waste Department
- h. FGUA Wastewater
- 16. Exhibit M19 - Justification of Proposed Amendment (Revised February 2022)
- 17. Exhibit M20 - Planning Community Requirements (Revised January 2022)
 - a. Summaries of North Olga Planning Community Public Information Meetings
 - b. Summaries of Alva Planning Community Public Information Meetings
- 18. Additional Support Documents:
 - a. Amendment to Lee Plan Map 6 - Future Water Service Areas
 - b. Preliminary Development Footprint (Revised February 2022)
 - c. Hurricane Evacuation Analysis (Revised August 2021)
 - d. Water Resources Report (Revised October 2021)
 - e. Stormwater Planning Report (Revised October 2021)

Text Amendment:

- 1. Exhibit T1 - Text Amendment Application (Revised February 2022)
- 2. Exhibit T3 - Pre-Application Meeting
- 3. Exhibit T4 - Proposed Text Changes (Revised February 2022)



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Owl Creek Reserve

Project Description: Amendment to Map 6 to include 342.68± acres within the Lee County Utilities Future Water Service Area and associated Text Amendments to allow incentives for protection of environmentally sensitive lands within the Rural future land use category for clustered developments within the North Olga Planning Community area with accompanying planned development application to accommodate up to 380 residential dwelling units (increase of 157 dwelling units).

Map(s) to Be Amended: Map 6 – Lee County Utilities Future Water Service Area

State Review Process: ☐ Small-Scale Review ☐ State Coordinated Review ☒ Expedited State Review

1. Name of Applicant: D.R. Horton, Inc.

Address: 10541 Six Mile Cypress Pkwy

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-225-2600

E-mail: JWEverett@drhorton.com

2. Name of Contact: Stacy Ellis Hewitt, AICP – Banks Engineering

Address: 10511 Six Mile Cypress Pkwy

City, State, Zip: Fort Myers, FL 33966

Phone Number: (239) 770-2527/(239) 939-5490

E-mail: SHewitt@bankseng.com

3. Owner(s) of Record: Talon Ventures, LLC

Address: 10 Wimbledon Court

City, State, Zip: Frisco, TX 75034

Phone Number: _____

E-mail: _____

4. Property Location:

1. Site Address: 12850 N. River Road, 18420 & 17900 Owl Creek Drive

2. STRAP(s): 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 & 19-43-26-00-00002.1020

5. Property Information:

Total Acreage of Property: 342.68±

Total Acreage Included in Request: 342.68±

Total Uplands: 212.24± ac & 4.39± ac OSW Total Wetlands: 120.31± ac & 5.74± ac natural SW Current Zoning: AG-2

Current Future Land Use Category(ies): Rural & Wetlands

Area in Each Future Land Use Category: Rural: 212.24± ac & 4.39± ac OSW = 216.63± ac / Wetlands: 120.31± ac & 5.74± ac SW = 126.05± ac

Existing Land Use: Agricultural Grazing Lands

6. Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 223*

Commercial Intensity: _____

Industrial Intensity: _____

*Uplands including artificial ditches & lake @ 1du/ac & Wetlands @ 1du/20 ac (no density for natural SW)

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 380

Commercial Intensity: _____

Industrial Intensity: _____

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment - greater than 10 acres - Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

APPLICANT – PLEASE NOTE:

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

Disclosure of Interest

(Exhibit M3)

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Belinda B. Ulrich, as Manager of Talon Ventures, LLC, a Florida limited liability company, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 12850 N River Road (18-43-26-00-00002.0020), 18420 Owl Creek Dr (18-43-26-00-00002.0000) & 17900 Owl Creek Dr (19-43-26-00-00002.1020) and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Belinda B Ulrich

Property Owner

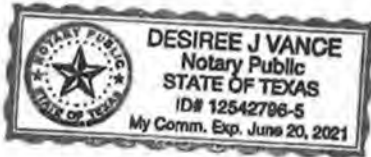
Belinda B. Ulrich, as Manager of Talon Ventures, LLC, a
Florida limited liability company
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF ~~FLORIDA~~ TEXAS
COUNTY OF ~~LEE~~ COLLIN

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on July 13, 2020 (date) by Belinda B. Ulrich (name of person providing oath or affirmation), who is personally known to me or who has produced Texas Driver License (type of identification) as identification.

STAMP/SEAL



Desiree J Vance
Signature of Notary Public

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Justin Robbins, as Division President/VP of D.R. Horton, Inc., who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 12850 N River Road (18-43-26-00-00002.0020), 18420 Owl Creek Dr (18-43-26-00-00002.0000) & 17900 Owl Creek Dr (19-43-26-00-00002.1020) and is the subject of an Application for zoning action (hereinafter the "Property").

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3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

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5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

Justin Robbins, as Division President/VP of D.R. Horton, Inc. as Authorized Legal Representative of Talon Ventures, LLC.

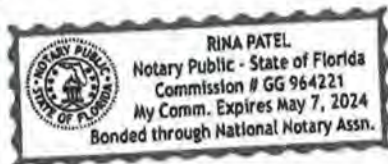
Print Name

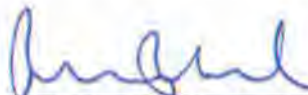
***** NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS *****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 8/20/2020 (date) by Justin Robbins (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

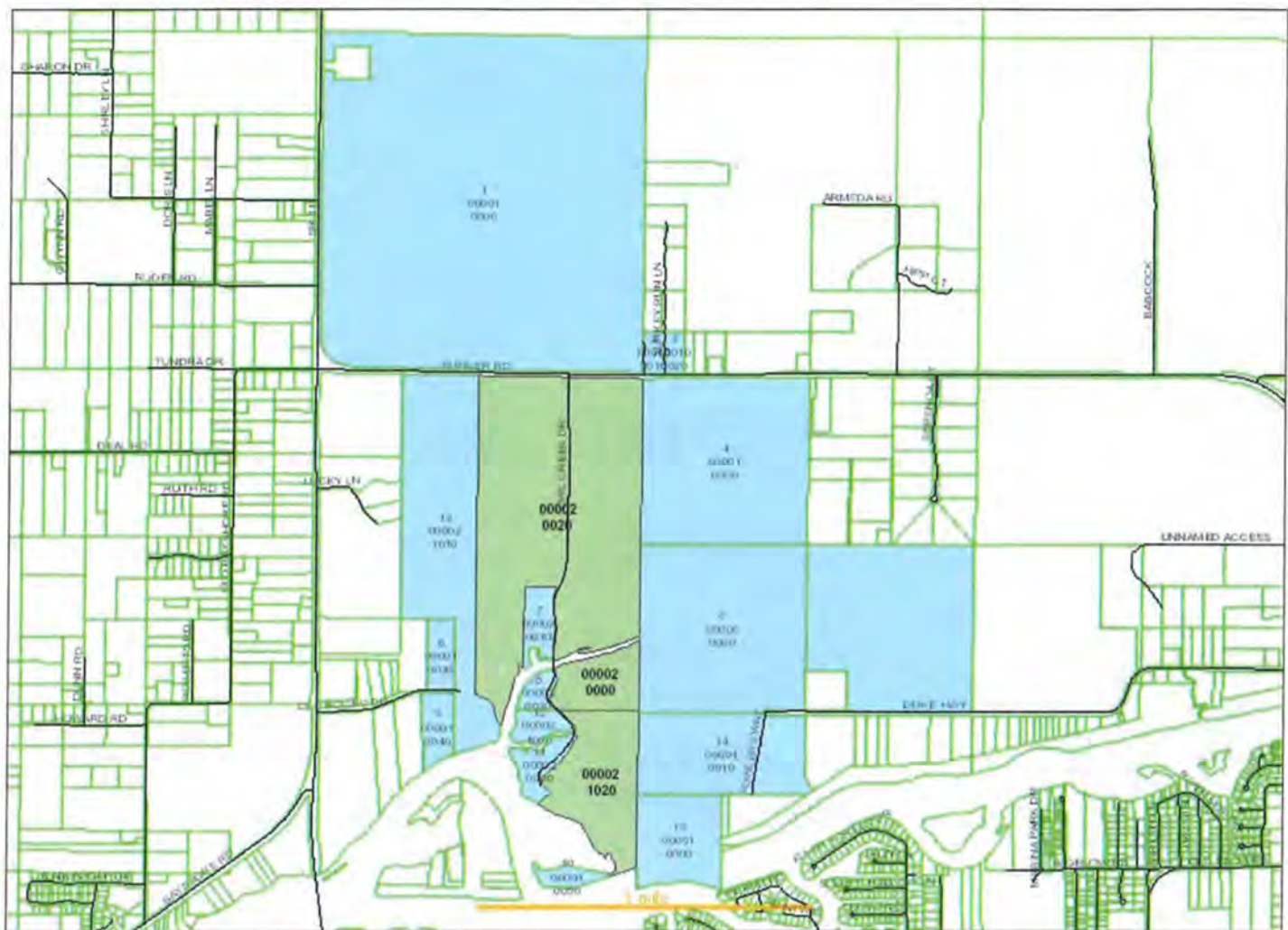
STAMP/SEAL





Signature of Notary Public

Surrounding Property Owners List, Mailing Labels & Map (Exhibit M3)



Date of Report: August 27, 2020

Buffer Distance: 500 feet

Parcels Affected: 15

Subject Parcels: 18-43-26-00-00002.0000, 18-43-26-00-00002.0020, 19-43-26-00-00002.1020

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

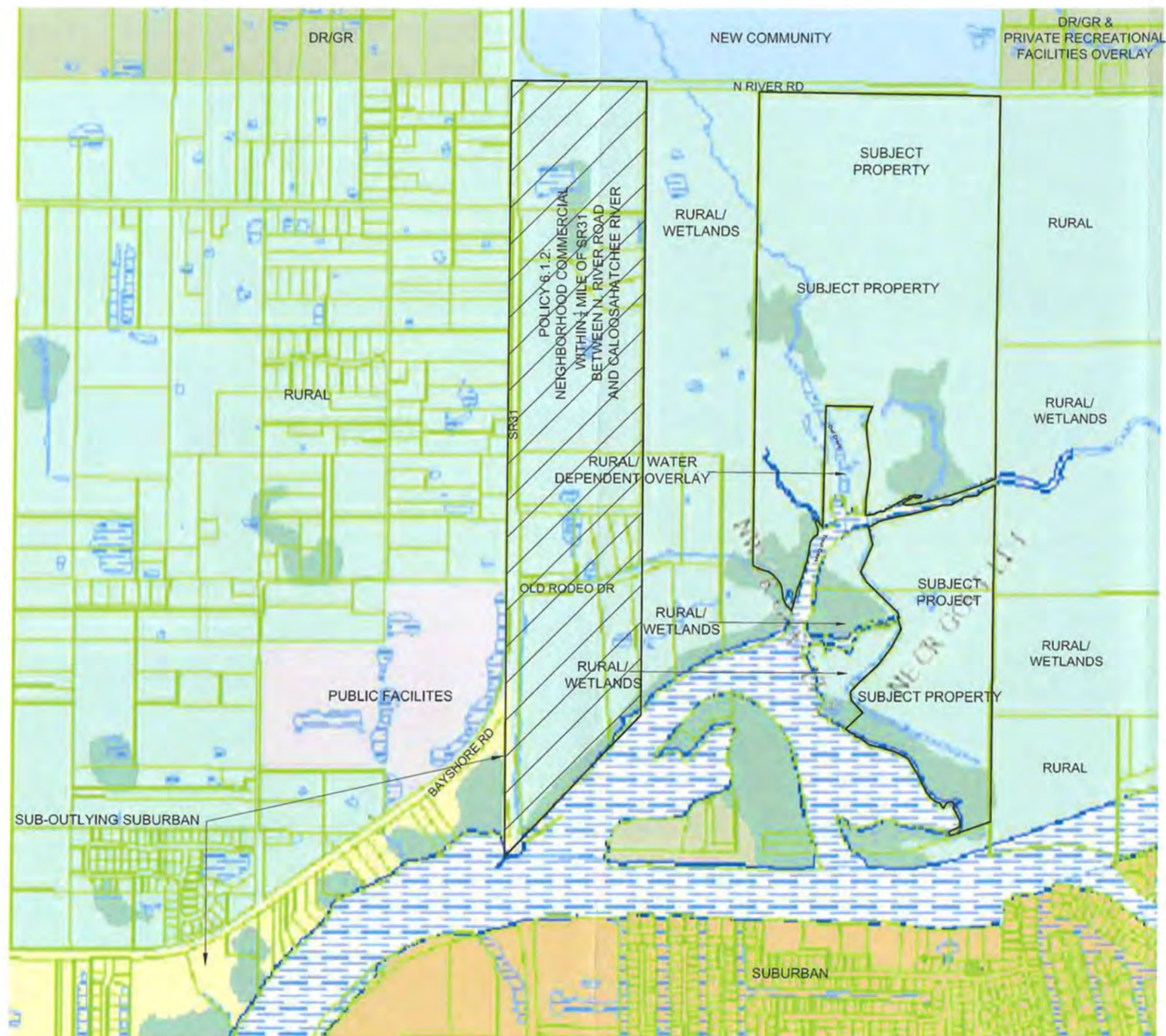
OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
BABCOCK PROPERTY HOLDINGS LLC KITSON AND PARTNERS 4500 PGA BLVD STE 400 PALM BEACH GARDENS FL 33418	07-43-26-00-00001.0000 19500 STATE ROAD 31 ALVA FL 33920	ALL SEC 7 LESS W 50 FT FOR RD R/W AS DESC IN OR 13 PG 575 + LESS SR 78 AS DESC IN OR 439 PG 715 LESS 2018-233590	1
ONEILL MICHAEL 13033 N RIVER RD ALVA FL 33920	08-43-26-00-00010.0010 13033 N RIVER RD ALVA FL 33920	W 1/2 OF S W 1/4 OF S W 1/4 OF S W 1/4 DESC IN OR 1432 PG 635	2
PIPKINS DAVID S & 19100 TURKEY RUN LN ALVA FL 33920	08-43-26-00-00010.0020 19100 TURKEY RUN LN ALVA FL 33920	E1/2 OF SW1/4 OF SW1/4 OF SW1/4 DESC IN OR 1505 PG 1868	3
CARY + DUKE PROPERTIES LLC PO BOX 718 FORT MYERS FL 33902	17-43-26-00-00001.0000 13230 N RIVER RD ALVA FL 33920	NW 1/4 + SE 1/4 LESS SW 1/4 OF SW 1/4 OF SE 1/4 LESS R/W OR 2026/2985	4
NORTH RIVER COMMUNITIES LLC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	17-43-26-00-00006.0000 13231 DUKE HWY ALVA FL 33920	SW 1/4 LESS R/W OR 2026/2985	5
WINTER RYAN G +	18-43-26-00-00001.0030	PARC IN S1/2 OF SE1/4 DESC	6

12251 OLD RODEO DR ALVA FL 33920	12251 OLD RODEO DR ALVA FL 33920	OR 2626/0083 LESS 2019-84518 + 2019-84519	
OWL CREEK BOAT WORKS + 18251 OWL CREEK DR ALVA FL 33920	18-43-26-00-00002.0010 18251 OWL CREEK DR ALVA FL 33920	PARL IN SE 1/4 N OF CRK AS DESC IN OR 1100 PG 0642	7
VERSPEETEN RONALD 20 STUBBS CR TILLSONBURG ON N4G 4P5 CANADA	18-43-26-00-00002.0030 OWL CREEK DR ALVA FL 33920	PARCEL IN SE 1/4 S OF TROUT CREEK LESS OR 2619 PG 3907	8
DILORETO THOMAS N & DIANA L 12290 OLD RODEO DR ALVA FL 33920	19-43-26-00-00001.0040 12290 OLD RODEO DR ALVA FL 33920	ALL FRAC W 1/2 OF RVR DESC IN OR 4830 PG 1310 + 2019-84519 LESS RD R/W + 1.0000 THRU 1.0030	9
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	19-43-26-00-00001.0050 ACCESS UNDETERMINED ALVA FL	PARL IN 19-43-26 AS DESC IN OR 37 PG 220	10
VERSPEETEN RONALD 20 STUBBS CR TILLSONBURG ON N4G 4P5 CANADA	19-43-26-00-00002.0000 17891/901 OWL CREEK DR ALVA FL 33920	ALL FRAC E 1/2 N OF RVR LESS PARCEL 2.001 + 2.1000	11
VERSPEETEN RONALD 20 STUBBS CR TILLSONBURG ON N4G 4P5 CANADA	19-43-26-00-00002.1000 18001 OWL CREEK DR ALVA FL 33920	E 1/2 OF SEC N OF RIVER LESS 2.+ 2.001 + 2.1010 + 2.1020	12
LAWSON DONALD SHUMAKER LOOP + KENDRICK LLP 240 S PINEAPPLE AVE SARASOTA FL 34236	19-43-26-00-00002.1010 12350 OLD RODEO DR ALVA FL 33920	PAR IN NW1/4 OF NW1/4 OF NE1/4 OF SEC 19 + PORT IN SE 1/4 OF SW 1/4 OF SW 1/4 AS DESC IN INST#2006-467705 PAR IN E 1/2 OF W 1/2 N OF RIVER AS DESC IN INST#2006-467701	13
SOUTH FLA WATER MGMT DIST LAND MANAGEMENT PO BOX 24680 WEST PALM BEACH FL 33416	20-43-26-00-00001.0010 ACCESS UNDETERMINED FORT MYERS FL	PARL IN NE 1/4 AS DESC IN OR 484/407	14
CLARE LAND LLC PO BOX 131391 HOUSTON TX 77219	20-43-26-01-00001.0000 ACCESS UNDETERMINED FORT MYERS FL	HART + FOXWORTHYS S/D PB 1 PG 44 NLY PT LOTS 1 THRU 8	15

Future Land Use Map - Existing (Exhibit M4)

CPA2020-00004
Revised August 2021

S:\JOBS\8504\EXHIBITS\8504_FUTURE LAND USE.DWG 1/6/2021 7:54 AM KEVIN GONZALEZ



Future Urban Areas	
	Intensive Development
	Central Urban
	Urban Community
	Suburban
	Outlying Suburban
	Sub-Outlying Suburban
	Commercial
	Industrial
	Public Facilities
	University Community
	Burnt Store Marina Village

Non-Urban Areas	
	Rural
	Rural Community Preserve
	Coastal Rural
	Outer Island
	Open Lands
	Density Reduction/Groundwater Resource
	Conservation Lands - Upland
	Wetlands
	Conservation Lands - Wetland

Special Urban Areas	
	Industrial Interchange
	General Interchange
	General Commercial Interchange
	Industrial Commercial Interchange
	University Village Interchange
	New Community
	Tradeport
	Airport

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10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33906
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

REVISED 01/05/2021

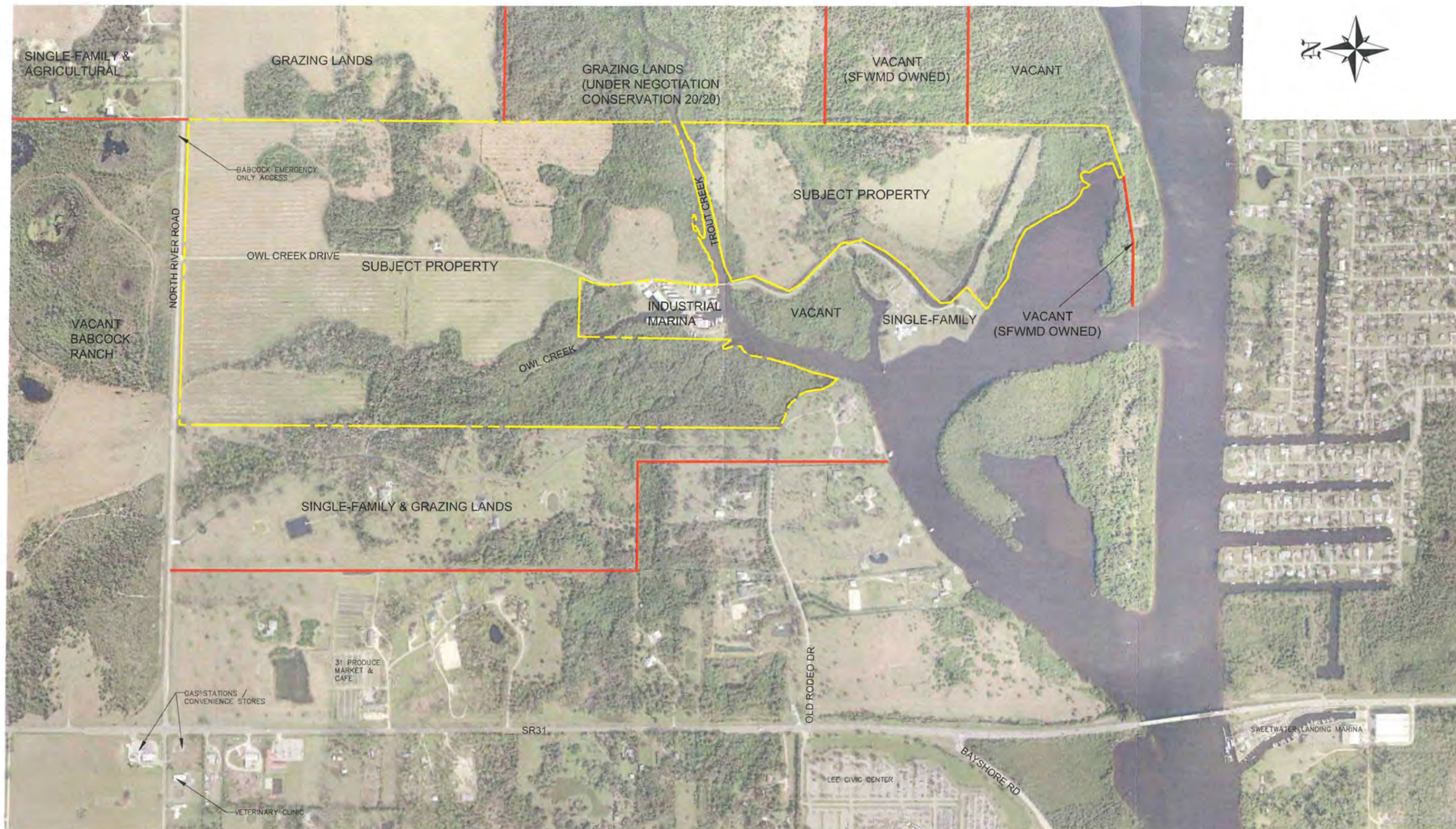
EXISTING FUTURE LAND USE MAP EXHIBIT-M4

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

**Map & Description of
Existing Land Uses &
Map & Description of
Existing Zoning of the
Subject Property &
Surrounding Properties
(Exhibits M5 & M6)**

S:\JOBS\8500\8504\EXHIBITS\8504_FUTURE LAND USE.DWG 9/15/2020 2:28 PM KEVIN GONZALEZ



LEGEND:

- = APPROXIMATE ADJACENT PROPERTY LINE
- - - = SUBJECT PROPERTY

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FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
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MAP OF EXISTING LAND USES EXHIBIT-M5
OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01



Professional Engineers, Planners & Land Surveyors

OWL CREEK Comprehensive Plan Amendment

**Description of Existing Land Uses of Subject Property and Surrounding Properties
Description of Existing Zoning of Subject Property and Surrounding Properties
EXHIBITS "M5" & "M6"**

Subject Property

The Owl Creek property is situated in an area of rapid change with fairly intensive existing and historic uses such as the Lee Civic Center to industrial marine uses such as Owl Creek Boat Works and Storage where individuals come from all over the region for yacht refinishing and Sweetwater Landing Marina. The property is located on the edge of the urban area. The rapid changes include the continuing development of the new Babcock Ranch community to the north and commercial development and redevelopment along the SR 31 corridor including the 31 Produce Market, café and attraction; Sweetwater Landing Marina's redevelopment in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar; a gas station and market development in 2017 at the northwest corner of SR 31 and North River Road and veterinary clinic in 2018 just west of this gas station; and a convenience store and gas station development in 2020 at the southwest corner of North River Road and SR 31.

The Owl Creek property is within the Rural and Wetlands future land use categories (FLU), is zoned Agricultural (AG-2) and consists of existing grazing lands and natural areas, including portions of Owl Creek and Trout Creek. The site has been partially cleared for agricultural activity since prior to 1953 and has historically been used for a variety of agricultural and farming uses such as citrus groves, row cropping, and cattle grazing. The submitted environmental analysis identifies the potential jurisdictional wetlands and rare/unique uplands that exist on site. The submitted historic analysis demonstrates four historic sites identified on the subject property, three of which are considered potentially eligible for listing on the National Register of Historic Places (NRHP).

West

The property immediately adjacent to the west is within the Rural and Wetlands FLU categories and zoned Agricultural (AG-2). Owl Creek crosses this property from N. River Road and continues onto the subject property. There is a conservation easement on the property but a partial release recorded in Instrument Number 2006000412915 (attached) has resulted in only a small portion being covered by this easement along the eastern property line. The site contains 3 single-family residences and agricultural grazing lands. Two houses are generally located in the center of the property: one setback ± 515 feet and the other ± 620 feet. The third house is located at the southern tip.

Further west there are existing agricultural and large single-family lots ± 1.39 acres and larger. There is a commercial node within $\frac{1}{4}$ mile of SR 31 between North River Road and the Caloosahatchee River described in Lee Plan Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center, Sweetwater Landing Marina and the Sub-Outlying Suburban area to the south. This area contains several non-residential uses

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such as the gas stations and convenience stores developed in 2017 and 2020, veterinarian office developed in 2018, feed store, church, SR 31 Produce market, u-pick and café developed around 2010 with continuing improvements. The Bayshore Community Planning area is west of SR 31 and contains large lot residential development as well as ¼-acre lot subdivisions west of the commercial node. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the Owl Creek property at the southwest corner of the intersection of Bayshore Road and SR 31 which allows a maximum density of 2 dwelling units per acre.

North

To the north is North River Road, a 2-lane county maintained arterial roadway then property within the New Community FLU category. This property is the southern portion of the Babcock Mixed Use Planned Development (MPD), approved by zoning resolution number Z-17-026/case number DCI2016-00022 which allows 1 dwelling unit per 2.5 gross acres up to 1,630 dwelling units, 600 hotel rooms and 1,170,000 square feet of commercial office and retail uses. There is an emergency only access planned across the street from the Owl Creek property. The entrance to the mixed-use areas of Babcock Ranch MPD is $\pm\frac{1}{2}$ mile north of SR 31 and North River Road across from Shirley Lane. To the northeast is within the Density Reduction/Groundwater Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay, zoned AG-2 and Mobile Home residential MH-1 and developed with single-family lots ± 2.12 acres and larger and agricultural uses.

East

The properties adjacent to the east are within the Rural and Wetlands FLU categories, zoned AG-2 and consist of existing agricultural grazing lands, a vacant parcel owned by South Florida Water Management District, then a vacant privately owned parcel along the Caloosahatchee River. A portion of the adjacent agricultural grazing lands that contain a portion of Trout Creek is currently under negotiation with Conservation 20/20 (nomination number 597). Further East are properties zoned AG-2 and developed with large agricultural tracts then some single-family lots ± 4.45 acres and larger and agricultural uses.

South

Properties to the south are within the Rural and Wetlands FLU. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage industrial marina and yacht refinishing which is within the Water Dependent Overlay and zoned Marine Industrial (IM). This industrial marine use was established in 1953 and is Southwest Florida's premiere yacht service center offering full service and specializing in yacht refinishing, repowering, customization and maintenance. They also offer in-water covered, uncovered and dry storage for yachts up to 100'. South across Trout Creek from Owl Creek Boat Works and Storage is a vacant parcel zoned AG-2 then a ± 12.19 -acre parcel developed with two single-family residences. South of the subject property is another SFWMD owned parcel that extends into the Caloosahatchee River. Fort Myers Shores within the Caloosahatchee Shores Community Plan area is located south across the Caloosahatchee River which is within the Suburban FLU category which allows a maximum density of 6 dwelling units per acre. Sweetwater Landing Marina is located at the Caloosahatchee River and SR 31 and offers boat storage, service, rental and sales and was redeveloped in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar.

Signed & Sealed Legal Description & Sketch (Exhibit M7)

CPA2020-00004

M7-1 Legal Description & Sketch Revised November 2021

BBL SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS, FLORIDA 34135
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

LEGAL DESCRIPTION

OWL CREEK

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'22"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 2,392.11 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,509.16 FEET THROUGH A CENTRAL ANGLE OF 00°53'50", SUBTENDED BY A CHORD OF 180.24 FEET, AT A BEARING OF S.89°19'16"E., FOR A DISTANCE OF 180.24 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE RUN S.00°23'24"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 2,608.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,447.29 FEET TO A POINT HEREINAFTER REFERED TO AS **POINT "A"**, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.63°09'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.12 FEET; THENCE RUN S.66°53'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.33 FEET; THENCE RUN S.70°27'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.63 FEET; THENCE RUN S.64°37'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.06 FEET; THENCE RUN S.77°10'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN S.67°19'24"W., ALONG

SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE RUN N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET; THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN

S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE

RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E., FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W., FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET; THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN

N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET; THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W., FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE **POINT OF BEGINNING**, CONTAINING 11,154,906 SQUARE FEET OR 256.083 ACRES, MORE OR LESS.

AND

COMMENCE AT THE AFOREMENTIONED **POINT "A"**; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHAATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET;

THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN

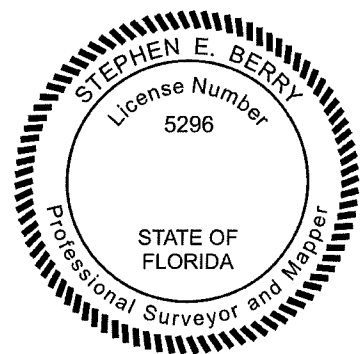
HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO **THE POINT OF BEGINNING**.
CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR LESS.

TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 14,927,109 SQUARE FEET OR 342.68 ACRES, MORE OR LESS.

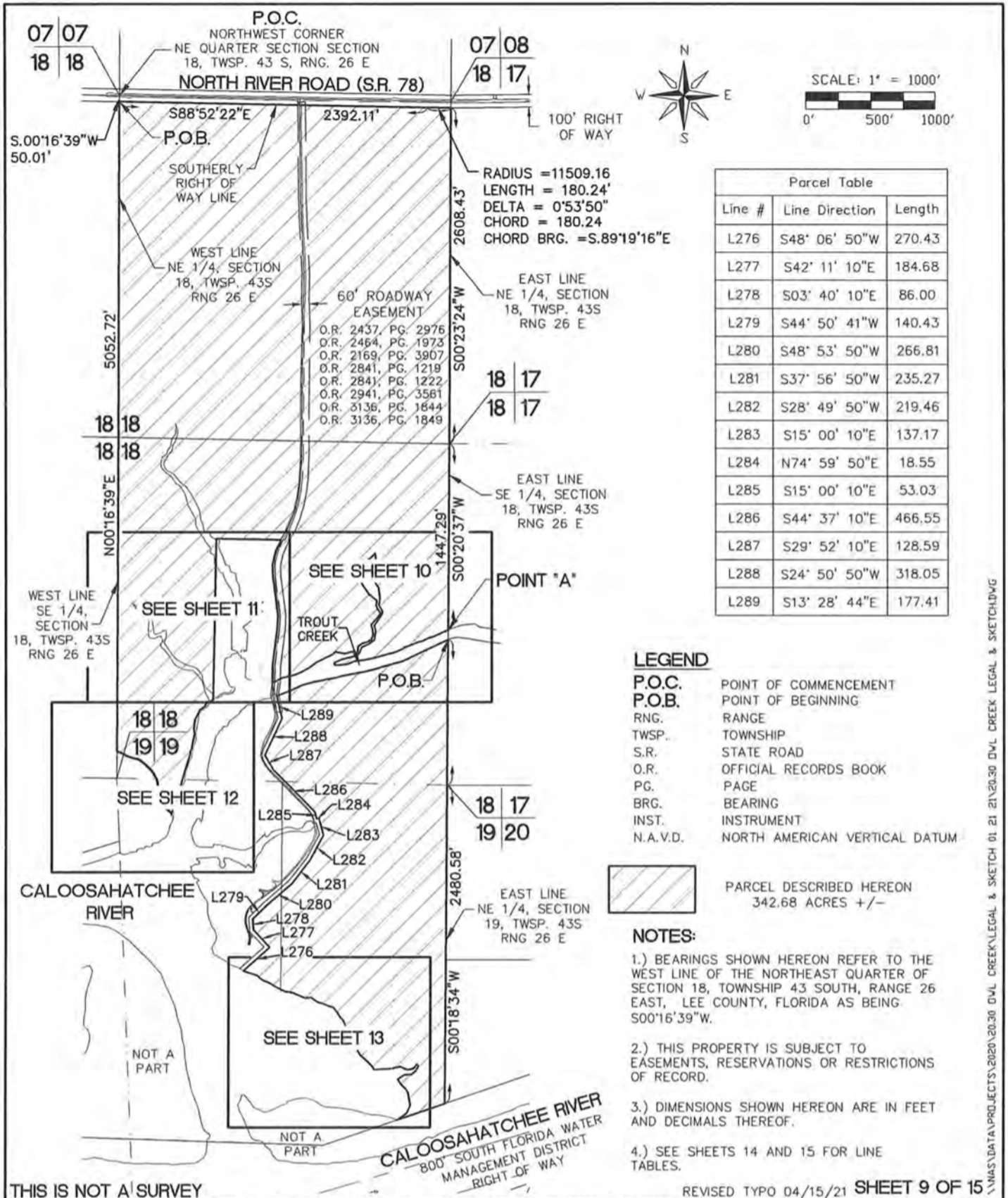
BEARINGS REFER TO THE WEST LINE THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S.00°16'39"W.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

_____, 04/15/21
STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBL SURVEYORS, INC., (L.B. #8033)
PROOFED BY SEB
REVISED TYPO 04 15 21
REVISED CURVE 11 16 21



SEE ATTACHED SKETCH (SHEET 9 OF 15 THROUGH SHEET 15 OF 15)



SCALE: AS NOTED APPROVED: SEB DRAWN BY: SEB FILE: SEE DAYSTAMP DATE: 01/21/21	SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA	BBL SURVEYORS, INC. 8860 TERRENE COURT BONITA SPRINGS, FLORIDA 34135 (239) 597-1315
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\\NAS\DATA\PROJECTS\2020\2030 DVL CREEK\LEGAL & SKETCH 01 21 21\2030 DVL CREEK LEGAL & SKETCH.DWG

SEE SHEET 1

18 17
18 17SCALE: 1" = 200'
0' 100' 200'EAST LINE
SE 1/4, SECTION
18, TWP. 43S
RNG 26 E**LEGEND****P.O.C.**
P.O.B.

POINT OF COMMENCEMENT
POINT OF BEGINNING
RNG.
TOWNSHIP
STATE ROAD
OFFICIAL RECORDS BOOK
PAGE
BEARING
INSTRUMENT
N.A.V.D.
NORTH AMERICAN VERTICAL DATUM

P.O.C.
"POINT 'A'"S.00°20'37"W
77.70'**P.O.B.**PARCEL DESCRIBED HEREON
342.68 ACRES +/-**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

18 17
19 20

SEE SHEET 1

SHEET 10 OF 15

\\NAS\DATA\PROJECTS\2020\20.30 DVL CREEK\LEGAL & SKETCH 01 21 21\20.30 DVL CREEK\LEGAL & SKETCH.DWG

SEE SHEET 11

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTIONFIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

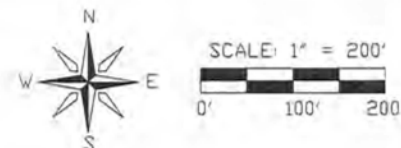
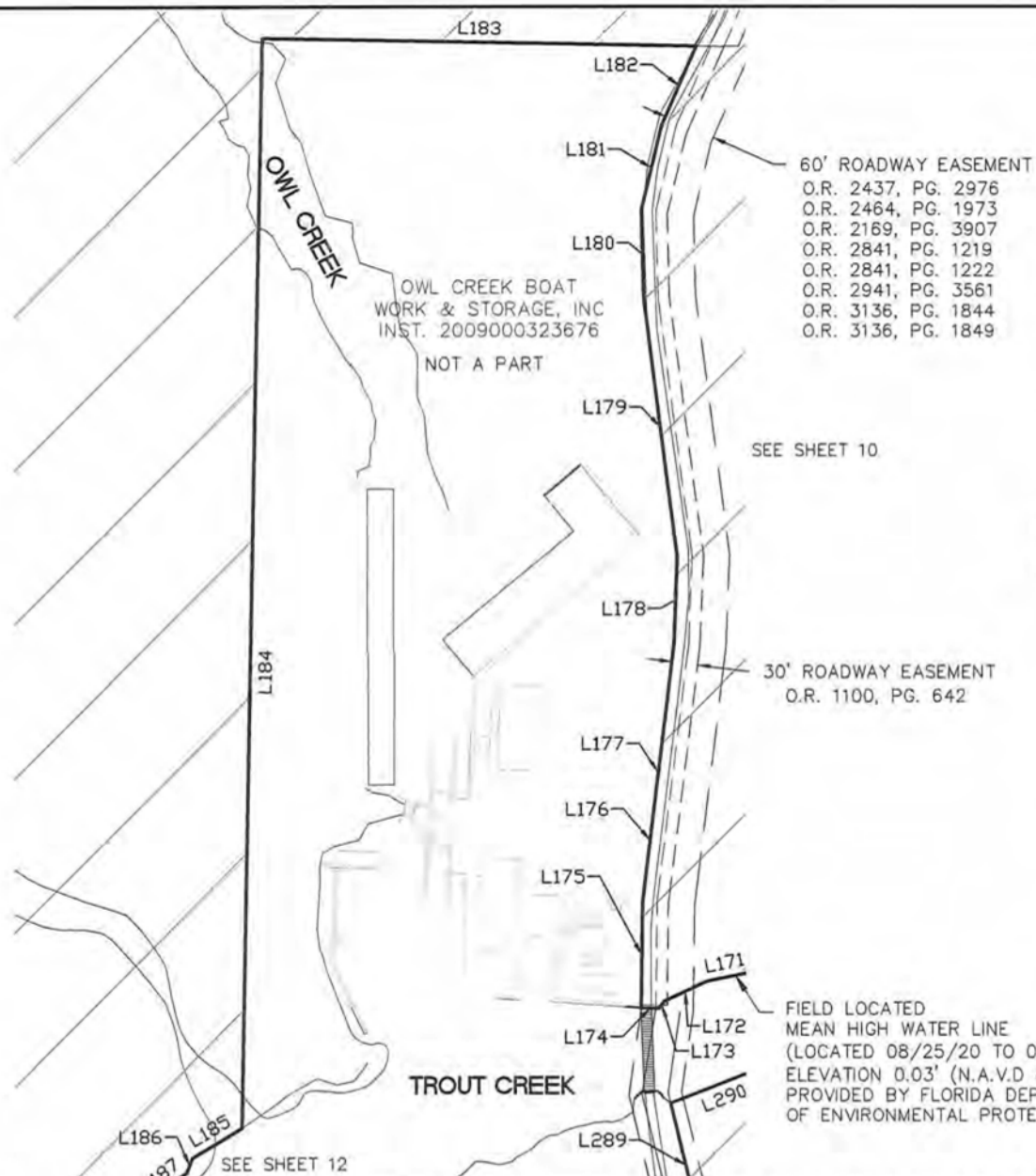
TROUT CREEK

THIS IS NOT A SURVEY

SCALE: AS NOTED
APPROVED: SEB
DRAWN BY: SEB
FILE:
DATE: 01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEKA PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315



LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
RNG.	RANGE
TWSP.	TOWNSHIP
S.R.	STATE ROAD
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
BRG.	BEARING
INST.	INSTRUMENT
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM



PARCEL DESCRIBED HEREON
342.68 ACRES +/-

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

SHEET 11 OF 15

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK

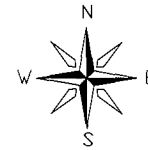
A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBL SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

\\NAS\DATA\PROJECTS\2020\2030 DVL CREEK\LEGAL & SKETCH 01 21 21\2030 DVL CREEK LEGAL & SKETCH.DWG

SEE SHEET 9

SEE SHEET 11



SCALE: 1" = 200'

0' 100' 200'

LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
RNG.	RANGE
TWSP.	TOWNSHIP
S.R.	STATE ROAD
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
BRG.	BEARING
INST.	INSTRUMENT
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM



PARCEL DESCRIBED HEREON
342.68 ACRES +/-

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

SHEET 12 OF 15

\\NAS\DATA\PROJECTS\2020\2030 DVL CREEK\LEGAL & SKETCH\01 21 21\2030 DVL CREEK LEGAL & SKETCH.DWG

WEST LINE
SE 1/4, SECTION
18, TWSP. 43S
RNG 26 E

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

18 18
19 19

WEST LINE
NE 1/4, SECTION
19, TWSP. 43S
RNG 26 E

LAWSON
DONALD
INST. 2012000208045
(NOT A PART)

TROUT CREEK

APPROXIMATE
EDGE OF VEGETATION
(SCALED)

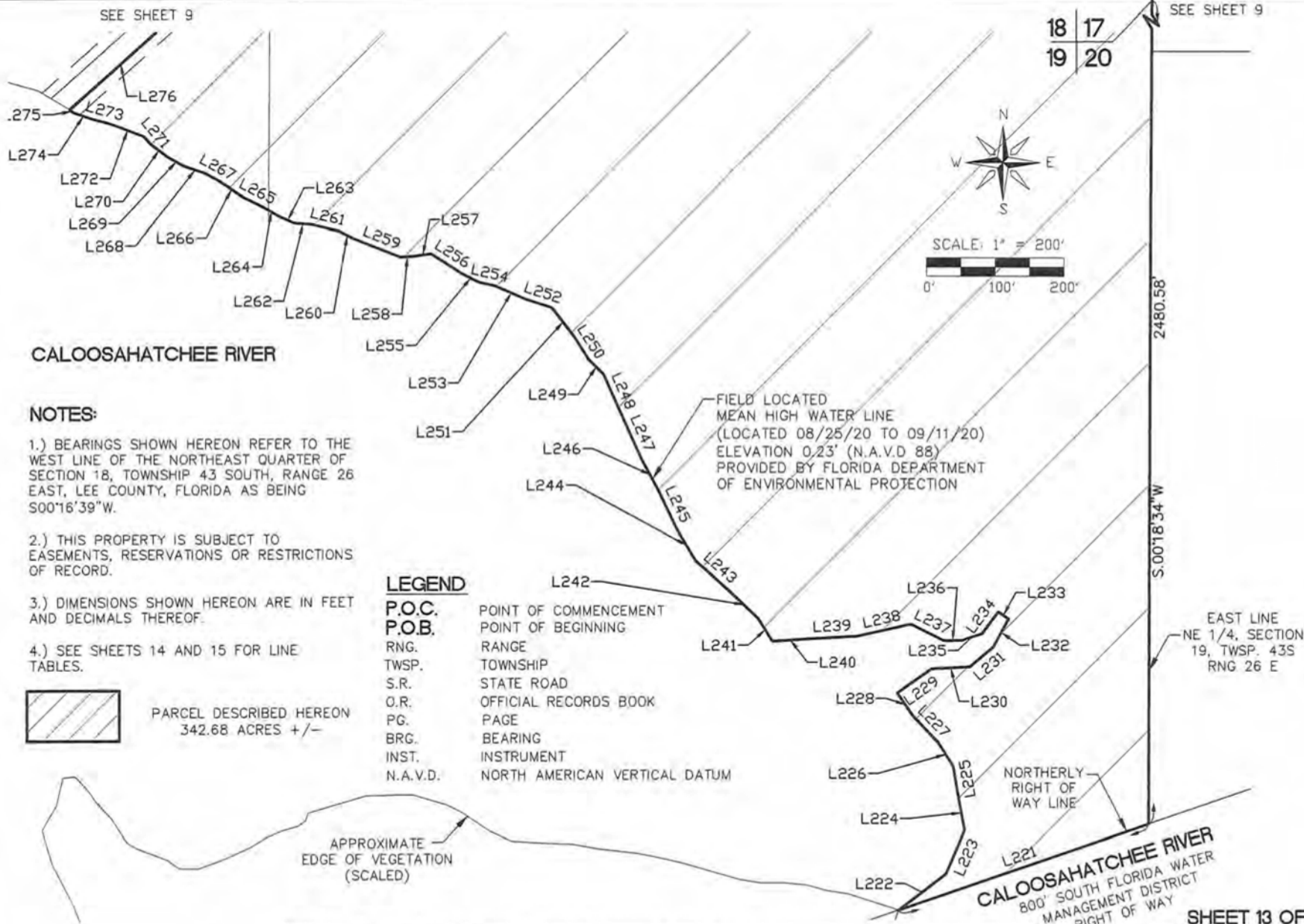
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21



THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

SHEET 13 OF 15

\\NAS\DATA\PROJECTS\2020\2030 DVL CREEK\LEGAL & SKETCH 01 21 21\2030 DVL CREEK LEGAL & SKETCH.DWG

Parcel Table		
Line #	Line Direction	Length
L100	S63° 09' 11"W	68.12
L102	S66° 53' 17"W	63.33
L103	S70° 27' 15"W	39.63
L104	S64° 37' 58"W	53.06
L105	S77° 10' 24"W	31.94
L106	S67° 19' 24"W	49.00
L107	S66° 42' 36"W	31.31
L108	S80° 37' 35"W	23.70
L109	S49° 00' 39"W	25.62
L110	S65° 48' 12"W	63.16
L111	S74° 36' 11"W	79.06
L112	S73° 49' 33"W	76.39
L113	S77° 28' 30"W	81.85
L114	S82° 44' 45"W	86.96
L115	S69° 49' 00"W	63.53
L116	S83° 38' 00"W	84.05
L117	N64° 43' 19"W	10.65
L118	N10° 04' 22"W	17.28
L119	N67° 36' 56"E	63.76
L120	N75° 31' 42"E	84.91

Parcel Table		
Line #	Line Direction	Length
L121	N67° 43' 57"E	42.46
L122	N48° 46' 12"E	15.77
L123	N22° 03' 58"E	53.88
L124	N67° 46' 02"E	56.48
L125	N53° 42' 12"E	56.78
L126	N09° 10' 30"E	71.37
L127	N18° 38' 24"W	45.27
L128	N36° 09' 14"E	54.90
L129	N35° 53' 09"E	55.09
L130	N01° 19' 19"E	23.41
L131	N32° 33' 04"W	51.20
L132	N07° 39' 06"E	57.91
L133	N06° 39' 11"W	79.50
L134	N36° 15' 06"W	133.80
L135	N13° 17' 04"E	69.67
L136	N51° 38' 20"E	56.94
L137	N09° 17' 06"W	57.33
L138	S47° 33' 50"W	52.48
L139	S52° 35' 15"W	71.39
L140	S26° 00' 04"W	44.07

Parcel Table		
Line #	Line Direction	Length
L141	S05° 32' 36"E	123.25
L142	S35° 01' 53"E	91.33
L143	S50° 35' 34"E	85.61
L144	S10° 34' 53"W	33.93
L145	S21° 26' 11"E	36.72
L146	S40° 17' 20"E	33.23
L147	S35° 18' 25"W	42.17
L148	S42° 33' 03"W	45.18
L149	S41° 13' 28"W	30.71
L150	S18° 57' 53"E	40.71
L151	S02° 39' 27"E	43.57
L152	S18° 07' 05"W	39.46
L153	S67° 10' 19"W	48.51
L154	S75° 56' 36"W	27.05
L155	S56° 00' 26"W	40.96
L156	S04° 07' 53"W	15.13
L157	S02° 20' 53"W	30.76
L158	S83° 41' 22"W	17.10
L159	N81° 54' 26"W	32.46
L160	S72° 46' 26"W	51.87

Parcel Table		
Line #	Line Direction	Length
L161	N79° 37' 03"W	77.30
L162	S43° 53' 28"W	29.96
L163	S64° 51' 44"W	33.22
L164	S67° 25' 22"E	27.97
L165	S63° 29' 01"W	21.10
L166	S63° 09' 28"W	50.02
L167	S55° 16' 21"W	81.31
L168	S61° 20' 10"W	66.81
L169	S67° 49' 59"W	48.47
L170	S72° 10' 03"W	58.79
L171	S78° 14' 00"W	49.72
L172	S64° 42' 00"W	53.28
L173	S38° 23' 32"W	10.59
L174	N89° 16' 27"W	20.26
L175	N00° 43' 09"E	121.86
L176	N07° 03' 43"E	300.00
L178	N02° 16' 53"E	100.00
L179	N07° 27' 32"W	299.99

Parcel Table		
Line #	Line Direction	Length
L180	N01° 23' 52"W	100.00
L181	N13° 23' 08"E	100.00
L182	N23° 42' 08"E	99.22
L183	N88° 52' 07"W	500.00
L184	S01° 07' 53"W	1252.34
L185	S59° 33' 49"W	66.58
L186	S19° 55' 43"W	17.96
L187	S53° 18' 36"W	53.47
L188	S26° 06' 00"W	82.56
L189	S05° 34' 19"W	68.70
L190	S07° 11' 04"E	29.90
L191	S07° 54' 16"E	11.85
L192	S12° 21' 57"W	78.12
L193	S10° 40' 48"W	33.89
L194	S21° 15' 12"W	20.19
L195	S10° 05' 07"W	34.32
L196	S16° 26' 09"W	51.67
L197	S20° 15' 30"W	28.82
L198	S18° 57' 28"W	36.38
L199	S15° 47' 44"W	34.13

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

**BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315**

SHEET 14 OF 15

\\NAS\DATA\PROJECTS\2020\2030 DWL CREEK\LEGAL & SKETCH\DWG

Parcel Table		
Line #	Line Direction	Length
L200	S16° 28' 26"W	59.42
L201	S12° 32' 34"W	53.60
L202	S23° 08' 17"W	62.09
L203	S15° 16' 02"W	33.53
L204	S18° 12' 29"W	115.02
L205	S03° 19' 16"E	4.78
L206	N47° 23' 44"W	78.47
L207	N24° 12' 11"W	91.43
L208	N03° 48' 12"W	29.62
L209	N06° 50' 11"W	34.61
L210	N08° 54' 45"W	28.95
L211	N12° 43' 52"W	39.18
L212	N28° 20' 46"W	39.90
L213	N32° 06' 08"W	30.67
L214	N45° 59' 51"W	43.84
L215	N40° 53' 39"W	33.01
L216	N53° 48' 26"W	60.20
L217	N75° 05' 44"W	54.64
L218	N71° 07' 07"W	40.46
L219	N62° 42' 59"W	34.22

Parcel Table		
Line #	Line Direction	Length
L220	N66° 57' 30"W	51.84
L221	S71° 02' 37"W	384.61
L222	N52° 44' 09"E	86.87
L223	N23° 50' 54"E	68.13
L224	N10° 38' 48"W	52.58
L225	N09° 06' 55"W	42.95
L226	N32° 14' 07"W	39.88
L227	N43° 39' 22"W	52.79
L228	N34° 08' 38"W	41.08
L229	N54° 52' 16"E	60.65
L230	N87° 04' 33"E	55.75
L231	N49° 55' 04"E	45.69
L232	N28° 07' 43"E	46.00
L233	N56° 19' 58"W	17.93
L234	S36° 51' 22"W	39.99
L235	S71° 55' 20"W	31.45
L236	S89° 48' 27"W	25.16
L237	N63° 29' 40"W	53.19
L238	S77° 12' 19"W	81.07
L239	S87° 13' 04"W	71.51

Parcel Table		
Line #	Line Direction	Length
L240	S86° 14' 38"W	51.39
L241	N32° 39' 35"W	39.89
L242	N46° 07' 12"W	55.49
L243	N48° 12' 13"W	67.15
L244	N30° 38' 49"W	52.85
L245	N25° 28' 33"W	64.46
L246	N28° 26' 17"W	48.85
L247	N24° 27' 43"W	67.21
L248	N23° 43' 59"W	68.49
L249	N44° 29' 30"W	30.93
L250	N32° 47' 22"W	39.03
L251	N37° 30' 31"W	53.12
L252	N72° 02' 02"W	37.99
L253	N66° 54' 09"W	50.25
L254	N76° 40' 16"W	23.57
L255	N62° 41' 50"W	29.07
L256	N57° 22' 45"W	52.85
L257	S81° 19' 58"W	24.79

Parcel Table		
Line #	Line Direction	Length
L258	S86° 10' 29"W	20.72
L259	N68° 13' 44"W	70.32
L260	N62° 52' 25"W	25.24
L261	N76° 26' 43"W	42.82
L262	N86° 37' 33"W	23.07
L263	N66° 30' 11"W	23.15
L264	N59° 53' 05"W	31.24
L265	N63° 30' 36"W	30.41
L266	N56° 41' 32"W	40.31
L267	N61° 46' 56"W	24.48
L268	N71° 57' 11"W	31.15
L269	N60° 34' 35"W	28.45
L270	N52° 43' 10"W	31.94
L271	N40° 26' 58"W	13.97
L272	N69° 12' 09"W	50.97
L273	N75° 09' 23"W	27.53
L274	N71° 05' 34"W	29.39
L275	N50° 55' 57"W	7.35
L276	N48° 06' 50"E	270.43
L277	N42° 11' 10"W	184.68

Parcel Table		
Line #	Line Direction	Length
L278	N03° 40' 10"W	86.00
L279	N44° 50' 41"E	140.43
L280	N48° 53' 50"E	266.81
L281	N37° 56' 50"E	235.27
L282	N28° 49' 50"E	219.46
L283	N15° 00' 10"W	137.17
L284	S74° 59' 50"W	18.55
L285	N15° 00' 10"W	53.03
L286	N44° 37' 10"W	466.55
L287	N29° 52' 10"W	128.59
L288	N24° 50' 50"E	318.05
L289	N13° 28' 44"W	177.41
L290	N68° 36' 37"E	118.44
L291	N64° 26' 22"E	31.89
L292	N64° 03' 20"E	59.04
L293	N75° 59' 50"E	70.51
L294	N73° 52' 12"E	36.64
L295	N81° 37' 22"E	38.71
L296	N76° 10' 56"E	61.09
L297	N81° 10' 49"E	43.63

Parcel Table		
Line #	Line Direction	Length
L298	N79° 19' 30"E	27.70
L299	N76° 16' 15"E	54.20
L300	N78° 48' 20"E	120.20
L301	N79° 41' 31"E	52.54
L302	N75° 23' 35"E	99.29
L303	N71° 46' 47"E	45.73
L304	N77° 14' 48"E	27.77
L305	N73° 38' 17"E	131.49
L306	N64° 38' 32"E	113.85

Parcel Table		
Line #	Line Direction	Length
L307	N64° 07' 37"E	23.99
L308	N64° 53' 28"E	84.52
L309	N64° 11' 02"E	86.91
L310	N64° 11' 54"E	80.97

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

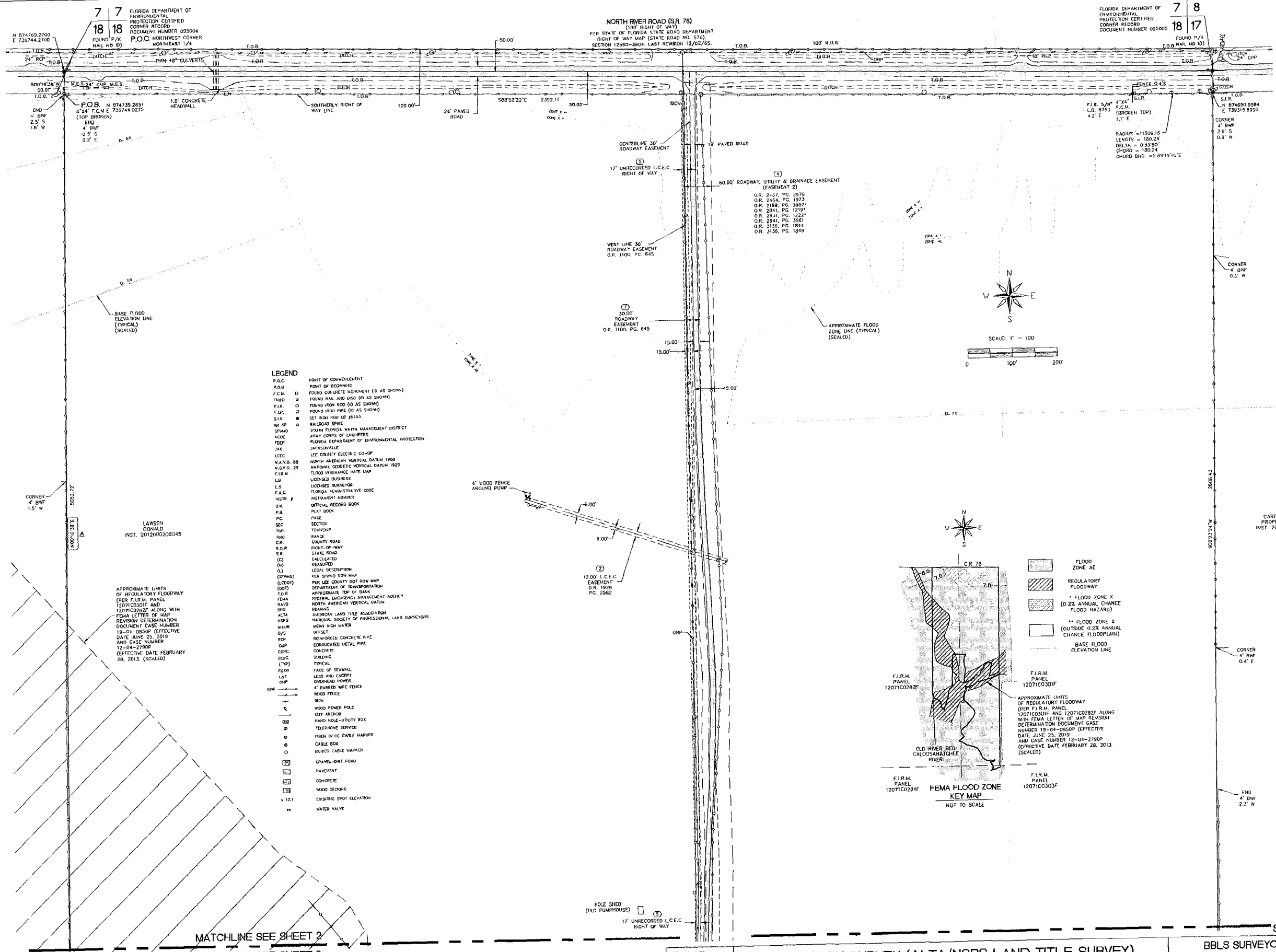
3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SHEET 15 OF 15

BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

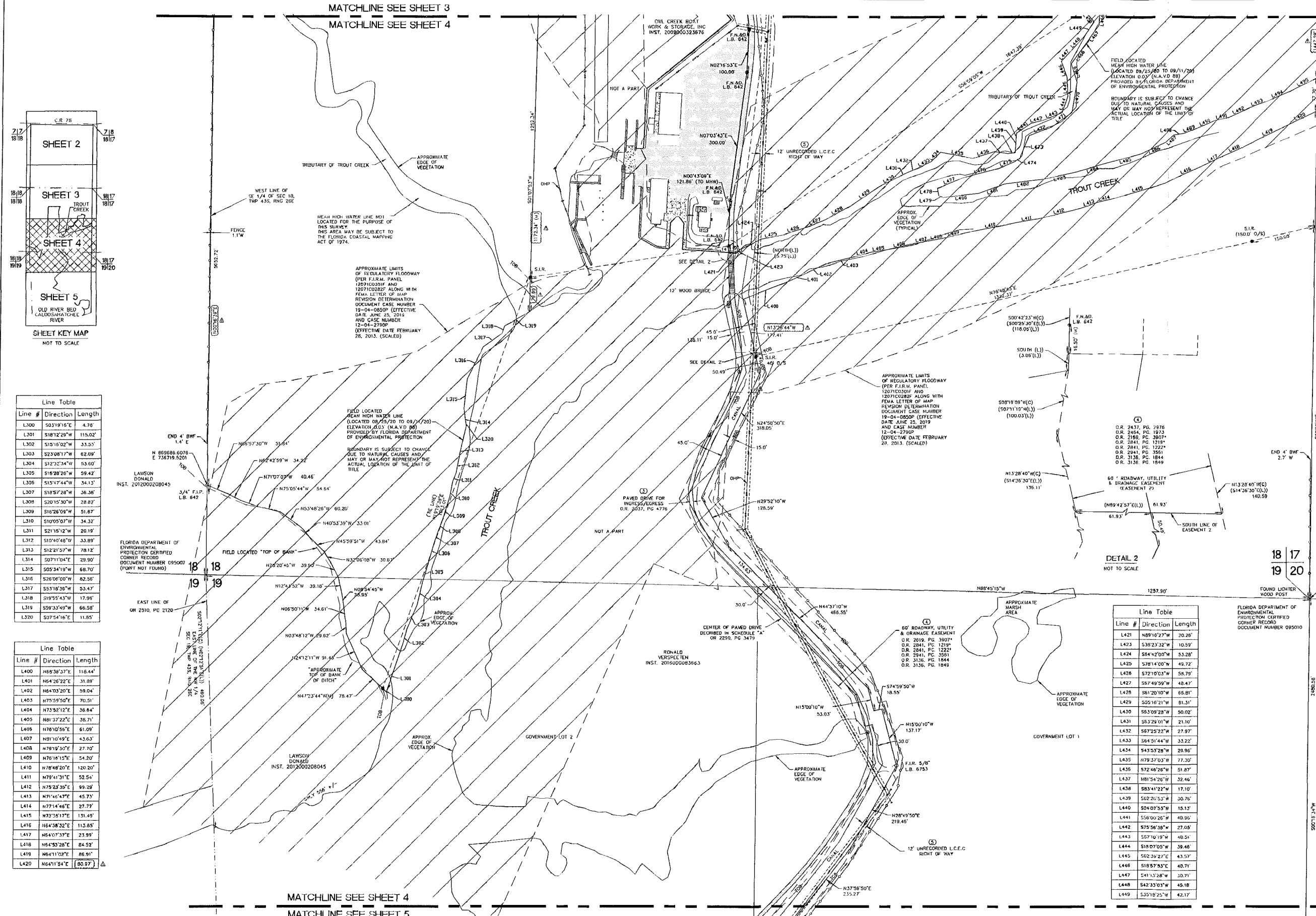
Signed & Sealed Boundary Survey (Exhibit M7)

CPA2020-00004
Revised January 2022



BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY)
OWL CREEK
A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43
SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

BBL'S SURVEYORS INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315



P.O.C. "POINT A" N 87°55'34.42" E 13928.4360

P.O.B. N 87°55'34.42" E 13928.4360

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- F.C.M. FOUND CONCRETE MONUMENT (AS SHOWN)
- F.M.D. FOUND METAL DISC (AS SHOWN)
- F.I.P. FOUND IRON PIPE (AS SHOWN)
- S.I.R. SET IRON ROD (AS SHOWN)
- R.R. SP. RAILROAD SPUR
- S.F.W.M.D. SOUTH FLORIDA WATER MANAGEMENT DISTRICT
- A.C.E. ARMY CORPS OF ENGINEERS
- F.D.P. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
- J.A.S. JACKSONVILLE
- L.E.C. LEE COUNTY ELECTRIC CO-OP
- N.A.V.D. 88 NORTH AMERICAN VERTICAL DATUM 1988
- N.E.C.D. 29 NATIONAL ENGINEERING CONGRESS 1929
- F.I.R.M. 11000 INSURANCE RATE MAP
- L.B. LICENSED BUSINESS
- L.S. LICENSED SURVEYOR
- F.A.C. FLORIDA ADMINISTRATIVE CODE
- N.S.R. # INSTRUMENT NUMBER
- D.R. OPTIONAL RECORD BOOK
- P.B. PLAT BOOK
- P.G. PAGE
- SEC. SECTION
- TOWNSHIP
- RANGE
- COUNTY ROAD
- R.O.B. RIGHT-OF-WAY
- S.T.R. STATE ROAD
- C. CALCULATED
- M.S.D. MEASURED
- (L) LEGAL DESCRIPTION
- (S.F.M.D.) PER S.F.W.M.D. MAP
- (L.C.O.P.) PER LEE COUNTY DOT ROW MAP
- (D.O.T.) DEPARTMENT OF TRANSPORTATION
- T.B. APPROXIMATE TOP OF BANK
- F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
- N.A.V.D. 88 NORTH AMERICAN VERTICAL DATUM
- B.N.C. BUREAU OF NATIONAL CHARTS
- A.L.T.A. AMERICAN LAND TITLE ASSOCIATION
- N.S.P.S. NATIONAL SOCIETY OF PROFESSIONAL LAND SURVEY
- N.H.W. MEAN HIGH WATER
- D/S. OFFSET
- R.O.P. REINFORCED CONCRETE PIPE
- C.M.P. CORRUGATED METAL PIPE
- C.M.C. CONCRETE
- B.D.C. BUILDING
- (TYP.) TYPICAL
- F.O.M. FACE OF TYPICAL
- L.E.S. LESS AND EXCEPT
- O.V.E.R. OVERHEAD POWER
- W.F.P. 4 BARBED WIRE FENCE
- W.O.D. WOOD FENCE
- S.D.C. SIGN
- W.P.D. WOOD POUND POLE
- G.U.T. GUY ANCHOR
- N.H.C. N.W. CORNER MONUMENT
- T.S. TELEPHONE SERVICE
- F.C.M. FIBER OPTIC CABLE MARKER
- C.B. CABLE BOX
- B.C.M. BURIED CABLE MARKER
- C.R.O. GRAVEL-ORBIT ROAD
- P. PAVEMENT
- C. CONCRETE
- W.D. WOOD DECKING
- E.S. EXISTING SPOT ELEVATION
- W.V. WATER VALVE

18 17

19 20

END 4" B.W.F. 1.0 S 0.1 E

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD DOCUMENT NUMBER 095010

Line Table

Line #	Direction	Length
L467	N35°33'09"E	55.09'
L468	N36°09'14"E	54.90'
L469	N38°38'24"W	45.27'
L470	N09°10'30"E	71.37'
L471	N53°42'12"E	56.78'
L472	N67°46'02"E	58.48'
L473	N22°03'58"E	53.88'
L474	N48°45'12"E	15.77'
L475	N67°43'57"E	42.46'
L476	N75°31'42"E	84.91'
L477	N67°36'56"E	63.76'
L478	N100°42'2"W	17.28'
L479	N64°43'19"W	10.55'
L480	N83°38'00"W	84.05'
L481	S69°49'00"W	53.53'
L482	S82°44'55"W	86.98'
L483	S77°28'30"W	81.85'
L484	S73°45'33"W	76.39'
L485	S74°36'11"W	79.66'
L486	S65°48'12"W	63.15'
L487	S49°00'39"W	25.62'
L488	S90°37'35"W	23.70'
L489	S65°42'36"W	31.31'
L490	S67°19'24"W	49.00'
L491	S77°10'21"W	31.94'
L492	S64°37'58"W	53.06'
L493	S70°27'15"W	39.63'
L494	S68°53'17"W	53.33'
L495	S63°09'11"W	66.12'

DATE: 08/08/00

FIELD BOOK AND PAGE: 668/31-33

DRAWN BY: BUD, HAC, SEP

APPROVED: BUD, SEP

SCALE: AS NOTED

BOUNDARY SURVEY (ALTA/NPS LAND TITLE SURVEY)

OWL CREEK

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

BBL SURVEYORS INC.

8860 TERRENE COURT,

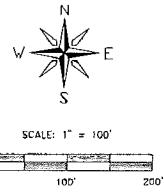
BONITA SPRINGS,

FLORIDA 34135

(239) 597-1315

SHEET 4 OF 5

MATCHLINE SEE SHEET 4
MATCHLINE SEE SHEET 5



- SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
O.R. 484, PG. 487
- F.C.M. FOUND CONCRETE MORTAR (10 AS SHOWN)
F.H.S. FOUND HAIL AND DGS (10 AS SHOWN)
F.I.R. FOUND IRON ROD (10 AS SHOWN)
F.I.P. FOUND IRON PIPE (10 AS SHOWN)
H.R. SP. SET IRON ROD LB #2753
H.R. SP. HARKINS SPIN
S.F.W.M. SOUTH FLORIDA WATER MANAGEMENT DISTRICT
A.C.O.E. ARMY CORPS OF ENGINEERS
F.E.P. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
J.A.K. JACKSONVILLE
L.E.C. LEE COUNTY ELECTRIC CO-OP
N.A.V.D. 88 NORTH AMERICAN VERTICAL DATUM 1988
N.G.V.D. 29 NATIONAL GEODETIC VERTICAL DATUM 1929
F.I.R.M. FLOOD INSURANCE RATE MAP
L.B. LICENSED BUSINESS
L.S. LICENSED SURVEYOR
F.A.C. FLORIDA ADMINISTRATIVE CODE
INSTR. INSTRUMENT NUMBER
O.R. OFFICIAL RECORD BOOK
P.B. PLAT BOOK
P.C. PAGE
S.E.C. SECTION
T.W.P. TOWNSHIP
R.A.N.C. RANGE
C.E. COUNTY ROAD
R.O.W. RIGHT-OF-WAY
S.R. STATE ROAD
C. CALCULATED
(H) MEASURED
(L) LEGAL DESCRIPTION
(S.F.W.M.) PER SFWMD ROW MAP
(L.S.O.P.) PER LEE COUNTY DOT ROW MAP
(D.O.P.) DEPARTMENT OF TRANSPORTATION
T.O.B. APPROXIMATE TOP OF BANK
F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
N.A.V.D. NORTH AMERICAN VERTICAL DATUM
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M.H.W. MEAN HIGH WATER
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C.O.N.C. CONCRETE
B.L.D.G. BUILDING
(T.Y.P.) TYPICAL
F.O.S.H. FACE OF SEAWALL
L.E.S. LESS AND EXCEPT
O.V.E.R. OVERHEAD POWER
L.I.E. LINE
D.H.P. 4" BARBED WIRE FENCE
W.O.D. WOOD FENCE
S.I.G.N. SIGN
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T.E.L. TELEPHONE SERVICE
F.I.R.E.R. FIBER OPTIC CABLE MARKER
C.B. CABLE BOX
B.C.M. BURIED CABLE MARKER
G.R. GRAVEL-DIRT ROAD
P.A.V.E.M.E.N.T. PAVEMENT
C.O.N.C.R.E.T.E. CONCRETE
W.O.O.D. WOOD DECKING
+ 12.1 EXISTING SPOT ELEVATION
H.W. WATER VALVE

Line Table		
Line #	Direction	Length
L500	N50°55'57"W	7.35'
L501	N71°05'34"W	29.39'
L502	N75°09'23"W	27.53'
L503	N69°12'09"W	50.67'
L504	N40°26'58"W	13.97'
L505	N05°43'10"W	31.94'
L506	N60°34'35"W	28.45'
L507	N71°57'11"W	31.15'
L508	N61°46'56"W	24.48'
L509	N56°41'32"W	40.31'
L510	N63°20'36"W	30.41'
L511	N59°53'05"W	31.24'
L512	N66°30'11"W	23.15'
L513	N86°37'33"W	23.07'
L514	N78°26'43"W	42.82'
L515	N82°52'25"W	25.24'
L516	N88°13'44"W	70.32'
L517	S86°10'29"W	20.72'
L518	S81°19'58"W	24.79'
L519	N57°22'45"W	52.85'
L520	N82°41'50"W	29.07'
L521	N70°40'18"W	23.57'
L522	N65°54'09"W	50.25'
L523	N72°02'07"W	37.39'
L524	N37°30'31"W	53.12'
L525	N32°47'22"W	39.03'
L526	N44°29'30"W	30.93'
L527	N23°43'59"W	68.49'

Line Table		
Line #	Direction	Length
L528	N24°37'43"W	67.21'
L529	N28°29'17"W	48.85'
L530	N25°28'33"W	84.48'
L531	N30°38'49"W	52.85'
L532	N48°12'13"W	67.15'
L533	N48°07'12"W	55.49'
L534	N32°39'35"W	39.83'
L535	S85°14'38"W	51.39'
L536	S87°13'04"W	71.51'
L537	S77°12'19"W	81.07'
L538	N63°29'40"W	53.19'
L539	S89°48'27"W	25.16'
L540	S71°55'20"W	31.45'
L541	S36°51'22"W	39.39'
L542	N58°19'58"W	17.93'
L543	N28°07'43"E	46.00'
L544	N49°55'04"E	45.69'
L545	N87°04'33"E	55.73'
L546	N54°52'16"E	60.65'
L547	N34°08'38"W	41.05'
L548	N43°59'22"W	52.79'
L549	N32°14'07"W	39.88'
L550	N10°38'48"W	52.58'
L551	N09°06'55"W	42.95'
L552	N23°50'54"E	88.13'
L553	N52°44'09"E	86.87'

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 05/25/20 TO 09/11/20)
(ELEVATION 0.23' (N.A.V.D. 88))
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

BOUNDARY IS SUBJECT TO CHANGE
DUE TO NATURAL CAUSES AND
MAY OR MAY NOT REPRESENT THE
ACTUAL LOCATION OF THE LIMIT OF
TITLE

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
O.R. 39, PG. 30
O.R. 37, PG. 220

DATE: 08/06/20
FIELD BOOK AND PAGE:
662/31-33
DRAWN BY: R.D. MAC, SEP
APPROVED: M.B. SEA
SCALE: AS NOTED

BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY)
OWL CREEK
A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43
SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

B.B.L.S. SURVEYORS INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

Deed of Subject Property (Exhibit M8)

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

Talon Ventures LLC
Plaintiff

vs

North River Communities LLC etal
Defendant

Case No. 09-CA-062726

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a
certificate of sale in this action on December 04, 2009 for the property described herein and
that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Lee County, Florida:

See Exhibit "A" attached hereto.

Was sold to: Talon Ventures LLC., a Florida Limited Liability Company,
Address: 10 Wimbledon Court, Frisco, TX 75034

WITNESS my hand and the seal of the court on December 15, 2009

Charlie Green, Clerk of Court

By:

Michele Parker
Deputy Clerk

Copies furnished to all parties

Charlie Green
Clerk of Circuit Court

By: Michele Parker
Deputy Clerk

FILED

DEC 15 2009

Charlie Green, Clerk Circuit
Court Lee County, Florida
BY: _____ D.C.



LEGAL DESCRIPTION

PARCEL 1:

All that part of the East half (E 1/2) of Section 18 and Government Lot 2, Section 19, Township 43 South, Range 26 East, lying southerly of State Road 78 (O.R. Book 354, Page 660) (50-foot wide) and northerly of Trout Creek. LESS AND EXCEPT that parcel described in Exhibit "A" of the instrument recorded in O.R. Book 1100, Page 642, Public Records of Lee County, Florida.

Subject to easements granted or reserved in Deeds recorded in: O.R. Book 1100, Page 642; O.R. Book 2437, Page 2976; O.R. Book 2464, Page 1973; O.R. Book 2619, Page 3907; O.R. Book 2841, Page 1222; O.R. Book 2941, Page 3581; O.R. Book 3136, Page 1844; and O.R. Book 3136, Page 1849, all of the Public Records of Lee County, Florida.

PARCEL 2:

A tract or parcel of land lying in the East half of Section 18, and part of Government Lots 1 and 2, Section 19, Township 43 South, Range 26 East, Lee County, Florida more particularly described as follows:

All that part of the East half (E 1/2) of Section 18 and Government Lots 1 and 2, Section 19, Township 43 South, Range 26 East lying Southerly of Trout Creek, Northerly of the waters of the Caloosahatchee River and Northwestery of the North right-of-way line of the Caloosahatchee River described in deed recorded in O.R. Book 37 at page 220 of the Public Records of Lee County, Florida and being Easterly of the following described line: From the Northeast corner of said Section 19, run N 89° 53'37" W along the line common to said Sections 18 and 19, Township 43 South, Range 26 East for 1,257.90 feet to an intersection with a line 30 feet Easterly from (as measured on a perpendicular) and parallel with the centerline of an existing paved drive described in Residence Parcel in Schedule "A" recorded in O.R. Book 2290 at page 3479, of said Public Records; thence run the following courses and distances along said parallel line: N 45° 45'00" W for 134.63 feet, N 31° 00'00" W for 128.59 feet, N 23° 43'00" E for 318.05 feet, N 14° 36'30" W for 189.78 feet passing through a point designated "A" at 50.49 feet along said line and N 07° 11'19" E for 93.02 feet to the Point of Beginning of the herein described line.

From said Point of Beginning run the following courses and distances along said parallel line: S 07° 11'19" W for 93.02 feet, S 14° 36'30" E for 189.78 feet, S 23° 43'00" W for 318.05 feet, S 31° 00'00" E for 128.59 feet, S 45° 45'00" E for 466.55 feet and S 16° 08'00" E for 53.03 feet to an intersection with a line parallel with and 30 feet Easterly from (as measured on a perpendicular) the Easterly line of said Residence Parcel described in said Schedule "A"; thence run the following courses and distances along said parallel line: N 73° 52'00" E for 18.55 feet, S 16° 08'00" E for 137.17 feet, S 27° 42'00" W for 219.46 feet, S 36° 49'00" W for 235.27 feet, S 47° 46'00" W for 266.81 feet, S 43° 43'00" W for 140.42 feet, S 04° 48'00" E for 86.00 feet, S 43° 19'00" E for 184.68 feet and S 46° 59'00" W for 268 feet, more or less to said waters of the Caloosahatchee River and the end of the herein described line.

LESS AND EXCEPT the following described parcel of land lying within Parcel 1 and Parcel 2:

A parcel of land lying in Sections 18 and 19, Township 43 South, Range 26 East, Lee County, Florida, which tract or parcel is described as follows:

Exhibit "A"

(Continued)

Beginning at the Southwest corner of the Southeast quarter (SE 1/4) of Section 18 run North 00° 16' 39" East along the west line of the Southeast Quarter (SE-1/4) of Section 18 for 208.26 feet; thence run the following courses and distances along the approximate top of bank of an apparent man-made ditch: South 66° 57' 52" East for 51.84 feet; run South 62° 43' 21" East for 34.22 feet; run South 71° 07' 29" East for 40.46 feet; run South 75° 06' 06" East for 54.64 feet; run South 53° 48' 48" East for 60.20 feet; run South 40° 54' 01" East for 33.01 feet; run South 46° 00' 13" East for 43.84 feet; run South 32° 06' 30" East for 30.67 feet; run South 28° 21' 08" East for 39.90 feet; run South 12° 44' 14" East for 39.18 feet; run South 08° 55' 07" East for 28.95 feet; run South 06° 50' 33" East for 34.61 feet; run South 03° 48' 34" East for 29.62 feet; run South 24° 12' 33" East for 91.43 feet; run South 47° 24' 06" East for 64.61 feet; thence run South 17° 16' 52" East departing said approximate top of bank for 28.03 feet to the mean high water line of an oxbow of the Caloosahatchee River; thence run southwesterly along the said mean high water line for 556 feet, more or less to a line that bears South 02° 12' 33" East from the Point of Beginning, also being the east line of the Northwest Quarter (NW-1/4) of Section 19; thence run North 02° 12' 33" West along said east line for 591 feet, more or less, to the Point of Beginning.

Bearings hereinabove mentioned are based on the west line of the Southeast Quarter (SE-1/4) of Section 18 to bear South 00° 16' 39" West.

SUBJECT TO AND TOGETHER WITH the following easements for roadway, utilities and drainage described as follows:

EASEMENT 1:

A Non-Exclusive Easement for the benefit of Parcels 1 and 2 for roadway, utilities and drainage 60 feet wide lying 15 feet easterly and 45 feet westerly of the following described line:

Beginning at the hereinabove described point designated "A", run the following courses and distances along said line: S 14° 36' 30" E for 50.49 feet, S 23° 43' 00" W for 318.05 feet, S 31° 00' 00" E for 128.59 feet, S 45° 45' 00" E for 466.55 feet and S 16° 08' 00" E for 53.03 feet to an intersection with a line parallel with and 30 feet Easterly from (as measured on a perpendicular) the Easterly line of the hereinabove referenced Residence Parcel; thence run the following courses and distances along said parallel line: N 73° 52' 00" E for 18.55 feet, S 16° 08' 00" E for 137.17 feet, S 27° 42' 00" W for 219.46 feet, S 36° 49' 00" W for 235.27 feet, S 47° 46' 00" W for 266.81 feet, S 43° 43' 00" W for 140.42 feet, S 04° 48' 00" E for 86.00 feet, S 43° 19' 00" E for 184.68 feet and S 46° 59' 00" W for 268 feet, more or less to said waters of the Caloosahatchee River and the end of the herein described line, wherein the Northerly limits of the side lines of said easement will terminate at the South line of the 60' Roadway, Utility and Drainage Easement as described in Easement 2 below.

EASEMENT 2:

A Non-Exclusive Easement for the benefit of Parcels 1 and 2, sixty (60') feet in width, for roadway, utilities and drainage purposes lying in the East one-half (E 1/2) of Section 18, Township 43 South, Range 26 East, Lee County, Florida, more particularly described as follows:

From the Northeast corner of said Section 18 run West along the line common to said Section 18 and Section 7, Township 43 South, Range 26 East for 1188.37 feet; thence run S 01° 24' 15" E for 25.01 feet to said South line of State Road 76 and the Point of Beginning of the herein described roadway easement. From said Point of Beginning run the following courses and distances along the Westerly line of the 30 foot wide roadway easement described in Exhibit "B" recorded in O.R. Book 1100 at page 545: S 01° 24' 15" E for 731.11 feet, S 03° 01' 45" E for 200.32 feet, S 03° 51' 00" E for 399.80 feet, S 00° 04' 15" E for 199.85 feet, S 02° 42' 45" E for 200.06 feet, S 00° 32' 08" E for 399.67 feet, S 00° 11' 00" E for 200.07 feet, S 01° 03' 00" E for 399.74 feet, S 01° 48' 00" W for 199.13 feet, S 05° 37' 30" W for 99.01 feet, S 09° 23' 45" W for 98.59 feet, S 16° 24' 15" W for 98.50

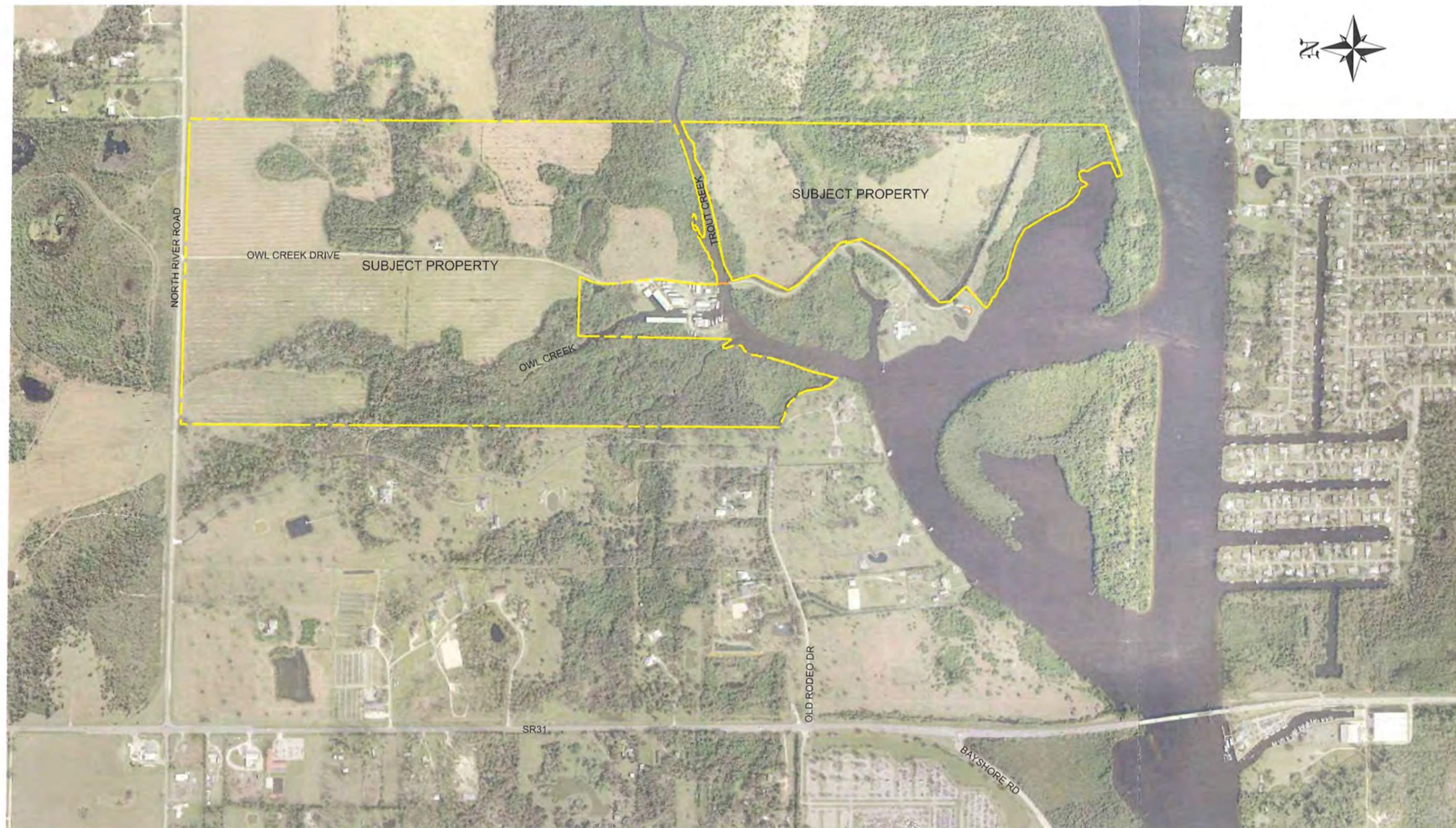
(Continued)

feet, S 20° 50'15" W for 98.17 feet, S 30° 20'42" W for 113.33 feet; thence run East for 2.38 feet to the Northeast corner of parcel described in Exhibit "A" of the instrument recorded in O.R. Book 1100, page 645, Public Records of Lee County, Florida; thence run the following courses and distances along the Westerly line of said roadway easement (30-foot wide) being the East line of said parcel described in said Exhibit "A": S 22° 34'15" W for 99.22 feet, S 12° 15'15" W for 100.00 feet, S 02° 31'45" E for 100.00 feet, S 08° 35'25" E for 299.99 feet, S 01° 09'00" W for 100.00 feet, S 05° 55'50" W for 300.00 feet, S 00° 25'30" E for 118.06 feet, and South for 3.86 feet; thence run the following courses and distances: S 07° 11'19" W for 100.03 feet, S 14° 36'30" E for 136.11 feet, N 89° 42'57" E for 61.93 feet (passing through the hereinabove described point "A" at 46.44 feet), N 14° 36'30" W for 140.59 feet, N 07° 11'19" E for 93.68 feet; thence run the following courses parallel with the West line of said roadway easement, 30 feet wide: North for 5.75 feet, N 00° 25'30" W for 114.95 feet, N 05° 55'50" E for 299.17 feet, N 01° 09'00" E for 107.62 feet, N 08° 35'25" W for 301.93 feet, N 02° 31'45" W for 89.04 feet, N 12° 15'15" E for 86.80 feet, N 22° 34'15" E for 104.92 feet, N 30° 20'42" E for 97.98 feet, N 20° 50'15" E for 105.48 feet, N 16° 24'15" E for 104.50 feet, N 09° 23'45" E for 104.24 feet, N 05° 37'30" E for 102.98 feet, N 01° 48'00" E for 202.62 feet, N 01° 03'00" W for 400.78 feet, N 00° 11'00" W for 199.80 feet, N 00° 32'08" W for 400.98 feet, N 02° 42'45" W for 199.82 feet, N 00° 04'15" W for 200.45 feet, N 03° 51'00" W for 401.15 feet, N 03° 01'45" W for 199.04 feet and N 01° 24'15" W for 728.79 feet to an intersection with said Southerly line of State Road No. 78 (50 feet wide); thence run West along said South line of State Road 78 for 60.02 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the North line of the East half (E 1/2) of said Section 18 to bear West.

Aerial Map Showing the Subject Property & Surrounding Properties (Exhibit M9)

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AERIAL MAP EXHIBIT-M9
OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Authorization Letter from the Property Owner (Exhibit M10)

LETTER OF AUTHORIZATION

I, Belinda B. Ulrich, as Manager of Talon Ventures, LLC, a Florida limited liability company, being first duly sworn, depose and say that Talon Ventures, LLC, a Florida limited liability company, is the owner of the property described as:

Address: 12850 N River Road, 18420 Owl Creek Dr & 17900 Owl Creek Dr,

STRAP: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000 & 19-43-26-00-00002.1020
(the "Property").

The Property described herein is the subject of an application for zoning or development. I have the requisite authority to act on behalf of Talon Ventures, LLC, a Florida limited liability company, and hereby designate D.R. Horton, Inc. ("Contract Purchaser"), as the legal representative of the Property and as such, the Contract Purchaser and its designated agents are authorized to legally bind the owner of the Property in the course of seeking the necessary approvals for zoning and development. This authorization includes but is not limited to the Contract Purchaser hiring and authorizing agents to assist in the preparation of applications, plans, surveys and studies necessary to obtain zoning and development on the Property.

Name of Owner:
Talon Ventures, LLC, a Florida limited
liability company

By: Belinda B Ulrich

Belinda B. Ulrich, Manager
Printed or Typed Name and Title

STATE OF TEXAS
COUNTY OF Collins

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7-13-2020 (date) by Belinda Ulrich (name of member, manager, officer or agent, title of member, manager, officer or agent), of Talon Ventures (name of company acknowledging), a Florida (state or place of formation) limited liability company, on behalf of the company, who is personally known to me or has produced TEXAS DRIVER LICENSE (type of identification) as identification.



Desiree J Vance
(Signature of person taking acknowledgment)

Desiree J Vance
(Name typed, printed or stamped)

Notary Public
(Title or rank)

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

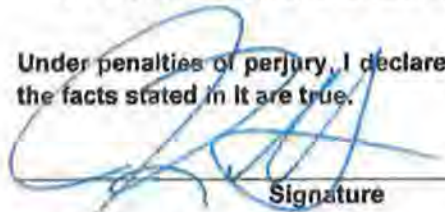
I, Justin Robbins (name), as Division President/VP (owner/title) of D.R. Horton, Inc. (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.


Signature

8/20/20
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

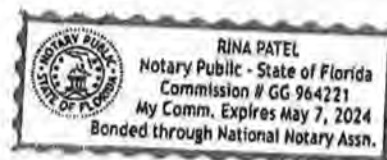
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20th day of August, 20 20, by Justin A. Robbins (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL




Signature of Notary Public



Lee Plan Consistency & State-Regional Plans

(Exhibits M11 & M18)
(Exhibits T6, T9 & T10)

CPA2020-00004 & CPA2020-00005

Revised February 2022



Professional Engineers, Planners & Land Surveyors

OWL CREEK RESERVE Comprehensive Plan Amendment

**Lee Plan Consistency
State & Regional Policy Plan Compliance
EXHIBITS "M11 & M18" / "T6, T9 & T10"
CPA2020-00004 & CPA2020-00005
Revised February 2022**

INTRODUCTION

The Owl Creek property is 342.68± acres located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31 within the North Olga area of the Northeast Lee County Planning Community. The property is zoned Agricultural (AG-2) and is used for agricultural/grazing purposes. Lee Plan Map 1, Page 1 of 7 identifies the property as Rural and Wetlands Future Land Use Categories (FLU).



Figure 1. Location of Subject Property

This application proposes an amendment to Map 6 to include 342.68± acres within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service and associated Text Amendments to provide incentives to encourage wetland preservation and rare and unique upland habitat preservation or restoration in the Rural future land use category for clustered developments utilizing the planned development process within the North Olga Planning Community. The request will facilitate the accompanying minor residential planned development application (DCI2021-00011) which proposes a minimum of 54% of the property to be placed into a conservation easement consisting of wetland, upland, flow-way/surface water preservation and restoration to accommodate up to 380 single-family two-family attached dwelling units and associated amenities. The proposed development will

• **SERVING THE STATE OF FLORIDA** •

provide for significant environmental, historical, storm water, water quality and infrastructure enhancements. This request will allow an increase of 157 dwelling units from the 223 dwelling units that could be developed today.

The Owl Creek application includes the following requests:

- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - Policy 124.1.1 – The applicant initially proposed language to allow preserved wetlands adjacent to Rural areas within North Olga Planning Community to be transferred to developable adjacent uplands and Lee County staff has proposed revised language to apply to all Rural areas.
 - Table 1(a) – Amend footnote 8 for wetlands adjacent to Rural areas consistent with above
 - North Olga Community Plan – As amended with Lee County staff, add new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:
 1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
 2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the

planned development must be recorded within 5 years from first development order approval.

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment and accompanying minor residential planned development application:

1. Provide a connection between Babcock Ranch property to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff
2. Amendment will result in clustered development as encouraged in this area as demonstrated by the Preliminary Development Footprint exhibit
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance
4. Historical Resource preservation of the 3 recommended sites
5. Minimum 186.05± acres (54% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River (139.64± acre onsite wildlife corridor)
7. Connection to adjacent SFWMD owned lands to the east and south
8. Public canoe/kayak launch area to Trout Creek
9. Wildlife management and co-existence plans
10. Enhanced lake management plan
11. Florida Friendly Landscaping with the low irrigation requirements in common areas
12. 60% open space (205.6± acres)
13. Preserve minimum 88% (106.28± acres) of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 223 septic tanks and wells
16. Removal of cattle grazing will significantly reduce onsite nutrient generation
17. Additional 50% water quality treatment
18. Reduced rate of run-off and associated nutrient loads
19. Stormwater enhancements
20. Green infrastructure
21. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies)
22. Minimum 50' perimeter setback
23. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots
24. Provide area for multi-use path along North River Road
25. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas
26. Provide Rare and Unique Upland habitat preservation (15.16± acres) and restoration (41.2± acres)
27. Preservation of historic flow-ways associated with Owl and Trout Creeks and associated wetlands

VISION STATEMENT

A concurrent planned development application (DCI2021-00011) has been filed for the Owl Creek property to incorporate a specific development plan with conditions of approval to ensure compliance with environmental stewardship, enhancement of the area's historic heritage and rural character, and proactively and appropriately plan for future growth within the area consistent with the Vision Statements for Northeast Lee County and North Olga and the implemented Goals, Objectives and Policies for these areas, including the proposed text amendments. The subject property abuts the existing Owl Creek Boat Works facility and will provide for compatible adjacent development to protect this identifying feature of the community.

FUTURE LAND USE

The 342.68± acre subject property is within the Rural and Wetlands FLU categories. Policy 1.4.1 provides that maximum density in the Rural category is 1 dwelling unit per acre for the 212.24± acres of uplands plus 4.39± acres of other surface waters consisting of artificial ditches and a lake allowing 217 dwelling units. Policy 1.5.1 provides that the Wetlands category has a maximum density of 1 dwelling unit per 20 acres for the 120.31± acres of wetlands allowing an additional 6 dwelling units for a total maximum density of 223 dwelling units. The remaining 5.74± acres of surface waters consisting of existing natural bodies of water were not included for density calculations.

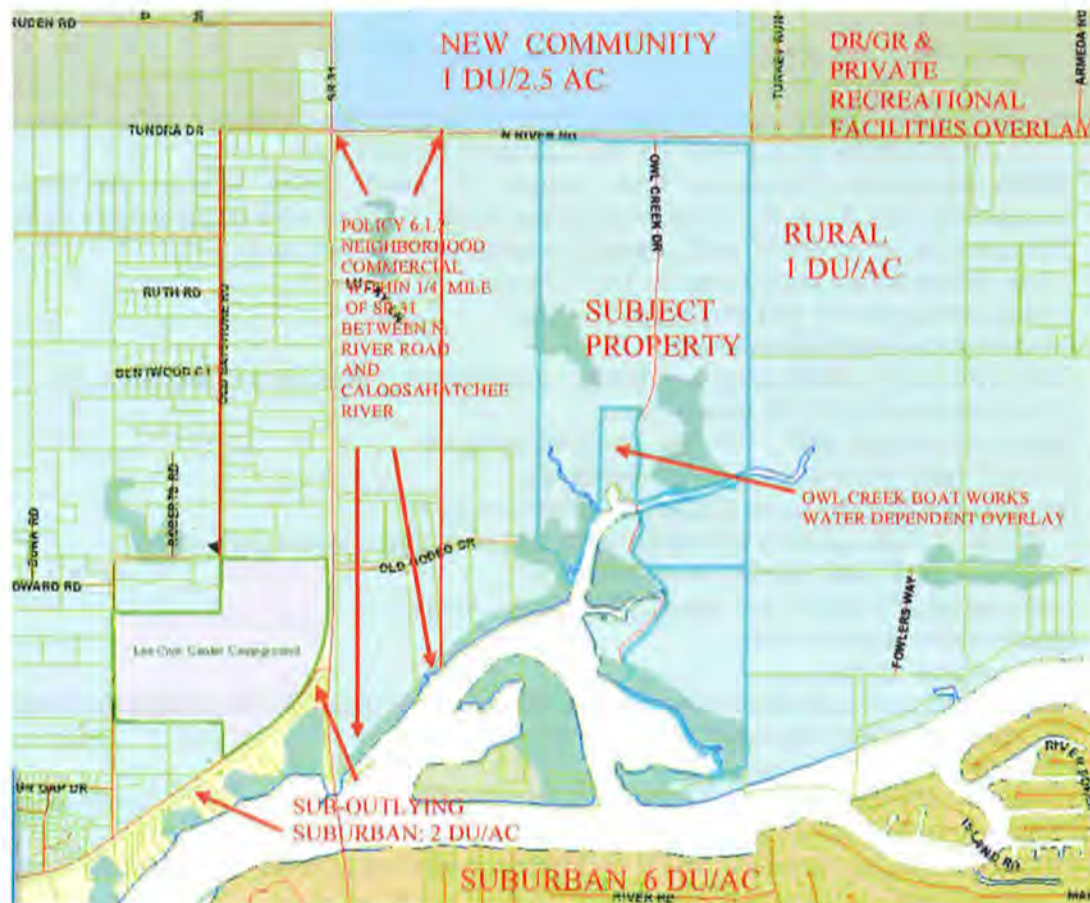


Figure 3. Existing Future Land Use Designation

The property adjacent to the west and properties adjacent to the east are also within the Rural and Wetlands FLU categories. The property to the north across North River Road is within the New Community FLU category (Babcock Mixed Use Planned Development) which allows 1 dwelling unit per 2.5 gross acres up to 1,630 dwelling units, 600 hotel rooms and 1,170,000 square feet of commercial office and retail uses. To the northeast is within the Density Reduction/Groundwater Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage marina and yacht refinishing which is within the Water Dependent Overlay. This industrial marine use was established in 1953 and is Southwest Florida's premiere yacht service center offering full service and specializing in yacht refinishing, repowering, customization and maintenance. They also offer in-water covered, uncovered and dry storage for yachts up to 100'. Individuals come from all over the region for yacht refinishing at this location. South across the Caloosahatchee River is within the Suburban FLU category which

allows a maximum density of 6 dwelling units per acre. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the property at the southwest corner of the intersection of Bayshore Road and SR 31 which allows a maximum density of 2 dwelling units per acre. There is a commercial node within ¼ mile of SR 31 between North River Road and the Caloosahatchee River described in Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center and the Sub-Outlying Suburban area. This area contains several non-residential uses such as a gas station, veterinarian office, feed store, church, SR 31 Produce market, u-pick and café. See attached Exhibits M5 and M6 for further description of the subject property and surrounding properties.

The Owl Creek property's proximity to the New Community FLU category to the north (Babcock Mixed Use Planned Development) and the commercial node to the west and the adjacent industrial marine facility furthers the appropriateness of the request which will accommodate clustered development with ample view of wooded areas, open spaces, and river fronts and will allow for the protection and enhancement of environmentally sensitive lands and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch MPD to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, storm water, water quality and infrastructure enhancements required in the North Olga Community Plan New Community area. A concurrent planned development application has been submitted to provide additional details regarding the development of the requested units and provide conditions of approval to ensure compliance with the requirements provided within the North Olga Community Plan area.

The proposed amendment will remain consistent with the Rural future land use category Policy 1.4.1 and the Wetlands future land use category Policy 1.5.1 upon adoption of the amendment to Table 1(a). The request is specific to the Rural areas within the North Olga Community Plan area. Excluding the subject property and government owned lands, there are 69± acres of Wetland future land use category adjacent to the Rural future land use category within North Olga. The owners of these properties could seek to utilize the proposed wetland preservation incentive and be analyzed and thoroughly reviewed through the planned development rezoning process. Any property owners proposing to utilize the preservation or restoration of rare and unique habitat incentive would also be analyzed and thoroughly reviewed through the planned development rezoning process. Development proposals will be required to balance cost and benefit of preserving and/or restoring rare and unique uplands with reducing developable upland area. In exchange for the additional dwelling units, the proposed amendment provides protection, conservation, enhancement and/or restoration of these natural resources. Given the existing government owned lands, preservation areas, agricultural uses, and varying sizes of residential development, the overall density in the Rural category will not exceed 1 dwelling unit per acre. The proposal provides predictable density incentives while encouraging additional preservation areas at no costs to Lee County. The concurrent planned development zoning application for the subject property proposes conditions to be included to ensure that the subject property is developed at a low residential density in the North Olga Community Plan area where there is a desire to retain a low-density community character. Providing the environmental preservation incentives for wetlands and rare and unique upland habitat is consistent with and furthers several Policies discussed throughout this analysis.

The density calculations for the concurrent planned development upon approval of the requested amendment are provided below:

Uplands (212.24± AC) & Manmade ditches/lake (4.39± AC) = 216.63 AT 1 DU/AC:	216.63 DU
Preserved Wetlands 106.28± AC transferred to adjacent uplands at 1 DU/AC:	106.28 DU
Impacted Wetlands 14.03± AC at 1 DU/20 AC:	0.70 DU
5.74± AC Natural Open Water not eligible for density	
Additional 1 DU/AC Preserved Rare and Unique Upland Habitat 15.16± AC:	15.16 DU
Additional 1 DU/AC for Restored Rare and Unique Upland Habitat 41.2± AC:	<u>41.2 DU</u>
Total Maximum Density:	<u>380 DU</u>

POPULATION PROJECTIONS

The Owl Creek project could develop 223 dwelling units under its current land use designations. Utilizing 2.35 persons per household, the site could currently accommodate a population of approximately 524 people. The proposed plan amendment would result in a total of 380 dwelling units, an increase of 157 units or a theoretical additional 369 people.

Lee County had a population of 618,754, according to the 2010 U.S. Census. The Florida Office of Economic and Demographic Research (OEDR) projected a countywide population of 892,108 in 2030 and 999,851 in 2040. In the context of the existing and projected population for the subject property, the population increase of approximately 369 people is the minimum. The proposed population increase is estimated at less than a 1% increase beyond the OEDR projected population for Lee County. This is well within accepted error ranges and represents no real additional population increase for the Lee Plan's Future Land Use Map. The proposed amendment is consistent with the most recent growth management legislation which suggests that establishment of minimum development intensity is appropriate methodology for local government planning efforts. The development footprint for the Owl Creek property, including lots, roads, and water management lakes would be limited to 157± acres. No changes are proposed to Table 1(b).

GROWTH MANAGEMENT

The request is consistent with Development Location Objective 2.1, Policies 2.1.1 and 2.1.2. The Owl Creek property is located in a transitioning area as evidenced by recent changes to the Lee Plan for New Community FLU in the North Olga Community Plan area and the commercial node along S.R. 31 encouraging privately funded utility expansion to the area. Approval of the request will result in the privately funded expansion of water and sewer to the property, minimizing the public cost of services. The proposed project promotes contiguous and compact growth pattern by providing a connection between the approved Babcock Ranch MPD to the north and the Caloosahatchee River to the south, extending the conservation of land and natural resources required in the North Olga Community Plan. The proposed project does not constitute urban sprawl which is defined in the Lee Plan Glossary as *"The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas."* The development will be required to be controlled by planned development zoning approval with conditions to ensure compliance with the North Olga Community Plan and compliance with the goals, objectives policies, and standards of the Lee Plan.

The request is consistent with Development Timing Objective 2.2, Policy 2.2.1. The Owl Creek development will have or assure access to all required public facilities. Please see attached separate Public Facilities Impacts Analysis (Exhibit – M14) and Letters of Determination of the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17). These exhibits demonstrate that there is adequate capacity to accommodate an additional 219 dwelling units, exceeding the current 157 dwelling units associated with this request. The proposed privately funded expansion of utilities to the area is already encouraged and anticipated by existing Lee Plan policies.

The project will comply with Historic Resources Objective 2.7. Please see attached separate Historic Resources Impact Analysis (Exhibit – M13). There are three archaeological sites in good to excellent condition (8LL2397, 8LL2398 and 8LL2399) that are eligible for listing in the National Register of Historic Places (NRHP) and should and will be avoided by future development by preserving within a minimum 25 foot buffer. A fourth site (8LL2825) that, based on the level of intense disturbance and lack of significant cultural materials or context, is not regarded as eligible for listing on the NRHP and will not be preserved.

GENERAL DEVELOPMENT STANDARDS

The request is consistent with Standard 4.1.1: Water as well as Policies 53.1.2 and 95.1.3. The Owl Creek property's existing and proposed density does not meet those required for connection and is not located within a franchised service area. The property could be developed today with up to 223 private well systems. An amendment to Lee Plan Map 6 is proposed to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service. A letter of availability from Lee County Utilities is attached demonstrating sufficient capacity exists and that the site will be serviced by North Lee County Water Treatment Plant.

The request is consistent with Standard 4.1.2: Sewer. The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. The property could be developed today with up to 223 private septic systems. The project proposes wastewater to be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service. A letter of availability has been submitted with the application. Lee County Utilities has issued a letter of no objection to FGUA providing sanitary sewer service to the site.

The request is consistent with Standard 4.1.4: Environmental Factors. Please see attached Environmental Impacts Analysis (Exhibit – M12) demonstrating the existing condition of the environmentally sensitive areas of the site and enhancements that will be accomplished through approval of the request. The concurrent planned development application will ensure that the clustered development is well integrated, properly oriented and functionally related to the natural features of the site.

RESIDENTIAL LAND USES

The northern 51± acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern 292± acres are within. This amendment requires a concurrent planned development application to be filed including conditions with stringent development criteria ensuring the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. Letters of Determination are attached demonstrating provision of support facilities. The site proposes to place a minimum of 54% of the site into conservation easements and provide a minimum perimeter setback of 50 feet to residential lots with either conservation area or planted detention areas and perimeter berm to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The request will be consistent with Policies 5.1.2 and 5.1.5.

The request will be consistent with Policies 5.1.6 and 5.1.7 even though it is a single-family development. The proposed concurrent Owl Creek planned development application conditions of approval will include development regulations for the clustered development to provide open space, preservation areas and recreation areas. These areas will be appropriate for the density and design and will be functionally related to all dwelling units. No multi-family residential is proposed for the site.

GOAL 17: COMMUNITY PLANNING

The request is consistent with Objective 17.1 and Policies 17.1.1, 17.1.2 and 17.1.3. The requested text amendment addresses specific physical and environmental conditions unique to the North Olga community plan provisions and where rare and unique upland habitats are prevalent as indicated in the staff report for CPA2017-06 which highlighted the importance of preserving these habitats. The text amendment proposes a policy that furthers the existing Residential Land Uses Objective 29.2 and Conservation Objective 29.7 and conditions of

approval will be implemented by the concurrent planned development zoning action which will be the regulating document ensuring consistency with the policies within the North Olga community plan. The proposed amendment will result in the preservation of natural assets such as the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways. Analysis is provided within addressing regional plan consistency, population accommodation, transportation, and infrastructure needs. Analysis is provided that addresses specific conditions unique to the North Olga area that are physical, historical and environmental in nature.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN

The Owl Creek property is located in Northeast Lee County. Goal 27 of the Lee Plan is specific to this area of Lee County and represents Lee County's goal to maintain, enhance, and support the heritage and rural character and natural resources. Alva and North Olga work cooperatively toward this goal through the objectives and policies of Goal 27 and through their individual community plans.

The Owl Creek property proposes to preserve large open space areas and will retain the rural character by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, historic resources water quality and connectivity. The provided Water Resources Report demonstrates the subject property's strategic location proximate to the Caloosahatchee Estuary watershed and its ability to implement and further the County's long-term goals of protecting groundwater and improving surface water management in northern Lee County. These enhancements will be conditioned as part of the concurrent planned development application, consistent with Objective 27.1 and Policies 27.1.1, 27.1.5 and 27.1.6.

The Owl Creek property is located within the Northeast Lee County community plan area and has held two public information meetings within both the Alva and North Olga community plan area boundaries. Meeting summary documents have been submitted containing the date, time and location of each meeting, a list of attendees, a summary of any concerns raised and the applicant's response. The applicant has complied with Objective 17.3, Policies 17.3.1, 17.3.2, 17.3.3, 17.3.4 and Policy 27.1.8.

Objective 27.2 and its attendant policies direct Lee County to work with Alva and North Olga to develop and use a rural planning toolbox of incentives, programs and regulations that enhance and maintain the sense of place and provide for long-term preservation of contiguous natural resource and open space areas. The Owl Creek property will be required to provide long-term preservation areas by placing a minimum of 54% of the site into a conservation easement. The proposed text amendments result in additional incentives within the North Olga Community Plan area that provide rural planning tools which will result in increased preservation areas and conservation easements. Approval of the proposed amendment will result in the preservation of natural assets such as facilitating the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways.

The Owl Creek property is situated at the convergence of two waterways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the Owl Creek amendment proposes to preserve large open space areas by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, flow-ways, historic resources water quality and connectivity. The request is consistent with Objective 27.3, Policies 27.3.2 and 27.3.3 by balancing efforts to protect and enhance the community's water quality and will not preclude potential uses listed in Policy 27.3.3 from the preservation areas on site. A public kayak/canoe

launch area is proposed as part of development of the subject property. The proposed text amendment will provide incentives that will result in the concurrent planned development conditions providing preservation and restoration of existing habitats along with creation of additional native vegetation in the form of rare and unique upland habitat creation and long-term conservation. The project also includes restoring 12.6± acres of surface waters and 2.23± acres of littoral marsh wetlands/littoral shelf to create a flushing channel.

The Owl Creek amendment requires a concurrent planned development application which includes stringent development criteria in the proposed conditions of approval that accommodate the location for a multipurpose path along North River Road, consistent with Objective 27.4, Policies 27.4.1 and 27.4.4. The two creeks on the subject property are included on the blueways map and conditions of the zoning approval will require a public kayak/canoe launch and not preclude potential access as part of the preservation, consistent with Policy 27.4.2.

GOAL 29: NORTH OLGA COMMUNITY PLAN

The requested amendment provides planning and development tools in the form of incentives for the protection and enhancement of natural resources including wetlands, flow-ways and rare and unique upland habitat. The concurrent planned development protects and enhances the rural character and aesthetic qualities of the area, preserves natural and historic resources and promotes clustered development areas that preserves large, contiguous tracts of open space and preservation areas, consistent with Objective 29.1 and Policy 29.1.1. The Owl Creek property is situated at the convergence of two natural waterways and flow-ways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the Owl Creek property proposes to preserve large open space areas by proposing clustered development as demonstrated in the concurrent planned development application, balancing efforts to protect and enhance the community's water quality.

The Owl Creek amendment will accommodate clustered development with ample views of wooded areas, open spaces and river fronts, offsite agricultural uses and will allow for the protection of environmentally sensitive lands including flow-ways, wetlands, rare and unique upland habitat and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, water quality and infrastructure enhancements required for this area. A concurrent planned development application has been submitted to provide additional details regarding the development of the requested units and provide stringent development conditions of approval to ensure compliance with the North Olga Community Plan. There will be a minimum 50-foot perimeter setback providing separation to adjacent uses. Community gardens are included in the schedule of uses for the concurrent planned development application. The request is consistent with Objective 29.2 and Policies 29.2.1, 29.2.2 and 29.2.3 as well as Policies 29.5.1 and 29.5.2.

The Greenways Master Plan depicts a multipurpose path along North River Road and depicts Owl Creek and Trout Creek on the Great Calusa Blueway. The Owl Creek property proposes conditions of approval in the concurrent planned development application that accommodate for the location of a multipurpose path along North River Road and a public kayak/canoe launch area, consistent with Objective 29.6, Policies 29.6.1, 29.6.2, 29.6.3, 29.6.4 and 29.6.6.

Through the stringent requirements associated with the conditioning of the concurrent planned development, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements through exotic removal and maintenance and upland buffers. A minimum of 54 percent of the property (186.05± acres) will be placed into a

conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request results in preservation and restoration of wetlands, flow-ways and wildlife corridors, and rare and unique upland habitat and provide long-term conservation. The conservation area will include preservation of 3 recommended historical sites and the project will provide a public canoe/kayak launch area to Trout Creek. The request is consistent with Objective 29.7 and Policies 29.7.1 and 29.7.2.

The proposed Text Amendments associated with this request, as amended with Lee County staff, are attached in Exhibit T4 and provide a new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

The concurrent planned development application demonstrates compliance with this criteria.

The request is consistent with Objective 29.8 and the Water Dependent Overlay as the project proposes a condition with the concurrent planned development requiring a minimum 100-foot setback from Owl Creek Boat Works property line to single-family lots within the development.

TRANSPORTATION AND WATERWAYS

A Traffic Impact Statement prepared by TR Transportation Consultants, Inc. is attached to the request as Exhibit M15 which analyzed a total of 440 dwelling units as an increase of 220 dwelling units which far exceeds the current request for up to 380 dwelling units as an increase of 157 dwelling units. This analysis demonstrates that the proposed amendment will not impact the results of the Level of Service analysis as reported in the adopted 2040 travel model. Therefore, no changes to the adopted long-range transportation plan are required as a result of

the proposed change. The additional trips caused by the request to the projected 2025 volumes will not cause any roadway link to fall below the minimum acceptable Level of Service standards. No modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

Map 3D-Lee County Walkways & Bikeways shows an on-road bikeway and a multi-use path along North River Road. The concurrent planned development associated with this application includes a condition of approval providing an area for a multi-use path along North River Road as shown on Maps 3D and 22 which will accommodate pedestrian and bicycle usage consistent with Objective 39.2 and Policy 39.2.3 as well as Objective 39.6 and Policies 39.6.1, 39.6.2 and 39.6.3.

Map 22-Lee County Greenways Master Plan shows a shared use path along North River Road and Owl Creek and Trout Creek are shown on the Great Calusa Blueway. The Owl Creek amendment requires the concurrent planned development application which contains conditions that accommodate an area for the multi-use path and a public canoe/kayak launch area to Trout Creek which connects to the Caloosahatchee River, furthering Goal 80, Objective 80.1, Policies 80.1.1 and 80.1.2.

SURFACE WATER MANAGEMENT

The Owl Creek project furthers Lee County's efforts in coordinating land use on a watershed basis contained in Goal 60, Objective 60.1 and implementing Policies. The proposed clustered development provides for preservation of natural waterways and associated wetland habitats. Owl Creek and Trout Creek and their adjacent wetland systems will be maintained as regional flow-ways and enhanced by exotic removal in furtherance of Policies 60.1.2, 60.1.3 and 60.4.3. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable and restored as regional flow-ways. The requirements contained in the proposed conditions in the concurrent planned development will protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. Please see submitted Water Resources Report and Stormwater Planning Report.

GREEN INFRASTRUCTURE

The Lee Plan includes an objective and policies that encourage development to incorporate green infrastructure in the surface water management systems. The Owl Creek project will incorporate green infrastructure by utilizing vegetated swales and treatment areas, Florida Friendly Landscaping with the low irrigation requirements in common areas, retention/detention lakes, and preserved and enhanced natural waterways and associated wetlands as flow-ways. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The wetland preserves will not be part of the controlled surface water management system. This will allow the offsite flows to pass through the site without being affected by the project. The storm water management system has been designed to mimic the natural sheet flow pattern. The discharge from the storm water management system basins from the developed site will be controlled and will be limited to predevelopment discharge rates and directed to mimic natural flows. The discharge from the storm water system will help to hydrate the wetland systems and improve water levels. These wetland systems can provide additional polishing of runoff prior to entering the natural waterways functioning as a filter marsh. The preservation areas will have exotics removed and maintained keeping the flow-ways as unobstructed as possible. These enhancements will be required as conditions of the concurrent planned development application. The request is consistent with Objective 60.4, Policies 60.4.1

and 60.4.2, as well as Policies 61.3.1, 61.3.3 and 61.3.6. Policy 60.4.5 states, in part, that the county will assist in the development of incentives for implementation of surface water management systems that address water quality/environmental enhancement such as those proposed with the requested text amendment and associated conditions of the concurrent planned development application.

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

The northern 51± acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern 292± acres are within. This amendment requires the concurrent planned development approval which contain stringent development conditions ensuring the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. The request is consistent with Policy 101.3.2. The proposed development plan restricts development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities such as stormwater management or transportation. Minor wetland impacts for the provision of these public facilities is limited to a maximum of 12%.

Please refer to attached Hurricane Evacuation Analysis and Marina Emergency Preparedness Plan for further compliance with the following Goals, Objectives and Policies: Goals 73, 95, 101, Objectives 73.1, 101.1 and 101.3 and Policies 5.1.2, 72.2.2, 73.2.2, 101.1.1, 101.3.2, 101.3.4, 101.3.5 and 128.6.6.

RESOURCE PROTECTION, WETLANDS AND WATER QUALITY

The Owl Creek project will further Goal 123, which seeks to manage Lee County's wetland and upland ecosystems to protect habitats, floral and faunal species, water quality and natural surface water characteristics. As previously stated, through the proposed stringent conditioning of the concurrent planned development application, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements and will result in the protection and integration of 56.36± acres of preserved/restored rare and unique upland habitat, consistent with Policy 123.1.1. A minimum of 54 percent of the property (186.05± acres) will be placed into a conservation easement including the convergence of two natural waterways/existing flow-ways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, consistent with Policies 123.1.5 and 123.1.7. It will also provide a connection from the adjacent SFWMD owned lands to the east and south as well as the potential Conservation 20/20 lands to the east that contain a portion of Trout Creek which will provide a connection through the subject property to the Caloosahatchee River.

The Lee Plan also seeks to preserve native plant communities in the County. The request will be consistent with Lee Plan Objective 123.2 and Policy 123.2.2. The restrictive language proposed in the conditions in the concurrent planned development application will protect, enhance and preserve environmentally sensitive lands and plant communities and will result in a compatible clustered development.

The Owl Creek project will preserve high-quality natural plant communities in the conservation and open space area outside of the development footprint. Please see attached Environmental Impact Analysis (Exhibit M12). The project will provide enhancement of natural systems of the property and a conservation easement will be placed over a minimum of 54% of the property. The pasture areas and most heavily altered nonnative plant communities are targeted for the clustered development. Although single-family developments with lots a minimum of 6,500 square feet in size do not normally require open space nor the 50% indigenous open space, the proposed conservation areas include preserved and restored wetland and rare and unique upland habitats. The proposed text amendment as amended by staff will require 60% open

space with 50% indigenous which will need to be demonstrated as part of the planned development application. The project is consistent with Policies 123.2.4, 123.2.5, 123.2.7 and 123.2.8. Long-term management (e.g., exotic vegetation removal, trash/refuse removal, signage, etc.) of the preservation areas will be in accordance with Lee County-approved plans and the conservation easement. Long-term management of the conservation areas will occur in perpetuity. Invasive exotic plants will be removed from the property, prohibited from being planted and controlled in perpetuity, consistent with Policies 123.2.9 and 123.2.11. The proposed text amendment provides incentives for preserving and restoring rare and unique upland habitats limiting impacts to the maximum extent possible, consistent with Policies 123.2.15.

The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flow-way along Trout and Owl Creeks. The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. Approval of this request will facilitate preservation and restoration activities associated with the accompanying planned development application which will provide an avenue for the enhancement and preservation of this important piece of land. The resultant development will provide habitat diversity and promote wildlife conservation consistent with Objective 123.3 and Policy 123.3.1. The resultant development will protect wildlife through the creation and implementation of a human-wildlife coexistence plan consistent with Policy 123.3.3.

The Owl Creek project will minimize impacts to on-site wetlands by clustering development and limiting impacts to 12% or less and will protect, enhance and preserve the remaining 88% by exotic vegetation removal and placement within a conservation easement. The project will be permitted through the South Florida Water Management District and will be consistent with Goal 124, Objective 124.1 and Policies 124.1.1 and 124.1.2.

The proposed project will be consistent with Goal 125, Objective 125.1, and Policies 125.1.1 and 125.1.2. The stringent requirements associated with the proposed conditions contained in the concurrent planned development application will provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. A Surface Water and Groundwater Monitoring Plan will be initiated consistent with Lee Plan Policy 125.1.4 to establish baseline conditions for the site and to quantify any potential adverse impacts of the proposed residential development. Please see attached Water Resources Report.

MARINE FACILITIES SITING CRITERA

In accordance with the Marine Facilities Sighting Requirements contained in Lee Plan Objective 128.4, HWA is applying for all permits in relation to Federal, State, and Local regulations. The site is less than 3 miles away from the Florida Power and Light powerplant. The warm water discharge is located along the Orange River, nearly 6 miles away. In the area of the subject site abundance and mortality of manatees are low, and would not be of concern. There is no seagrass or submerged aquatic vegetation near or around the subject site and should not be considered a limiting aspect of the project. A bathymetric survey has been submitted and dredging is proposed to -5 MLW once the necessary permits are approved. Going through the Marina Facilities Sighting Criteria, it is anticipated that the subject area will fall into the Conditional category. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern.

Consistent with Policy 128.4.7, the proposed flushing cut, approximately 110' wide, extends through a shoreline that is classified at Brazilian Pepper - Hydric. There are no impacts to seagrasses. There are no seagrass beds within the proposed marina basin, the dredging footprint, or associated with either flushing cuts. The interior tidal lagoon/surface water restoration impacts 7.39± acres of uplands, and 6.69± acres of wetlands. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands.

According to the Lee Plan policy 128.4.8 "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." The existing channel on the west side of the subject property, that runs north and south from the Caloosahatchee, towards Trout Creek, does have enough adequate water depth that can support the boats that are present on the Caloosahatchee. Once leaving the navigational channel, the water depths are no longer adequate in the proposed work area. Dredging is proposed to avoid unnecessary and harmful prop dredging and bottom scaring. Dredging needs to be completed to support the proposed docks and vessels, and to meet the minimum requirements of -4 MLW according to the Manatee Protection Plan of Lee County. The proposed work area is in a location of maximum advantage area due to the fact there is no presence of seagrass. Due to the low light penetration (<1-2 ft), and the mucky/silty bottom soils, seagrass growth in this area would lean towards unlikely. The soils are too soft to be able to support seagrass roots, and the tannic colored water does not allow light penetration to allow seagrasses to photosynthesis.

With all considered the proposed boat facility is located in an area of maximum advantage. It's location along the Caloosahatchee will be of public interest, and not effect any navigational channels, nor will it impact or effect any natural resources.

Consistent with Policy 124.4.11, there are 212.24± acres of uplands within the site. No rare and unique upland systems are proposed to be impacted. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12 acres of tidal lagoons/surface water restoration, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands. The request will result in the restoration of 41.2 ± acres of rare and unique upland habitat and 82.72± acres of wetland restoration in addition to the littoral shelf.

HOUSING

Goal 135 addresses meeting housing needs of the present and future residents of the county. Objective 135.1 provides that Lee County will work with private and public housing providers to ensure that there is an adequate supply of housing in the future in a variety of types, costs, and locations to meet the needs of the Lee County population. The Objective provides that Lee County will need 114,927 additional dwelling units, 39,637 of these units will be needed in unincorporated Lee County. The proposed amendment helps, in part, to fulfill this identified

housing need. The proposed clustered development will utilize the planned development process. The proposed plan amendment for Owl Creek is consistent and furthers Goal 135, Objective 135.1 and Policy 135.1.9.

CONCLUSIONS

The plan amendment is consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. The plan amendment for Owl Creek Reserve represents an opportunity to incentivize the preservation of significant on-site natural resources such as natural waterways and adjacent wetlands, flow-ways, rare and unique upland habitat and historical resources on the property by facilitating a clustered planned development that incorporates public access to the Caloosahatchee River via access to Trout Creek.

ADJACENT LOCAL GOVERNMENTS & THEIR COMPREHENSIVE PLANS

The plan amendment for Owl Creek will have no affect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is Charlotte County.

REQUESTS MOVING LANDS FROM A NON-URBAN AREA TO A SUBURBAN AREA URBAN SPRAWL

In accordance with 163.3177(6)(a)9.b, Florida Statutes, the proposed Owl Creek plan discourages the proliferation of urban sprawl by achieving the following criteria:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- (IV) Promotes conservation of water and energy.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

The proposed Owl Creek clustered development will not have an adverse impact on and protects natural resources and ecosystems and preserves open space and natural lands and provides for public open space and recreation needs. The project will remove nutrient producing cattle grazing and the potential for 223 private septic systems while preserving and enhancing the majority of the onsite wetlands, placing a minimum of 54% of the property into a conservation easement including the convergence of two natural waterways/flow-ways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request will also provide a connection from the adjacent SFWMD owned lands to the east and south as well as the potential Conservation 20/20 lands to the east that contain a portion of Trout Creek which will provide a connection through the subject property to the Caloosahatchee River. The project will provide an area for the multi-use path along North River Road as well as a public canoe/kayak launch area to Trout Creek, providing public open space and recreation needs. The area provided for the multi-use path along North River Road promotes walkable and connected communities and promotes multimodal transportation including pedestrian and bicycle opportunities since transit is not available in this location. The

proposal provides compact development providing alternate single-family and two-family attached housing choices other than the existing large lots in the area. The development will promote conservation of water and energy by incorporating energy efficiency or other low impact development (LID) performance standards within the development. The amendment promotes efficient and cost-effective provision for public infrastructure by proposed privately funded expansion of water and sewer to the area which is already encouraged and anticipated by existing Lee Plan policies. The project is located in an area that provides for a balance of residential, industrial marine and commercial land uses to the west along S.R. 31 and planned to the north within the Babcock MPD, continuing to prevent urban sprawl.

STATE POLICY PLAN AND REGIONAL POLICY PLAN

State Comprehensive Plan

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment for Owl Creek is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(4) Housing

(a) Goal – The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) Policies – 3. Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs.

The Owl Creek project will increase the availability of moderate-income single-family and two-family attached housing in this area of Lee County. The associated planned development includes stringent development conditions assuring environmental quality through significant onsite preservation of land including wetlands, rare and unique uplands and historical sites. The plan amendment seeks to incentivize these preservation activities to allow the appropriately clustered residential development to offset the cost of preservation of the property.

187.201(6) Public Safety

(a) Goal – Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies –

9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

The Lee County Sheriff's Office, Bayshore Fire Rescue and Lee County Emergency Medical Services have reviewed the request and provided letters which are included in attached Exhibit M17. These exhibits demonstrate that there is adequate capacity to accommodate an additional 219 dwelling units, exceeding the additional 157 dwelling units associated with this request.

187.201(9) Natural Systems and Recreational Lands

(a) Goal - Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies -

1. *Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.*
3. *Prohibit the destruction of endangered species and protect their habitats.*
4. *Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.*
6. *Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.*
7. *Protect and restore the ecological functions of wetlands systems to ensure their long- term environmental, economic, and recreational value.*
8. *Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.*
10. *Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.*

Through the stringent requirements associated with the conditioning of the concurrent planned development, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements by exotic removal and restoration areas. A minimum of 54 percent of the property (186.05± acres) will be placed into a conservation easement including the convergence of two natural waterways/flow-ways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. 56.36± acres of rare and unique upland habitat will be preserved/restored. The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The conservation area will include preservation of 3 recommended historical sites and the project will provide a public canoe/kayak launch area to Trout Creek. The Owl Creek project furthers these provisions of the State Comprehensive Plan.

187.201(12) Hazardous and Nonhazardous Materials and Waste

(a) Goal. - All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies. -

2. *By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.*

The Owl Creek project has been reviewed by the Lee County Solid Waste Division and they have provided a review letter dated August 10, 2020. This letter provides that Lee County Solid Waste Division is capable of providing solid waste collection service for the Owl Creek project.

187.201(14) Property Rights

Goal. - Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

Policies. -

1. *Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.*
2. *Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.*
3. *Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.*

The proposed preservation and conservation areas and associated comprehensive plan amendment and concurrent planned development application represents a balancing of public and private interests concerning the use of the Owl Creek property. Approval of the amendment will result in significant preservation of the Owl Creek property at no cost to the public.

187.201(15) Land Use

Goal. - In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

Policies. -

1. *Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.*
2. *Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.*

There are, or will be by privately funded extensions, adequate services available to the Owl Creek property to accommodate the proposed clustered development in an environmentally acceptable manner, preserving natural resources such as wetlands, natural waterways/flowways, rare and unique uplands, and 3 historical sites in conservation easements. The clustered development will provide for preservation, enhancement and conservation of fish and wildlife habitats while providing perimeter separation to adjacent rural land uses.

187.201(17) Public Facilities

Goal. - Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

Policies. -

1. *Provide incentives for developing land in a way that maximizes the uses of existing public facilities.*
2. *Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.*
3. *Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.*

There are or will be adequate public facilities to provide service to the Owl Creek project. The Owl Creek project will pay all required permit and impact fees, as well as all utility connection fees. Privately funded water and sewer extensions are proposed to the property which will provide fire protection to the existing and future residents and properties, including the Owl Creek project. The plan amendment for Owl Creek is consistent with these provisions of the

State Comprehensive Plan.

Conclusion

The proposed plan amendment for Owl Creek is consistent with and generally furthers the State Comprehensive Plan.

Strategic Regional Policy Plan (SRPP)

The following Strategic Regional Policy Plan goals, strategies and actions are relevant to this plan amendment.

Affordable Housing Element

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

The proposed development will increase the supply of housing and provide additional housing type options to the area, furthering this goal.

Economic Development

Goal 2: A well-educated, well-trained work force.

Strategy: Ensure a wide range of employment for all Southwest Floridians.

Actions:

- 1. Identify employment sectors that create jobs appropriate to this Region.*

Approval of the plan amendment and concurrent planned development for the clustered development for Owl Creek will increase employment opportunities in the housing construction industry which is an important component of the local employment sector. The plan amendment will also result in significant environmental enhancement of the property and privately funded extension of utilities which will result in additional employment opportunities during the construction of the project.

Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.

Strategy: Maintain and improve the natural, historic, cultural and tourist-related resources as primary regional economic assets.

Strategy: Ensure sustainable volumes of natural resources for economic productivity.

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Actions:

9. Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

Through the stringent requirements associated with the conditioning of the concurrent planned development, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements. A minimum of 54 percent of the property (186.05± acres) will be placed into a conservation easement including the convergence of two natural waterways/flow-ways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3 recommended historical sites and the project will provide a public canoe/kayak launch area to Trout Creek. The proposed preservation and conservation areas and associated comprehensive plan amendment and concurrent planned development application represents a balancing of public and private interests concerning the use of the Owl Creek property. Approval of the amendment will result in significant preservation of the Owl Creek property at no cost to the public.

Conclusion

The plan amendment for Owl Creek is consistent with and generally furthers the Strategic Regional Policy Plan.

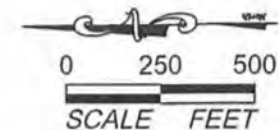
Environmental Impacts Analysis

(Exhibit M12)
(Exhibit T7)

CPA2020-00004 & CPA2020-00005
Revised August 2021

Exhibit B
Vegetation Map

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



* Surface Waters
** Jurisdictional Other Surface Waters
*** Jurisdictional Wetlands

Notes:

1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

January 19, 2022 10:28:23 a.m.
Drawing: DRHOR455PLAN111521.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.
*** 211H	Improved Pastures - hydric	7.36 ac.
422	Brazilian Pepper	1.20 ac.
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03 ac.
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23 ac.
*** 428HDE4	Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%)	0.50 ac.
429HE	Hydric Wax Myrtle Invaded by Exotics (5-9%)	1.86 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
* 510	Streams and Waterways	5.74 ac.
** 510D	Ditches	3.66 ac.
** 524	Lakes less than 10 acres which are dominant features	0.73 ac.

FLUCCS	Description	Acreage
*** 618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29 ac.
*** 618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29 ac.
*** 618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11 ac.
*** 618DE4	Willow, Disturbed, Invaded by Exotics (75-90%)	8.70 ac.
*** 619BP	Hydric Brazilian Pepper	30.94 ac.
*** 630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30 ac.
*** 630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83 ac.
*** 630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30 ac.
*** 641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83 ac.
740	Disturbed Land	6.21 ac.
743	Spoil Area	0.82 ac.
814	Roads and Highways	1.13 ac.

Total 342.68 ac.

Exhibit C.1.9 - Vegetation Map

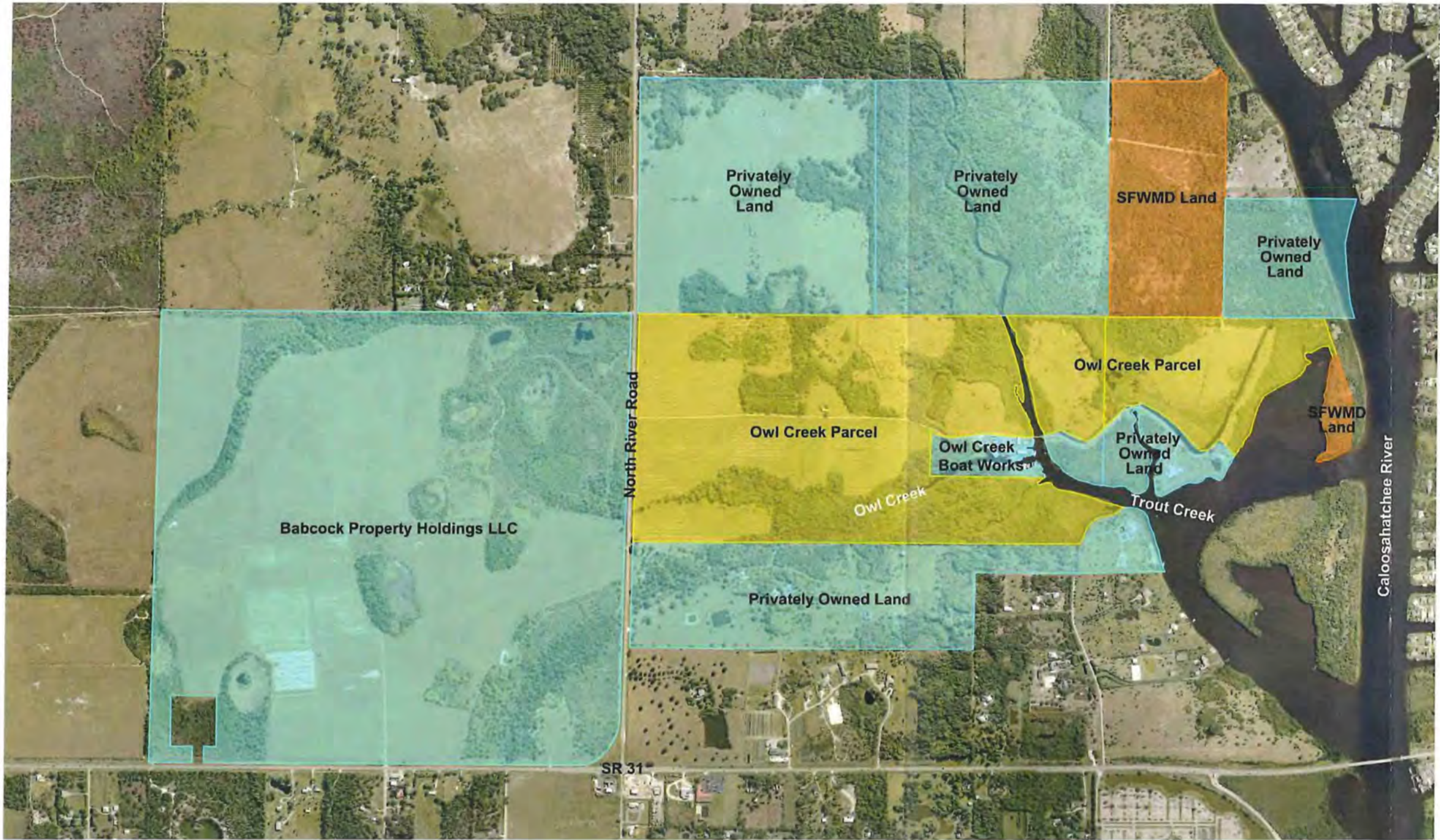
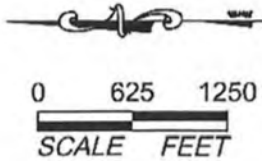
Owl Creek Reserve

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Exhibit C

Surrounding Land Map

SECTION: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Notes:
1. Property boundaries are approximate and were obtained from the Lee County Property Appraiser's Website.

PERMIT USE ONLY, NOT FOR CONSTRUCTION Drawing: DRH0R455_SURROUNDING LANDS.DWG September 16, 2020 10:36:19 a.m.

Surrounding Land Map

Owl Creek Parcel

B DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Soils

6. Hallandale Fine Sand - This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 2 inches thick. The subsurface layer is light gray fine sand about 5 inches thick. The substratum is very pale brown fine sand about 5 inches thick. At a depth of 12 inches is fractured limestone bedrock that has solution holes extending to a depth of 25 inches. These solution holes contain mildly alkaline, loamy material. Included with this soil in mapping are small areas of Boca soils and soils that have yellowish horizons or a brownish stain between the subsurface layer and limestone. Also included are scattered areas of rock outcrop, which are less than 1 acre, and soils that have hard calcareous material at a depth of less than 20 inches. Included soils generally make up about 5 to 10 percent of any mapped area. In most years, under natural conditions, the water table is less than 10 inches below the surface for 1 to 3 months. It recedes below the limestone for about 7 months. The available water capacity is low. Natural fertility is low. Permeability is moderate or moderately rapid. Natural vegetation consists of saw palmetto, pineland threeawn, bluestem, panicums, and South Florida slash pine. This soil is poorly suited to cultivated crops because of wetness, shallow depth, and sandy texture.

12. Felda Fine Sand - This is a nearly level, poorly drained soil on broad, nearly level sloughs. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface layer is light gray and light brownish gray fine sand about 14 inches thick. The subsoil is light gray loamy fine sand about 16 inches thick and is underlain by gray and light gray fine sand that extends to a depth of 80 inches or more. Included with this soil in mapping are small areas of Boca, Malabar, Oldsmar, Pineda, and Wabasso soils. These inclusions rarely exceed 15 percent of any mapped area. In most years, under natural conditions, this soil has a water table within 10 inches of the surface for 2 to 4 months. The water table is 10 to 40 inches below the surface for about 6 months. It is more than 40 inches below the surface for about 2 months. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate or moderately rapid in the subsoil, and rapid in the substratum. Natural vegetation consists of cabbage palm, pineland threeawn, South Florida slash pine, wax myrtle, and maidencane. This soil is poorly suited to cultivated crops because of wetness.

13. Boca Fine Sand - This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 11 inches is light gray and the lower 11 inches is very pale brown. The subsoil, about 5 inches thick, is gray fine sandy loam with brownish yellow mottles and calcareous nodules. At a depth of 30 inches is a layer of fractured limestone. Included with this soil in mapping are small areas of Hallandale, Wabasso, and Felda soils that have a yellowish horizon between the subsurface layer and subsoil. Also included are soils with limestone

at a depth of 40 to 72 inches and small areas where the soil is better drained than is typical. Included soils make up about 15 percent of any mapped area. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. Natural vegetation consists of saw palmetto, pineland threeawn, South Florida slash pine, and wax myrtle. This soil is poorly suited to cultivated crops because of wetness.

33. Oldsmar Sand - This is a nearly level, poorly drained soil on low, broad flatwoods areas. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is black sand about 3 inches thick. The subsurface layer is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick. The lower part of the subsoil is yellowish brown and mixed light brownish gray and brown fine sandy loam about 11 inches thick. Pale brown sand extends to a depth of 80 inches or more. Included with this soil in mapping are small areas of Wabasso, Immokalee, and EauGallie soils. Some areas also have limestone at a depth of 70 to 80 inches below the surface. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 1 to 3 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low in the surface layer and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, and meadow beauty. This soil is poorly suited to cultivated crops primarily because of wetness.

35. Wabasso Sand - This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is sand to a depth of 24 inches. The upper 11 inches is light brownish gray with dark grayish brown stains along root channels, and the lower 7 inches is light gray with dark grayish brown stains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray, and reddish-brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below is light gray fine sandy loam with olive mottles extending to a depth of 80 inches *or more*. Included with this soil in mapping *are* small areas of Boca, EauGallie, Hallandale, Felda, Myakka, and Oldsmar soils. Also included *are* soils, similar to this Wabasso soil, with a surface layer that is *more* than 8 inches thick. Included soils make up about 10 to 15 percent of any mapped *area*. In most years, under natural conditions, the water table is less than 10 inches below the surface for 2 to 4 months. It is 10 to 40 inches below the surface for more than 6 months. It recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is low in the surface and subsurface layers and medium in the subsoil.

Natural fertility is low. Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, cabbage palm, and bluestem. This soil is poorly suited to cultivated crops because of wetness.

40. Anclote Sand, Depressional - This is a nearly level, very poorly drained soil in isolated depressions. Slopes are smooth to concave and less than 1 percent. Typically, the surface layer is about 22 inches thick. The upper 8 inches is black sand, and the lower 14 inches is black sand with common light gray pockets and streaks throughout. The substratum is sand to a depth of 80 inches or more. The upper 18 inches is light brownish gray, and the lower 40 inches is light gray. Included with this soil in mapping are small areas of Pompano and Floridiana soils. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the soil is ponded for more than 6 months. The available water capacity is medium in the surface layer and low in the substratum. Natural fertility is medium. Permeability is rapid. A large part of the acreage is in natural vegetation consisting of cypress, leatherleaf fern, wax myrtle, pickerelweed, and greenbrier.

45. Copeland Sandy Loam, Depressional - This is a low, nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is about 8 inches of very dark gray sandy loam. The subsoil is very dark gray sandy loam about 12 inches thick. It is underlain by 8 inches of light brownish gray sandy clay loam with soft calcium carbonate throughout. Fractured limestone bedrock is at a depth of 28 inches. Included with this soil in mapping are small areas of Chobee, Anclote, Boca, Felda, Floridana, and Pompano soils. In addition, soils similar to Copeland soils but with a mixture of fine sand and shell fragments to a depth of 60 inches or more are included. Areas with limestone at a depth of more than 40 inches are also included. Included soils generally make up less than 15 percent of any mapped area. Under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface for about 3 to 6 months. The available water capacity is medium. Natural fertility is medium. Permeability is rapid in the surface layer and moderate in the subsoil. Natural vegetation is cypress, wax myrtle, cabbage palm, fern, redroot, and other water-tolerant plants. This soil has moderate potential for desirable range plant production. The dominant forage is maidencane and cutgrass. The depth to the water table fluctuates throughout the year.

49. Felda Fine Sand, Depressional - This is a nearly level, poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is gray fine sand about 4 inches thick. The subsurface layers extend to a depth of 35 inches. The upper 13 inches is grayish brown fine sand and the lower 18 inches is light gray fine sand with yellowish brown mottles. The subsoil is about 17 inches thick. The upper 6 inches is gray sandy loam and the lower 11 inches is sandy clay loam with many yellowish brown and strong brown mottles. Below this is light gray fine sand to a depth of 80 inches or more. Included with this soil in mapping are small areas of Anclote, Boca, Malabar, Pineda, Pompano, Winder, and Floridiana soils. Included soils make up about 10 to 15

percent of any mapped area. In most years, under natural conditions, the soil is ponded for about 3 to 6 months or more. The water table is within a depth of 10 to 40 inches for 4 to 6 months. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil. Natural vegetation consists of bald cypress, wax myrtle, and water-tolerant grasses and weeds.

51. Floridiana Sand, Depressional - This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. Typically, the surface layer is black sand about 22 inches thick. The subsurface layer is light brownish gray sand about 17 inches thick. The subsoil is olive gray fine sandy loam to a depth of 54 inches. Below the subsoil there is light brownish gray sand with pockets of olive gray loamy sand. Included with this soil in mapping are small areas of Ancloste, Felda, and Winder soils. Also included are soils similar to the Floridiana soil but with a black surface layer thicker than 24 inches or with the upper boundary of the subsoil below a depth of 40 inches. Included soils make up about 10 to 15 percent of any mapped area. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry periods. The available capacity is medium in the surface layer and subsoil and low in the subsurface layer. Natural fertility is medium. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil. Natural vegetation is St.-Johns wort, pickerelweed, cypress, sedges, weeds, and other water tolerant plants.

144. Caloosa Fine Sand - This is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Slopes are smooth to slightly convex and range from 0 to 2 percent. Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt loam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, mixed mineral material of fine sand and lenses of silty clay loam. The next 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles. Included with this soil in mapping are areas of Matlacha and St. Augustine soils and soils that are similar to Caloosa soils but that contain 10 to 35 percent limestone and shell fragments less than 3 inches in diameter or 10 percent limestone and shell fragments larger than 3 inches. In addition, there are scattered areas of soils that are sandy to a depth of 80 inches or more. Also included are areas of fill that is less than 20 inches thick over undisturbed soils. Included soils make up about 10 to 20 percent of any mapped area. The depth to the water table varies with the amount of fill material and the extent of artificial drainage within any mapped area. However, in most years, the water table is 30 to 42 inches below the surface of the fill material for 2 to 4 months. The available water capacity is variable, but it is estimated to be low to medium in the upper part of the fill material and medium to high in the lower part. Permeability is variable within short distances, but it is estimated to range from rapid to very slow depending on the soil material.

Please see Exhibit D for the Soils Map.

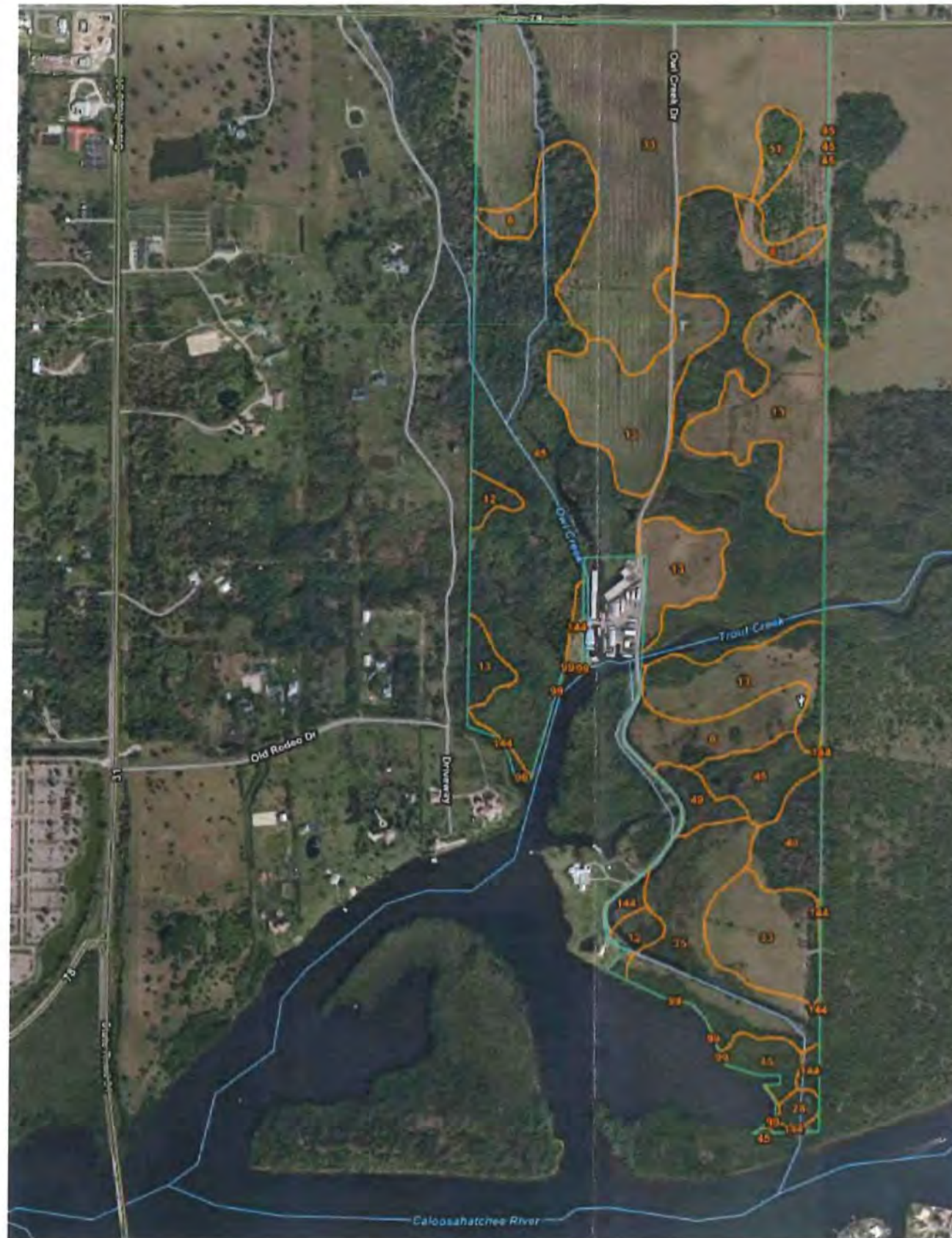
Exhibit D

Soils Map

S:\JOBS\6504\6504\EXHIBITS\6504_FUTURE LAND USE.DWG 9/17/2020 10:58 AM KEVIN CONZALEZ

NOTES:

*SOILS INFORMATION IS FROM THE USDA WEB SOIL SURVEY WEBSITE. ACREAGE IS APPROXIMATED AND INCLUDES THE SUBMERGED LANDS IN THE CREEKS THAT ARE NOT PART OF THE PROJECT SITE.



Lee County, Florida (FL071)			
Lee County, Florida (FL071)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6	Hallandale fine sand, wet, 0 to 2 percent slopes	14.5	4.1%
12	Felda fine sand, 0 to 2 percent slopes	4.2	1.2%
13	Boca fine sand, 0 to 2 percent slopes	64.7	18.4%
28	Immokalee sand, 0 to 2 percent slopes	1.4	0.4%
33	Oldsmar sand, 0 to 2 percent slopes	99.5	28.3%
35	Wabasso sand, 0 to 2 percent slopes	22.0	6.2%
40	Anclote sand, frequently ponded, 0 to 1 percent slopes	7.4	2.1%
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes	126.2	35.8%
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes	3.6	1.0%
51	Floridana sand, frequently ponded, 0 to 2 percent slopes	3.3	0.9%
99	Water	0.2	0.1%
144	Caloosa fine sand, 0 to 2 percent slopes	5.2	1.5%
Totals for Area of Interest		352.2	100.0%



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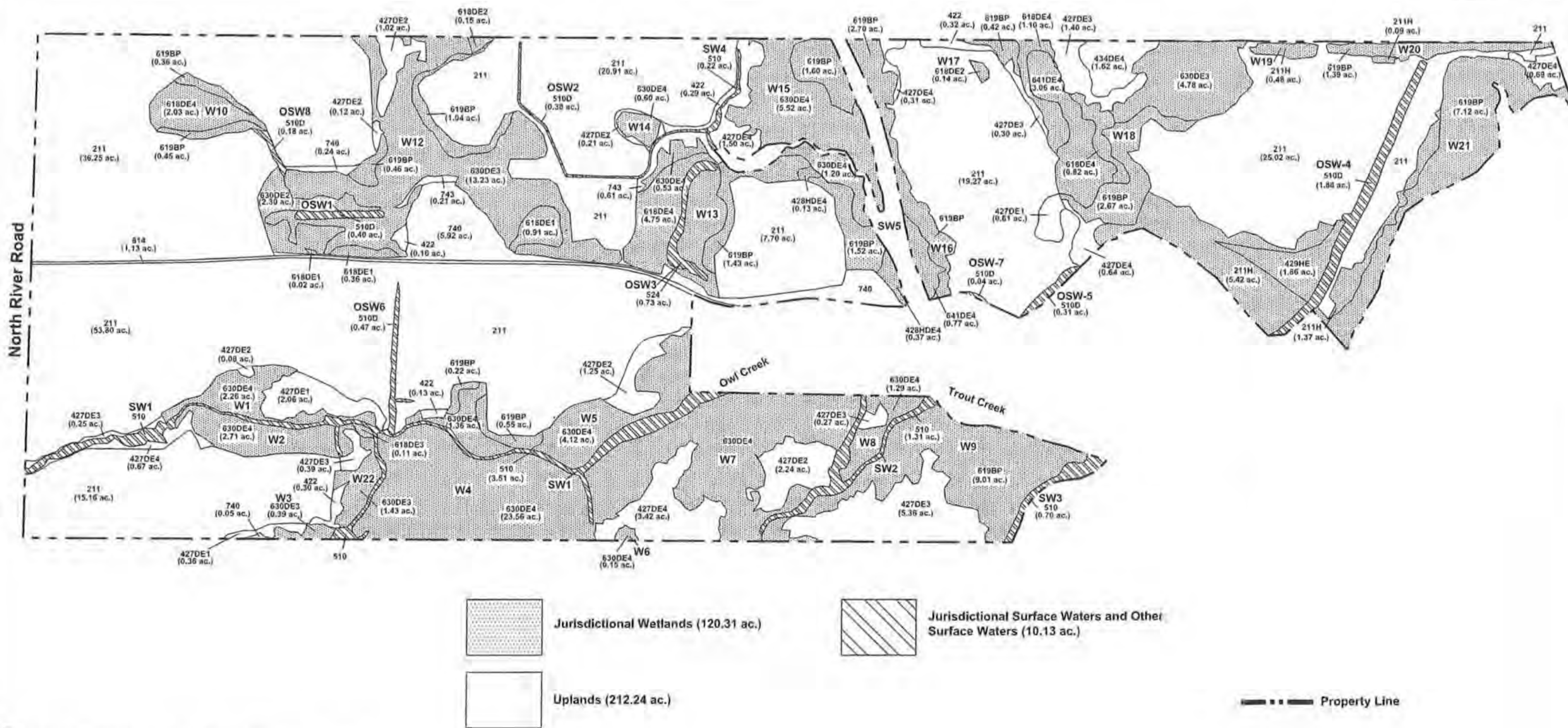
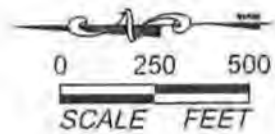
SOILS MAP AND DESCRIPTION OF SOILS EXHIBIT-M12-2

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/31/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Exhibit F
Wetland Map

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Notes:

1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

January 19, 2022 10:28:23 a.m.
Drawing: DRHOR455PLAN111521.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit C.1.7 - Wetland, SW, and OSW Map

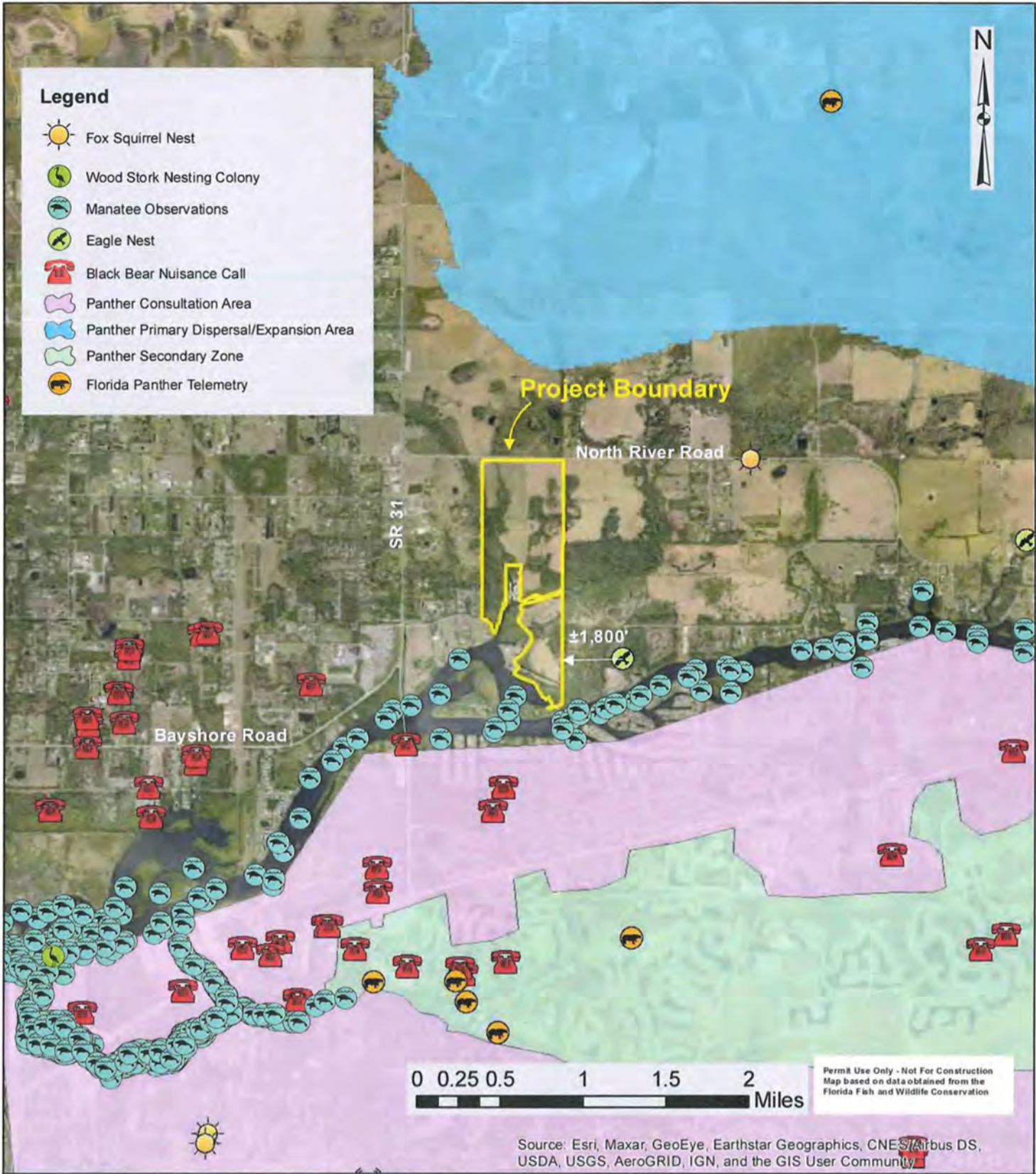
Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Exhibit G
Protected Species
Database Map

Sections: 18 and 19
Township: 43
Range: 26

Owl Creek Parcel



Listed Species Database Map

DEXBENDER
ENVIRONMENTAL CONSULTING
Fort Myers (239) 334-3680

Exhibit C.2.2

Owl Creek Parcel

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Protected Species Assessment & Florida Bonneted Bat Roost Survey

**November 2020
revised October 2021
revised January 2022**

Prepared for:

**D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 342.68± acre Owl Creek property consists of Strap Numbers 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, and 19-43-26-00-00002.1020. The parcel is located within a portion of Sections 18 & 19, Township 43 South, Range 26 East, Lee County, Florida (see Figure 1). The property is bisected by Trout Creek.

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture for cattle.

SITE CONDITIONS

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture by cattle. Many of the forested areas have been disturbed by cattle and primitive surface water management.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped based on 2010 digital 1" = 120' scale aerial photography. In order to minimize redundancy only the base FLUCCS Codes are described (i.e. description provided for FLUCCS Code 427D but not for FLUCCS Codes 427DE1, 427DE2, 427DE3, and 427DE4). Twenty-six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached map (see Figure 2) depicts the approximate location and configuration of these vegetation associations and the acreages are summarized by FLUCCS code in Table 1. A brief description of each FLUCCS code is also provided below.

Table 1. Acreage Summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
211	Improved Pastures	178.11
***211H	Improved Pastures – hydric	7.36
422	Brazilian pepper	1.20
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23
***428DE4	Cabbage Palm, Disturbed, Invaded by Exotics (76-90%)	0.50
***429HE	Wax Myrtle - hydric, Invaded by Exotics (5-9%)	1.86
434DE4	Hardwood – Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62
*510	Streams and Waterways	5.74
**510D	Ditches	3.66
**524	Lakes less than 10 acres which are dominant features	0.73

SECTION: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E

Owl Creek Parcel

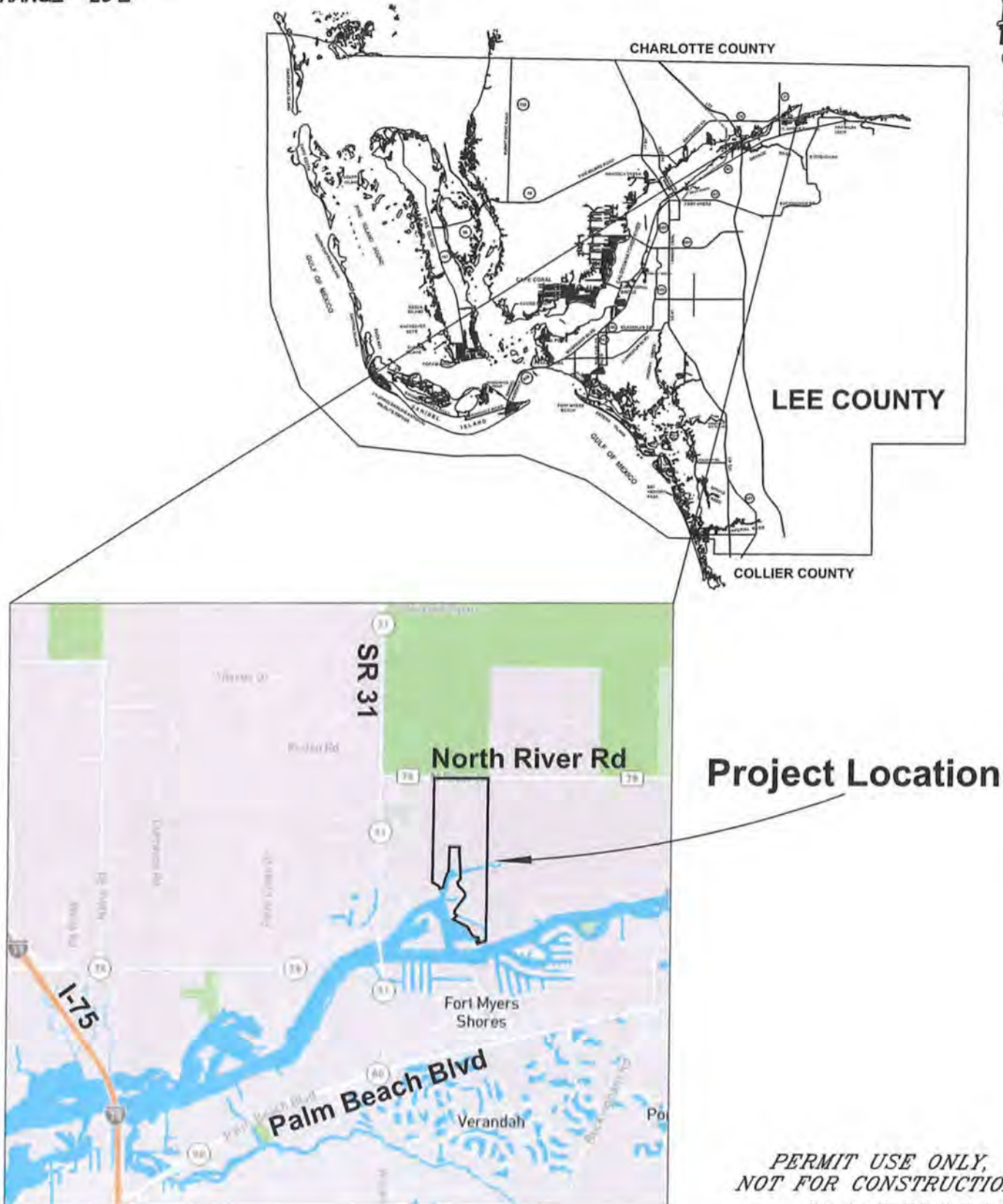
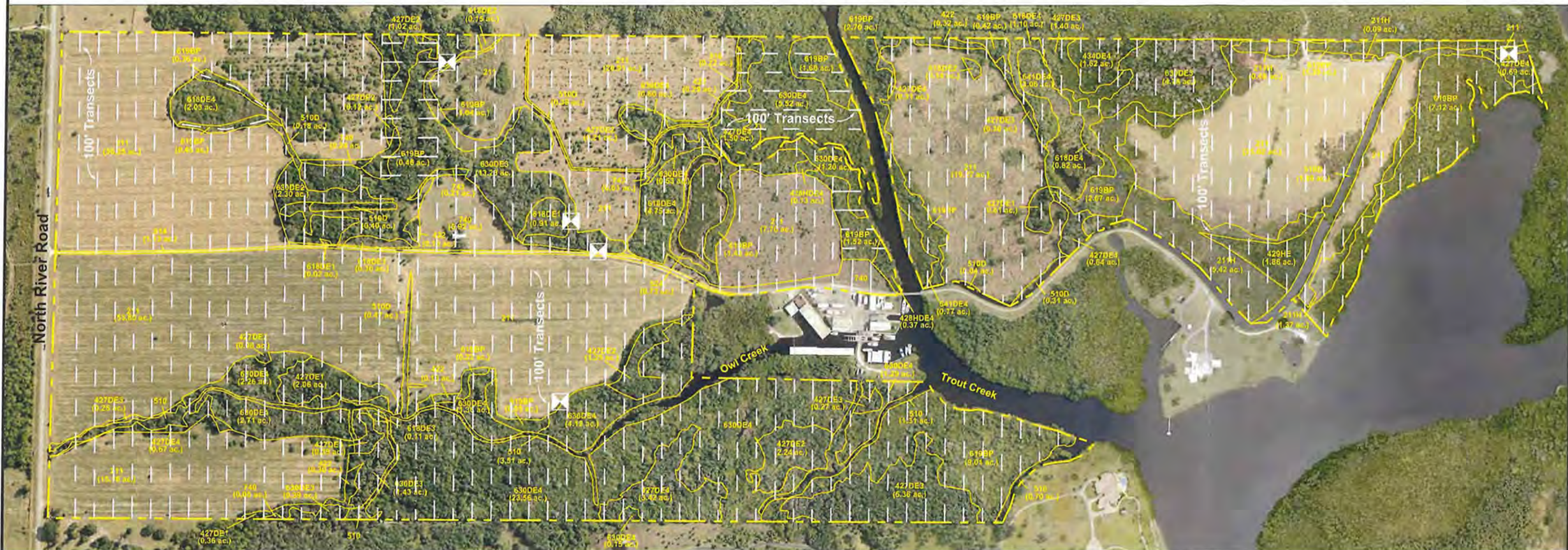
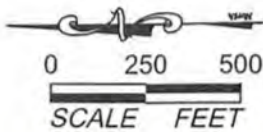


Figure 1. Location Map

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



- Notes:
- 1. Property boundary was obtained from Banks Engineering.
 - 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
 - 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 - 4. Protected species assessment conducted on October 20, 27, and 29, 2020.

December 28, 2021 8:47:56 a.m.
Drawing: DRHOR455PLAN111521.DWG PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.
211H	Improved Pastures - hydric	7.36 ac.
422	Brazilian Pepper	1.20 ac.
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03 ac.
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23 ac.
428HDE4	Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%)	0.50 ac.
429HE	Hydric Wax Myrtle Invaded by Exotics (5-9%)	1.86 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
510	Streams and Waterways	5.74 ac.
510D	Ditches	3.66 ac.
524	Lakes less than 10 acres which are dominant features	0.73 ac.

FLUCCS	Description	Acreage
618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29 ac.
618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29 ac.
618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11 ac.
618DE4	Willow, Disturbed, Invaded by Exotics (75-90%)	8.70 ac.
619BP	Hydric Brazilian Pepper	30.94 ac.
630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30 ac.
630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83 ac.
630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30 ac.
641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83 ac.
740	Disturbed Land	6.21 ac.
743	Spoil Area	0.82 ac.
814	Roads and Highways	1.13 ac.
Total		342.68 ac.

Figure 2. Protected Species Assessment Map

Owl Creek Parcel

***618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29
***618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29
***618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11
***618DE4	Willow, Disturbed, Invaded by Exotics (76-90%)	8.70
***619BP	Hydric Brazilian Pepper	30.94
***630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30
***630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83
***630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30
***641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83
740	Disturbed Land+	6.21
743	Spoil Area	0.82
814	Roads and Highways	1.13
Upland Subtotal		212.24
Wetland Subtotal		120.31
Surface Waters		5.74
Other Surface Waters Subtotal		4.39
Total		342.68

FLUCCS Code 211, Improved Pastures

These upland areas are currently being utilized for cattle grazing. Based on a review of historical aerial photography, it appears that the majority of these areas were once used for row crop farming. Areas mapped as this FLUCCS Code contain a greater percentage of upland species as compared to areas mapped as FLUCCS Code 211H described below. Vegetation present in this association includes bahia grass (*Paspalum notatum*), broomsedge (*Andropogon* spp.), smutgrass (*Sporobolus indicus*), false buttonweed (*Spermacoce verticillata*), and scattered wiregrass (*Aristida* sp.).

FLUCCS Code 211H, Improved Pastures – hydric

Areas mapped as this association contain greater coverage of wetland species and more significant signs of hydrology as compared to areas mapped as FLUCCS Code 211 described above. Beakrush (*Rhynchospora* sp.), lovegrass (*Eragrostis* sp.), red ludwigia (*Ludwigia repens*), frog-fruit (*Phyla* sp.), coinwort (*Centella asiatica*), scattered torpedo grass (*Panicum repens*), fringe-rush (*Fimbristylis* sp.), water hyssop (*Bacopa* sp.), scattered slash pine (*Pinus elliotii*), false buttonweed, bahia grass, Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*) are present.

FLUCCS Code 422, Brazilian Pepper

This upland is dominated by the exotic, Brazilian pepper and contains scattered cabbage palm and wax myrtle.

FLUCCS Code 427D, Live Oak, Disturbed

The canopy of this upland area contains live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), pop ash (*Fraxinus caroliniana*), and cabbage palm. The shrub and ground cover strata consist of wax myrtle, saw palmetto (*Serenoa repens*), beauty berry

(*Callicarpa americana*), myrsine (*Rapanea punctata*), Spanish stopper (*Eugenia foetida*), Boston fern (*Nephrolepis* sp.), carpet grass (*Axonopus* sp.), wild coffee (*Psychotria nervosa*), swamp bay (*Persea palustris*), grape vine (*Vitis* sp.), green briar (*Smilax* sp.), pepper-vine (*Ampelopsis arborea*), poison ivy (*Toxicodendron radicans*), Brazilian pepper, bahia grass and caesar weed (*Urena lobata*).

FLUCCS Code 428D, Cabbage Palm

These mesic wetlands are dominated by cabbage palm, with scattered live oak, saw palmetto, beggar tick (*Bidens* sp.), wax myrtle, wild coffee, dog fennel (*Eupatorium capillifolium*), guineagrass (*Panicum maximum*), foxtail grass (*Setaria* sp.), broomsedge, and swamp fern (*Blechnum serrulatum*) and Brazilian pepper.

FLUCCS Code 429, Wax Myrtle

This shrub community is dominated by wax myrtle. Scattered cabbage palm, melaleuca, saltbush (*Baccharis halimifolia*), willow (*Salix caroliniana*), and Brazilian pepper are also present. The ground cover consists of swamp fern, marsh pennywort (*Hydrocotyle umbellata*), coinwort, and water hyssop.

FLUCCS Code 434D, Hardwood – Coniferous Mixed, Disturbed

The canopy of this upland consists of live oak, slash pine, and cabbage palm. The shrub stratum includes saw palmetto, wax myrtle, Brazilian pepper, saltbush, beauty berry, and cabbage palm. Ground cover includes bahia grass, broomsedge, smutgrass, marsh pennywort, caesar weed, green briar, and dayflower (*Commelina diffusa*).

FLUCCS Code 510, Streams and Waterways

Owl and Trout Creeks are located along the southern portion of the site.

FLUCCS Code 510D, Ditches

Several ditches are present on the site. These ditches contained standing water approximately three feet below grade at the time of our site inspection. Scattered clumps of red mangrove (*Rhizophora mangle*) are located along the banks of the ditches.

FLUCCS Code 524, Lakes less than 10 acres which are dominant features

This open water area is located on the east side of Owl Creek Drive, north of Trout Creek. The banks are lined with willow and Brazilian pepper.

FLUCCS Code 618D, Willow, Disturbed

Willow is the predominant species in these wetlands with cabbage palm, Brazilian pepper, and wax myrtle in the canopy and sub-canopy. Ground cover includes smartweed (*Polygonum* sp.), cattail (*Typha* spp.), dayflower, primrose willow (*Ludwigia peruviana*), and white-top sedge (*Rhynchospora colorata*).

FLUCCS Code 619BP, Hydric Brazilian Pepper

This area is dominated by Brazilian pepper. Cordgrass (*Spartina bakeri*), cabbage palm, pond apple (*Annona glabra*), melaleuca, marsh pennywort, leather fern (*Acrostichum* sp.), climbing hemp weed (*Mikania scandens*), elephant ears (*Colocasia esculenta*), and wax myrtle are also present. There are a few small clumps of red mangroves along the shoreline. There are a few individual trees in these clumps. The clumps are one tree

wide at approximately 10-20' in width and almost all of each clump is in state sovereign lands which is not applicant owned.

FLUCCS Code 630D, Wetland Forested Mixed, Disturbed

Live oak, laurel oak, pop ash, cabbage palm, slash pine, willow, and swamp bay are found within the canopy of these areas. The sub-canopy includes Brazilian pepper, myrsine, saltbush, cabbage palm, wild coffee, primrose willow, swamp dogwood, swamp bay, and buckthorn (*Sideroxylon* sp.). The ground cover consists of beauty berry, swamp fern, royal fern (*Osmunda regalis*), shield fern (*Thelypteris* sp.), arrowhead (*Sagittaria* sp.), water hyssop, smartweed, caesar weed, torpedo grass, pepper-vine, grape vine, poison ivy, green briar, and cattail.

FLUCCS Code 641D, Freshwater Marsh, Disturbed

This wetland includes cattail, primrose willow, leather fern, wax myrtle, marsh pennywort, Brazilian pepper, saw-grass (*Cladium jamaicense*), and saltbush in the sub-canopy and herbaceous strata.

FLUCCS Code 740, Disturbed Land

These disturbed uplands include Brazilian pepper with scattered pop ash, live oak, buckthorn, swamp fern, grape vine, and green briar.

FLUCCS Code 743, Spoil Area

These upland areas consist of spoil material that was displaced during the creation of the adjacent ditches.

FLUCCS Code 814, Roads and Highways

Owl Creek Drive is centrally located in the northern parcel bisecting the property.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology and US Fish and Wildlife Service (FWS) guidance on Florida bonneted bat roost surveys. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 100 feet apart. The approximate location of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species, were denoted on the aerial photography. The attached 1" = 500' scale aerial Protected Species Assessment Map depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during October 20, 27 and 29, 2020. During the survey the weather was mild and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the

Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC species database (updated in 2019) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
211& 211H	80	Florida Sandhill Crane (<i>Grus canadensis pratensis</i>)		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
422	20	none		
427	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Gopher Tortoise (<i>Gopherus polyphemus</i>)		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
		Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>)		√
		Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>)		√
		Twisted Air Plant (<i>Tillandsia flexuosa</i>)		√
		Florida Bonneted Bat (<i>Eumops floridanus</i>)		√
428	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
		Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>)		√
429H	80	None		
434	80	Florida Panther (<i>Felis concolor coryi</i>)		√
510, 510D, & 524	80	American Alligator (<i>Alligator mississippiensis</i>)		√
		Little Blue Heron (<i>Egretta caerulea</i>)		√
		Reddish Egret (<i>Egretta rufescens</i>)		√
		Roseate Spoonbill (<i>Ajaia ajaja</i>)		√
		Tricolored Heron (<i>Egretta tricolor</i>)		√
		Everglades Mink (<i>Mustela vison evergladensis</i>)		√

618	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √
619BP	20	None		
630	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>) Florida Panther (<i>Felis concolor coryi</i>) Florida Bonneted Bat (<i>Eumops floridanus</i>)		√ √ √ √ √ √ √
641	80	American Alligator (<i>Alligator mississippiensis</i>) Florida Sandhill Crane (<i>Grus canadensis pratensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Snail Kite (<i>Rostrhamus sociabilis</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √ √
740	80	None		
743	80	None		
747	80	None		
814	80	None		

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non listed species of wading birds within the wetlands on-site. In addition to the site inspections, a search of the FWC species database (updated in 2019) revealed no additional known protected species within or immediately adjacent to the project limits.

A total of 5 snags were identified containing potential roost cavities. No cavities were found in living trees. The snags with potential roost cavities were all dead cabbage palms. All potential trees on the site within and adjacent to the impact areas were surveyed for the presence of cavities. No evidence of Florida bonneted bats or their guano was observed in or around the base of any of the potential roost cavity trees on-site.

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Owl Creek Reserve

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Indigenous Habitat Management Plan

August 2021
revised October 2021
revised January 2022

Prepared for:

D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966

Prepared by:

DexBender
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680

Introduction

The applicant proposes to construct a residential community at this location. This will include home sites, an amenity center, roads, a surface water management system, and a 186.05± acre wetland/upland preservation and upland/wetland restoration, and surface water areas. The preserved and enhanced indigenous and non-indigenous habitat areas are located throughout the site.

The goal of the wetland mitigation plan is to enhance or restore and preserve 186.05± acres of wetlands, uplands, and surface waters to meet Lee County Land Development Code Chapter 10-415 and to mitigate for impacts to wetlands and wildlife habitat. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserves, will be removed to re-establish functional wetland and upland ecosystems.

The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flowway along Trout and Owl Creeks (Figure 1). The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. The indigenous habitat management plan (IHMP) provides an avenue for the enhancement and preservation of this important piece of land.

The wetland preservation and restoration areas consist of willow and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve almost all of the wetlands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the wetland mitigation area which include the elimination of the exotic species seed source and supplemental planting will result in a net improvement for the wetland plant communities onsite.

The upland restoration, rare and unique upland preservation, and rare and unique upland restoration areas consist of pasture and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve almost all of the forested uplands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the upland areas which include the elimination of the exotic species seed source and supplemental planting as appropriate will result in a net improvement for the upland plant communities onsite.

Rare and unique upland habitats are defined per the Lee Plan as follows:

RARE AND UNIQUE UPLAND HABITATS (RU) High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. These habitat types include those classified as sand

scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The Lee County Coastal Study (1988) includes definitions of oak hammocks and cabbage palm hammocks as follows:

Oak hammocks occupy 86 acres or 0.4% of the study area's lands. Oak hammocks are usually small in size and were once scattered throughout the study area. Usually located on a topographic rise, they are often associated with archeological features as are tropical hardwoods. This community is usually dominated by large live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*), blue beech (*Carpinus caroliniana*), dahoon (*Ilex cassine*), myrsine (*Myrsine quianensis*), marlberry (*Ardisia escallonioides*), wild coffee (*Psychotria nervosa sulzneri*), and a number of ferns and epiphytes. Listed species found in these areas include the gopher tortoise (*Gopherus polyphemus* -SSC) and the eastern indigo snake (*Drymarchon corais couperi* -T). Listed flora found in oak hammocks include golden polypody fern (*Phlebodium aureum* - T), hand or adder's tongue fern (*Ophioglossum palmatum* - E), *Tillandsia valenzuela* (T), setacea (T), paucifolia (T), flexuosa (T), shoestring fern (*Vittaria lineata* - T), and butterfly orchid (*Encyclia tampensis*- T).

Cabbage palm hammocks occupy 1,000 acres or 5.1 % of the study area's lands. This upland to mesic habitat is often difficult to distinguish from the oak hammock where oaks are the dominant canopy. Cabbage palms, oaks (*Quercus* spp.) and slash pine are usually equally dominant in the well developed canopy of the cabbage palm hammock. The hammock floor may be wet or dry but always open and vegetated by ferns and grasses. Listed fauna of this habitat include the eastern indigo snake (*Drymarchon corais couperi* - T). Listed flora include goldenpolypody fern (*Phlebodium aureum* - T) and hand or adder's fern (*Ophioglossum palmatum* - E). This habitat is found most extensively on Cayo Costa and North Captive Island, the Deep Lagoon watershed and the area between the Coconut and Imperial River watersheds.

Preservation and Restoration Area Plans

Wetland Preservation

Approximately 23.56 acres of wetlands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Monitoring Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Wetland Restoration

A total of 82.72 acres of wetlands infested with exotic vegetation will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring

Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration areas will then be planted with native ground cover, shrubs, and trees, as listed in the Wetland Restoration Planting Table (Table 1). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 11,121 trees, 11,121 shrubs, and 56,301 herbaceous plants will be planted in the restoration area shown on the attached Restoration Planting Plan Map (Figure 4).

Table 1. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Persea palustris</i>	Swamp Bay	6' tall/BR	18 Feet Centers	3,707
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	3,707
<i>Fraxinus caroliniana</i>	Pop Ash	6' tall/BR	18 Feet Centers	3,707
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	2,780
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	2,780
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	2,780
<i>Cornus foemina</i>	Swamp Dogwood	1 Gallon	18 Feet Centers	2,780
Ground Cover				
<i>Blechnum serrulatum</i>	Swamp Fern	Liner	8 Feet Centers	14,075
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	14,075
<i>Acrostichum sp.</i>	Leather Fern	Liner	8 Feet Centers	14,075
<i>Sagittaria sp.</i>	Arrowhead	Liner	8 Feet Centers	14,075

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must

be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

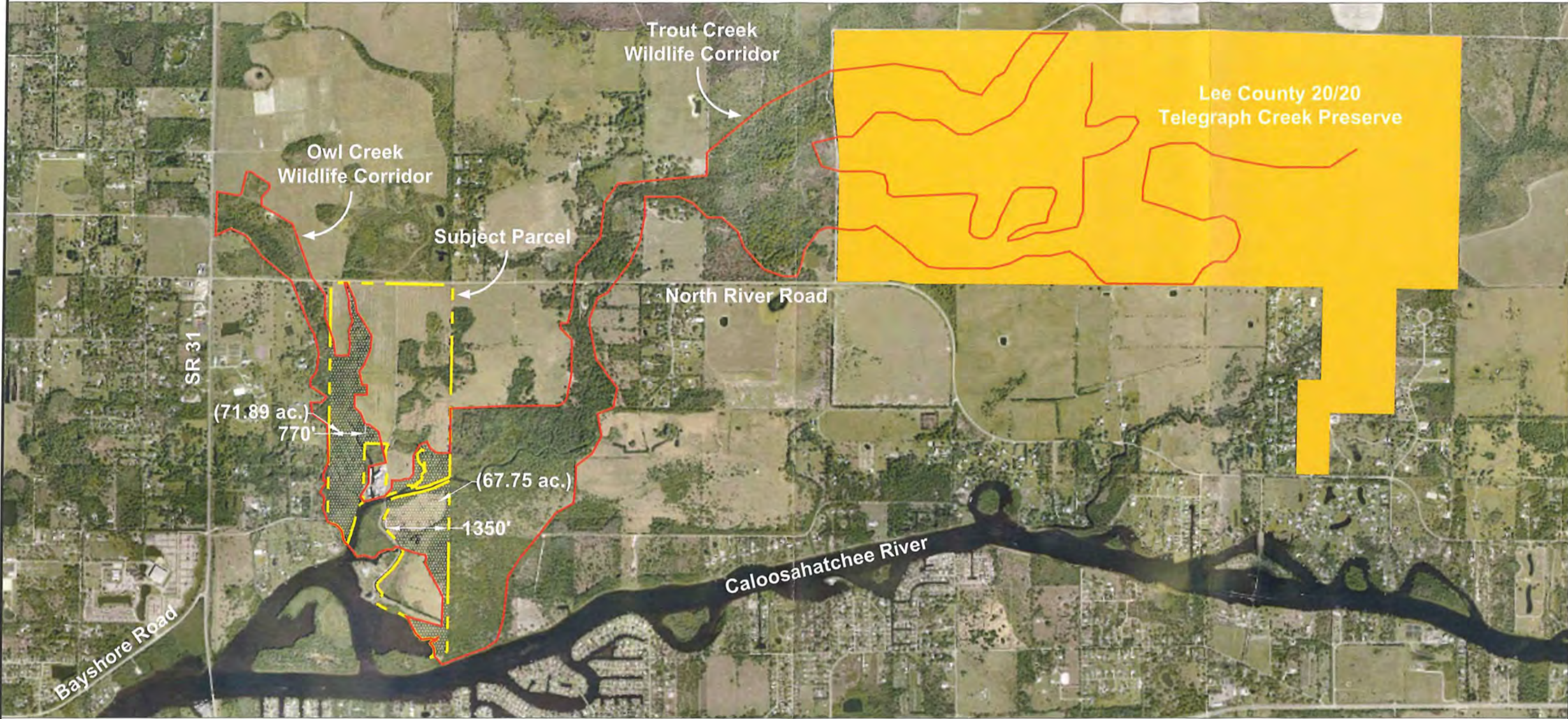
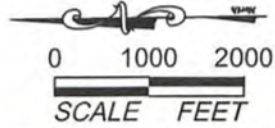
Upland Restoration

Approximately 1.62 acres of Hardwood-Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%) (FLUCCS 434DE4) uplands will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The upland restoration area will then be planted with native ground cover, shrubs, and trees, as listed in the Upland Restoration Planting Table (Table 2). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 220 trees, 220 shrubs, and 1,109 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Map (Figures 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 2. *Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	55
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	55
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	55
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	55
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	44
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	44
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	44
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	44
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	44
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	222

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Notes:

1. Owl Creek development property boundary was obtained from Banks Engineering.
2. Telegraph Creek Preserve property boundary is approximate and was obtained from the Lee County Property Appraisers website.
3. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
4. The onsite wildlife corridors will be preserved and restored prior recording the plat containing the 325th dwelling unit.



Proposed Onsite Wildlife Corridor (139.64 ac.)

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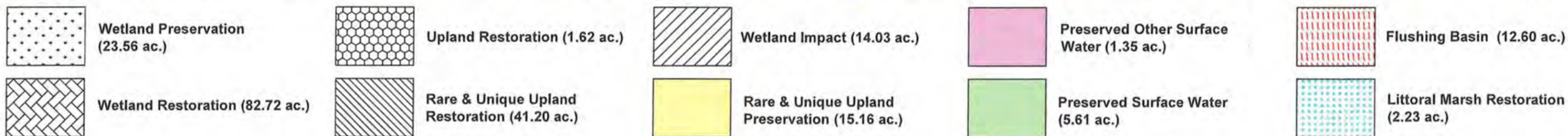
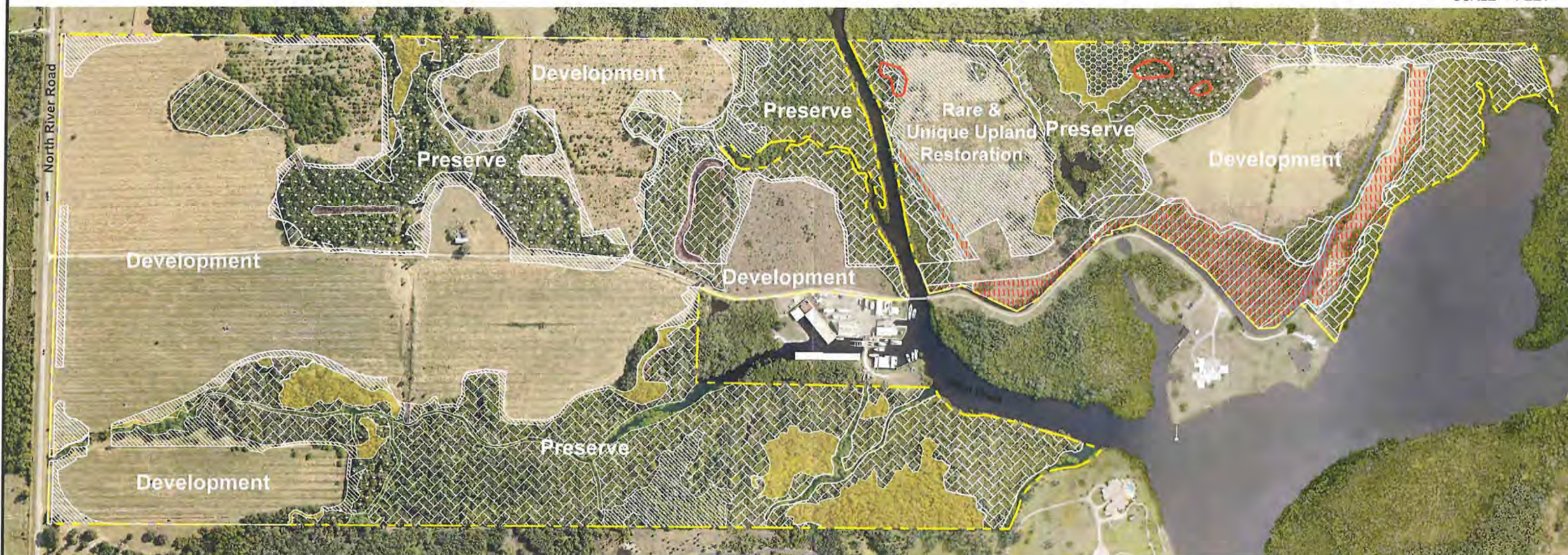
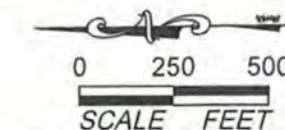
October 11, 2021 12:44:10 p.m.
Drawing: DRHOR-455 WILDLIFE CORRIDOR.DWG


Figure 1. Owl Creek Wildlife Corridor Map

Owl Creek Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



 Archeological Historic Preservation Areas (0.78 ac.)

Notes:
1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

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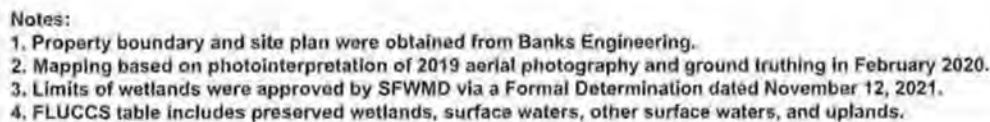
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Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

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ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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SCALE FEET



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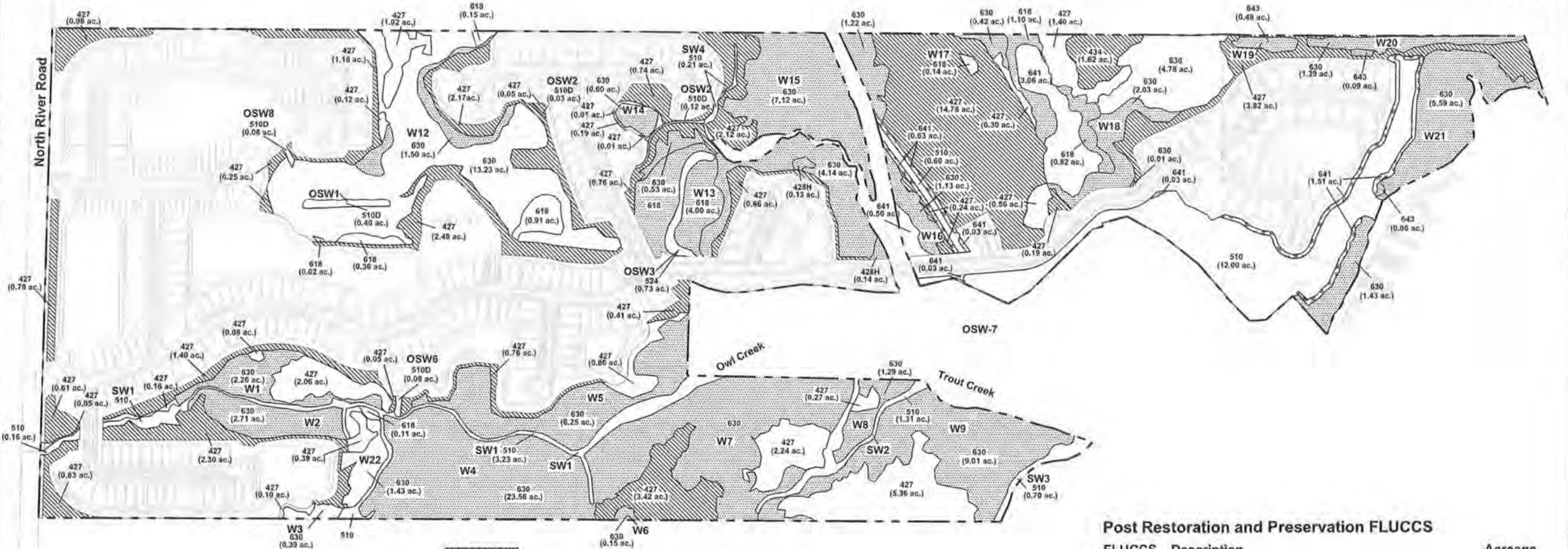
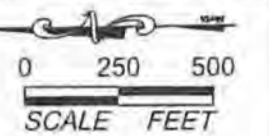
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Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Post Restoration and Preservation FLUCCS

FLUCCS	Description	Acreage
427	Live Oak	56.36 ac.
428H	Hydric Cabbage Palm	0.27 ac.
434	Hardwood- Coniferous Mixed	1.62 ac.
510	Streams and Waterways	18.21 ac.
510D	Ditches	0.69 ac.
524	Lakes less than 10 acres which are dominant features	0.66 ac.
618	Willow	7.61 ac.
630	Wetland Forested Mixed	94.21 ac.
641	Freshwater Marsh	5.79 ac.
643	Wet Prairies	0.63 ac.
		186.05 ac.

- Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

*See the Indigenous Habitat Management Plan for the proposed planting details including species and spacing. Plantings will be installed following initial exotic vegetation treatment.

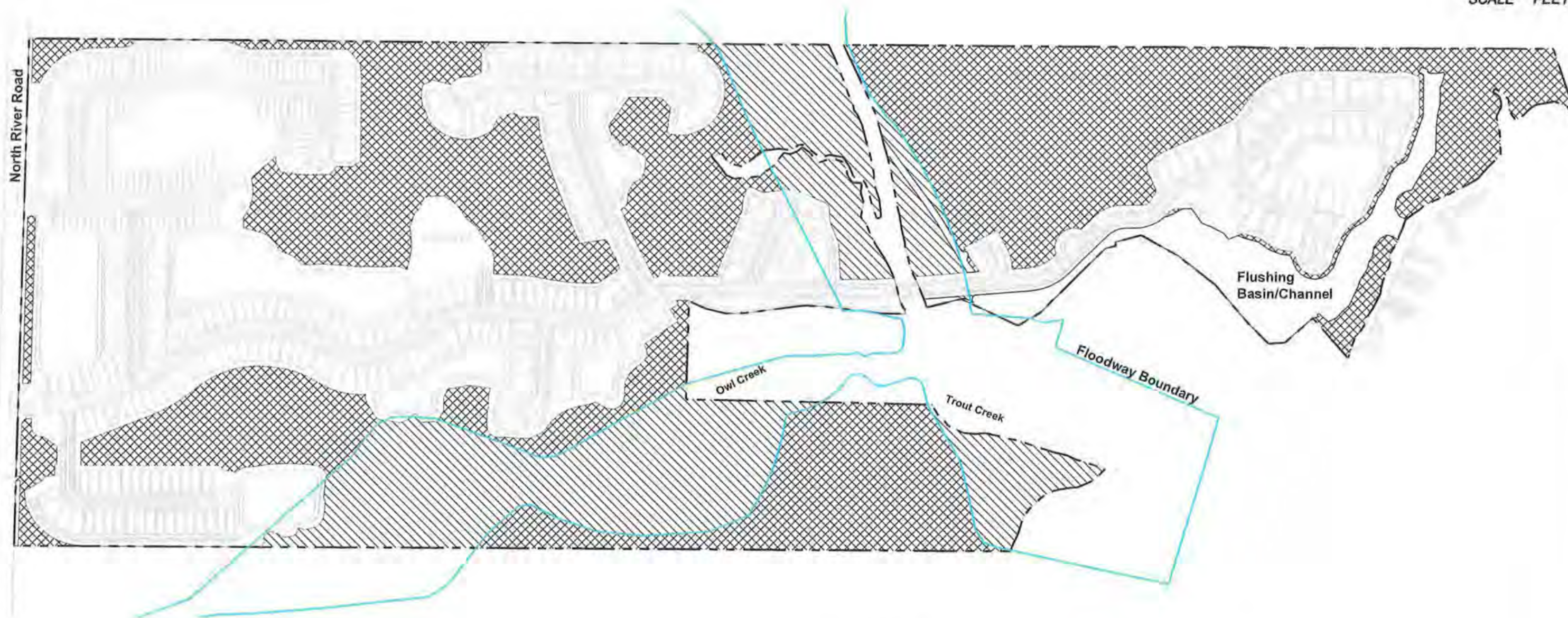
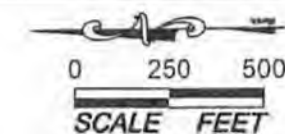
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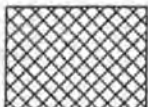
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Figure 4. Restoration Areas Planting Plan Map

Owl Creek Parcel

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



-  Floodway - Treat-in-Place or Remove Exotic Vegetation
-  Non-Floodway - Treat-in-Place, Remove Exotic Vegetation, or Leave Debris (as described in Indigenous Habitat Management Plan)

- Notes:
1. Property boundary, site plan, and floodway boundary were obtained from Banks Engineering.
 2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 3. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

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Drawing: DRHOR455FLOODWAY.DWG

Figure 5. Exotic Vegetation Treatment Map

Owl Creek Parcel

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FORT MYERS 239-334-3680

<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	222
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	222
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	222
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	222

*Additional plant species may be included in the planting table prior to development order approval

Rare and Unique Upland Preservation

Approximately 15.16 acres of rare and unique uplands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Rare and Unique Upland Restoration

Approximately 41.20 acres of existing upland pastures and disturbed exotic vegetation infested uplands will be restored to live oak hammocks (FLUCCS 427) which are Rare and Unique Uplands per the definition in the Lee Plan as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). The upland pastures that are proposed to be restored to rare and unique uplands currently have very few native plants which would be considered typical of the live oak hammock community. The disturbed exotic vegetation infested uplands include live oak hammocks and hydric Brazilian pepper and have approximately 10-25% coverage by native plant species typical of the live oak hammock community. The non-native herbaceous plants will be treated in place and the non-native shrubs and trees will be removed prior to planting.

The only fill that will be placed in these areas will be at North River Road buffer and some minor grading may be necessary in the other areas onsite. The existing soils should support the restoration to live oak hammocks as these communities were present in these locations historically. If any of the planting areas have compacted soils, the soil area around each planting will be loosened. This may be accomplished by hand or mechanical means. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration area will then be planted with native ground cover and trees, as listed in the Rare and Unique Upland Restoration Planting Table (Table 3). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 5,539 trees, 5,539 shrubs, and 28,042 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 3. *Rare and Unique Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	2,770
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	1,385
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	1,385
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	1,108
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	1,108
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	1,108
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	1,108
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	1,108
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	5,608
<i>Muhlenbergia sp.</i>	Muhley Grass	Liner	8 Feet Centers	5,608
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	5,608
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	5,608
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	5,608

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

Littoral Marsh Restoration

Approximately 2.23 acres of hydric and upland pasture will be restored to littoral marsh wetlands as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). The existing pasture will be excavated and sloped appropriately to transition from the uplands to the created flushing basin. Spoil material will be removed and used in development areas of the site. The restoration area will then be planted with native ground cover and trees, as listed in the Wetland Restoration Planting Table (Table 4). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 1,518 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). The plantings will be installed in the 20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section below.

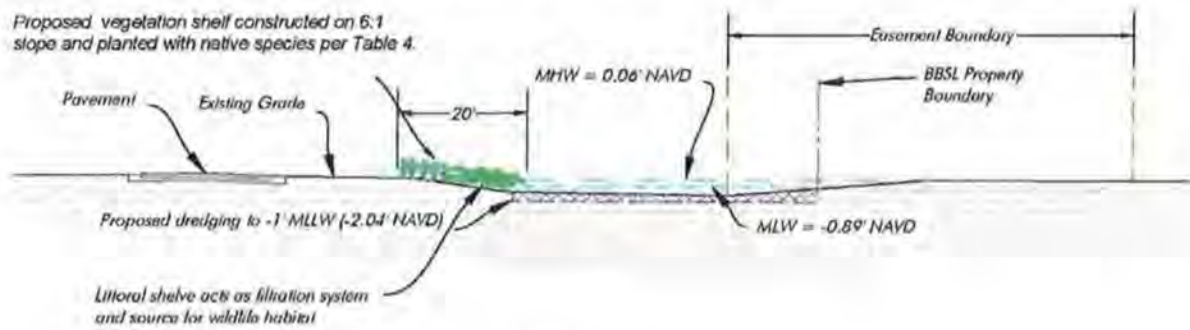


Table 4. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Ground Cover				
<i>Acrostichum</i> sp.	Leather Fern	Liner	8 Feet Centers	190
<i>Juncus roemerianus</i>	Black Needle Rush	Liner	8 Feet Centers	190
<i>Thalia geniculata</i>	Fire Flag	Liner	8 Feet Centers	190
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	190
<i>Nuphar luteum</i>	Spatterdock	Liner	8 Feet Centers	190
<i>Spartina bakeri</i>	Sand Cordgrass	Liner	8 Feet Center	190
<i>Pontederia cordata</i>	Pickereelweed	Liner	8 Feet Centers	190
<i>Sagittaria</i> sp.	Arrowhead	Liner	8 Feet Centers	190

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting.

Flushing Basin

Additionally, 12.60 acres of hydric pasture, upland pasture, and exotic vegetation dominated wetlands will be restored to surface water habitat as part of the flushing basin associated with the proposed docking facility. This flushing basin will act as a tidal pump and will connect to Trout Creek east of the proposed access bridge and to the interface of Trout Creek and the Caloosahatchee River at the proposed docking facility in the south of the site, improving the water quality in the vicinity of the docking facility. These areas will be excavated to appropriate grades and will transition into the wetland restoration area. Spoil material will be removed and used in development areas of the site. Please see Figure 3. Please see the cross section of the proposed flushing basin and littoral marsh restoration area above.

Surface Water and Other Surface Water Preservation

Approximately 5.61 acres of surface waters and 1.35 acres of other surface waters will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3).

Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the upland and wetland preservation areas will be treated as shown on the Exotic Vegetation Treatment Map (Figure 5). A vegetation removal permit associated with the development order is required for the initial exotic vegetation treatment.

Non-native trees and shrubs will be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. All preserved areas will have the resulting vegetative material from the Conservation Easement and disposed of in accordance with local regulations. If non-woody exotics, such as cattail, are present within the preserve they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation. Treatment efforts of the forested and herbaceous areas will include removal, monitoring and maintenance of invasive vegetation. The primary species to be eradicated include melaleuca, Brazilian pepper,

and torpedo grass.

Exotic control of melaleuca and Brazilian pepper in the areas outside of the FEMA floodways will be accomplished by chainsaw or machete as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Large trees (greater than four-inch diameter at breast height (DBH)) may be girdled and killed in place with a stump specific herbicide suitable for aquatic application. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by one or more of the following methods: 1) cut into four to six feet sections and stacked on the ground with alternating layers of trees at right angles to each other (log cabin) with the stacks no higher than 5± feet and spaced a minimum of 100± feet apart, 2) cut and placed into piles (tee-pee) with piles spaced a minimum of 100± feet apart, 3) where exotic density is less than 25 percent the exotics may be cut into two to four foot sections and scattered on the ground, and 4) woody exotic vegetation may be removed from the preserves.

No cut debris will be placed within the FEMA floodways of Owl or Trout Creek as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Exotic vegetation in the floodways will either be cut and removed or treated in-place as described above.

Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

Coverage by exotic vegetation within these areas will be maintained below five percent aerial cover. A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Barricading

Prior to commencement of construction activities, the mitigation areas will be staked in the field and the required erosion control barriers installed. These barriers will be inspected by County staff prior to commencement of construction activities. The operation of construction equipment, storage of equipment, and stockpiling of fill and construction material will be prohibited within the preservation areas. The staking identifying the limits of the preservation area will be maintained for the duration of adjacent construction activities.

Schedule

The wetland preservation must be within a recorded conservation easement and the rare and unique upland preservation and restoration areas must be completed prior to the Certificate of Compliance for the infrastructure.

Conservation Easement

A Conservation Easement will be recorded and placed over the upland, wetland, and surface waters preservation areas totaling 186.05± acres. Signs demarking the preservation areas will be posted at 100 feet intervals along the outer edge of all preservation areas.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite wetland and upland preservation and restoration areas:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the wetlands and the restored littoral marsh and 80 percent coverage by appropriate upland species in the upland preservation and restoration areas.
2. The conservation easement areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration plantings described above, if native wetland, transitional, and upland species (do not achieve 80% coverage within the initial two years of the monitoring program (obligate and facultative wet species exceed facultative species in wetland areas), native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the entire mitigation area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.
5. The preserve areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five year monitoring period.

Long Term Management

The applicant and/or the homeowners association will be responsible for the long term maintenance of the onsite preservation areas. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested.

Adaptive Management

If during monitoring of the onsite preservation area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long term management of the preserves.

Pruning and trimming activities will not be performed in the preserve however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species

The November 2020 Protected Species Assessment resulted in no observations of listed species.

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia ajaja*), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may foraging in wetland areas and ditches throughout the property.

Given the habitat types present there is also a potential for Big Cypress fox squirrels (*Sciurus niger avicennia*) to utilize the property. These squirrels, listed as threatened by the FWC, are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

The Florida sandhill crane is listed as threatened by the FWC and potentially may forage in the pasture areas. While suitable habitat occurs throughout the property and within the designated County buffer, no sandhill crane nesting activity was observed.

The wood stork (*Mycteria americana*), is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

The American alligator was not observed, however, the ditches provide potential habitat. According to the FWC list of Florida's Endangered Species, Threatened Species and Species of Special Concern published in November 2007, the American alligator has a SSC status because it is vulnerable to environmental impacts and loss of habitat.

Audubon's crested caracara is a raptor that typically nests in solitary or small groups of cabbage palms within larger areas of open grasslands. This species is listed as threatened by both the FWC and FWS. Although the quality of the potential habitat on-site is poor, Audubon's crested caracara were observed foraging along North River Road during the nesting survey for this species in winter 2021. The closest known caracara nest is located approximately 1 mile to the east of the subject parcel.

The property is not located within the primary and secondary zones of the 2007 Florida Panther Focus Area or in the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There is one FWC telemetry points located approximately 3 miles south of the subject property, with none onsite. This telemetry point occurs south of the Caloosahatchee River.

A review of the FWC listed species occurrence database (updated in June 2020) indicated that a Florida black bear (*Ursus americanus floridanus*) had been recorded approximately 1 mile to the north of the property. The Florida black bear delisted in 2012, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS.

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. NMFS issued their Jacksonville Biological Opinion (JAXBO) on November 20, 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles, smalltooth sawfish, Nassau grouper, scalloped hammerhead shark, Johnson's seagrass, sturgeon, corals, whales, and their designated critical habitat.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the Preserve Areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the Preserve Lands onsite as shown on the Enhancement and Preservation Map (Figure 2). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the residential units, consistent with state law, as a condition of the zoning approval, which means 38.72 acres of native upland and wetland habitats, 1.35 acres of other surface waters, and 5.61 acres of surface waters of this area will be permanently protected (preservation) for wildlife usage. A total of 41.2 acres of farm fields and exotic infested uplands will be restored to rare and unique uplands by the removal of the exotic species and planting with native species. Also, 1.62 acres of exotic infested uplands will be restored by the removal of exotic species and planting. A total of 82.72 acres of exotic infested wetlands will be restored by the removal of exotic species and planting with native species. Additionally, 2.23 acres of hydric and upland pasture will be restored as littoral marsh wetlands and 12.60 acres of flushing basin will be created. This restoration and preservation of 186.05 acres will enhance the value of the Preserve Areas for wildlife and provide a permanent link between the surrounding wildlife corridor areas and a permanent refuge for wildlife if the project is approved as proposed. (See Figures 1 and 2).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird Management Plan

Wood storks were not found during wildlife surveys of the property and no nesting activities were observed. Suitable foraging habitat occurs throughout the property. Additionally, the property occurs within 18.6 miles of two known wood stork colonies. Based on the FWS "Effect Determination Key", dated November 9, 2007 (Service Consultation Code 41420-2007-I-0964), the proposed project may affect the wood stork. Formal consultation for the wood stork is anticipated to be required by the FWS. On behalf of the applicant, at the appropriate time, we will be coordinating with FWS to develop a wood stork mitigation plan which will effectively offset any potential impacts to foraging habitat of this federally listed species. Additionally, it is expected that existing foraging habitat for the wood stork will be enhanced by the removal and maintenance of invasive exotic plants and protected by implementation of the wetland enhancement and preservation plan and the reclamation plan. The proposed littoral marsh wetland restoration which includes 2.23 acres of littoral shelves described above will also benefit the wood stork by adding a significant amount of foraging area.

Existing wading bird foraging habitat will be enhanced through removal and maintenance of exotic invasive plants. The proposed site conditions will result in a total of over 106.28 of preserved wetlands and 2.23 acres of restored littoral marsh habitat on the property. Implementation of the proposed wetland preservation plan would assure that any potential temporary impacts to these species would be offset. This plan would meet applicable requirements of South Florida Water Management District and Lee County as well as the FWS and FWC.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in preservation and areas as well as within the littoral marsh restoration areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel Management Plan

Appropriate habitat for the Big Cypress fox squirrel (*Sciurus niger avicennia*) occurs in the forested portion the property. However, no fox squirrel nests were observed within the project boundaries. Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be preserved and restored via treatment of invasive exotic plant species and planting with native species where appropriate and described above in 164.26 acres (FLUCCS 427, 428, 434, 618, and 630). The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any impacts to this

species are offset.

Florida Sandhill Crane Management Plan

Florida sandhill cranes or their nests were not observed during wildlife surveys of the property. Suitable habitat occurs throughout the property and within the designated County buffer. A total of 3.56 acres of existing foraging habitat (FLUCCS 641) for the sandhill crane will be restored through removal and maintenance of invasive exotic plants. Additionally, 2.23 acres of littoral marsh wetlands will be restored. Implementation of the proposed Indigenous Habitat Management Plan would assure that any impacts to the foraging pattern of this species are offset.

American Alligator Management Plan

Potential habitat for American alligators on-site consists of the open water area and surrounding marsh. The property includes numerous ditches and scattered wetlands which provide refuge for this species. The property was thoroughly inspected for gator nests, which are often conspicuous on the bank of waterways. No alligator nests were ever found on the property during protected species surveys. If the proposed project is approved, the wetland enhancement and restoration in the Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator. The proposed site conditions will result in a total of over 106.28 acres of preserved and restored wetlands (FLUCCS 618, 630, and 641), 2.94 acres of restored littoral marsh wetlands, 1.35 acres of preserved other surface waters, 5.61 acres of preserved surface waters, and 12.60 acres of created flushing basin habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out of harms way. Once the American alligator has moved work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator onsite.

Audubon's Crested Caracara Management Plan

Although crested caracaras are known to forage in the vicinity of the subject property, no evidence of nesting of this species was found onsite. To minimize the potential of impacts to nesting habitat, the cabbage palms located in the proposed development areas will be relocated to the rare and unique upland restoration area and appropriate preservation areas prior to construction activity initiation, if feasible. The proposed Indigenous Habitat Management Plan includes the preservation of 15.16 acres of uplands (FLUCCS 427 and 428), the restoration of 1.62 acres of uplands, and the restoration of 41.2 acres of rare and unique uplands. The implementation of this Indigenous Habitat Management Plan will provide long-term viability for Audubon's crested caracara and will assure that any impacts to this species are offset.

Florida Panther and Florida Black Bear Management Plan

No Florida panthers or black bears or their signs were observed during wildlife surveys of the property. The project is not in any FWS Florida panther zones and the nearest FWC telemetry point is 3 miles to the south of the project and across the Caloosahatchee River. Black bears have been documented approximately 1 mile north of the property per the FWC listed species occurrence database. It is expected that existing forage and prey habitat for the Florida panther and black bear will be enhanced through removal and maintenance of invasive exotic plants and protected by implementation of this IHMP.

The preservation and restoration of 186.05± acres of uplands (FLUCCS 427, 428, and 434), wetlands (FLUCCS 618, 630, and 641), other surface waters (FLUCCS 510D), and surface waters (FLUCCS 510) will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the Owl Creek property. Please see the Owl Creek Wildlife Corridor Map (Figure 1).

Smalltooth Sawfish Management Plan

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. There will be minor impacts to the shallow euryhaline habitat along the shore to accommodate the flushing improvements for the proposed docking facility. The project includes the restoration of 12.60 acres of created flushing basin habitat on the property which potentially will function as smalltooth sawfish habitat.

The applicant will coordinate with NMFS during the federal permitting process for the project and will obtain the required permits. All required construction methods will be followed. Please see Exhibit B for NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.

Wildlife Habitat Area Corridors

Two Wildlife Corridors totaling 139.64 acres will be established as part of the proposed Indigenous Habitat Management Plan. Please see Figures 1 and 2. The Owl Creek and Trout Creek corridors currently consists of active pasture, Owl Creek, and exotic vegetation infested uplands and wetlands. These areas will be enhanced and preserved as described above. The Rare and Unique Upland restoration areas will be planted as described above and shown in the Restoration Area Planting Plan Map (Figure 2).

The Owl Creek and Trout Creek wildlife corridors average approximately 770' and 1,350' in width, respectively. Prior to the Certificate of Compliance for the infrastructure, 186.05 acres which includes the onsite wildlife corridors, will be placed under a Conservation Easement.

Human Coexistence with Wildlife Plan

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas

American Alligator

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear

An educational brochure, such as the attached "A Guide to Living in Bear County" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Florida Panther

An educational brochure, such as the attached "A Guide to Living with Florida Panthers" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. This brochure provides advise for residents on how to keep their family and pets safe and suggestions on how to handle encounters with panthers.

Multi-Slip Docking Facility

American Alligator

Signs will be posted on the subject property adjacent to the docking facility advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within docking facility.

West Indian Manatee

At least two manatee educational signs or a kiosk will be placed at the docking facility.

Public Canoe Launch

American Alligator

Signs will be posted on the subject property adjacent to the public canoe launch advising the public that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the canoe launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the canoe launch.

Monitoring Plan

The proposed monitoring of the preserved wetlands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The baseline monitoring documents the pre-exotic removal conditions within the wetlands. The time-zero report will document the conditions immediately following wetland exotic removal and planting. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

The owner or his designee shall also monitor and record water elevations at staff gauges and monitoring wells within the undeveloped wetland areas to provide reasonable assurance to the agencies that no significant hydrological impacts to wetlands resulted from mining. Hydrologic monitoring shall occur monthly during the dry season (November through May) and biweekly during the wet season (June through October) in all of the preserved onsite wetlands. The staff gauges and monitoring wells shall be visually inspected. If the water level at any staff gauge is below the land surface for more than 60 days, the below-ground water level would be used for that location. Hydrologic monitoring shall begin within 12 months of mining commencing.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on Figure 3.

The results of monitoring events within the preserve areas will be reported as stated in this plan. Specific maintenance requirements will be explained in the monitoring report(s). Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring of the planted littoral zone and Rare and Unique Uplands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. Baseline monitoring will document the conditions as they exist prior to initiating the proposed planting/enhancement effort. The time-zero report will document the conditions immediately following completion of planting/enhancement activities. In addition, a monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the date of the Certificate of Compliance issued for the project's infrastructure. The annual reports will document the extent of success of the created

wetlands and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Exhibit D for baseline conditions photographs from the five photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline reports will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), notations regarding faunal presence and use, and an overall numerical ranking (1-lowest, 10-highest) of the conditions of the system. This numerical ranking is done annually, preferably by the same evaluators, and takes into consideration all parameters of the qualitative assessment. The monitoring will be completed by September of every year (toward the end of the growing season) and an annual report submitted to the reviewing agencies by the end of October. All data collected and analyzed will be included in the report.

Vegetation Monitoring

The vegetation within the uplands and wetlands will be monitored using the line intercept methodology. Six (6) 100 feet long transects will be established in representative portions of each upland and wetland area (Figure 3). A measuring tape will be stretched along the transect and the plants occurring directly below (ground cover) and above (midstory and canopy) the tape will be recorded at three feet intervals along the transect. Ground cover species include woody vegetation less than three feet in height and all non-woody plants. Midstory vegetation consists of all woody plants greater than three feet in height and less than four inches DBH. Canopy species consist of woody vegetation greater than four inches DBH. Bare ground and open sky will also be recorded in this manner. The resulting data will be used to calculate percent cover of the three strata.

Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected towards the end of the growing season (September - October) and submitted to the agencies with 90± days of data collection.

Method and Frequency of Pruning and Trimming

No pruning or thinning of native vegetation within the indigenous vegetation preserves is proposed at this time. In the event that trimming becomes necessary to meet the ecological goals of this management plan, the trimming will be accomplished by hand using chainsaws or machetes and will be restricted to no more than 25 percent of an area during any particular one year interval. Cut vegetation will remain on-site.

The Lee County Division of Environmental Sciences will be notified prior to any preserve maintenance (other than routine annual exotic maintenance events).

Garbage Management

All garbage will be removed from the preserves prior to the issuance of the Certificate of Compliance for any part of the development. The preserves will be surveyed for garbage semi-annually.

Archeological Historic Preservation Areas

Please see Exhibit E for the archeologist recommended guidelines for the three archeological historic preservation areas. These three areas are also shown in Figure 2. They are located in preserved uplands and wetlands with a very small area within a rare and unique upland restoration area. These archeological historic preservation areas are all within areas that will be placed under a conservation easement. The exotic vegetation removal and planting outlined in this plan will adhere to the archeologist recommend guidelines for work in these areas.

Proposed Work Schedule

The invasive exotic and nuisance plant control program will commence after approval of this project's development order. The initial exotic treatment will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The supplemental plantings will be initiated within approximately two months of the completion of the initial exotic removal, weather permitting.

Summary

The foregoing IHMP provides for preservation and enhancement of existing natural flowways that the County deems important for local or regional water resource management, restoration of Rare and Unique Uplands that the County deems important, preservation of indigenous areas that are occupied wildlife habitat to the maximum extent possible, and interconnection to off-site preserves and conservation lands via indigenous preservation, flowway preservation or restoration, and appropriate planted open space or buffer areas per Lee LDC 10-415. Additionally, this IHMP provides for preservation and restoration of natural resources, including but not limited to wetlands, natural existing and historic flowway corridors, sloughs, creeks, ponds and lakes, and native plant communities and native trees per Lee LDC 10-474

It exceeds the open space requirements and the Indigenous Preservation requirements of Lee LDC 10-415 by providing over 54% of the site as preservation, creation, and restoration areas.

It details and exceeds the Invasive Exotic Removal requirements including exotic removal and long term maintenance continuing in perpetuity in Lee LDC 10-420(h). This IHMP includes details of preservation, enhancement, and restoration within buffers per Lee LDC 10-415.

This IHMP provides for interconnectivity of wildlife habitat areas, including Florida black bear habitat and to allow this large mammal to move locally within their range, as this project has been designed to allow movement of Florida black bear through indigenous preserves or appropriately planted buffer and open space areas per Lee LDC 10-474

The wetland mitigation that is proposed for impacts associated with the project is outlined in detail above in this IHMP, consists of the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flowways and the reconnection of public conservation lands through the subject property.

The proposed site plan impacts 14.03+/- acres of exotic infested wetlands, 3.04 acres of ditches, and 0.13 acres of surface waters which are proposed to be mitigated on-site as detailed in the IHMP. In summary, the IHMP includes:

- (i) Preservation of 45.68 acres of existing high quality habitat, existing native tree areas (none is required by LDC Section 10-415), other surface waters, and surface waters;
 - a. 23.56 acres of wetlands
 - b. 15.16 acres of forested uplands and rare and unique uplands
 - c. 5.61 acres of surface waters (Owl and Trout Creeks)
 - d. 1.35 acres of other surface waters
- (ii) Restoration of 42.82 acres of Uplands and Rare and Unique Uplands;
- (iii) Restoration of 82.72 acres of wetlands
- (iv) Restoration of 2.23 acres of littoral shelf wetlands;
- (v) Creation of 12.60 acres of flushing basin
- (vi) Preservation of historic flowways associated with Owl and Trout Creeks; and
- (vii) Connection of existing county conservation lands through the subject property (see Figure 1).

The overall effect of the proposed preservation and restoration described in items (i) through (v) above will be a total of 186.05± acres of uplands, wetlands, other surface waters, and surface waters on-site.

This IHMP was designed to consider the unique aspects of the proposed development, including but not limited to, restored wetlands, restored uplands, restored Rare and Unique Uplands, restored littoral zone wetlands, preservation areas, wildlife habitat and the interplay between proposed future uses, including associated impacts on the environment.

Exhibit A
FEMA Floodway Map

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LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AD, AN, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Areas with flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding). Base Flood Elevation determined.
- ZONE AD** Flood depths of 3 to 5 feet (usually areas of ponding). Base Flood Elevation determined. For areas of annual rain flooding, maximum wind determined.
- ZONE AN** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was substantially destroyed. Zone AN includes the area formerly protected by the system in being removed for future protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction. No Base Flood Elevation determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action). No Base Flood Elevation determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action). Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of obstructions to pass the 1% annual chance flood with no more than a specified increase in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with average depths of less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE E Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

OPAs are areas that are not subject to the 1% annual chance flood.

Floodway boundary

Zone boundary

Zone D boundary

Zone E boundary

Boundary showing Special Flood Hazard areas and boundaries showing Special Flood Hazard areas of potential levee floodway, flood depths or flood velocities

Base Flood Elevation (BFE) and value, elevation in feet

Base Flood Elevation value where uniform within zone; elevation in feet

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MAP DELINEATING MOST RECENT FLOOD INSURANCE EXHIBIT-M-12-4							
OWL CREEK							
LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Exhibit B

NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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Exhibit C

A Guide to Living with Alligators
A Guide to Living in Bear County
A Guide to Living with Florida Panthers

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Jamie Feddersen



Florida Fish and Wildlife
Conservation Commission

MyFWC.com



Lizabeth West, FWC

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

- Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.



Matt Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Rick Sinnott

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

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Cover photo by Ashley Hockenberry



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A guide to living in bear country



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Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Charles Towne



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears - they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.









Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

-  **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
-  **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
-  **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
-  **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
-  **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
-  **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



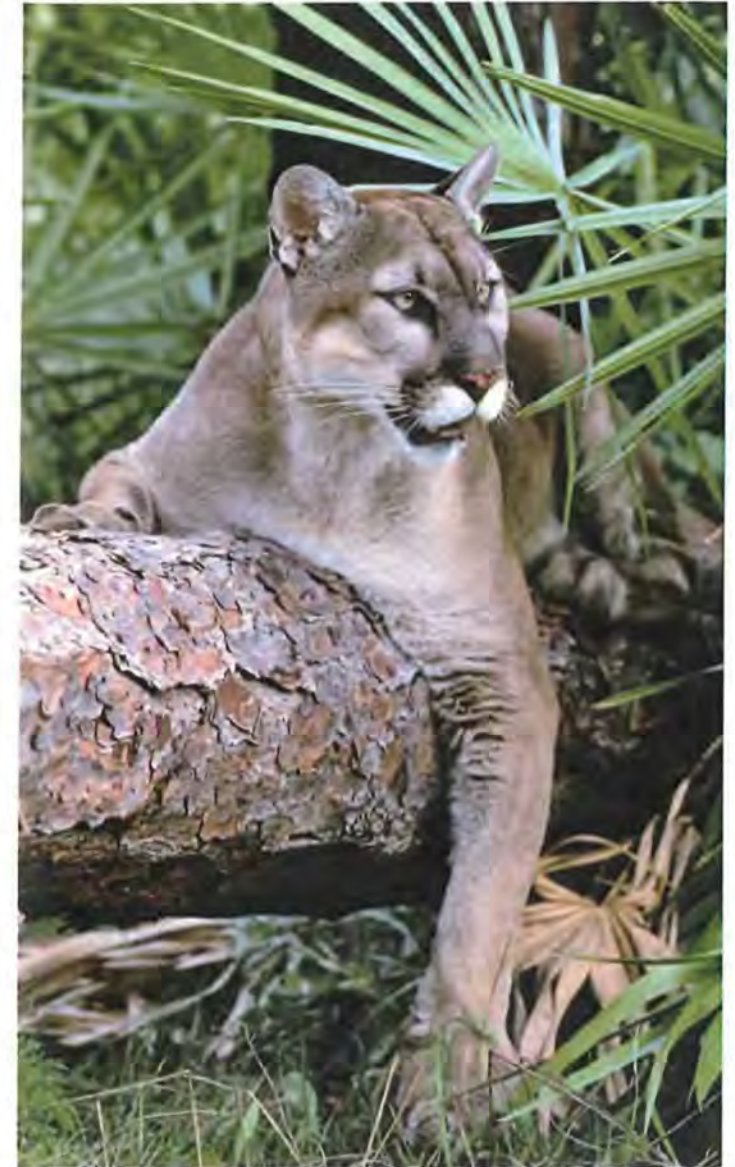
Mark Lotz

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Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWC panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

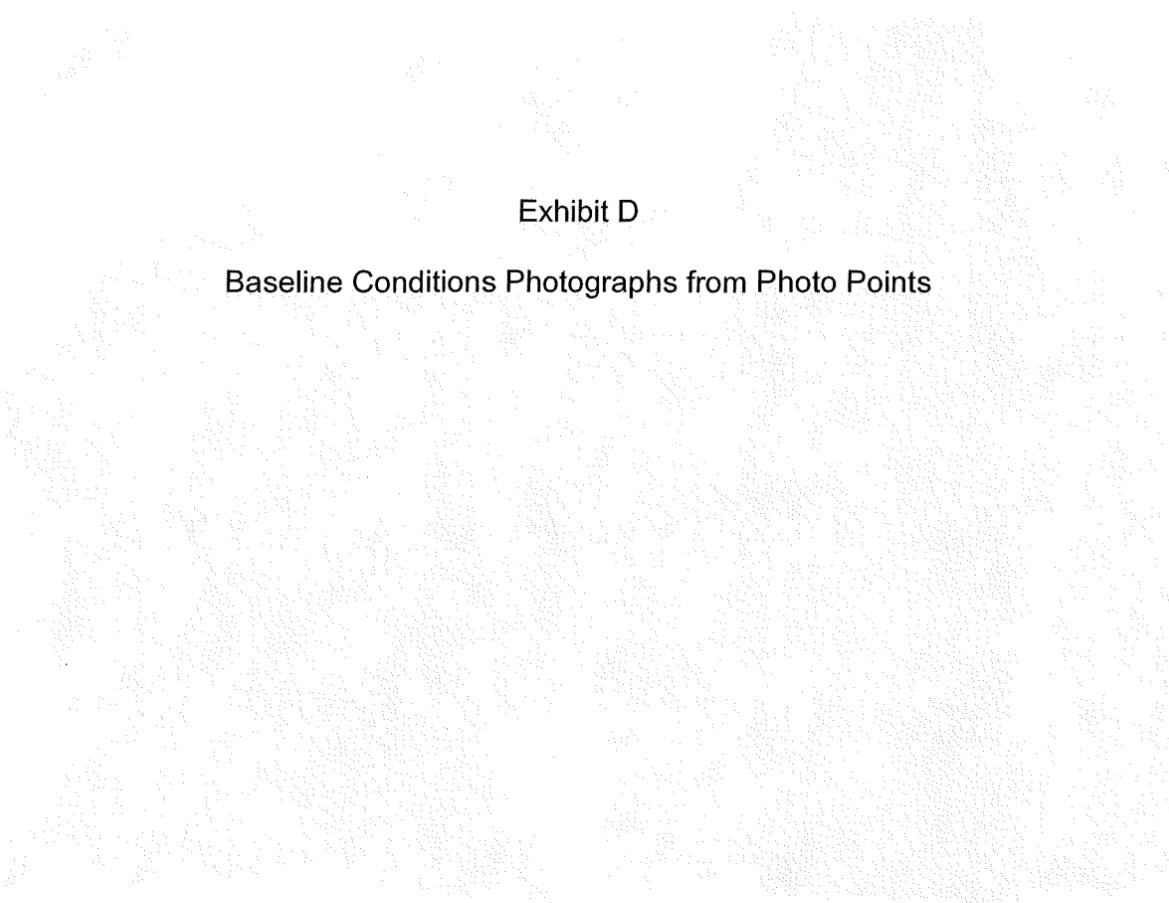


Exhibit D

Baseline Conditions Photographs from Photo Points

Owl Creek Reserve Baseline Conditions

Photo Station 1



Photo Station 1: Facing North



Photo Station 1: Facing East



Photo Station 1: Facing South



Photo Station 1: Facing West

Photo Station 2



Photo Station 2: Facing North



Photo Station 2: Facing East



Photo Station 2: Facing South



Photo Station 2: Facing West

Photo Station 3



Photo Station 3: Facing North



Photo Station 3: Facing East



Photo Station 3: Facing South



Photo Station 3: Facing West

Photo Station 4



Photo Station 4: Facing North



Photo Station 4: Facing East



Photo Station 4: Facing South



Photo Station 4: Facing West

Photo Station 5



Photo Station 5: Facing North



Photo Station 5: Facing East



Photo Station 5: Facing South



Photo Station 5: Facing West

Exhibit E

Archeologist Recommended Guidelines

In October 2021, an AHC archaeologist visited three archaeological sites (8LL2397, 8LL2398, and 8LL2399) at the Owl Creek parcel. Each site was bounded with wooden stakes at a 25' buffer around the site. Staking was done to allow for a survey crew to accurately survey the sites.

In order to ensure the maintenance and preservation of 8LL2397, 8LL2398 and 8LL2399, the following guidelines are recommended:

1. If construction or ground disturbing activities are in proximity to the sites, the site boundaries should be marked by orange construction fencing prior to improvements or clearing to ensure that they are visible and avoid inadvertent impacts;
2. Any clearing of vegetation within the sites should be done by hand;
3. It is important to avoid machines running over the sites since the deposits are shallow and the movement of machines can create substantial disturbances;
4. Within the sites, vegetation should not be pulled from the ground, but should be cut above the ground surface;
5. No storage of equipment, fill, or other materials should occur within the sites;
6. New planting within the site boundaries should be small as possible, with planting holes not exceeding 1 foot depth.
7. Intermittent archaeological monitoring should be conducted for all ground disturbances within 25m of the marked sites;
8. If a significant cultural deposit or feature is discovered during monitoring, the consultant archaeologist should be contacted within 48 hours for consultation, and the work should cease at that location;
9. If human remains are identified then that discovery will be subject to the provisions of Florida Statute 872.05.

Historic Resources Impact Analysis




(Exhibit M13)
(Exhibit T8)

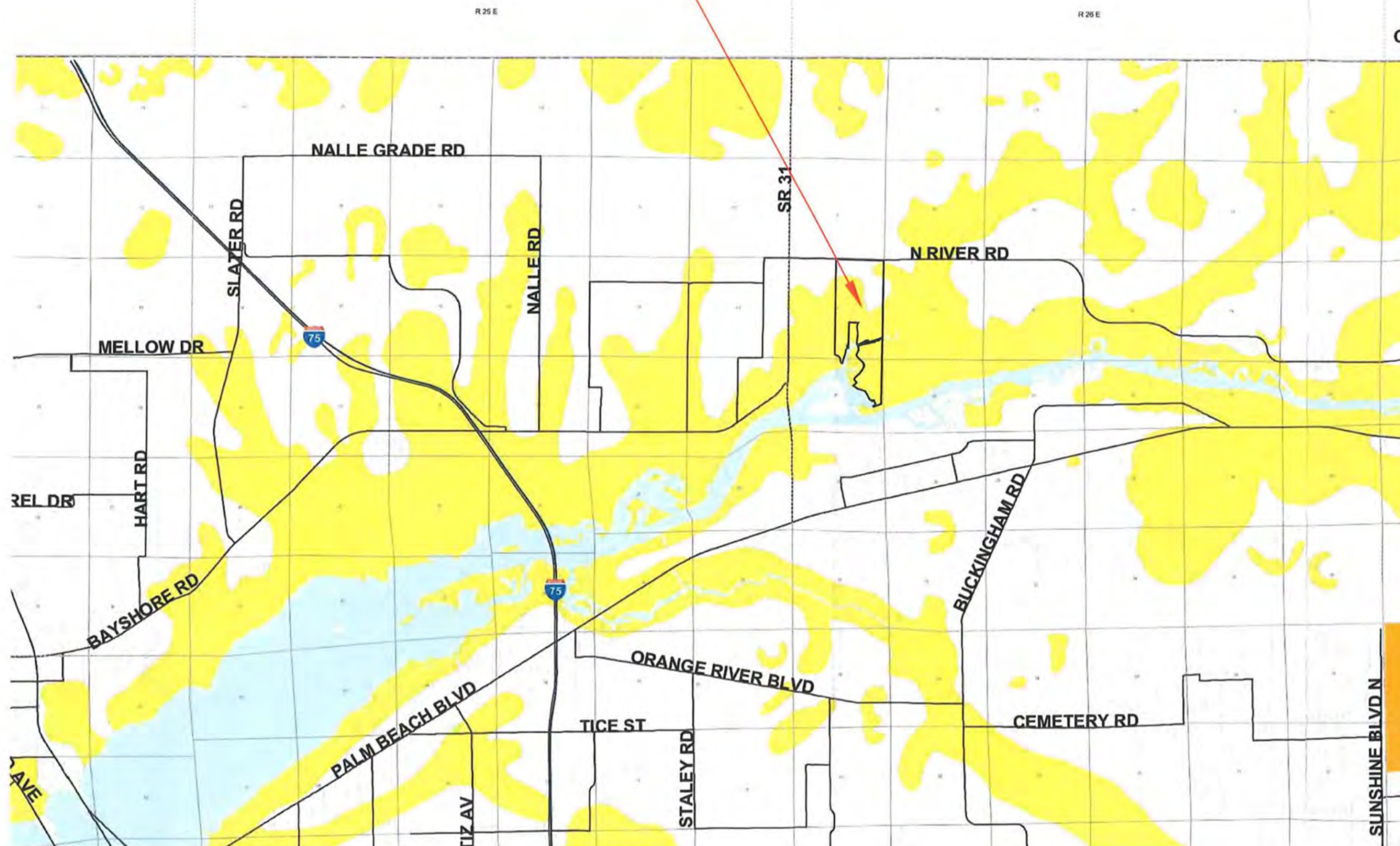


SUBJECT PROPERTY

Lee County Archaeological Sensitivity Map

Legend

-  Sensitivity Level 1
-  Sensitivity Level 2
-  Previously Surveyed



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ARCHAEOLOGICAL SENSITIVITY MAP EXHIBIT-M13-2

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/31/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

AN ANALYSIS OF POTENTIAL IMPACTS TO CULTURAL RESOURCES ON THE OWL CREEK PARCEL, LEE COUNTY, FLORIDA

By:
Robert S. Carr, M.S.
John Wesley White, B.A.

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For:

BANKS ENGINEERING

AHC PROJECT NO. 2020.94
AHC TECHNICAL REPORT NO. 1294
AUGUST, 2020



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CONSULTANT SUMMARY

In August, 2020, the Archaeological & Historical Conservancy, Inc. (AHC) conducted an analysis of potential impacts to any known or potential cultural resources on the Owl Creek parcel. The 350 acre parcel is located in Sections 18 and 19 in Township 43S, Range 26E immediately south of County Road 78 in north central Lee County (Figure 1).

The Owl Creek parcel is located within what was once called the North River Assemblage Parcel (NRAP). The NRAP was much larger (1300-acres) and was first subject to a phase I cultural resource assessment in 2007 (Carr et al. 2007), resulting in the discovery of three archaeological sites within what is now the Owl Creek parcel boundaries, 8LL2397, 8LL2398, and 8LL2399.

Sites 8LL2397 and 8LL2398 were described as prehistoric midden sites, containing a mixture of prehistoric ceramics, faunal bone, and marine shell. Site 8LL2399 was identified as a constructed mound, 60-70cm above surrounding grade. Some oyster shell was found, but the site was considered a possible burial mound.

All three archaeological sites were considered potentially eligible for listing on the National Register of Historic Places (NRHP) under Criterion D, and were recommended for preservation.

This analysis concludes that all of the previously recorded archaeological sites: 8LL2397, 8LL2398, and 8LL2399 have not changed in their preservation quality nor have been altered by any development activities. The sites remain eligible for listing in the NRHP and should be avoided by future development.

In addition to the review of the previously recorded sites, one newly recorded prehistoric site, 8LL2825 was discovered during the course of this assessment. Site 8LL2825 is located in a plowed agricultural field, and has been intensely disturbed and is not regarded as eligible for listing on the National Register of Historic Places.

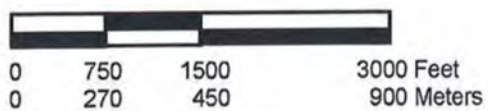
The developer proposes to preserve sites 8LL2397, 8LL2398, and 8LL2399. It is recommended that each of the sites be preserved within a minimum 25 foot buffer, and that a temporary silt fence be placed around each site prior to any ground disturbing activities. An archaeological monitor should confirm the location of the buffer/fencing and should confirm that the sites are avoided during construction activities.



Figure 1. USGS Map of the Owl Creek parcel.



TOWNSHIP 43S, RANGE 26E, SECTION 18, 19
 USGS Map: FORT MYERS, REV. 1991



PROJECT SETTING

The Owl Creek Parcel is located in parts of Sections 18 and 19 in Township 43S, Range 26E immediately south of County Road 78 in north central Lee County (Figure 1). The ± 141.6 hectare (± 350 acre) project area is bordered by State Road 78 to the north, and on the other sides by cleared fields, undeveloped woodland, the Caloosahatchee River and Trout and Owl Creeks. The relevant USGS maps are Olga and Fort Myers, Fla.

The subject parcel encompasses portions of both the Trout and Owl Creeks. It includes improved areas such as citrus groves and cattle range as well as natural areas of palmetto and slash pine flat woods, oak/cabbage palm hammocks, and several creeks that drain southward into the Caloosahatchee River. Prior land alterations include clearing, grading and ditching. Many portions of the parcel have been previously farmed with winter vegetables and are currently citrus groves.

The project area is low-lying to moderately elevated (5-10 feet, NGVD) vegetated in slash pine/saw palmetto flatwoods with grassy marshes. Slash pine flatwoods communities are usually situated on high ground in much of western Lee County. Historically, floral communities that contain a dense, often head-high understory of saw palmetto, were subject to and maintained by periodic forest fires. Fires either began naturally through lightning strikes or were started by prehistoric Indians or by early settlers to aid hunting or cattle grazing. Among the plants typically found in the slash pine/saw palmetto flatland/prairie environments are: slash pine, saw palmetto, gallberry, shiny lyonia, rusty lyonia, staggerbush, dahoon holly, ground oak, wire grass, broom sedges, shiny blueberry, xyris, and a variety of annual and perennial herbs and wildflowers blooming seasonally.

The geology of the central Lee County area is characterized fine-grained wind and wave born sands overlying shelly marls. Most of the surfacial sands are characterized in the *Lee County Soil Survey* as “hydric, level, poorly drained” and are fine-grained wind and water-born deposits from the late Pleistocene/early Holocene. Among the soils present on the subject parcel are: Myakka fine sand, Pompano Fine Sand, Hallandale Fine Sand, Isles Fine Sand and Immokalee sands. A soil category designed as Peckish Mucky Fine Sand is a mangrove sand/peat formation present in tidally flooded mangrove swamps.

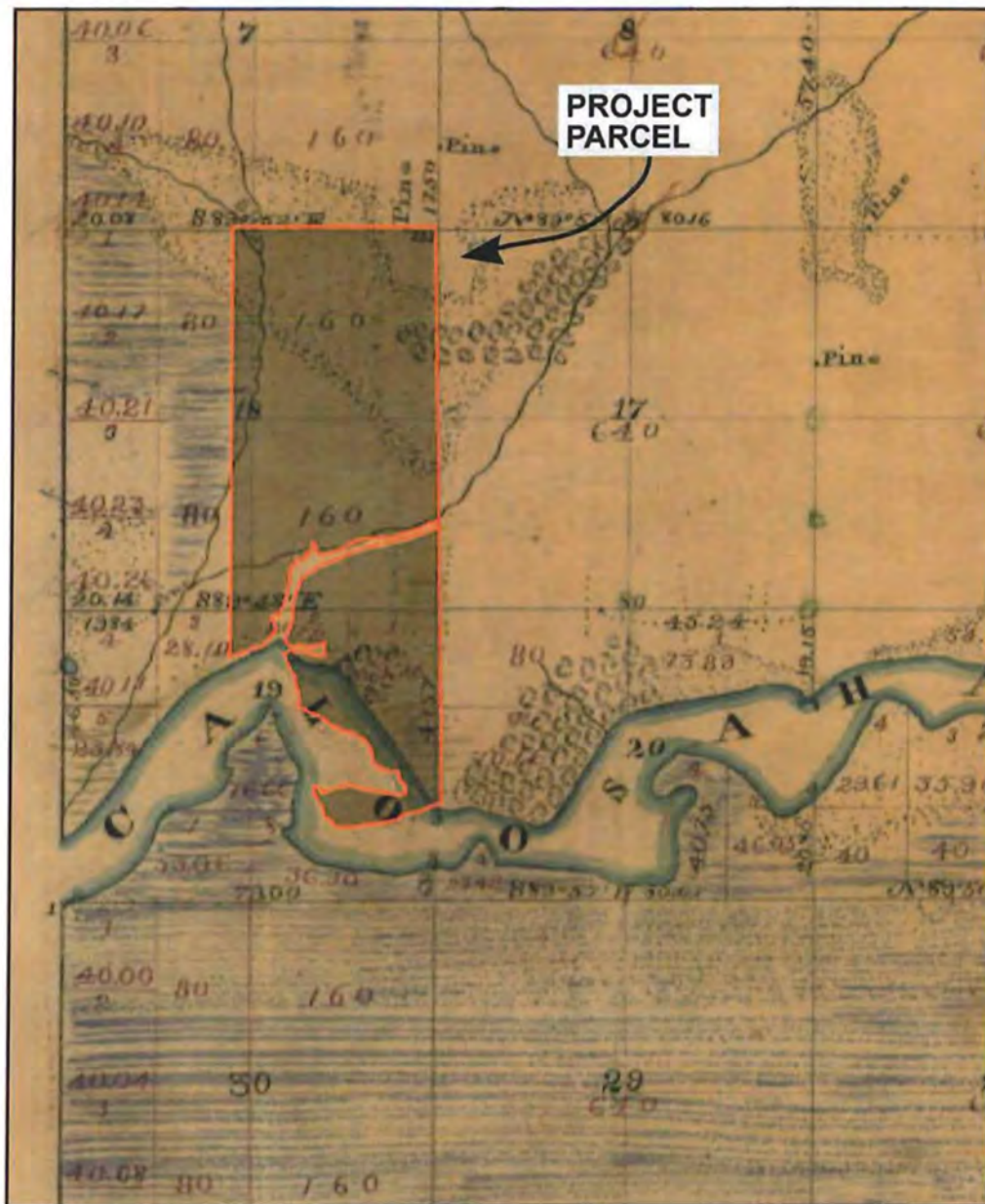


Figure 2. Portion of the 1873 plat map for Township 43S, Range 26E with the project parcel boundaries superimposed.



0	1500	3000	6000 Feet
0	450	900	1800 Meters



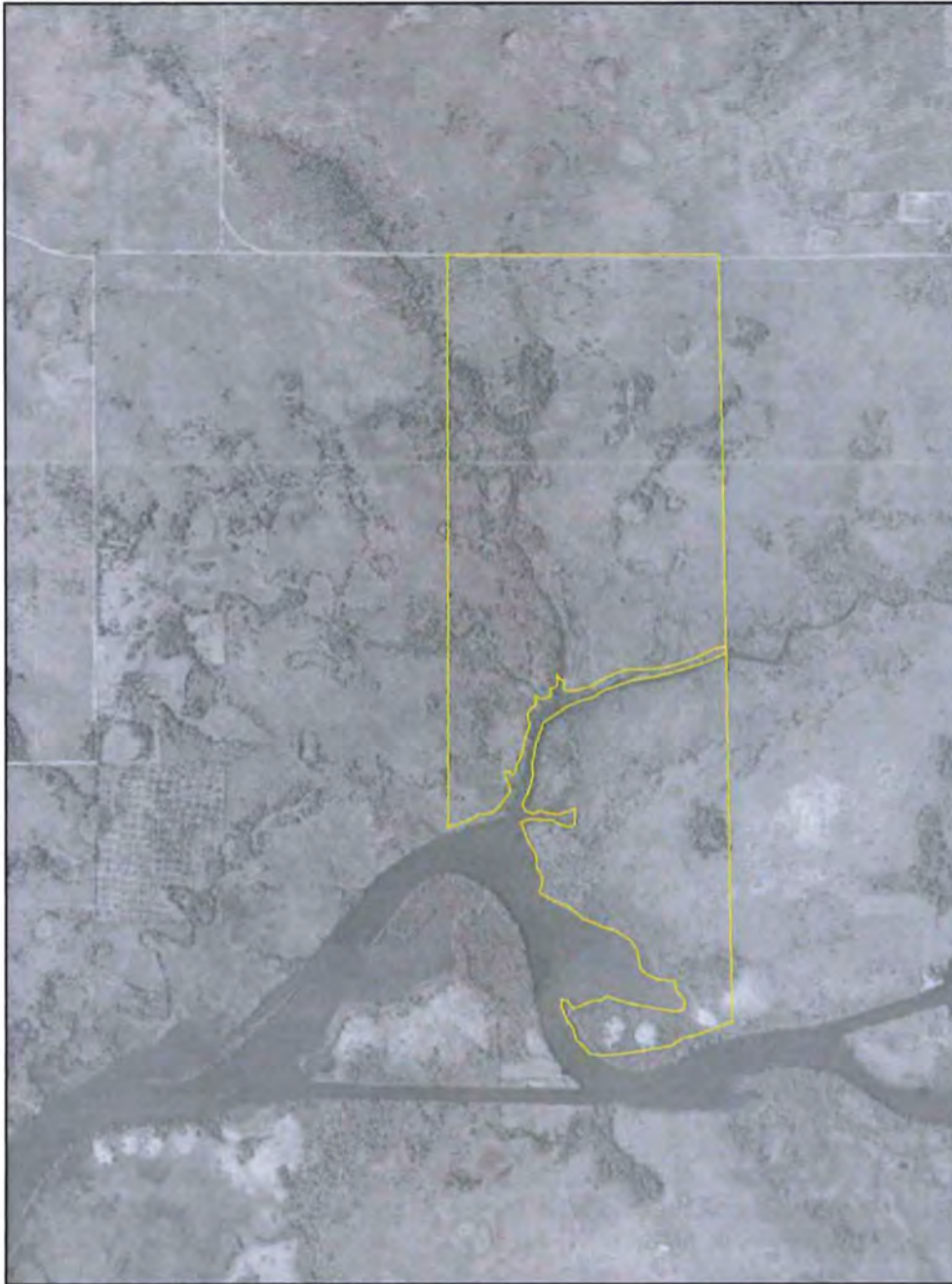


Figure 3. 1944 black and white aerial photograph of the project parcel.

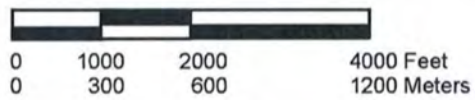




Figure 4. 1953 black and white aerial photograph of the project parcel.





Figure 5. 2019 color aerial orthophotograph of the project parcel.



METHODOLOGY

ARCHIVAL REVIEW

Prior to conducting fieldwork, relevant archives and literature were reviewed. This included, but was not limited to, studying the previous archaeological reports for sites in Lee County, reviewing information from the Master Site File in Tallahassee concerning nearby sites, and examining USGS maps of the project area.

RESEARCH DESIGN

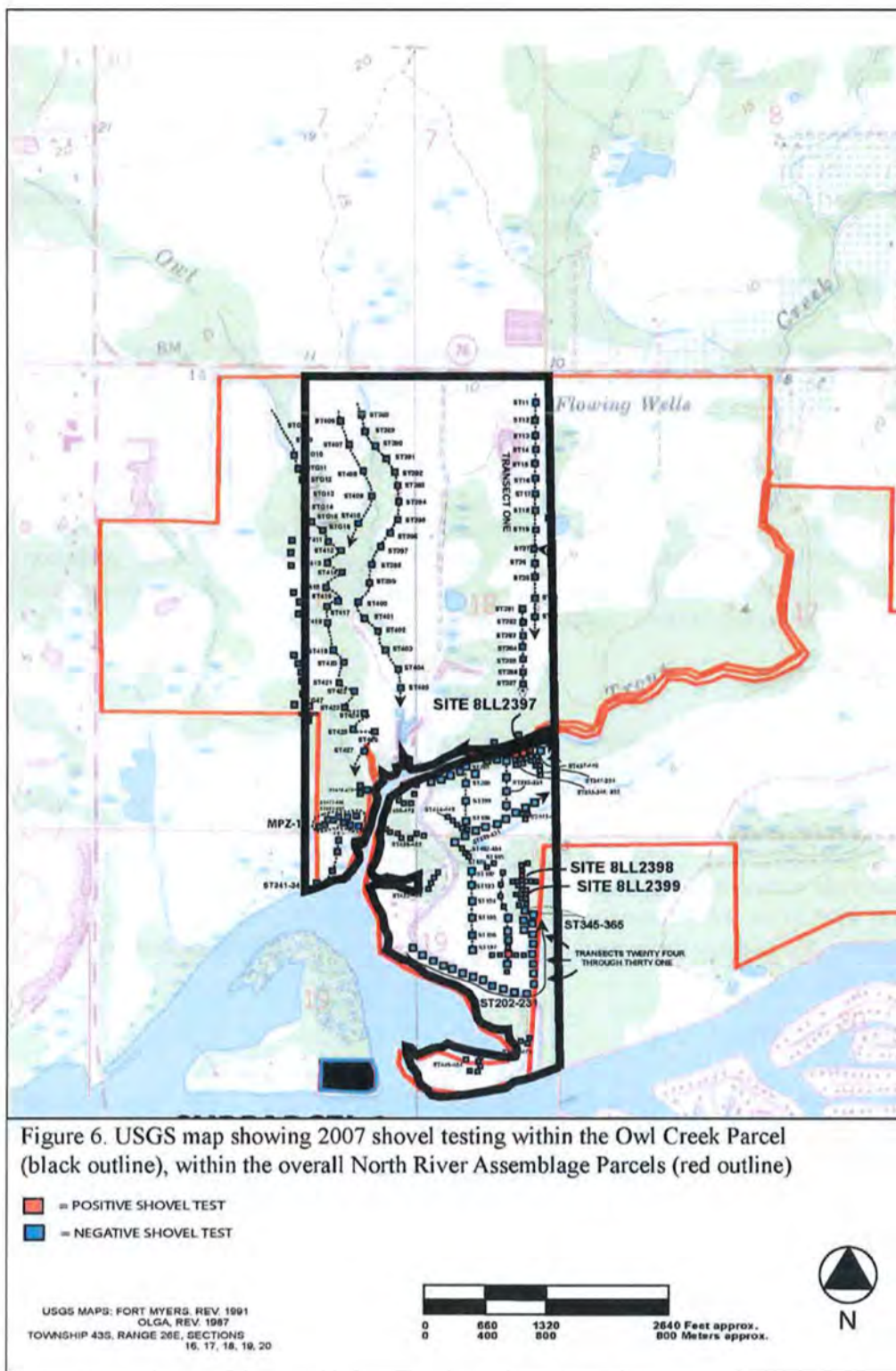
This assessment was conducted primarily to assess the site integrity of three previously recorded NRHP eligible sites on the subject parcel, and to document any changes to the sites since their discovery in 2007. Additionally, the assessment included due diligence testing to determine if any previously unrecorded cultural resources occur within the Owl Creek parcel. This incorporated the use of certain predictive archaeological site models. These models postulate that elevated hammocks adjacent to wetlands (i.e. creeks and rivers) and elevated sand hill features are medium- to high-probability areas for being associated with prehistoric archaeological sites. These features can be identified by examining vintage aerial photographs taken prior to modern development.

FIELDWORK

The three known archaeological sites were revisited and documented. No additional testing was conducted within the known resources. A pedestrian survey was conducted on the rest of the parcel with judgmental shovel tests dug in any higher probability areas. All test holes were 50cm in diameter and dug to a one meter depth. All sediments were screened through ¼"-mesh hardware cloth and all cultural materials were collected. Shovel test forms were completed and a handheld GPS unit was used to record the location of all test holes and surface finds. A single test was positive for prehistoric material and was delineated in cardinal directions at __m intervals.

COLLECTIONS

Recovered cultural materials were bagged in self-sealing bags. Field notes and maps repose at the AHC offices.





SUMMARY OF SITES

Site Name:	Trout Creek Hunt Camp
Site Number:	8LL2397
Location:	T. 43S., R. 26E., Section 18
Environmental Setting:	Cleared field / live oak grove near lower course of Trout Creek
Site Type:	Midden
Site Function:	Habitation, resource extraction
Description:	<p>This small site occupies a slightly elevated but distinct linear ridge south of and paralleling Trout Creek. The flood plain near the lower course of Trout Creek is an extensive low-lying brackish marsh/swamp, and the site occupies the high ground interface on the south bank of the creek. The site area is located in a live oak grove with open understory. The site is characterized as a 20 to 30 cm thick lens of cultural material beginning at surface. Material recovered includes a sparse amount of ceramics, faunal bone (including deer antler and tooth), lithic debitage and abundant Carolina marsh clams. Site size is estimated at 100 feet on an east-west axis and 50 feet on a north-south axis. The site tends to center on a small elevated ridge.</p>
Chronology:	Prehistoric: Late Archaic Period to Glades I-II
Collections (2007):	Faunal bone, sand tempered plain ceramics, marine shell
Ownership:	Private
Preservation Quality 2007:	Good to excellent. The site is near a cleared field, but there is little disturbance of the site's cultural strata.
Preservation Quality 2020:	Unchanged
Significance:	Based on available data the site appears to meet criteria for listing on the NRHP based on Criterion D.



Figure 8. View of site 8LL2397 (2020).



Figure 9. Interior of site 8LL2397 (2020).

Site Name:	Intrigue
Site Number:	8CH2398
Location:	T. 43S., R. 26E., Section 19
Environmental Setting:	Tropical hardwood hammock within tall cypress head / slough feature
Site Type:	Midden
Site Function:	Habitation, resource extraction
Description:	The site occupies a slightly elevated linear ridge within the western area of a climax cypress head. The site is west of the central depressional pond of the cypress head. The site is characterized by a 30 cm thick deposit of shell refuse largely consisting of oyster that begins at the surface. Material recovered includes oyster shell and a sparse amount of ceramics and faunal bone. Site size is estimated at 18 meters on an east-west axis and 50 meters on a north-south axis. The site tends to center on the small elevated ridge. This is an unusual site both in terms of the marine shell content and its location in a cypress head feature. The site is heavily vegetated in camphorwood with some moderate-sized gumbo-limbos.
Chronology:	Prehistoric: Glades I-II
Collections (2007):	Faunal bone, marine shell
Ownership:	Private
Preservation Quality 2007:	Excellent. The site is undisturbed.
Preservation Quality 2020:	Unchanged
Significance:	Based on available data the site appears to meet criteria for listing on the NRHP based on Criterion D.



Figure 10. View of site 8LL2398 (2020).



Figure 11. Interior of site 8LL2398 (2020).

Site Name: Majestic Gumbo-Limbo

Site Number: 8LL2399

Location: T. 43S., R. 26E., Section 19

Environmental Setting: Tropical hardwood hammock within western area of tall cypress head

Site Type: Constructed mound, possibly burial mound

Site Function: Habitation, possible mortuary

Description: The site is characterized by a moderately elevated knoll or mound well within the western area of a climax cypress head/slough. The site area is located west of the central depressional area of the cypress head and approximately 200 feet south of the Intrigue Site, 8LL2398. Site elevation is approximately 60-70cm above the surrounding low marshy cypress swamp. Site size is estimated at 15 meters (50 feet) on an east-west axis and 25 meters (80 feet) on a north-south axis. The site likely centers on the elevated knoll. It is possible the mound is constructed and may represent a burial area or house mound. One piece of oyster shell was recovered from a shovel test. This is an unusual site both in terms of the configuration and location in a cypress head feature. The site is heavily vegetated in camphorwood with one large gumbo-limbo at the south end of the site.

Chronology: Prehistoric: unknown

Collections: Marine shell

Ownership: Private

Preservation Quality 2007: Excellent

Preservation Quality 2020: Unchanged

Significance: Based on available data the site appears to meet criteria for listing on the NRHP based on Criterion D.



Figure 12. View of site 8LL2399 (2020).



Figure 13. Interior of site 8LL2399 (2020).

Site Name:	Owl Creek 1
Site Number:	8LL2825
Location:	T. 43S., R. 26E., Section 18
Environmental Setting:	Tropical hardwood hammock within western area of tall cypress head
Site Type:	Midden
Site Function:	Habitation, resource extraction
Description:	The site is characterized by a slightly elevated sandy knoll abutting the bend in a small tributary to Owl Creek. The site is small, measuring approximately 25m in diameter, and has been cleared for agriculture. Four shovel tests were positive for sand tempered plain ceramics and one angular chert flake. All cultural material was recovered from 0-50cmbs.
Chronology:	Prehistoric: Period unknown
Collections:	Sand tempered plain ceramics, chert flake
Ownership:	Private
Preservation Quality:	Poor
Significance:	Based on available data the site does not appear to meet eligibility criteria for listing on the NRHP due to disturbances and lack of significant cultural material or context.



Figure 14. Aerial photograph showing 8LL2825 shovel test locations.

- = Positive shovel test
- = Negative shovel test

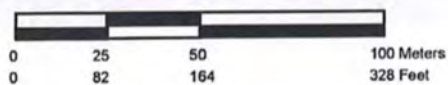




Figure 15. Site 8LL2825, looking north.



Figure 16. Sample of cultural material recovered from 8LL2825. Left - Sand tempered plain ceramic sherds; Right - lithic flake.

RESULTS AND RECOMMENDATIONS

The three previously recorded archaeological sites were successfully relocated and subject to pedestrian survey and assessment of current conditions. It was determined that all of the previously recorded archaeological sites: 8LL2397, 8LL2398, and 8LL2399 have not changed in their preservation quality nor have they been altered by any development activities. The sites retain their integrity in good to excellent condition and remain eligible for listing in the NRHP and should be avoided by future development.

In addition to the review of the previously recorded sites, one newly recorded prehistoric site, 8LL2825 was discovered during the course of this assessment. Site 8LL2825 is located in a plowed agricultural field (figure 15), and has been intensely disturbed. Cultural materials were sparse, and included very small ceramic sherds and a lithic flake (Figure 16). Based on the level of disturbance and lack of significant cultural materials or context, the site is not regarded as eligible for listing on the National Register of Historic Places.

The developer proposes to preserve sites 8LL2397, 8LL2398, and 8LL2399. It is recommended that each of the sites be preserved within a minimum 25 foot buffer, and that a temporary silt fence be placed around each site. An archaeological monitor should confirm the location of the buffer/fencing and confirm that the sites are avoided during construction activities.

REFERENCES CITED

- Carr, Robert S., Beriault, John, G., and J. F. Mankowski
2007 A Phase I Cultural Resource Assessment of the North River Assemblage
Parcels, Lee County, Florida. *AHC Technical Report # 814*

Ent D (FMSF only) _____



Survey Log Sheet

Florida Master Site File
Version 4.1 1/07

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (name and project phase) Owl Creek Parcel - Analysis of Potential Impacts 2020.94

Report Title (exactly as on title page) An Analysis of Potential Impacts to Cultural Resources on the Owl Creek Parcel, Lee County, Florida

Report Authors (as on title page, last names first) 1. Carr, Robert S. 3. _____
2. White, John Wesley 4. _____

Publication Date (year) 2020 Total Number of Pages in Report (count text, figures, tables, not site forms) 22

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)
AHC Technical Report #1294

Supervisors of Fieldwork (even if same as author) Names Robert S. Carr

Affiliation of Fieldworkers: Organization Archaeological and Historical Conservancy, Inc. City Davie, Florida

Key Words/Phrases (Don't use county name, or common words like *archaeology, structure, survey, architecture, etc.*)

1. Owl Creek 3. _____ 5. _____ 7. _____
2. _____ 4. _____ 6. _____ 8. _____

Survey Sponsors (corporation, government unit, organization or person directly funding fieldwork)

Name _____ Organization _____

Address/Phone/E-mail _____

Recorder of Log Sheet Ryan Franklin Date Log Sheet Completed 8-20-2020

Is this survey or project a continuation of a previous project? ☒ No ☐ Yes: Previous survey #'s (FMSF only) _____

Mapping

Counties (List each one in which field survey was done; attach additional sheet if necessary)

1. Lee 3. _____ 5. _____
2. _____ 4. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)

1. Name FORT MYERS Year 1991 4. Name _____ Year _____
2. Name _____ Year _____ 5. Name _____ Year _____
3. Name _____ Year _____ 6. Name _____ Year _____

Description of Survey Area

Dates for Fieldwork: Start 7-29-2020 End 7-31-2020 Total Area Surveyed (fill in one) _____ hectares 350 acres

Number of Distinct Tracts or Areas Surveyed 1

If Corridor (fill in one for each) Width: _____ meters _____ feet Length: _____ kilometers _____ miles

Research and Field Methods

Types of Survey (check all that apply): ☒ archaeological ☐ architectural ☐ historical/archival ☐ underwater
☐ damage assessment ☐ monitoring report ☐ other(describe): _____

Scope/Intensity/Procedures A total of 25 judgmental shovel tests were dug within higher probability areas and as delineations of a positive test.

Preliminary Methods (check as many as apply to the project as a whole)

☒ Florida Archives (Gray Building) ☐ library research- *local public* ☐ local property or tax records ☐ other historic maps
☐ Florida Photo Archives (Gray Building) ☐ library-special collection - *nonlocal* ☐ newspaper files ☒ soils maps or data
☒ Site File property search ☒ Public Lands Survey (maps at DEP) ☒ literature search ☐ windshield survey
☒ Site File survey search ☐ local informant(s) ☐ Sanborn Insurance maps ☒ aerial photography
☐ other (describe): _____

Archaeological Methods (check as many as apply to the project as a whole)

☐ Check here if **NO** archaeological methods were used.
☐ surface collection, controlled ☐ shovel test-other screen size ☐ block excavation (at least 2x2 m)
☐ surface collection, uncontrolled ☐ water screen ☐ soil resistivity
☒ shovel test-1/4" screen ☐ posthole tests ☐ magnetometer
☐ shovel test-1/8" screen ☐ auger tests ☐ side scan sonar
☐ shovel test 1/16" screen ☐ coring ☐ pedestrian survey
☐ shovel test-unscreened ☐ test excavation (at least 1x2 m) ☐ unknown
☐ other (describe): _____

Historical/Architectural Methods (check as many as apply to the project as a whole)

☒ Check here if **NO** historical/architectural methods were used.
☐ building permits ☐ demolition permits ☐ neighbor interview ☐ subdivision maps
☐ commercial permits ☐ exposed ground inspected ☐ occupant interview ☐ tax records
☐ interior documentation ☐ local property records ☐ occupation permits ☐ unknown
☐ other (describe): _____

Survey Results (cultural resources recorded)

Site Significance Evaluated? ☒ Yes ☐ No

Count of Previously Recorded Sites 3 Count of Newly Recorded Sites 1

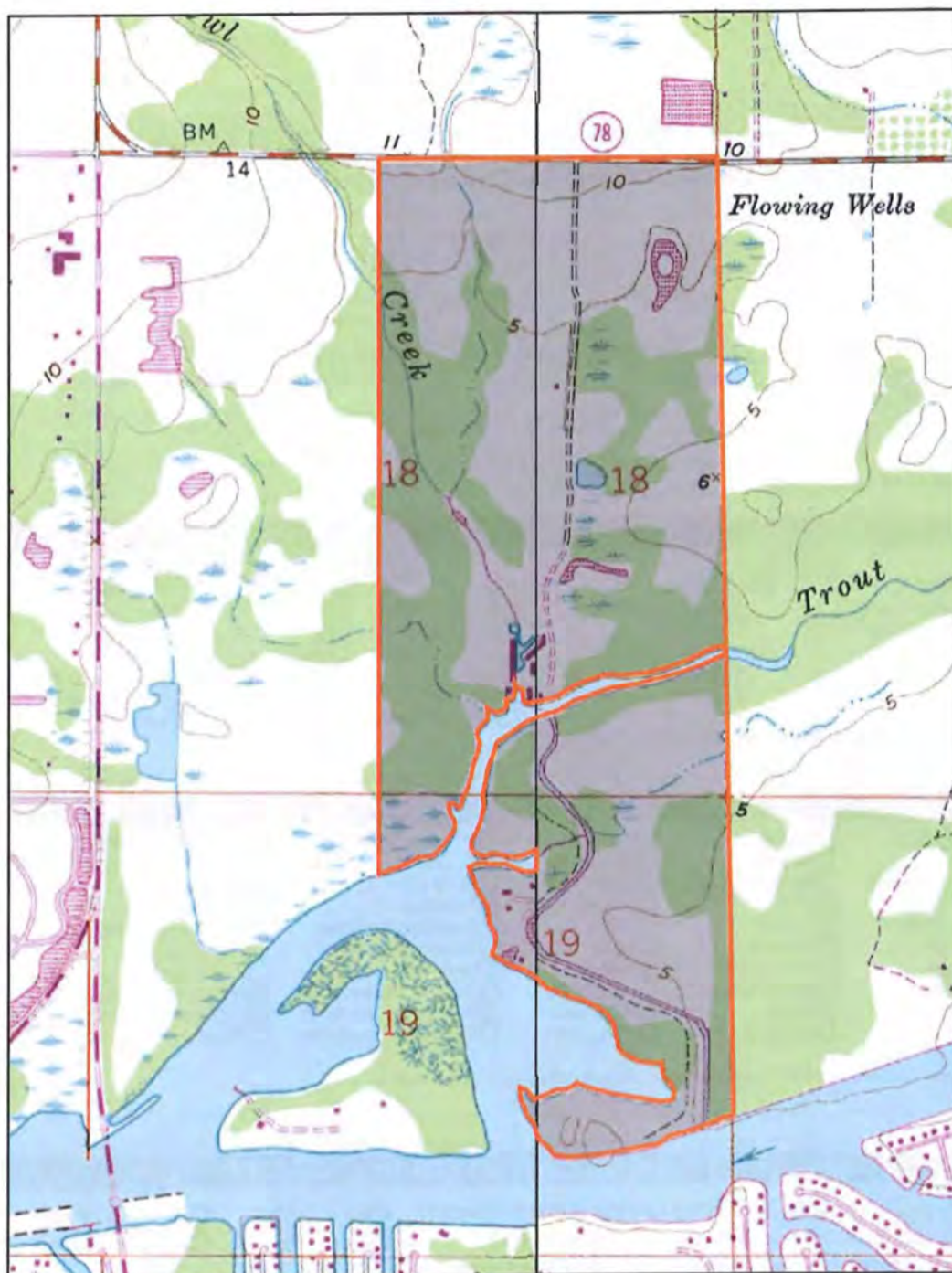
Previously Recorded Site #'s with Site File Update Forms (List site #'s without "8". Attach additional pages if necessary.) LL2397, LL2398, LL2399

Newly Recorded Site #'s (Are all originals and not updates? List site #'s without "8". Attach additional pages if necessary.) LL2825

Site Forms Used: ☒ Site File Paper Form ☐ Site File Electronic Recording Form

*****REQUIRED: ATTACH PLOT OF SURVEY AREA ON PHOTOCOPY OF USGS 1:24,000 MAP(S)*****

SHPO USE ONLY	SHPO USE ONLY	SHPO USE ONLY
Origin of Report: <input type="checkbox"/> 872 <input type="checkbox"/> CARL <input type="checkbox"/> UW <input type="checkbox"/> 1A32 # _____	<input type="checkbox"/> Academic <input type="checkbox"/> Contract <input type="checkbox"/> Avocational	
<input type="checkbox"/> Grant Project # _____	<input type="checkbox"/> Compliance Review: CRAT # _____	
Type of Document: <input type="checkbox"/> Archaeological Survey <input type="checkbox"/> Historical/Architectural Survey <input type="checkbox"/> Marine Survey <input type="checkbox"/> Cell Tower CRAS <input type="checkbox"/> Monitoring Report	<input type="checkbox"/> Overview <input type="checkbox"/> Excavation Report <input type="checkbox"/> Multi-Site Excavation Report <input type="checkbox"/> Structure Detailed Report <input type="checkbox"/> Library, Hist. or Archival Doc	
<input type="checkbox"/> MPS <input type="checkbox"/> MRA <input type="checkbox"/> TG <input type="checkbox"/> Other: _____		
Document Destination: _____	Plotability: _____	



USGS Map of the Owl Creek parcel.



TOWNSHIP 43S, RANGE 26E, SECTION 18. 19

USGS Map: FORT MYERS, REV. 1991

0 750 1500 3000 Feet
0 270 450 900 Meters

☒ Original
☐ Update



ARCHAEOLOGICAL SITE FORM

FLORIDA MASTER SITE FILE

Version 5.0 3/19

Consult Guide to Archaeological Site Form for detailed instructions

Site #8 **LL02825**
 Field Date **7-29-2020**
 Form Date **9-7-2020**
 Recorder # _____

Site Name(s) Owl Creek - 1 Multiple Listing (DHR only) _____
 Project Name Owl Creek Analysis of Potential Impacts Survey # (DHR only) _____
 Ownership: ☒ private-profit ☐ private-nonprofit ☐ private-individual ☐ private-nonspecific ☐ city ☐ county ☐ state ☐ federal ☐ Native American ☐ foreign ☐ unknown

LOCATION & MAPPING

USGS 7.5 Map Name FORT MYERS USGS Date 1991 Plat or Other Map _____
 City/Town (within 3 miles) N/A In City Limits? ☐ yes ☐ no ☐ unknown County _____
 Township 43S Range 26E Section 18 1/4 section: ☐ NW ☐ SW ☐ SE ☐ NE Irregular-name: _____
 Township _____ Range _____ Section _____ 1/4 section: ☐ NW ☐ SW ☐ SE ☐ NE
 Landgrant _____ Tax Parcel # _____
 UTM Coordinates: Zone ☐ 16 ☐ 17 Easting ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Northings ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
 Other Coordinates: X: 81°45'1.07" Y: 26°44'12.26" Coordinate System & Datum _____
 Address / Vicinity / Route to:
345m south and 145m west on Owl Creek Drive, south of N River Road.

Name of Public Tract (e.g., park) _____

TYPE OF SITE (select all that apply)

SETTING		STRUCTURES OR FEATURES			FUNCTION
<input checked="" type="checkbox"/> Land (terrestrial)	<input type="checkbox"/> Wetland (palustrine)	<input type="checkbox"/> log boat	<input type="checkbox"/> fort	<input type="checkbox"/> road segment	<input type="checkbox"/> campsite
<input type="checkbox"/> Lake/Pond (lacustrine)	<input type="checkbox"/> usually flooded	<input type="checkbox"/> agric/farm building	<input checked="" type="checkbox"/> midden	<input type="checkbox"/> shell midden	<input type="checkbox"/> extractive site
<input type="checkbox"/> River/Stream/Creek (riverine)	<input type="checkbox"/> usually dry	<input type="checkbox"/> burial mound	<input type="checkbox"/> mill	<input type="checkbox"/> shell mound	<input checked="" type="checkbox"/> habitation (prehistoric)
<input type="checkbox"/> Tidal (estuarine)	<input type="checkbox"/> Cave/Sink (subterranean)	<input type="checkbox"/> building remains	<input type="checkbox"/> mission	<input type="checkbox"/> shipwreck	<input type="checkbox"/> homestead (historic)
<input type="checkbox"/> Saltwater (marine)	<input type="checkbox"/> terrestrial	<input type="checkbox"/> cemetery/grave	<input type="checkbox"/> mound, nonspecific	<input type="checkbox"/> subsurface features	<input type="checkbox"/> farmstead
	<input type="checkbox"/> aquatic	<input type="checkbox"/> dump/refuse	<input type="checkbox"/> plantation	<input type="checkbox"/> surface scatter	<input type="checkbox"/> village (prehistoric)
		<input type="checkbox"/> earthworks (historic)	<input type="checkbox"/> platform mound	<input type="checkbox"/> well	<input type="checkbox"/> town (historic)
					<input type="checkbox"/> quarry (prehistoric)

Other Features or Functions (Choose from the list or type a response.)
 1. _____ 2. _____

CULTURE PERIODS (select all that apply)

ABORIGINAL				NON-ABORIGINAL
<input type="checkbox"/> Atlatl	<input type="checkbox"/> Englewood	<input type="checkbox"/> Manasota	<input type="checkbox"/> St. Johns (nonspecific)	<input type="checkbox"/> First Spanish 1513-99
<input type="checkbox"/> Archaic (nonspecific)	<input type="checkbox"/> Fort Walton	<input type="checkbox"/> Mississippian	<input type="checkbox"/> St. Johns I	<input type="checkbox"/> First Spanish 1600-99
<input type="checkbox"/> Archaic, Early	<input type="checkbox"/> Glades (nonspecific)	<input type="checkbox"/> Mount Taylor	<input type="checkbox"/> St. Johns II	<input type="checkbox"/> First Spanish 1700-1763
<input type="checkbox"/> Archaic, Middle	<input type="checkbox"/> Glades I	<input type="checkbox"/> Norwood	<input type="checkbox"/> Santa Rosa	<input type="checkbox"/> First Spanish (nonspecific)
<input type="checkbox"/> Archaic, Late	<input type="checkbox"/> Glades II	<input type="checkbox"/> Orange	<input type="checkbox"/> Santa Rosa-Swift Creek	<input type="checkbox"/> British 1763-1783
<input type="checkbox"/> Belle Glade	<input type="checkbox"/> Glades III	<input type="checkbox"/> Paleoindian	<input type="checkbox"/> Seminole (nonspecific)	<input type="checkbox"/> Second Spanish 1783-1821
<input type="checkbox"/> Cades Pond	<input type="checkbox"/> Hickory Pond	<input type="checkbox"/> Pensacola	<input type="checkbox"/> Seminole: Colonization	<input type="checkbox"/> American Territorial 1821-45
<input type="checkbox"/> Caloosahatchee	<input type="checkbox"/> Leon-Jefferson	<input type="checkbox"/> Perico Island	<input type="checkbox"/> Seminole: 1st War To 2nd	<input type="checkbox"/> American Civil War 1861-65
<input type="checkbox"/> Deptford	<input type="checkbox"/> Malabar I	<input type="checkbox"/> Safety Harbor	<input type="checkbox"/> Seminole: 2nd War To 3rd	<input type="checkbox"/> American 19th Century
	<input type="checkbox"/> Malabar II	<input type="checkbox"/> St. Augustine	<input type="checkbox"/> Seminole: 3rd War & After	<input type="checkbox"/> American 20th Century
			<input type="checkbox"/> Swift Creek (nonspecific)	<input type="checkbox"/> American (nonspecific)
			<input type="checkbox"/> Swift Creek, Early	<input type="checkbox"/> African-American
			<input type="checkbox"/> Swift Creek, Late	
			<input type="checkbox"/> Transitional	
			<input type="checkbox"/> Weeden Island (nonspecific)	
			<input type="checkbox"/> Weeden Island I	
			<input type="checkbox"/> Weeden Island II	
			<input checked="" type="checkbox"/> Prehistoric (nonspecific)	
			<input type="checkbox"/> Prehistoric non-ceramic	
			<input type="checkbox"/> Prehistoric ceramic	

Other Cultures (Choose from the list or type a response. For historic sites, give specific dates.)
 1. _____ 2. _____ 3. _____ 4. _____

OPINION OF RESOURCE SIGNIFICANCE

Potentially eligible individually for National Register of Historic Places? ☐ yes ☒ no ☐ insufficient information
 Potentially eligible as contributor to a National Register district? ☐ yes ☒ no ☐ insufficient information
 Explanation of Evaluation (required if evaluated; use separate sheet if needed)

The site is very disturbed by agriculture and lacks significant cultural materials or context.

Recommendations for Owner or SHPO Action

No additional actions.

DHR USE ONLY

OFFICIAL EVALUATION

DHR USE ONLY

NR List Date _____	SHPO - Appears to meet criteria for NR listing: <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> insufficient info	Date _____	Init. _____
<input type="checkbox"/> Owner Objection	KEEPER - Determined eligible: <input type="checkbox"/> yes <input type="checkbox"/> no	Date _____	
	NR Criteria for Evaluation: <input type="checkbox"/> a <input type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d (see <i>National Register Bulletin</i> 15, p. 2)		

FIELD METHODS (select all that apply)

SITE DETECTION

- ☐ no field check ☐ exposed ground ☐ screened shovel
☐ literature search ☐ posthole tests ☒ screened shovel-1/4"
☐ informant report ☐ auger tests ☐ screened shovel-1/8"
☐ remote sensing ☐ unscreened shovel ☐ screened shovel-1/16"

SITE BOUNDARY

- ☐ remote sensing ☐ unscreened shovel
☐ exposed ground ☒ screened shovel
☐ posthole tests ☐ block excavations
☐ auger tests ☐ estimate or guess

Other methods; number, size, depth, pattern of units; screen size (attach site plan)

Total of four (4) positive shovel tests.

SITE DESCRIPTION

Extent/Size (m²) 490 Depth/stratigraphy of cultural deposit (describe below)

Average assemblage depth is 0 to ~50cm below surface

Temporal Interpretation - Components (check one): ☐ single component ☐ multiple component ☒ uncertain

Describe each occupation in plan (refer to attached large scale map) and stratigraphically. Discuss temporal and functional interpretations:

Integrity - Overall disturbance: ☐ none seen ☐ minor ☐ substantial ☒ major ☐ redeposited ☐ destroyed-document! ☐ unknown

Disturbances / threats / protective measures

Cleared for agriculture. some site soils are preserved but cultural materials are fragmented and poorly preserved.

Surface collection: area collected _____ m² # collection units _____ Excavation: # noncontiguous blocks _____

ARTIFACTS

Total Artifacts # 7 ☒ count ☐ estimate

Surface # _____ Subsurface # _____

COLLECTION SELECTIVITY

- ☐ unknown ☒ unselective (all artifacts)
☐ selective (some artifacts)
☐ mixed selectivity

SPATIAL CONTROL

- ☐ uncollected ☐ general (not by subarea)
☐ unknown ☒ controlled (by subarea)
☐ variable spatial control
☐ other (describe in comments below)

ARTIFACT CATEGORIES and DISPOSITIONS

- A - Lithics
A - Aboriginal ceramics

select a disposition from the list below
for each artifact category selected at left

- A - category always collected
 S - some items in category collected
 O - observed first hand, but not collected
 R - collected and subsequently left at site
 I - informant reported category present
 U - unknown

Artifact Comments

artifacts were sparse and highly fragmented and contained small Sant Tempered Plain crumb flakes and a single chert flake.

DIAGNOSTICS (type or mode, and frequency: e.g., Suwanee ppk, heat-treated chert, Deptford Check-stamped, ironstone/whiteware)

1. _____ N= _____ 4. _____ N= _____ 7. _____ N= _____
 2. _____ N= _____ 5. _____ N= _____ 8. _____ N= _____
 3. _____ N= _____ 6. _____ N= _____ 9. _____ N= _____

ENVIRONMENT

Nearest fresh water: Type Small Stream Name Owl Creek Distance from site (m) 60Natural community MESIC FLATWOODS Topography Stream shore Elevation: Min _____ m Max 2 m

Local vegetation _____

Present land use Cattle grazing

SCS soil series _____

Soil association _____

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

- 1) Document type _____ Maintaining organization _____
 Document description _____ File or accession #'s _____
 2) Document type _____ Maintaining organization _____
 Document description _____ File or accession #'s _____

RECORDER & INFORMANT INFORMATION

Informant Information: Name _____

Address / Phone / E-mail _____

Recorder Information: Name Alan Noe, Wes WhiteAffiliation Archaeological & Historical Conservancy, Inc.Address / Phone / E-mail 4800 SW 64th Ave Suite 107, Davie, FL 33314 / (954) 792-9776 / archgcl@bellsouth.netRequired
Attachments

① PHOTOCOPY OF 7.5' USGS QUAD MAP WITH SITE BOUNDARIES MARKED and SITE PLAN
 Plan at 1:3,600 or larger. Show boundaries, scale, north arrow, test/collection units, landmarks and date.



USGS Map showing the location of 8LL2825.



TOWNSHIP 43S, RANGE 26E, SECTION 18, 19

USGS Map: FORT MYERS, REV. 1991

0	750	1500	3000 Feet
0	270	450	900 Meters

Analysis of Impacts from Proposed Changes (Exhibits M14, M16 & T5)

CPA2020-00004 & CPA2020-00005

Traffic Impact Statement

Supplement to Traffic Impact Statement - March 2021

Revised Public Facilities Impact Narrative - February 2022

Includes LCU No Objection Letter for FGUA Sanitary Service



Professional Engineers, Planners & Land Surveyors

OWL CREEK RESERVE
Comprehensive Plan Amendment
Public Facilities Impacts Narrative
EXHIBIT "M14 & 16" / "T5"
CPA2020-00004 & CPA2020-00005
Revised February 2022

This analysis utilizes the data provided in the 2019 Lee County Public Facilities Level of Service and Concurrency Report.

The Owl Creek Reserve property is located on the south side of N. River Road approximately ½ mile east of the intersection of SR 31 and N. River Road within the North Olga area of the Northeast Lee County Planning Community. The plan amendment for Owl Creek Reserve includes the following requests to allow incentives for protection of environmentally sensitive lands within the Rural future land use category for clustered planned developments within the North Olga Planning Community area:

The Owl Creek application includes the following requests:

- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - Policy 124.1.1 – The applicant initially proposed language to allow preserved wetlands adjacent to Rural areas within North Olga Planning Community to be transferred to developable adjacent uplands and Lee County staff has proposed revised language to apply to all Rural areas.
 - Table 1(a) – Amend footnote 8 for wetlands adjacent to Rural areas consistent with above
 - North Olga Community Plan – As amended with Lee County staff, add new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:
 1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success

• SERVING THE STATE OF FLORIDA •

criteria established in the indigenous management plan is achieved for at least five consecutive years.

2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

There is a concurrent minor residential planned development application for ±342.68 acres to accommodate the proposed clustered development (DCI2021-00011). The resultant density for the subject property will be a maximum of 380 single-family and/or two-family attached dwelling units which is an increase of 157 dwelling units that could be developed under the existing conditions. The following analysis establishes that the additional proposal will not adversely impact public services.

Sanitary Sewer

The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. Placing the Owl Creek property on centralized sanitary sewer service is a benefit to the public given the location of the adjacent waterways. Given that the Owl Creek property is not currently in a sanitary sewer service area, if single-family residences were developed on the property, each unit would have to be on an individual septic system that would be subject to individual maintenance or lack of maintenance at the whim of the individual homeowner.

The project proposes that the project area be added to the Florida Governmental Utility Authority (FGUA) service area with privately funded expansion of sewer infrastructure to serve the project. A letter of availability dated September 3, 2020 is attached demonstrating that FGUA presently has sufficient treatment capacity to accommodate the proposed flows. The letter further indicated that FGUA has wastewater lines in operation in the vicinity of the site, however, developer funded system enhancements such as line extensions may be required. The closest sewer forcemain is 16" located approximately 2.75 miles away at Bayshore Rd. & Bay Point Blvd. A letter of no objection from Lee County Utilities has been obtained and is attached. During design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on their existing water and wastewater systems.

Although Lee County Utilities has indicated in the submitted letter of availability that it presently

has sufficient capacity to provide sanitary sewer service which would be provided by the City of Fort Myers North Water Reclamation Facility, the nearest wastewater mains are located on the south side of the Caloosahatchee River along S.R. 80 (Palm Beach Blvd). Connection to the Lee County system is not possible since the existing SR 31 bridge is a draw bridge. Since FGUA's wastewater facilities are located in the same vicinity of the nearest Lee County Utilities water facilities, connection to FGUA is the most economically viable option. Lee County Utilities has issued a letter of no objection to FGUA providing sanitary sewer service to the site. The 2019 Concurrency Report states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The plant has a permitted treatment capacity of 4.25 million gallons per day (MGD). The Level of Service (LOS) Standard, per Lee Plan Policy 95.1.3, is 200 gallons per day per Equivalent Residential Connection (ERC) or for the purposes of this analysis, per each residential dwelling unit that is connected to the system. The Owl Creek project proposes to connect a maximum of 385 residential dwelling units to the FGUA sewer system.

Existing Development Potential: 223 maximum residential

223 ERC x 200 GPD = 44,600 GPD

Proposed Development Potential: 157 additional (380 maximum residential):

157 ERC x 200 GPD = 31,400 GPD

Total: 76,000 GPD

According to the 2019 Lee County Concurrency Report, major regional central systems providing service in unincorporated Lee County includes BSU, FGUA, City of Fort Myers (FM), GIWA, and LCU and all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The Del Prado Wastewater Treatment Plant had a maximum average daily flow over a 12 month period of 5.205 MGD in August 2019. The maximum three-month average daily flow was 4.087 in September 2019. The permitted capacity of 4.250 is annual average daily flow and not maximum. The submitted letter of availability from FGUA demonstrates that they have sufficient treatment capacity to accommodate the flows of up to 110,000 GPD which exceeds the 76,000 GPD. FGUA has programmed plant expansions and expansion of the disposal of treated effluent, including providing effluent to the City of Cape Coral for irrigation uses. These plant expansions will allow FGUA to continue to expand the sewer service they provide to North Fort Myers, including to the Owl Creek project.

Potable Water

The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. Placing the Owl Creek project on centralized potable water service is a public benefit given it would eliminate individual wells with their associated impacts. An amendment to Lee Plan Map 6 is proposed to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water infrastructure to serve the project. A letter of availability from Lee County Utilities is attached demonstrating sufficient capacity exists and that the site will be serviced by North Lee County Water Treatment Plant. The LOS standard for Potable Water is 250 gallons (per Policy 95.1.3) per residential connection or unit.

Existing Development Potential: 223 maximum residential

223 ERC x 250 GPD = 55,750 GPD

Proposed Development Potential: 157 additional (380 maximum residential):
157 ERC x 250 GPD = 39,250 GPD

Total: 95,000 GPD

According to the 2019 Concurrency report, Lee County Utilities has a capacity of 50.9 MGD and planned capacity of 55.3 MGD. In 2016, 158,611 ERCs were served by LCU. The number of ERCs projected for 2023 are 177,652 units with 223,893 units projected for 2040. Lee County Utilities has excess capacity to accommodate the currently approved 223 maximum dwelling units and the additional proposed 157 dwelling units totaling 380 dwelling units. The additional units are well within the projected growth of 177,652 ERCs to be served by 2023 and 223,893 ERCs to be served by 2040. Therefore, Lee County Utilities has adequate capacity to service the proposed development.

Surface Water/Drainage Basins

Lee Plan Map 18 identifies the subject property as being within the Trout Creek and Owl Creek Watershed areas. These creeks traverse the property and are tidally influenced in the area of the project. These creeks connect to the Caloosahatchee River just south of the project area. LOS standards for surface water management are contained in Lee Plan Policy 95.1.3 which provides a system requirement to prevent the flooding of designated evacuation routes on Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours. Runoff from the developed site will continue to discharge to tidal creeks and rivers and will not cross any public road or evacuation route. The developed site will contain increased site storage and decreased discharge compared to the current site conditions. The 2019 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District will be deemed concurrent with the Lee Plan's surface water management LOS. The Owl Creek project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be concurrent with the surface water management Level of Service standards of the Lee Plan. Please refer to the Stormwater Planning Report for more details.

Parks, Recreation, and Open Space

The Lee Plan measures the minimum acceptable Level of Service for Parks, Recreation, and Open Space by two standards, Regional Parks and Community Parks. Policy 95.1.3 provides the minimum acceptable levels of service. For Regional Parks, it is 6 acres of developed regional park land open for public use per 1,000 total seasonal county population. For Community Parks, it is .8 acres of developed standard community parks open for public use per 1,000 permanent population, unincorporated Lee County. The non-regulatory Desired Future Level of Service for Community Parks is two (2) acres per 1,000 permanent population.

Regional Parks

The 2019 Lee County Concurrency report states there are 3,029 acres of existing Regional Parks by Lee County, representing roughly 43% of the existing regional park acreage when considering all jurisdictions. The inventory of existing regional parks operated by local, state and federal governments totals 7,051 acres which is sufficient to meet the required standard of 6 acres per 1,000 total seasonal county population:

842,000 [seasonal county population] (6 acres/1,000) = 5,052 acres

The report further states that the existing inventory meets the regional park level of service standard in the county for the year 2018 and will continue to do so at least through the next five years of the CIP.

The requested 380 dwelling units (increase of 157 units) will not negatively impact the

regional parks level of service. The non-regulatory level of service standard is 5,052 acres of Regional Parks is far exceeded with the existing 7,051 acres. There is adequate acreage within the existing Regional Parks to meet the needs of the 380 dwelling units.

Community Parks

The non-regulatory Level of Service Standard for Community Parks is currently eight-tenths (0.8) acres of developed standard Community Parks open for public use per 1,000 permanent population in the unincorporated area of each district. The 2019 Concurrency Report states that there are 743 acres of existing Community Parks within unincorporated Lee County. The capacity needed to meet the Lee Plan non-regulatory level of service standard is equal to:

$$355,737 \text{ [permanent county population/unincorporated areas only]} (0.8 \text{ acres}/1,000) = 285 \text{ acres}$$

The report further states that the existing inventory exceeds the community park level of service standard in the county for the year 2018 and will continue to do so at least through the next five years of the CIP.

The requested 380 dwelling units (increase of 157 units) will not negatively impact the community parks level of service. The non-regulatory level of service standard of 285 acres of Community Parks is far exceeded with the existing 743 acres. There is adequate acreage within the existing Community Parks to meet the needs of the 380 dwelling units.

Public Schools

The Owl Creek project is located within the East Zone, E2. Lee Plan Policy 67.1.1 and Policy 95.1.3(6) provide that the level of service standards for Elementary School, Middle School, High School and Special Purpose Facilities is 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

The 2019 Concurrency Report shows the following for the east zone: elementary schools: 448 total available capacity, middle schools: 439 deficit in available capacity, high schools: 524 deficit in available capacity on January 23, 2019 and projected capacity for 2019-2020 shows the same capacity for elementary schools, a deficit of 219 for middle schools and a deficit of 28 for high schools. Interim deficits are met by adding 220 portable middle school seats and an addition at Lehigh High which added 496 high school seats. LOS standards will be met by the construction of a new middle school to open in 2021-2022 which will add 1,210 seats and new high school to open portables in 2020-2021 with 380 freshman seats followed by opening in 2021-2022 creating 1,520 additional seats. This will result in all zones meeting the adopted LOS standard.

The School District of Lee County uses a generation rate of .297 students per each single-family dwelling unit. This rate is further broken down by school type, with a rate of .149 for elementary, .071 for middle school, and .077 for high school. Utilizing these rates results in a demand of 116 school-aged children, 57 elementary students, 27 middle school students, and 30 high school students for the Owl Creek project. The attached letter from The School District of Lee County evaluated 440 dwelling units and demonstrates that although capacity is an issue within the Concurrency Service Area (CSA) at the high school level, capacity is available in the adjacent CSA. The concurrency system allows contiguous districts to provide capacity when capacity in the project's District is not available.

Solid Waste

Solid waste services for the property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

LOS Standard: 7 pounds per day per capita

Current Available Capacity: 8.3 pounds per day per capita

Existing Development Potential: 223 maximum residential

223 dwelling units x 2.35 persons per unit = 525 persons

525 persons x 7 lbs/day = 3,675 lbs

Proposed Development Potential: 157 additional (385 maximum residential):

157 dwelling units x 2.35 persons per unit = 369 persons

369 persons x 7 lbs/day = 2,583 lbs

Total: 6,258 lbs

The 2019 Concurrency Report provides that all unincorporated areas of Lee County are concurrent with the Level of Service standard set forth in the Lee Plan for solid waste. The report further states, "*At the total available system capacity of 1,134,667 tons per year, the Lee County IWMS would be capable of providing a 7.0 lb/capita/day level of service to a full-time combined Lee and Hendry County population of 888,000.*" The proposed increase in density will result in the generation of an additional 2,583 pounds per day which can be accommodated by the capacity of the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Conclusions

As this analysis demonstrates, there are adequate public facilities to support the development of the Owl Creek property as proposed. The plan amendment for Owl Creek will not cause any public facility deficiencies.



Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

January 25, 2021

Via E-Mail

Stacy Ellis Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

**RE: Letter of No Objection for sewer service by FGUA
Owl Creek; 12850 N. River Road, 18420 and 17900 Owl Creek Drive
Strap #s: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, and 19-43-26-00-00002.1020**

Dear Ms. Hewitt:

This letter is in response to your request for a Letter of No Objection to Florida Governmental Utility Authority (FGUA) providing sanitary sewer service to the above referenced addresses.

Please be advised that the subject addresses are not located within Lee County Utilities' (LCU) service area and we have no sanitary sewer lines in operation adjacent to the site.

Per Lee Plan Policy 56.1.1, LCU may object to sanitary sewer utilities applying to provide or expand service to areas within unincorporated Lee County that are not included in the areas illustrated on Map 7.

LCU has no objection to the FGUA providing sanitary sewer service to the subject addresses.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)533-8181.

Sincerely,

Nathan Beals, PMP
Utilities Planning Manager
(239) 533-8157
LEE COUNTY UTILITIES



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

OWL CREEK COMPREHENSIVE PLAN AMENDMENT & REZONING

(PROJECT NO. F2006.14)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

July 29, 2020

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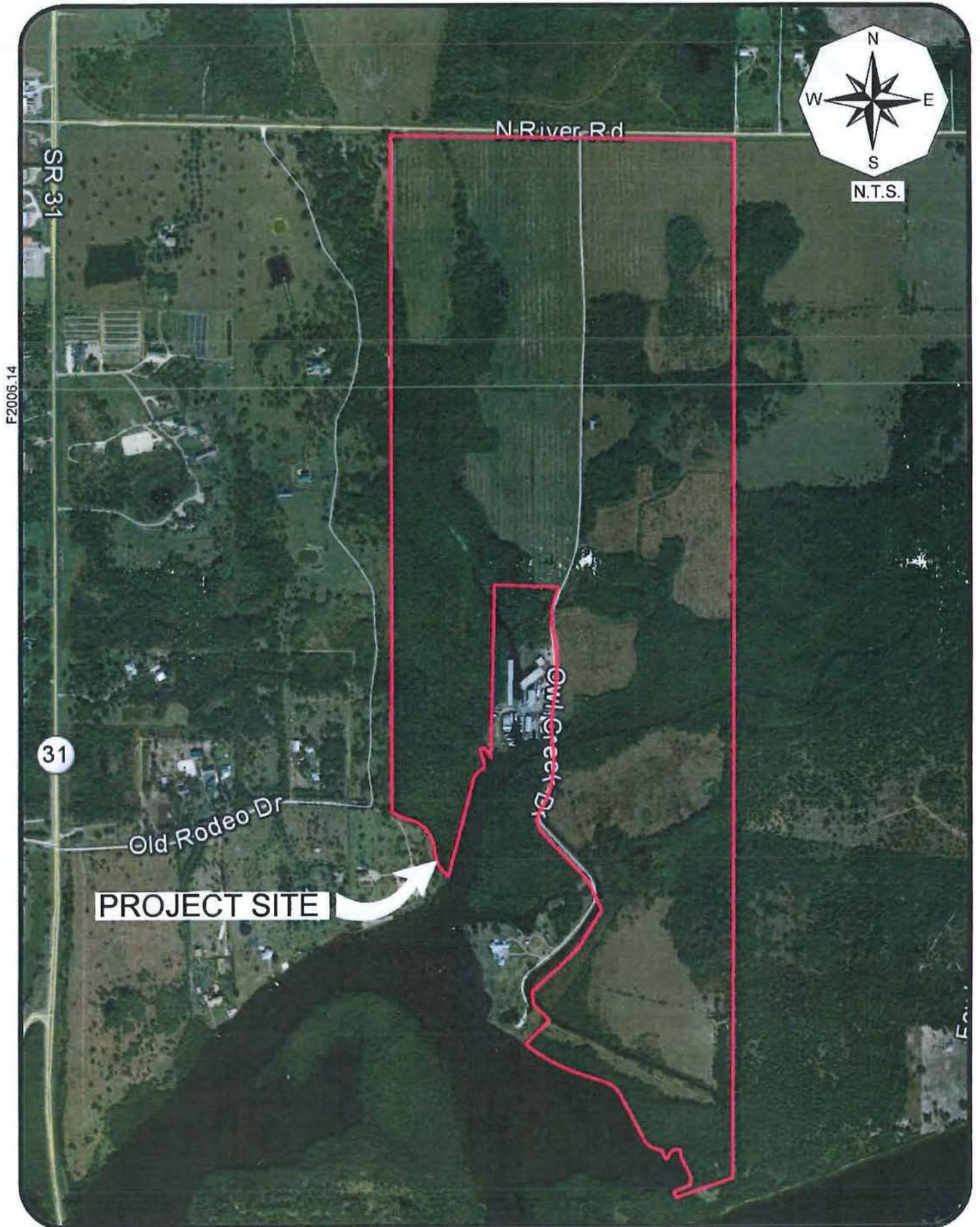
- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. COMPREHENSIVE PLAN AMENDMENT
- IV. TRIP GENERATION
- V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS
- VI. ZONING ANALYSIS
- VII. CONCLUSION

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking amendment to the Comprehensive Land Use Plan and re-zoning approval. The subject site is located along the south side of North River Road and approximately ½ mile to the east of SR 31 in Lee County, Florida. **Figure 1** illustrates the approximate location of the subject site.

The analysis in this report will determine the impacts of change in land use designation on the approximately 348.8 acre subject site from Rural and Wetlands to a Sub-Outlying Suburban land use category to permit the development of the subject site with up to 440 single-family residential dwelling units. The analysis will also determine the impacts of the proposed rezoning from Agricultural-2 (AG-2) to a Residential Planned Development (RPD) to allow the subject site to be developed with up to 440 single-family residential dwelling units. The transportation related impacts of the proposed Comprehensive Plan Amendment will be assessed based on evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure. The transportation related impacts of the proposed rezoning will be evaluated based on the estimated build-out year of the project and the impacts the proposed rezoning will have on the surrounding roadway infrastructure. Access to the subject site is proposed to North River Road and to Owl Creek Drive via multiple connections as shown on the site plan.

This report examines the impact of the development on the surrounding roadways. Trip generation and assignments to the various roadways within the study area will be completed and analysis conducted to determine the impacts of the development on the surrounding roadways.



II. EXISTING CONDITIONS

The subject site is bisected by Owl Creek Drive and is currently vacant. The site is generally bordered by North River Road to the north, vacant land to the east, Caloosahatchee River and a boat storage facility to the south, and by residential uses and vacant land to the west.

North River Road is a two lane undivided arterial that borders the subject site to the north. North River Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation.

Owl Creek Drive is a two lane undivided local roadway that bisects the subject site. Based on the Lee County's *Find My Road* GIS webpage, Owl Creek Drive has a speed limit of 25 mph and is privately maintained.

III. COMPREHENSIVE PLAN AMENDMENT

The Comprehensive Plan Amendment would change the future land use designation on the approximate 348.8 acre subject site from Rural and Wetlands to a Sub-Outlying Suburban land use category to permit the development of the subject site with up to 440 single-family residential dwelling units. Under the existing Rural land use category, approximately 213.2 acres of property can be developed with up to 213 residential dwelling units (1 dwelling unit/acre). The remaining of the property (135.6 acres) is under the Wetlands land use category and can be developed with up to 7 residential dwelling units (1 dwelling unit/20 acres). Therefore, under the existing Rural and Wetlands land use categories the subject site can be developed with a total of 220 residential dwelling units. **Table 1** summarizes the land uses that could be constructed under the existing land use designations and the intensity of uses under the proposed land use designation.

Table 1
Land Uses
Owl Creek

Existing/ Proposed	Land Use Category	Intensity
Existing	Rural & Wetlands	220 Dwelling Units (Rural \approx 213.2 acres @ 1 DU/Acre & Wetlands \approx 135.6 acres @ 1 DU/20 Acres)
Proposed	Sub-Outlying Suburban	440 Dwelling Units

IV. TRIP GENERATION

The trip generation for the permitted and proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 10th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for the trip generation purposes of the permitted and proposed residential uses on the subject site. The trip generation equations utilized for from this land use are attached to the Appendix of this report for reference. **Table 2** and **Table 3** outline the anticipated weekday AM and PM peak hour trip generation based on the existing and proposed future land use category, respectively.

Table 2
Trip Generation
Based on Existing Land Use Category
Owl Creek

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (220 Dwelling Units)	40	121	161	137	80	217	2,148

Table 3
Trip Generation
Based on Proposed Land Use Category
Owl Creek

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (440 Dwelling Units)	79	238	317	265	156	421	4,064

Table 4 indicates the trip generation difference between the proposed and existing land use categories. The long range transportation impact (20-year horizon) and the short range transportation impact (5-year horizon) will be evaluated based on the resultant trip change illustrated in Table 4.

Table 4
Trip Generation – Resultant Trip Change
Owl Creek

Land Use	A.M. Peak Hour			P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Land Use Designation (440 Dwelling Units)	79	238	317	265	156	421	4,064
Existing Land Use Designation (220 Dwelling Units)	-40	-121	-161	-137	-80	-217	-2,148
Resultant Trip Change	+39	+117	+156	+128	+76	+204	+1,916

The resultant trip change in Table 4 indicates that the trip generation will be increased in the AM and PM peak hour conditions as a result of this land use change.

V. COMPREHENSIVE PLAN AMENDMENT ANALYSIS

The Comprehensive Plan Amendment would change the future land use designation on the approximately 348.8 acre subject site from Rural and Wetlands to a Sub-Outlying Suburban land use category to permit the development of the subject site with up to 440 single-family residential dwelling units. The transportation related impacts of the

proposed Comprehensive Plan Amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range impact (5-year horizon) the proposed amendment would have on the existing and future roadway infrastructure.

Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan was reviewed to determine if any future roadway improvements were planned in the vicinity of the subject site. Based on the review, the only roadway improvement within the vicinity of the subject site shown on the 2040 Cost Feasible Plan is the widening of SR 31 to a four lane facility from SR 80 (Palm Beach Boulevard) to Lee/Charlotte County line. There are no other programmed improvements within the vicinity of the subject site. The 2040 Lee County MPO Highway Cost Feasible Plan is attached the Appendix of this report for reference.

The Lee County Metropolitan Planning Organization's (MPO) long range transportation plan along with the FDOT District One travel model were also reviewed in order to determine the impacts the amendment would have on the surrounding area. The base 2040 loaded network volumes were determined for the roadways within the study area and then the PM peak hour trips to be generated by additional trips shown in Table 4 were then added to the projected 2040 volumes. The Level of Service for the surrounding roadways was then evaluated. The Level of Service threshold volumes were derived based on the Lee County's *Generalized Peak Hour Directional Service Volumes* table as well as FDOT's *Generalized Peak Hour Directional Volumes*, Table 7.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2040 volumes will not cause any roadway links to fall below the recommended minimum acceptable Level of Service standards. Buckingham Road to the south of SR 31 was shown to operate at a poor Level of Service in the 2040 background (without project traffic) conditions. However, Buckingham Road is shown to be widened to a four-lane facility on the Lee County's 2040 Needs Plan. Buckingham

Road would to operate at acceptable Level of Service as a four-lane facility. All other roadways are shown to operate at or above the minimum recommended Level of Service in 2040 both with and without the project traffic added to the surrounding roadway segments.

A Level of Service analysis for the 2040 Existing plus Committed (E + C) roadway network is attached to this report for reference. **Table 1A** and **Table 2A** reflect the Level of Service analysis based on the 2040 conditions. The resultant land use change will not impact the results of the Level of Service analysis as reported in the adopted 2040 travel model. Therefore, no changes to the adopted long range transportation plan are required as result of the proposed land use change.

Short Range Impacts (5-year horizon)

The 2020 – 2024 Lee County Five Year Capital Improvement Programs (CIP) as well as the Florida Department of Transportation Adopted Work Programs were reviewed to determine the short term impacts the proposed land use change would have on the surrounding roadways. Based on the review, the only roadway improvement funded within the vicinity of the subject site is the widening of SR 31 to a four lane facility from SR 78 (Bayshore Road) to Cook Brown Road. There are no other programmed improvements to the roadway network identified in either work program within the vicinity of the subject site.

As can be depicted from Table 4 of this report, the proposed map amendment will increase the overall trip generation potential of the subject site by approximately 156 vehicles during the A.M. peak hour and 204 vehicles during the P.M. peak hour. **Table 3A** and **Table 4A** attached to this report indicate the projected 5-year planning Level of Service on the area roadways based on the additional trips shown in Table 4. The existing peak hour, peak season, peak direction traffic volumes on the various roadway links maintained by Lee County were obtained from the most recent Lee County *Public Facilities Level of Service and Concurrency Report*. The existing peak hour, peak season, peak direction traffic volumes for state maintained roadways were derived by

factoring the latest AADT volumes by appropriate K & D factors. The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2025 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's *Florida Traffic Online* resource as well as the traffic data from the latest *Lee County Traffic Count Report*. Based on the projected traffic distribution, the roadway link data was analyzed for the year 2025 without the proposed amendment and year 2025 with the proposed amendment. Traffic data obtained from the aforementioned Lee County and FDOT resources is attached to the Appendix of this report for reference.

The results of the analysis indicate that the addition of the trips as a result of the proposed amendment to the projected 2025 volumes will not cause any roadway link to fall below the minimum acceptable Level of Service standards. All analyzed roadways were shown operate within their recommended minimum Level of Service standards.

The proposed Comprehensive Plan Amendment is to change the future land use designation on the approximately 348.8 acre subject site from Rural and Wetlands to a Sub-Outlying Suburban land use category to permit the development of the subject site with up to 440 single-family residential dwelling units. Based on the analysis, no modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

VI. ZONING ANALYSIS

An analysis was also completed to support the rezoning of the subject from Agricultural-2 (AG-2) to a Residential Planned Development (RPD) to allow the subject site to be developed with up to 440 single-family residential dwelling units. The zoning analysis was completed based on the trip generation shown in Table 3 of this report.

The trips the proposed development is anticipated to generate, as shown in the Table 3, were assigned to the surrounding roadway network based upon the routes drivers are anticipated to utilize to approach the subject site. Based on the current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. **Figure 2** illustrates the anticipated trip distribution on North River Road as well as the assignment of the project related trips to the site access drive on North River Road and adjacent intersections.

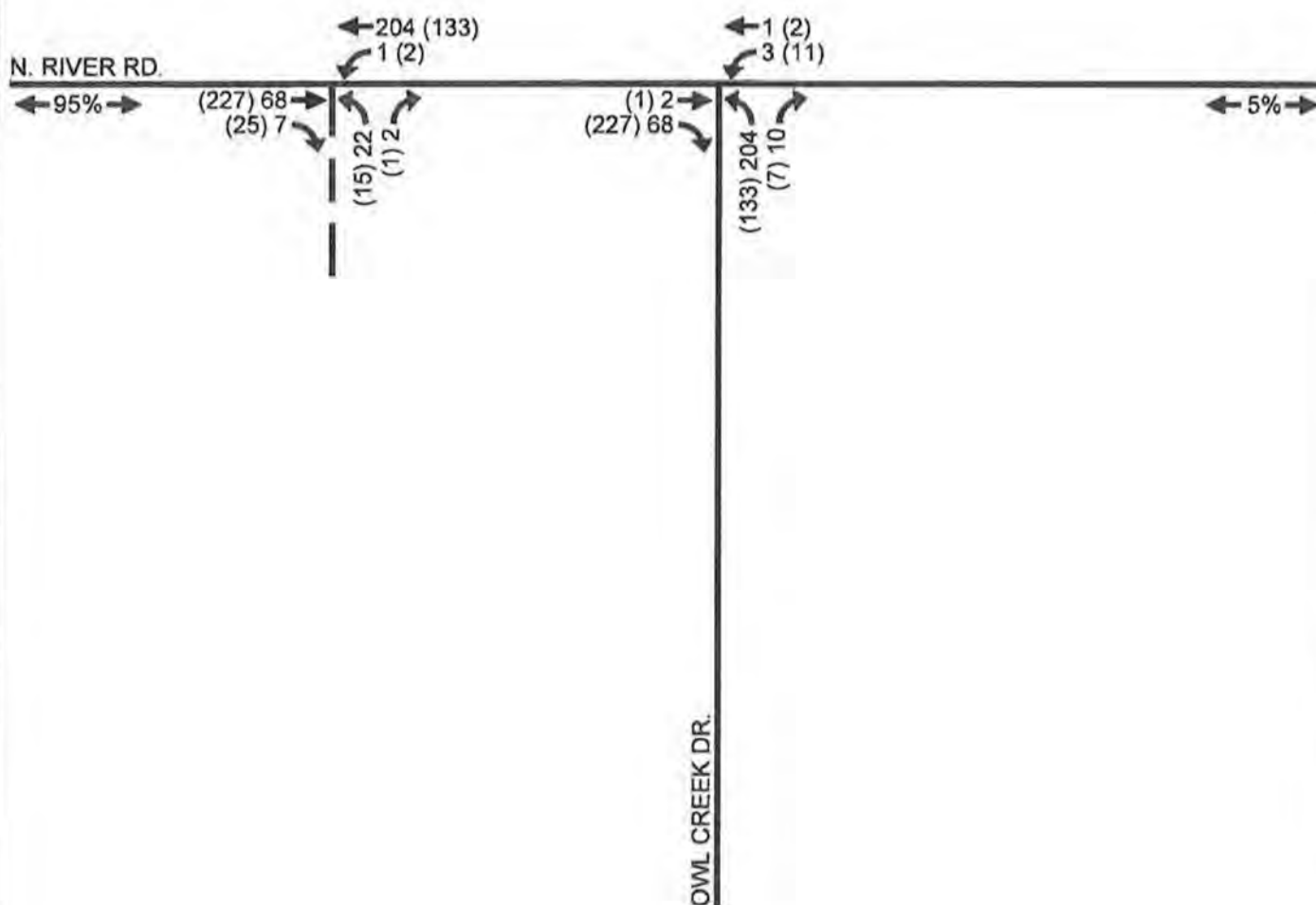
In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 5A**, contained in the Appendix, was created. This table indicates which roadway links will experience a significant impact as a result of the added development traffic. Significant impact is defined as any roadway projected to experience greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes.

The Level of Service threshold volumes were derived based on the Lee County’s *Generalized Peak Hour Directional Service Volumes* table as well as FDOT’s *Generalized Peak Hour Directional Volumes*, Table 7. Based on the information contained within Table 5A, North River Road west of Owl Creek Drive as well as SR 31 between SR 80 (Palm Beach Boulevard) and North River Road are shown to be significantly impacted due to the addition of the project traffic.

Level of Service Analysis

A horizon year analysis of 2025 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. Based on the project distribution illustrated on Table 5A, the link data was analyzed for the year 2025 without the development and year 2025 with the development.

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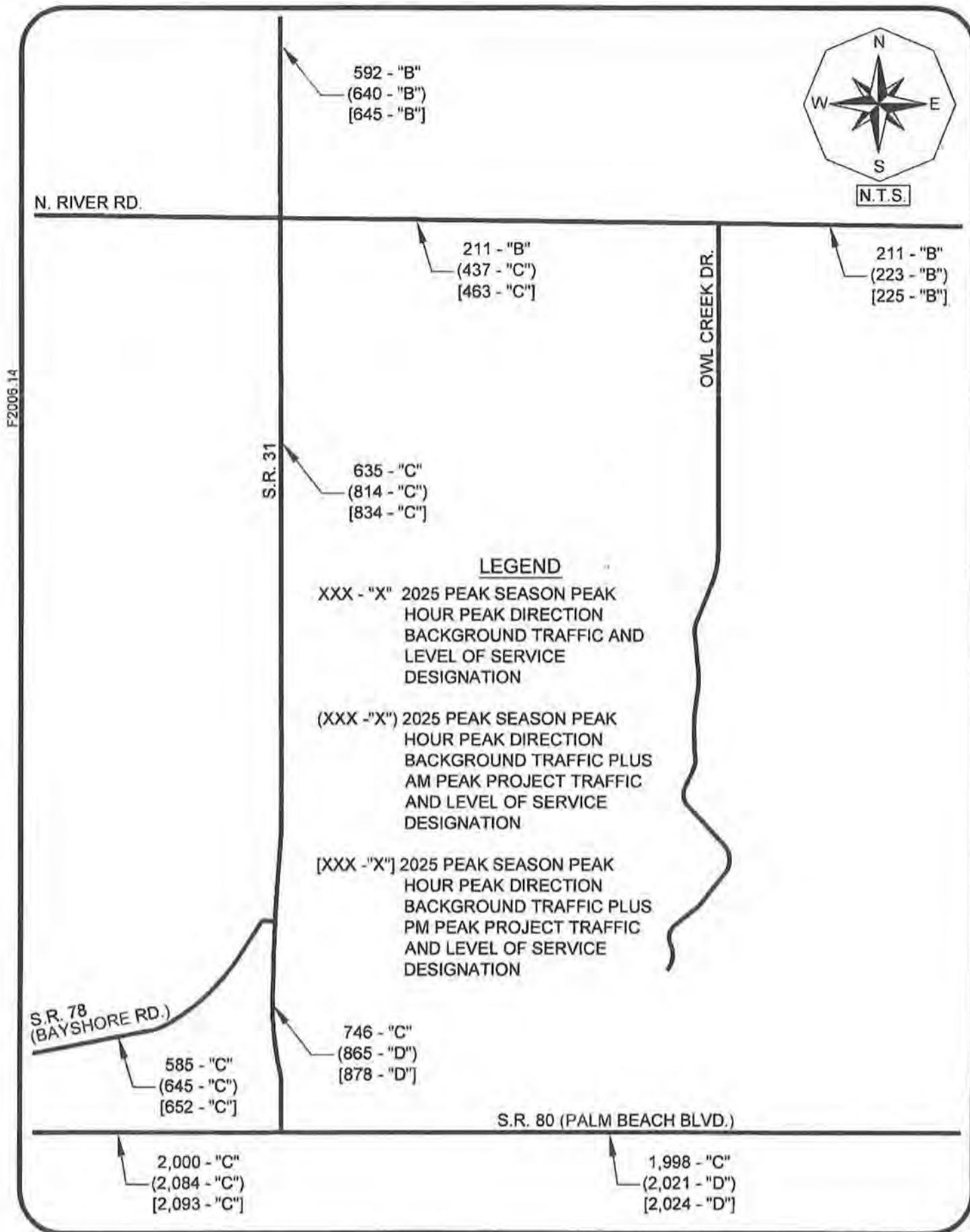
LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

Table 6A in the Appendix of the report indicates the methodology utilized to obtain the year 2025 background and build-out traffic volumes. The existing peak hour, peak season, peak direction traffic volumes on the roadway links maintained by the Lee County were obtained from the most recent Lee County *Public Facilities Level of Service and Concurrency Report*. The existing peak hour, peak season, peak direction traffic volumes for state maintained roadways were derived by factoring the latest AADT volumes by appropriate K & D factors. The existing peak hour, peak season, peak direction traffic volumes were then factored by the appropriate annual growth rates in order to obtain the 2025 background traffic conditions on the area roadway network. The growth rates for each roadway were calculated based on historical traffic data obtained from the FDOT's *Florida Traffic Online* resource as well as the traffic data from the latest *Lee County Traffic Count Report*.

Figure 3 indicates the year 2025 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

As can be seen from Figure 3, the roadway links analyzed as part of this report will not be adversely impacted as a result of the proposed rezoning request. All roadway segments analyzed will maintain the minimum recommended Level of Service. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed rezoning request.



Intersection Analysis

Intersection analysis was performed at the unsignalized intersection of North River Road and Owl Creek Road as well as at the proposed western project's access driveway to North River Road based on the latest version of the *Highway Capacity Software (HCSTM)*. The analysis was based on the projected 2025 weekday AM and PM peak hour traffic with the project traffic conditions. The weekday AM and PM peak hour peak season through volumes on North River Road were determined from the traffic counts obtained from Lee County *Transportation Data Management System* webpage. The existing through traffic volumes were then increased by a growth rate factor to determine the projected 2025 background turning movement volumes. The projected project traffic volume from Figure 2 was then added to the intersections. The volumes utilized for the intersection analysis can be found in the Appendix of this report in the *Development of Future Year Background Turning Movement* volumes spreadsheets.

Based upon the results of the capacity analysis at the unsignalized intersection of North River Road and Owl Creek Road as well as at the proposed western project's access driveway to North River Road, all movements were shown to operate at acceptable Level of Service in 2025 with the proposed development traffic added to the intersections in the AM and PM peak hour conditions. Therefore, no intersection improvements are warranted as a result of this analysis.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

VII. CONCLUSION

The proposed development is located along the south side of North River Road and approximately ½ mile to the east of SR 31 in Lee County, Florida. Based upon the roadway link Level of Service analysis conducted as a part of this report for both a Comprehensive Plan amendment and rezoning request, the development of the subject site meets the requirements set forth by the Lee County Comprehensive Plan and Land

Development Code in that there is sufficient capacity available to accommodate the new trips that will be generated by the proposed development. Therefore, no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed Comprehensive Plan amendment and rezoning requests.

The 2040 Financially Feasible Roadway network and the short term 5-year Capital Improvement Program currently in place in the Lee County will not require any modification in order to accommodate the proposed Land Use Change. The rezoning analysis also indicates that the subject site will not have an adverse impact on the surrounding roadway network. Therefore, no roadway capacity improvements are necessary to accommodate the proposed development.

Based upon the results of the capacity analysis at the unsignalized intersection of North River Road and Owl Creek Road as well as at the proposed western project's access driveway to North River Road, all movements were shown to operate at acceptable Level of Service in 2025 with the proposed development traffic added to the intersections in the AM and PM peak hour conditions. Therefore, no intersection improvements are warranted as a result of this analysis.

APPENDIX

TABLES 1A & 2A
2040 LOS ANALYSIS

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2040 LONG RANGE TRANSPORTATION ANALYSIS - OWL CREEK

ROADWAY	ROADWAY SEGMENT	2040 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
		# Lanes	Roadway Designation	LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S.. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S.. of SR 78	4LD	Arterial	0	0	1,910	2,000	2,000
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 31	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for state maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 2A
2040 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
OWL CREEK**

TOTAL PM PEAK HOUR PROJECT TRAFFIC =		204	VPH	IN=	128	OUT=	76								
		2040								2040			2040 BACKGROUND PLUS PROJ		
		FSUTMS	COUNTY PCS /	MOCF	AADT	100TH HIGHEST		PM PK HR	PEAK	PEAK DIRECTION	PROJECT	PK DIR	PEAK DIRECTION		
ROADWAY	ROADWAY SEGMENT	PSWDT	FDOT SITE #	FACTOR ¹	BACKGROUND TRAFFIC	K-100 FACTOR	HOUR PK DIR	D	PEAK	TRAFFIC VOLUMES & LOS	TRAFFIC	PM PROJ	TRAFFIC VOLUMES & LOS		
							2-WAY VOLUME	FACTOR	DIRECTION	VOLUME	LOS	DIST.	TRAFFIC	VOLUME	LOS
N River Rd	E of Owl Creek Dr	5,548	124650	0.93	5,160	0.095	490	0.549	EAST	269	B	5%	6	275	B
	W. of Owl Creek Dr	5,568	124650	0.93	5,178	0.095	492	0.549	EAST	270	B	95%	122	392	B
SR 31	N. of N. River Rd.	36,889	120273	0.94	34,676	0.095	3,294	0.521	NORTH	1,716	B	20%	26	1,742	B
	S.. of N. River Rd.	35,534	121001	0.94	33,402	0.095	3,173	0.54	NORTH	1,713	C	75%	96	1,809	C
	S.. of SR 78	29,867	120030	0.94	28,075	0.090	2,527	0.54	NORTH	1,365	C	50%	64	1,429	C
SR 78	W. of SR 31	15,365	121002	0.94	14,443	0.090	1,300	0.54	EAST	702	C	25%	32	734	C
SR 80	W. of SR 31	54,543	126005	0.94	51,270	0.090	4,614	0.54	EAST	2,492	C	35%	45	2,537	C
	E. of SR 31	30,577	120085	0.94	28,742	0.090	2,587	0.54	EAST	1,397	C	10%	13	1,410	C
	E. of Buckingham Rd	19,690	120012	0.94	18,509	0.090	1,666	0.54	EAST	900	B	3%	4	904	B
Buckingham Rd	S. of SR 31	21,036	11	0.93	19,563	0.089	1,741	0.53	NORTH	923	F	4%	5	928	F

¹ Model Output Conversion Factor was utilized to obtain the AADT Volumes for all roadways.

* The K-100 and D factors for County maintained roadways were obtained from Lee County Traffic Count Report.

Note Due to insufficient traffic data in the Lee County Traffic Count Report, the K-100 and D factors for North River Road were obtained from Florida Traffic Online resource

* The K-100 and D factors for FDOT maintained roadways were obtained from Florida Traffic Online resource

TABLES 3A & 4A
5-YEAR LOS ANALYSIS

**TABLE 3A
LEVEL OF SERVICE THRESHOLDS
OWL CREEK**

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># LANES</u>	<u>ROADWAY DESIGNATION</u>	<u>LOS A</u>	<u>LOS B</u>	<u>LOS C</u>	<u>LOS D</u>	<u>LOS E</u>
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S.. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S.. of SR 78	2LU	Arterial	0	0	830	880	880
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 31	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
OWL CREEK**

							<u>FDOT Sta. #</u>	<u>K</u>	<u>D</u>
TOTAL PROJECT TRAFFIC AM =	156	VPH	IN =	39	OUT=	117	120273	0.095	0.521
TOTAL PROJECT TRAFFIC PM =	204	VPH	IN=	128	OUT=	76	121001	0.095	0.540
							120030	0.090	0.540
							121002	0.090	0.540
							126005	0.090	0.540
							120085	0.090	0.540
							120012	0.090	0.540

ROADWAY	ROADWAY SEGMENT	LC DOT PCS OR FDOT SITE #	BASE YR ADT	2018/2019 ADT	YRS OF GROWTH. ¹	ANNUAL RATE	2018/2019	2025		V/C	PERCENT		2025			2025							
							PK HR	PK HR	PK SEASON		PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	BCKGRND							
							PK SEASON	PEAK DIRECTION	TRAFFIC							TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME	LOS	Ratio
							PEAK DIR. ²	VOLUME															
N. River Rd	E. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	5%	6	6	217	B	0.13	218	B	0.13				
	W. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	95%	111	122	323	B	0.20	333	B	0.20				
SR 31	N. of N. River Rd.	120273	4,937	9,292	15	4.31%	460	592	B	0.23	20%	23	26	616	B	0.24	618	B	0.24				
	S.. of N. River Rd.	121001	9,500	11,000	15	2.00%	564	635	C	0.33	75%	88	96	723	C	0.38	731	C	0.38				
	S.. of SR 78	120030	9,800	13,500	15	2.16%	656	746	C	0.85	50%	59	64	804	C	0.91	810	C	0.92				
SR 78 (Bayshore Rd)	W. of SR 31	121002	7,700	10,600	15	2.15%	515	585	C	0.63	25%	29	32	615	C	0.67	617	C	0.67				
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	35,000	11	2.74%	1,701	2,000	C	0.63	35%	41	45	2,041	C	0.64	2,045	C	0.64				
	E. of SR 31	120085	29,500	36,500	15	2.00%	1,774	1,998	C	0.95	10%	12	13	2,009	D	0.96	2,010	D	0.96				
	E. of Buckingham Rd	120012	19,200	28,000	15	2.55%	1,361	1,582	B	0.48	3%	4	4	1,586	B	0.48	1,586	B	0.48				
Buckingham Rd	S. of SR 31	11	8,400	11,400	9	3.45%	529	671	C	0.78	4%	5	5	676	C	0.79	676	C	0.79				

¹ AGR for all roadways was calculated based the historical traffic data obtained from Lee County Traffic Count Report and Florida Traffic Online webpage.

² Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2019 Lee County Public Facilities Level of Service and Concurrency Report.

² Current peak hour peak season peak direction traffic volumes for state maintained roadways were obtained by adjusting the 2019 AADT by the appropriate K and D factors.

TABLES 5A & 6A
REZONING ANALYSIS

**TABLE 5A
LEVEL OF SERVICE THRESHOLDS
OWL CREEK**

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	317 VPH	IN=	79	OUT=	238
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	421 VPH	IN=	265	OUT=	156

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	PERCENT					PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
				LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME			
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640	5%	13	1.6%
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640	95%	252	29.6%
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730	20%	53	2.0%
	S.. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000	75%	199	10.4%
	S.. of SR 78	2LU	Arterial	0	0	830	880	880	50%	133	16.0%
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924	25%	66	7.6%
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171	35%	93	3.0%
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100	10%	27	1.3%

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 6A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
OWL CREEK**

											FDOT Sta. #	K	D						
TOTAL PROJECT TRAFFIC AM =		317	VPH	IN =	79	OUT=	238					120273	0.095	0.521					
TOTAL PROJECT TRAFFIC PM =		421	VPH	IN=	265	OUT=	156					121001	0.095	0.540					
											120030	0.090	0.540						
											121002	0.090	0.540						
											126005	0.090	0.540						
											120085	0.090	0.540						
				2018/2019	2025			2025					2025			2025			
		LCDOT PCS OR	BASE YR	2018/2019	YRS OF	ANNUAL	PK SEASON	PK HR PK SEASON	V/C	PERCENT			BCKGRND		BCKGRND				
											PROJECT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C		
<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u>FDOT SITE #</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH. ¹</u>	<u>RATE</u>	<u>PEAK DIR. ²</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>	<u>VOLUME</u>	<u>LOS</u>	<u>Ratio</u>
N. River Rd	E. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	5%	12	13	223	B	0.14	225	B	0.14
	W. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	95%	226	252	437	C	0.27	463	C	0.28
SR 31	N. of N. River Rd.	120273	4,937	9,292	15	4.31%	460	592	B	0.23	20%	48	53	640	B	0.25	645	B	0.25
	S. of N. River Rd.	121001	9,500	11,000	15	2.00%	564	635	C	0.33	75%	179	199	814	C	0.43	834	C	0.44
	S. of SR 78	120030	9,800	13,500	15	2.16%	656	746	C	0.85	50%	119	133	865	D	0.98	878	D	1.00
SR 78 (Bayshore Rd)	W. of SR 31	121002	7,700	10,600	15	2.15%	515	585	C	0.63	25%	60	66	645	C	0.70	652	C	0.71
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	35,000	11	2.74%	1,701	2,000	C	0.63	35%	83	93	2,084	C	0.66	2,093	C	0.66
	E. of SR 31	120085	29,500	38,500	15	2.00%	1,774	1,998	C	0.95	10%	24	27	2,021	D	0.96	2,024	D	0.96

¹ AGR for all roadways was calculated based the historical traffic data obtained from Lee County Traffic Count Report and Florida Traffic Online webpage.

² Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2019 Lee County Public Facilities Level of Service and Concurrency Report.

² Current peak hour peak season peak direction traffic volumes for state maintained roadways were obtained by adjusting the 2019 AADT by the appropriate K and D factors

**LEE COUNTY GENERALIZED PEAK
HOUR DIRECTIONAL SERVICE
VOLUMES TABLE**

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

Table 18: Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2018		2023		NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXIST ING	LOS	FUTURE	
ALABAMA RD	SR 82	MILWAUKEE BLVD	2LN	E	990	C	459	C	482	
	MILWAUKEE BLVD	HOMESTEAD RD	2LN	E	990	C	459	D	482	
ALEXAND- ER BELL BLVD	SR 82	MILWAUKEE BLVD	2LN	E	990	D	486	D	511	
	MILWAUKEE BLVD	LEELAND HEIGHTS	2LN	E	990	D	486	D	579	Shadow Lakes
ALICO RD	US 41	DUSTY RD	4LD	E	1,980	B	1,043	B	1,096	
	DUSTY RD	LEE RD	6LD	E	2,960	B	1,043	B	1,484	Alico Business Park
	LEE RD	THREE OAKS PKWY	6LD	E	2,960	B	1,043	B	1,209	Three Oaks Regional Center
	THREE OAKS PKWY	I-75	6LD	E	2,960	B	2,345	B	2,485	v/c = 0.79/0.83
	I-75	BEN HILL GRIFFIN BLVD	6LD	E	2,960	B	1,243	B	1,390	
	BEN HILL GRIFFIN BLVD	AIRPORT HAUL RD	2LN/ 4LD	E	1,100/ 1,840	C	366	C	770	4 Ln constr 2018, 2017 count
	AIRPORT HAUL RD	GREEN MEADOW DR	2LN	E	1,100	C	366	C	384	2017 count
	GREEN MEADOW DR	CORKSCREW RD	2LN	E	1,100	B	131	B	224	EEPCO study
BEN HILL GRIFFIN PKWY	ESTERO PKWY	FGCU ENTRANCE	4LD	E	2,000	B	1,224	B	1,287	
	FGCU ENTRANCE	COLLEGE CLUB DR	4LD	E	2,000	B	1,224	B	1,330	
	COLLEGE CLUB DR	ALICO RD	6LD	E	3,000	B	1,101	B	1,193	2017 count
	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,980	A	1,033	A	1,086	2017 count
BUCKING- HAM RD	SR 82	GUNNERY RD	2LN	E	990	D	468	D	492	
	GUNNERY RD	ORANGE RIVER BLVD	2LN	E	990	D	488	D	508	
	ORANGE RIVER BLVD	SR 80	2LN	E	990	D	529	F	1,198	v/c = 0.53/1.21 Buckingham 345 & Portico
COLLEGE PKWY	McGREGOR BLVD	WINKLER RD	6LD	E	2,980	D	2,292	D	2,409	v/c = 0.77/0.81, 2016 count
	WINKLER RD	WHISKEY CREEK DR	6LD	E	2,980	D	2,031	D	2,135	
	WHISKEY CREEK DR	SUMMERLIN RD	6LD	E	2,980	D	2,031	D	2,135	
	SUMMERLIN RD	US 41	6LD	E	2,980	D	1,772	D	1,862	
CORK- SCREW RD	BELLA TERRA BLVD	ALICO RD	2LN/ 4LD	E	1,140/ 1,960	B	235	C	628	4L CST FY 22/23, Corkscrew Shores, 2017 count
	ALICO RD	6 L's FARMS RD	2LN	E	1,140	B	246	C	552	The Place, 2017 count
	6 L's FARMS RD	COUNTY LINE	2LN	E	1,140	B	182	C	509	2017 count

Table 18 (cont.): Existing and Future Roadway LOS on County-Maintained Arterials in Unincorporated Areas

ROADWAY LINK				100TH HIGHEST HOUR DIRECTIONAL VOLUMES						
				STANDARD		2018		2023		NOTES
NAME	FROM	TO	TYPE	LOS	MAX	LOS	EXISTING	LOS	FUTURE	
LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	2017 count
LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	451	C	474	2017 count
	US 41	BUS 41	2LN	E	860	C	417	C	439	2017 count
LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	352	B	427	4 Ln design & ROW
Mc-GREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,145	B	1,204	
	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,192	B	1,253	2017 count
	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	980	B	1,030	
	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	980	B	1,030	
N RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	166	B	285	2017 count
	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	80	B	225	2017 count
	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	80	A	113	2017 count
ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	418	C	440	
	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	418	C	452	
ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	787	C	828	v/c = 0.87/0.92 4 Ln design & ROW
	LUCKETT RD	SR 80	2LN	E	900	B	364	B	383	4 Ln design & ROW
PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	609	E	659	Constrained
PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	840	B	883	2017 count
	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,331	B	1,399	
	US 41	BUS 41	4LD	E	1,890	B	1,018	B	1,070	2017 count
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	979	E	1,029	v/c = 0.86/0.90, 2017 count
SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,461	B	1,536	
	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,134	B	1,337	
SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	388	C	407	2017 count
STRING-FELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	C	602	C	703	Constrained
	PINELAND RD	MAIN ST	2LN	E	1,060	C	602	C	699	
SUM-MERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,964	A	2,194	
	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,964	A	2,064	
	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,964	A	2,064	
	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	B	1,454	B	1,555	
	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,780	B	1,871	
	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,908	B	2,005	
	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,908	B	2,005	

**FDOT GENERALIZED PEAK HOUR
DIRECTIONAL VOLUMES
TABLE 7**

TABLE 7

Generalized **Peak Hour Directional** Volumes for Florida's
Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	830	880	**	2	2,230	3,100	3,740	4,080	
2	Divided	*	1,910	2,000	**	3	3,280	4,570	5,620	6,130	
3	Divided	*	2,940	3,020	**	4	4,310	6,030	7,490	8,170	
4	Divided	*	3,970	4,040	**	5	5,390	7,430	9,370	10,220	
						6	6,380	8,990	11,510	12,760	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	370	750	800	2	2,270	3,100	3,890	4,230	
2	Divided	*	730	1,630	1,700	3	3,410	4,650	5,780	6,340	
3	Divided	*	1,170	2,520	2,560	4	4,550	6,200	7,680	8,460	
4	Divided	*	1,610	3,390	3,420	5	5,690	7,760	9,520	10,570	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane + 1,000					
Non-State Signalized Roadways - 10%						Ramp Metering + 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
1	Divided	Yes	No	+5%		1	Undivided	580	890	1,200	1,610
1	Undivided	No	No	-20%		2	Divided	1,800	2,600	3,280	3,730
Multi	Undivided	Yes	No	-5%		3	Divided	2,700	3,900	4,920	5,600
Multi	Undivided	No	No	-25%							
-	-	-	Yes	+ 5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding directional volumes in this table by 1.2						Lanes	Median	Exclusive left lanes	Adjustment factors		
						1	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle Lane Coverage	B	C	D	E		³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
0-49%	*	150	390	1,000		* Cannot be achieved using table input value defaults.					
50-84%	110	340	1,000	>1,000		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
85-100%	470	1,000	>1,000	**		Source: Florida Department of Transportation Systems Implementation Office https://www.fdot.gov/planning/systems/					
PEDESTRIAN MODE²											
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	140	480							
50-84%	*	80	440	800							
85-100%	200	540	880	>1,000							
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4650 - NORTH RIVER ROAD, EAST OF S.R. 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	3400 F	E 1700	W 1700	9.50	54.90	12.50
2018	3200 C	E 1600	W 1600	9.50	55.20	12.50
2017	3200 T	E 1600	W 1600	9.50	54.90	12.20
2016	3000 S	E 1500	W 1500	9.50	54.80	15.00
2015	2800 F	E 1400	W 1400	9.50	55.50	15.00
2014	2600 C	E 1300	W 1300	9.50	55.20	15.00
2013	1000 S	0	0	9.50	55.00	12.20
2012	1000 F	0	0	9.50	55.30	11.50
2011	1000 C	E 0	W 0	9.50	55.20	11.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31, 202' NORTH OF FOXHILL ROAD, LEE CO.

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	9292 C	N 4645	S 4647	9.50	52.10	25.30
2018	7959 C	N 4032	S 3927	9.50	54.10	26.90
2017	7337 C	N 3712	S 3625	9.50	53.40	28.20
2016	6620 C	N 3338	S 3282	9.50	53.90	26.60
2015	5216 C	N 2618	S 2598	9.50	55.60	28.00
2014	4653 C	N 2325	S 2328	9.50	55.60	27.00
2013	4195 C	N 2099	S 2096	9.50	55.90	29.00
2012	4217 C	N 2149	S 2068	9.50	56.40	26.90
2011	4126 C	N 2094	S 2032	9.50	55.10	25.60
2010	4034 C	N 2041	S 1993	9.79	54.46	26.00
2009	3964 C	N 1994	S 1970	9.81	52.26	25.10
2008	4232 C	N 2124	S 2108	9.88	55.53	23.50
2007	6039 C	N 3027	S 3012	10.95	51.84	43.50
2006	5719 C	N 2850	S 2869	10.95	51.84	43.50
2005	5532 C	N 2773	S 2759	10.30	51.10	43.80
2004	4937 C	N 2483	S 2454	9.50	53.00	34.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	11000 C	N 5500	S 5500	9.50	54.00	25.30
2018	9400 C	N 4700	S 4700	9.50	55.20	26.90
2017	8800 C	N 4500	S 4300	9.50	54.40	20.20
2016	8600 F	N 4200	S 4400	9.50	57.70	20.20
2015	7800 C	N 3800	S 4000	9.50	57.50	20.20
2014	7200 F	N 3600	S 3600	9.50	56.80	20.50
2013	7000 C	N 3500	S 3500	9.50	56.50	20.50
2012	7500 C	N 3800	S 3700	9.50	54.20	22.60
2011	7300 F	N 3700	S 3600	9.50	56.20	17.60
2010	7300 C	N 3700	S 3600	9.91	56.34	17.60
2009	7100 C	N 3600	S 3500	9.98	55.90	19.70
2008	7700 C	N 3900	S 3800	10.16	57.01	23.50
2007	9200 C	N 4600	S 4600	10.16	54.76	32.60
2006	11100 C	N 5500	S 5600	8.81	55.95	43.90
2005	10400 C	N 5200	S 5200	9.60	53.80	33.40
2004	9500 C	N 4900	S 4600	10.00	55.10	33.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	13500	C	N 6600		S 6900	9.00	54.00	20.80
2018	11500	C	N 5600		S 5900	9.00	55.20	18.60
2017	11200	C	N 5500		S 5700	9.00	54.40	19.00
2016	11100	F	N 5500		S 5600	9.00	57.70	12.50
2015	10100	C	N 5000		S 5100	9.00	57.50	12.50
2014	8700	F	N 4300		S 4400	9.00	56.80	14.90
2013	8500	C	N 4200		S 4300	9.00	56.50	14.90
2012	8700	C	N 4400		S 4300	9.00	54.20	13.80
2011	8500	F	N 4200		S 4300	9.00	56.20	13.70
2010	8500	C	N 4200		S 4300	9.91	56.34	13.70
2009	7800	C	N 3800		S 4000	9.98	55.90	13.40
2008	8500	C	N 4200		S 4300	10.16	57.01	12.80
2007	8700	C	N 4300		S 4400	10.16	54.76	10.80
2006	12500	C	N 6100		S 6400	10.23	54.38	33.20
2005	10500	C	N 5200		S 5300	10.30	54.10	23.30
2004	9800	C	N 4800		S 5000	9.90	54.30	23.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	10600 C	E 5500	W 5100	9.00	54.00	22.00
2018	9600 C	E 5000	W 4600	9.00	55.20	21.60
2017	9200 C	E 4600	W 4600	9.00	54.40	13.00
2016	8600 F	E 4300	W 4300	9.00	57.70	13.00
2015	7800 C	E 3900	W 3900	9.00	57.50	13.00
2014	7300 F	E 3700	W 3600	9.00	56.80	14.00
2013	7100 C	E 3600	W 3500	9.00	56.50	14.00
2012	7500 C	E 3800	W 3700	9.00	54.20	16.40
2011	6800 F	E 3500	W 3300	9.00	56.20	14.90
2010	6800 C	E 3500	W 3300	9.91	56.34	14.90
2009	6900 C	E 3500	W 3400	9.98	55.90	17.00
2008	7500 C	E 3800	W 3700	10.16	57.01	19.30
2007	8400 C	E 4300	W 4100	10.16	54.76	23.30
2006	8400 C	E 4300	W 4100	10.23	54.38	21.60
2005	8600 C	E 4400	W 4200	10.30	54.10	25.10
2004	7700 C	E 4000	W 3700	9.90	54.30	25.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31 LC360

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	36500 C	E 18000	W 18500	9.00	54.00	9.00
2018	33500 C	E 16500	W 17000	9.00	55.20	9.30
2017	33500 C	E 16500	W 17000	9.00	54.40	8.50
2016	35000 C	E 17500	W 17500	9.00	57.70	8.20
2015	32000 C	E 16000	W 16000	9.00	57.50	9.00
2014	29500 S	E 15000	W 14500	9.00	56.80	9.20
2013	28500 F	E 14500	W 14000	9.00	56.50	9.20
2012	28500 C	E 14500	W 14000	9.00	54.20	9.20
2011	29500 F	E 14500	W 15000	9.00	56.20	9.40
2010	29500 C	E 14500	W 15000	9.91	56.34	9.40
2009	29500 C	E 14500	W 15000	9.98	55.90	9.50
2008	30000 C	E 15000	W 15000	10.16	57.01	8.10
2007	34000 C	E 17000	W 17000	10.16	54.76	8.50
2006	36000 C	E 18000	W 18000	10.23	54.38	11.00
2005	31500 C	E 15500	W 16000	10.30	54.10	12.10
2004	29500 C	E 14500	W 15000	9.90	54.30	12.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2019 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0012 - SR 80, EAST OF OLD OLGA ROAD/BUCKINGHAM ROAD LC362

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2019	28000	C	E 14000	W	14000	9.00	54.00	12.40
2018	26000	C	E 13000	W	13000	9.00	55.20	12.40
2017	24000	C	E 12000	W	12000	9.00	54.40	11.80
2016	23500	C	E 11500	W	12000	9.00	57.70	10.30
2015	21000	C	E 10500	W	10500	9.00	57.50	10.20
2014	18200	S	E 9100	W	9100	9.00	56.80	12.00
2013	17800	F	E 8900	W	8900	9.00	56.50	12.00
2012	17800	C	E 8900	W	8900	9.00	54.20	12.00
2011	21000	F	E 10500	W	10500	9.00	56.20	12.50
2010	21000	C	E 10500	W	10500	9.91	56.34	12.50
2009	21000	C	E 10500	W	10500	9.98	55.90	13.70
2008	21000	C	E 10500	W	10500	10.16	57.01	11.20
2007	23000	C	E 11500	W	11500	10.16	54.76	15.60
2006	21000	C	E 10500	W	10500	10.23	54.38	14.00
2005	21500	C	E 10500	W	11000	10.30	54.10	14.00
2004	19200	C	E 9500	W	9700	9.90	54.30	14.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

2019 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1203 SR80, 31 & 78 E OF I-75

WEEK	DATES	SF	MOCF: 0.94 PSCF
1	01/01/2019 - 01/05/2019	0.96	1.02
2	01/06/2019 - 01/12/2019	0.98	1.04
3	01/13/2019 - 01/19/2019	1.01	1.07
4	01/20/2019 - 01/26/2019	0.99	1.05
* 5	01/27/2019 - 02/02/2019	0.97	1.03
* 6	02/03/2019 - 02/09/2019	0.95	1.01
* 7	02/10/2019 - 02/16/2019	0.94	1.00
* 8	02/17/2019 - 02/23/2019	0.93	0.99
* 9	02/24/2019 - 03/02/2019	0.92	0.98
*10	03/03/2019 - 03/09/2019	0.92	0.98
*11	03/10/2019 - 03/16/2019	0.91	0.97
*12	03/17/2019 - 03/23/2019	0.92	0.98
*13	03/24/2019 - 03/30/2019	0.93	0.99
*14	03/31/2019 - 04/06/2019	0.94	1.00
*15	04/07/2019 - 04/13/2019	0.95	1.01
*16	04/14/2019 - 04/20/2019	0.97	1.03
*17	04/21/2019 - 04/27/2019	0.98	1.04
18	04/28/2019 - 05/04/2019	0.99	1.05
19	05/05/2019 - 05/11/2019	1.00	1.06
20	05/12/2019 - 05/18/2019	1.02	1.09
21	05/19/2019 - 05/25/2019	1.03	1.10
22	05/26/2019 - 06/01/2019	1.05	1.12
23	06/02/2019 - 06/08/2019	1.07	1.14
24	06/09/2019 - 06/15/2019	1.09	1.16
25	06/16/2019 - 06/22/2019	1.09	1.16
26	06/23/2019 - 06/29/2019	1.09	1.16
27	06/30/2019 - 07/06/2019	1.09	1.16
28	07/07/2019 - 07/13/2019	1.10	1.17
29	07/14/2019 - 07/20/2019	1.10	1.17
30	07/21/2019 - 07/27/2019	1.09	1.16
31	07/28/2019 - 08/03/2019	1.08	1.15
32	08/04/2019 - 08/10/2019	1.07	1.14
33	08/11/2019 - 08/17/2019	1.06	1.13
34	08/18/2019 - 08/24/2019	1.06	1.13
35	08/25/2019 - 08/31/2019	1.06	1.13
36	09/01/2019 - 09/07/2019	1.06	1.13
37	09/08/2019 - 09/14/2019	1.06	1.13
38	09/15/2019 - 09/21/2019	1.07	1.14
39	09/22/2019 - 09/28/2019	1.05	1.12
40	09/29/2019 - 10/05/2019	1.04	1.11
41	10/06/2019 - 10/12/2019	1.03	1.10
42	10/13/2019 - 10/19/2019	1.02	1.09
43	10/20/2019 - 10/26/2019	1.00	1.06
44	10/27/2019 - 11/02/2019	0.99	1.05
45	11/03/2019 - 11/09/2019	0.98	1.04
46	11/10/2019 - 11/16/2019	0.97	1.03
47	11/17/2019 - 11/23/2019	0.96	1.02
48	11/24/2019 - 11/30/2019	0.96	1.02
49	12/01/2019 - 12/07/2019	0.96	1.02
50	12/08/2019 - 12/14/2019	0.96	1.02
51	12/15/2019 - 12/21/2019	0.96	1.02
52	12/22/2019 - 12/28/2019	0.98	1.04
53	12/29/2019 - 12/31/2019	1.01	1.07

* PEAK SEASON

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2019 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1200 LEE COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.93 PSCF
1	01/01/2019 - 01/05/2019	0.97	1.04
2	01/06/2019 - 01/12/2019	0.97	1.04
3	01/13/2019 - 01/19/2019	0.98	1.05
* 4	01/20/2019 - 01/26/2019	0.96	1.03
* 5	01/27/2019 - 02/02/2019	0.95	1.02
* 6	02/03/2019 - 02/09/2019	0.94	1.01
* 7	02/10/2019 - 02/16/2019	0.92	0.99
* 8	02/17/2019 - 02/23/2019	0.92	0.99
* 9	02/24/2019 - 03/02/2019	0.92	0.99
*10	03/03/2019 - 03/09/2019	0.91	0.98
*11	03/10/2019 - 03/16/2019	0.91	0.98
*12	03/17/2019 - 03/23/2019	0.92	0.99
*13	03/24/2019 - 03/30/2019	0.93	1.00
*14	03/31/2019 - 04/06/2019	0.94	1.01
*15	04/07/2019 - 04/13/2019	0.94	1.01
*16	04/14/2019 - 04/20/2019	0.95	1.02
17	04/21/2019 - 04/27/2019	0.97	1.04
18	04/28/2019 - 05/04/2019	0.99	1.06
19	05/05/2019 - 05/11/2019	1.00	1.08
20	05/12/2019 - 05/18/2019	1.02	1.10
21	05/19/2019 - 05/25/2019	1.04	1.12
22	05/26/2019 - 06/01/2019	1.06	1.14
23	06/02/2019 - 06/08/2019	1.07	1.15
24	06/09/2019 - 06/15/2019	1.09	1.17
25	06/16/2019 - 06/22/2019	1.10	1.18
26	06/23/2019 - 06/29/2019	1.10	1.18
27	06/30/2019 - 07/06/2019	1.11	1.19
28	07/07/2019 - 07/13/2019	1.11	1.19
29	07/14/2019 - 07/20/2019	1.12	1.20
30	07/21/2019 - 07/27/2019	1.10	1.18
31	07/28/2019 - 08/03/2019	1.09	1.17
32	08/04/2019 - 08/10/2019	1.07	1.15
33	08/11/2019 - 08/17/2019	1.06	1.14
34	08/18/2019 - 08/24/2019	1.06	1.14
35	08/25/2019 - 08/31/2019	1.07	1.15
36	09/01/2019 - 09/07/2019	1.07	1.15
37	09/08/2019 - 09/14/2019	1.07	1.15
38	09/15/2019 - 09/21/2019	1.08	1.16
39	09/22/2019 - 09/28/2019	1.06	1.14
40	09/29/2019 - 10/05/2019	1.05	1.13
41	10/06/2019 - 10/12/2019	1.03	1.11
42	10/13/2019 - 10/19/2019	1.02	1.10
43	10/20/2019 - 10/26/2019	1.01	1.09
44	10/27/2019 - 11/02/2019	1.00	1.08
45	11/03/2019 - 11/09/2019	0.99	1.06
46	11/10/2019 - 11/16/2019	0.98	1.05
47	11/17/2019 - 11/23/2019	0.97	1.04
48	11/24/2019 - 11/30/2019	0.97	1.04
49	12/01/2019 - 12/07/2019	0.97	1.04
50	12/08/2019 - 12/14/2019	0.97	1.04
51	12/15/2019 - 12/21/2019	0.97	1.04
52	12/22/2019 - 12/28/2019	0.97	1.04
53	12/29/2019 - 12/31/2019	0.98	1.05

* PEAK SEASON

14-FEB-2020 15:39:17

830UPD

1_1200_PKSEASON.TXT

**TRAFFIC DATA FROM
LEE COUNTY TRAFFIC COUNT
REPORT**

Updated 3/13/20

Daily Traffic Volume (AADT)

STREET	LOCATION	Station #	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
BRANTLEY RD	W OF US 41	230	2700									
BROADWAY (ESTERO)	W OF US 41	463	5300	3500		5200		5700		6200		6300
BROADWAY RD	S OF ALVA BRIDGE	231										6100
BUCKINGHAM RD	S OF PALM BEACH BLVD	11	8400	8400	8900	8800	9000	9300	9800	9800	10400	11400
BUCKINGHAM RD	S OF CEMETERY RD	227					10600		9800		9600	
BUCKINGHAM RD	E OF ALVIN AVE	232	5700				7000		8600		9200	
BURNT STORE RD	N OF PINE ISLAND RD	233	11700	11100		12600	12600	13600	14800	15300	15100	19100
BURNT STORE RD	S OF CHARLOTTE CO. LINE	12	5600	5300	5000	5200	6300	7000	7700	8000	8300	8800
BUSINESS 41 (SR 739)	N OF EDISON BRIDGE	41	26100	25500	24800	25100	27200	28000				35600
BUSINESS 41 (SR 739)	S OF PINE ISLAND RD	77						22000	25500			
BUSINESS 41 (SR 739)	N OF PONDELLA RD	397										
BUSINESS 41 (SR 739)	N OF POWELL DR	394										
BUSINESS 41 (SR 739)	N OF LITTLETON RD	76						11500	12800	13200		
BUSINESS 41 (SR 739)	N OF LAUREL DR	396										
CAPE CORAL PKWY	E OF SKYLINE BLVD	13	26200	26700	25000	26400	27700	28800	29700	28200	29600	30400
CAPE CORAL BRIDGE	W OF BRIDGE	234	39700			45600	51600					
CAPE CORAL BRIDGE	AT TOLL PLAZA	122						44000	42600	42000	43100	47800

Updated 3/13/20

Daily Traffic Volume (AADT)

[illegible]

Year 2019 K-100 Factors, D-Factors and Peak Season Factors

Station #	K-100	D-Factors	P.S Factors
1	0.090	0.62	1.067
2	0.091	0.54	1.083
3	0.099	0.52	1.187
5	0.093	0.62	1.100
6*	0.086	0.56	1.047
7	0.115	0.53	1.323
8	0.084	0.51	1.143
9*	0.086	0.51	1.057
10*	0.096	0.51	1.080
11	0.089	0.53	1.043
12	0.088	0.60	1.147
13	0.087	0.59	1.097
14	0.085	0.60	1.043
15*	0.098	0.55	1.157
16	0.102	0.63	1.143
17	0.106*	0.63	1.063
18	0.091	0.58	1.093
19*	0.102	0.55	1.240
20	0.097	0.59	1.060
21*	0.083	0.61	1.037
22	0.085	0.62	1.067
23	0.103*	0.58	1.177
25	0.095	0.58	1.097
27	0.127	0.54	1.343
28	0.081	0.56	1.067*
29	0.082	0.52	1.093
30	0.092	0.51	1.090
31	0.088	0.54	1.090
34	0.098	0.54	1.090
35	0.104	0.56	1.100
36*	0.100	0.57	1.187
37*	0.088	0.60	1.130
38	0.101*	0.60	1.163
39	0.100	0.53	1.107
40	0.090	0.52	1.023
42	0.094	0.56	1.180
43	0.090	0.61	1.100*
44*	0.085	0.51	1.083
45	0.106	0.57	1.067

Station #	K-100	D-Factors	P.S Factors
46	0.088	0.52	1.177
47	0.098	0.56	1.123
48	0.101	0.57	1.097
49	0.086	0.53	1.073
50	0.083	0.61	1.050
51*	0.082	0.71	1.107
52	0.090	0.55	1.057
53	0.099	0.52	1.260
54*	0.095	0.51	1.163
55	0.088	0.53	1.093
57*	0.100	0.52	1.130
59	0.103	0.51	1.330
60*	0.132	0.57	1.543
61	0.095	0.59	1.230
62	0.107	0.60	1.157
63	0.123	0.55	1.210
64	0.104	0.54	1.090
66	0.101	0.54	1.120
68	0.095	0.60	1.030
69	0.090	0.55	1.057
70	0.105	0.56	1.213
71*	0.105	0.53	1.150
72	0.105	0.60	1.253
73*	0.097	0.56	1.143
74	0.105*	0.60	1.037
76*	0.097	0.55	1.130
81*	0.100	0.56	1.133
82*	0.100	0.54	1.073
84*	0.094	0.51	1.107
89*	0.098	0.60	1.030
92	0.103	0.57	1.090
93	0.101	0.60	1.063
96	0.109	0.54	1.093
97*	0.086	0.52	1.030
98*	0.088	0.58	1.117
103*	0.092	0.52	1.177
104	0.101	0.52	1.103
108	0.093	0.52	1.040
120	0.099	0.64	1.267
121	0.095*	0.64	1.053
122*	0.096	0.67	1.070

* Previous Year Data

**TRAFFIC DATA FROM LEE COUNTY
TRANSPORTATION DATA
MANAGEMENT SYSTEM**

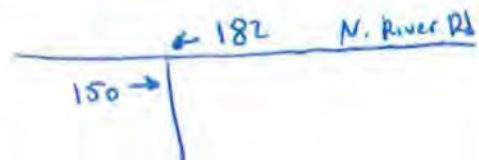
Location Info	
Location ID	348
Type	I-SECTION
Functional Class	-
Located On	N River Rd
Between	AND
Direction	2-WAY
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	2/13/2019
End Date	2/14/2019
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	lee
Count Source	348
File Name	qrtlYD021319.348.PRN
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

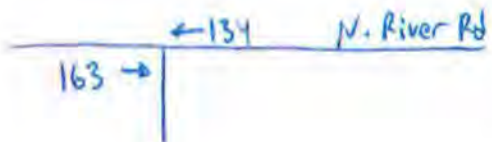
Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	3	3	3	0	9
01:00 - 02:00	1	1	4	0	6
02:00 - 03:00	2	5	3	2	12
03:00 - 04:00	4	1	0	0	5
04:00 - 05:00	0	3	2	3	8
05:00 - 06:00	4	9	17	28	58
06:00 - 07:00	34	41	79	65	219
07:00 - 08:00	81	96	81	74	332
08:00 - 09:00	58	52	47	50	207
09:00 - 10:00	46	40	47	40	173
10:00 - 11:00	48	46	51	44	189
11:00 - 12:00	37	35	53	51	176
12:00 - 13:00	50	60	49	34	193
13:00 - 14:00	53	50	48	44	195
14:00 - 15:00	55	61	45	58	219
15:00 - 16:00	57	52	75	68	252
16:00 - 17:00	61	80	53	60	254
17:00 - 18:00	74	68	91	64	297
18:00 - 19:00	54	55	39	38	186
19:00 - 20:00	26	20	29	24	99
20:00 - 21:00	21	19	22	20	82
21:00 - 22:00	14	18	9	15	56
22:00 - 23:00	4	9	4	1	18
23:00 - 24:00	4	5	6	2	17
TOTAL					3262

* Using D-factor of 0.549 FOOT # 124650

AM Pk Hr



PM Pk Hr



2040 E+C NETWORK VOLUMES

SR 31

18448
2
18441
2758
1
1
2810

2747
1
1
2801

N. River Rd

17841
2
17693
15279

14588
1
15279

7326
1
1
8039

SR 78

15245
2
2
15332

9854
2
2
9836

27499
3
3
27044

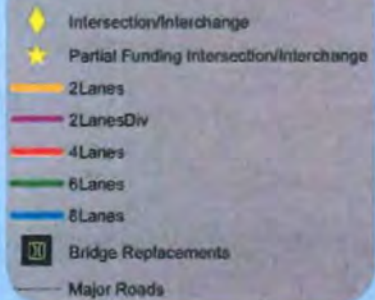
10650
1
1
10386

Buckingham Rd

SR 80

**LEE COUNTY MPO 2040 COST
FEASIBLE HIGHWAY PLAN**

LEE COUNTY 2040 HIGHWAY COST FEASIBLE PLAN



0 1.25 2.5 5 Miles



2040 TRANSPORTATION PLAN

Table 6-2: Cost Feasible Projects: Road Projects -
State/Other Arterial/SU

(in \$1,000)

Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2040	Total Cost (VOE)	Total Cost (FDC)
Countywide Signal System Updates,			ITS	CST	\$10,160	\$0	\$0	\$10,160	\$8,000
Metro Parkway	Daniels Parkway	south of Winkler Avenue	Widen 4L to 6L	CST	\$0	\$87,370	\$0	\$87,370	\$44,920
Big Carlos Bridge Replacement			Reconstruct Bridge	PE	\$1,530	\$0	\$0	\$1,530	\$1,250
Big Carlos Bridge Replacement			Reconstruct Bridge	CST	\$32,260	\$0	\$0	\$32,260	\$25,040
I-75/Corkscrew Road Interchange	Interim Interchange Improvements		Interchange	PE/CST	\$4,880	\$0	\$0	\$4,880	\$4,270
San Carlos Boulevard	Summerlin Road	Crescent Street	TBD in PD&E	ROW	\$10,000	\$0	\$0	\$10,000	\$8,200
San Carlos Boulevard	Summerlin Road	Crescent Street	TBD in PD&E	CST	\$10,000	\$0	\$0	\$10,000	\$8,200
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	PE	\$2,160	\$0	\$0	\$2,160	\$1,770
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	ROW	\$0	\$8,820	\$0	\$8,820	\$4,800
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	CST	\$0	\$17,730	\$0	\$17,730	\$11,820
SR 78	Santa Barbara Boulevard	east of Pondella	Widen 4L to 6L	PE	\$0	\$0	\$7,490	\$7,490	\$4,800
SR 78	Santa Barbara Boulevard	east of Pondella	Widen 4L to 6L	CST	\$0	\$0	\$61,130	\$61,130	\$32,000
Burnt Store Road	Van Buren Parkway	Charlotte County Line	Widen 2L to 4L	PE	\$0	\$11,480	\$0	\$11,480	\$8,320
Burnt Store Road	Van Buren Parkway	Charlotte County Line	Widen 2L to 4L	ROW/CST	\$0	\$0	\$70,000	\$70,000	\$78,370
First and Second Streets	Fowler Street	Seaboard Street	1 way to 2 way	PD&E/PE	\$1,820	\$0	\$0	\$1,820	\$1,500
First and Second Streets	Fowler Street	Seaboard Street	1 way to 2 way	CST	\$0	\$3,000	\$0	\$3,000	\$2,000
Fowler Street	Metro Parkway/Fowler Street	Dr Martin Luther King Jr	4LUD to 4LD	PD&E	\$2,440	\$0	\$0	\$2,440	\$2,000
Fowler Street	Metro Parkway/Fowler Street	Dr Martin Luther King Jr	4LUD to 4LD	PE	\$0	\$4,830	\$0	\$4,830	\$3,500
SR 31	SR 80	SR 78	Widen 2L to 4L	PD&E	\$2,000	\$0	\$0	\$2,000	\$1,640
SR 31	SR 80	SR 78	Widen 2L to 4L	PE	\$2,660	\$0	\$0	\$2,660	\$2,180
Cape Coral Evacuation Study			Access	Planning	\$300	\$0	\$0	\$300	\$250
Del Prado Boulevard Interchange			New Interchange	IJR	\$1,250	\$0	\$0	\$1,250	\$1,020
Major Intersections			Operational Studies	P/R/CST	\$2,450	\$12,000	\$55,000	\$69,450	\$38,740
Total Cost:					\$83,810	\$133,830	\$193,620	\$402,760	\$258,920
Revenues:					\$100,200	\$95,400	\$206,640	\$402,240	N/A

Project Phases - PD&E Project Development and Environment; PE: Project Engineering and Design;
ROW: Right-of-way Acquisition; CST: Project Construction

**LEE COUNTY MPO
2040 NEEDS PLAN**

2040 TRANSPORTATION PLAN

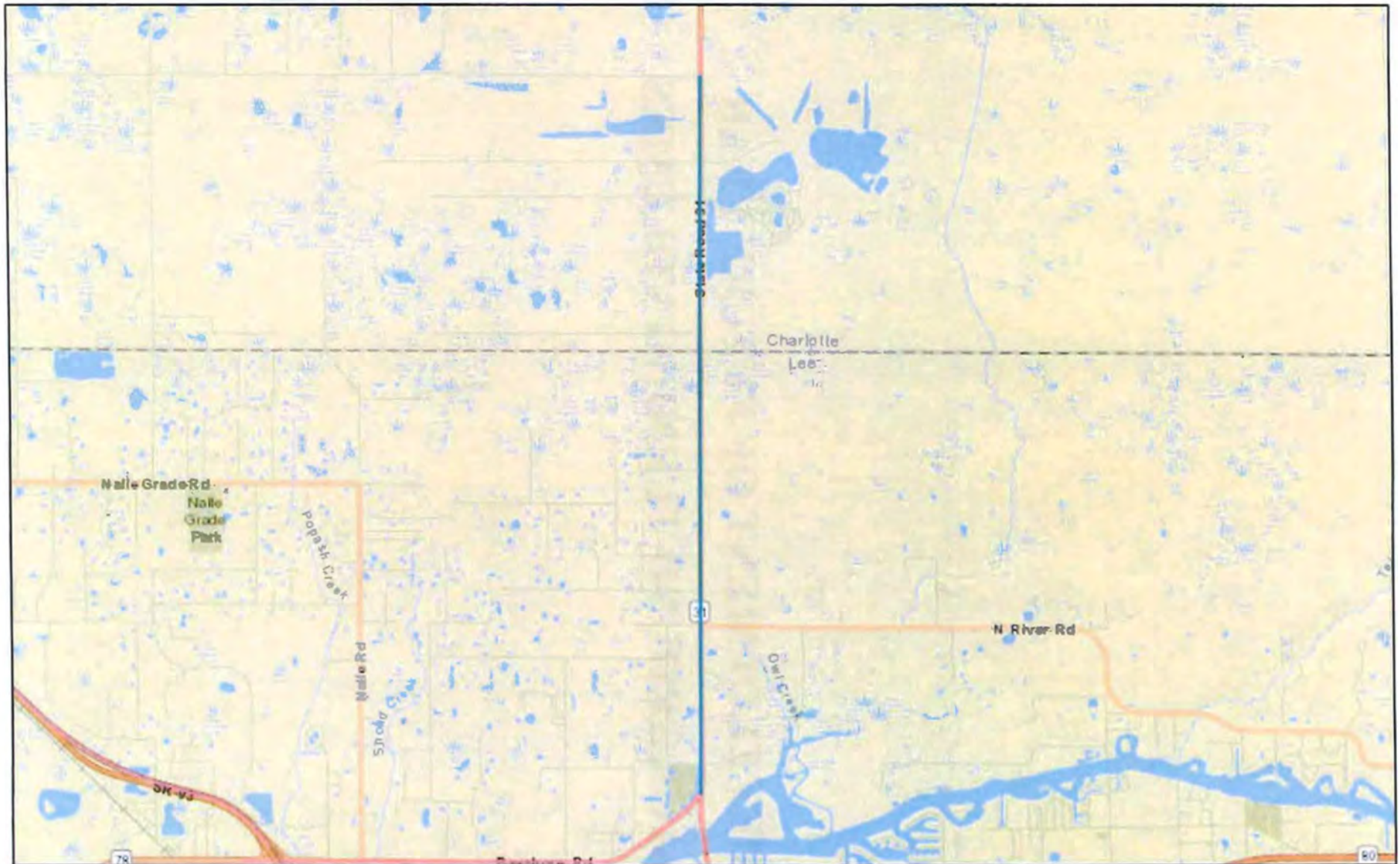
LEE COUNTY MPO

Table C-1: 2040 Needs Plan Projects: Road Projects

Road Name	From	To	Improvement		Total Cost (PDC, in millions)
			From (# of Lanes)	To (# of Lanes)	
1st Street	Fowler Street	Palm Beach Boulevard	Two way		\$5.50
23rd Street SW	Gunnery Road	Beth Stacey Boulevard	2	4	\$85.70
2nd Street	Fowler Street	Palm Beach Boulevard	Two way		\$5.50
40th Street	End of 40th Street	Alabama Road	New 2 Lanes		\$4.51
Alabama Road	SR 82	Homestead Road	2	4	\$70.10
SR 78	w/o Santa Barbara Boulevard	e/o Pondella Road	4	6	\$36.80
Alico Connector	Alico Road	SR 82	New 4 Lanes		\$51.70
Alico Road	Ben Hill Griffin Parkway	Airport Haul Road	2	4	Committed
Alico Road	Airport Haul Road	Alico Connector	2	4	\$33.10
Alva Drawbridge	Bridge Replacement		Reconstruct Bridge		\$26.00
Andalusia Boulevard	Pine Island Road	Tropicana Parkway	4	6	\$6.90
Andalusia Boulevard	Jacaranda Parkway	Kismet Parkway	New 4 Lanes		\$26.30
Bell Boulevard	SR 82	Leeland Heights Boulevard	2	4	\$112.20
Beth Stacey Boulevard	23rd Street SW	Homestead Road	2	4	\$21.80
Big Carlos Bridge	Bridge Replacement		Reconstruct Bridge		\$30.10
Big Hickory Pass Bridge	Bridge Replacement		Reconstruct Bridge		\$12.10
Bonita Beach Road	I-75	Bonita Grande Drive	4	6	\$19.00
Bonita Grande Drive	Terry Street	Bonita Beach Road	2	4	\$20.40
Buckingham Road	Orange River Boulevard	SR 80	2	4	\$82.30
Buckingham Road Bridge	over Orange River		Reconstruct Bridge		\$3.00
Burnt Store Road	Pine Island Road	Van Buren Parkway	2	4	Committed
Burnt Store Road	Van Buren Parkway	Charlotte County Line	2	4	\$89.50
Cape Coral Bridge	Bridge Replacement		Reconstruct Bridge		\$85.40
Chiquita Boulevard	Pine Island Road	Cape Coral Parkway	4	6	\$72.60
Colonial Boulevard	at Summerlin Road		Intersection		Unknown
Constitution Circle Bridge	over Mullock Creek		Reconstruct Bridge		\$1.00
Corkscrew Road	US 41	e/o Ben Hill Griffin Parkway	4	6	\$62.60
Corkscrew Road	Ben Hill Griffin Parkway	Alico Road	2	4	\$76.40

FDOT 5-YEAR ADOPTED WORK PROGRAM

ArcGIS Web Map



7/27/2020, 11:36:20 AM

2019 Work Program: 2019 Adopted

PDE P D & E

2019 Work Program: 2020 Adopted

CST CONSTRUCTION

PE PRELIMINARY ENGINEERING

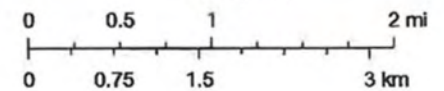
CAP CAPITAL

ENV ENVIRONMENTAL

PLN PLANNING

CST CONSTRUCTION

1:72,224



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

North River Rd @ Owl Creek Dr
February 2019
2025

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	150	0	0	182	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	150	0	0	182	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	6	6	6
2025 Background Turning Volumes	0	0	0	0	0	0	0	184	0	0	224	0
Project Turning Volumes	204	0	10	0	0	0	0	2	68	3	1	0
2025 Background + Project	204	0	10	0	0	0	0	186	68	3	225	0

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	163	0	0	134	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	163	0	0	134	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	6	6	6
2025 Background Turning Volumes	0	0	0	0	0	0	0	200	0	0	165	0
Project Turning Volumes	133	0	7	0	0	0	0	1	227	11	2	0
2025 Background + Project	133	0	7	0	0	0	0	201	227	11	167	0

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

N. River Rd @ W. Site Access
February 2019
2025

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	150	0	0	182	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	150	0	0	182	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	6	6	6
2025 Background Turning Volumes	0	0	0	0	0	0	0	184	0	0	224	0
Project Turning Volumes	22	0	2	0	0	0	0	68	7	1	204	0
2025 Background + Project	22	0	2	0	0	0	0	252	7	1	428	0

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	163	0	0	134	0
Peak Season Correction Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Current Peak Season Volumes	0	0	0	0	0	0	0	163	0	0	134	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	7	7	7
2025 Background Turning Volumes	0	0	0	0	0	0	0	200	0	0	171	0
Project Turning Volumes	15	0	1	0	0	0	0	227	25	2	133	0
2025 Background + Project	15	0	1	0	0	0	0	427	25	2	304	0

HCS RESULTS
NORTH RIVER RD @
OWL CREEK DR

HCS7 Two-Way Stop-Control Report

General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	7/27/2020
Analysis Year	2025
Time Analyzed	AM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/Owl Creek Dr
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	Owl Creek Dr
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			186	68		3	225			204		10				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						3					233					
Capacity, c (veh/h)						1281					542					
v/c Ratio						0.00					0.43					
95% Queue Length, Q ₉₅ (veh)						0.0					2.1					
Control Delay (s/veh)						7.8					16.5					
Level of Service (LOS)						A					C					
Approach Delay (s/veh)					0.1				16.5							
Approach LOS									C							

HCS7 Two-Way Stop-Control Report

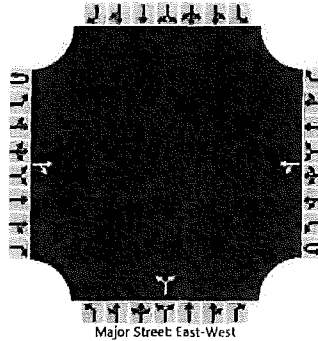
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	7/27/2020
Analysis Year	2025
Time Analyzed	PM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/Owl Creek Dr
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	Owl Creek Dr
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			201	227		11	167			133		7				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						12					152					
Capacity, c (veh/h)						1091					498					
v/c Ratio						0.01					0.31					
95% Queue Length, Q ₉₅ (veh)						0.0					1.3					
Control Delay (s/veh)						8.3					15.4					
Level of Service (LOS)						A					C					
Approach Delay (s/veh)					0.6				15.4							
Approach LOS									C							

HCS RESULTS
NORTH RIVER RD @
W. SITE ACCESS

HCS7 Two-Way Stop-Control Report

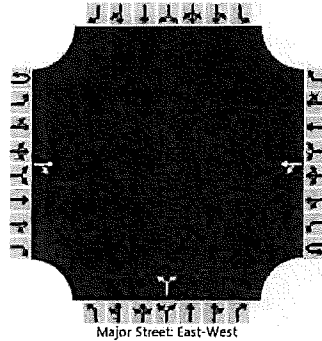
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	7/27/2020
Analysis Year	2025
Time Analyzed	AM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/Site Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			252	7		1	428			22		2				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						1					26					
Capacity, c (veh/h)						1275					396					
v/c Ratio						0.00					0.07					
95% Queue Length, Q ₉₅ (veh)						0.0					0.2					
Control Delay (s/veh)						7.8					14.7					
Level of Service (LOS)						A					B					
Approach Delay (s/veh)					0.0				14.7							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	7/27/2020
Analysis Year	2025
Time Analyzed	PM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/Site Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			427	25		2	304			15		1				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)										0						
Right Turn Channelized																
Median Type Storage																

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						2					17					
Capacity, c (veh/h)						1067					355					
v/c Ratio						0.00					0.05					
95% Queue Length, Q ₉₅ (veh)						0.0					0.2					
Control Delay (s/veh)						8.4					15.7					
Level of Service (LOS)						A					C					
Approach Delay (s/veh)							0.1				15.7					
Approach LOS											C					

TRIP GENERATION EQUATIONS

Single-Family Detached Housing (210)

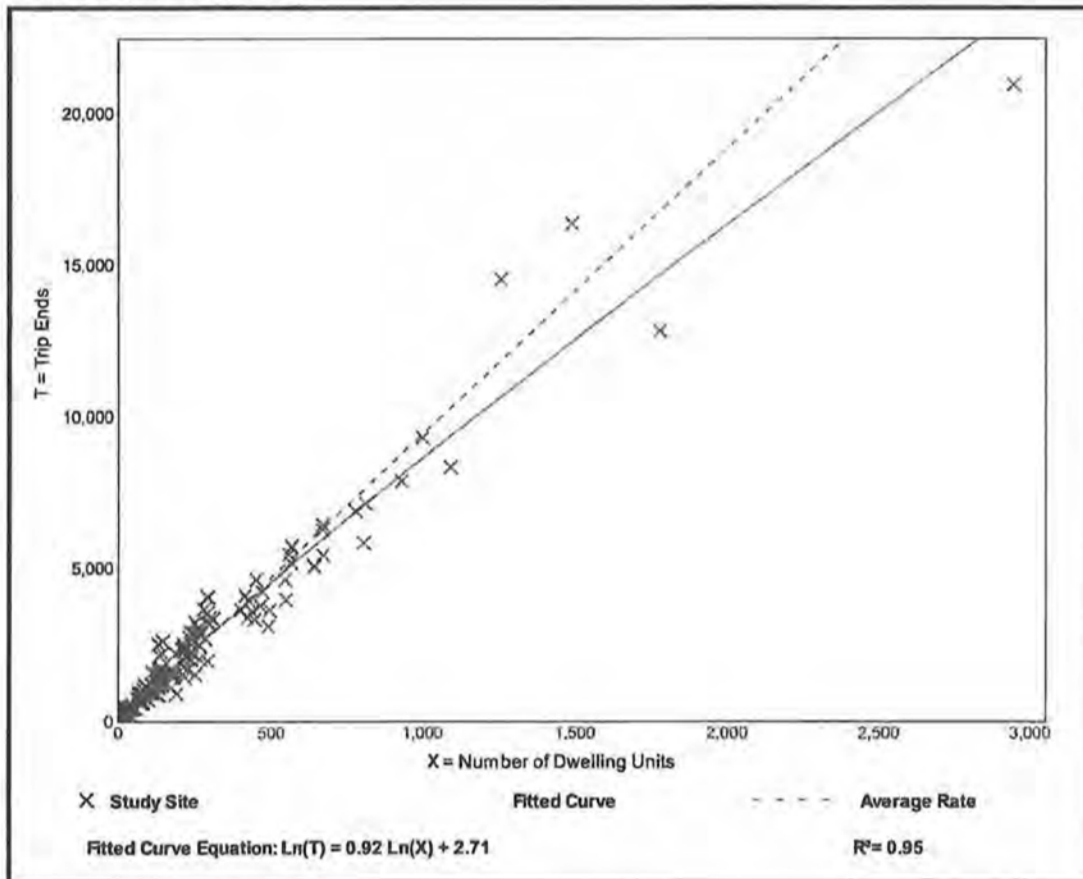
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 159
Avg. Num. of Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 173

Avg. Num. of Dwelling Units: 219

Directional Distribution: 25% entering, 75% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

Range of Rates

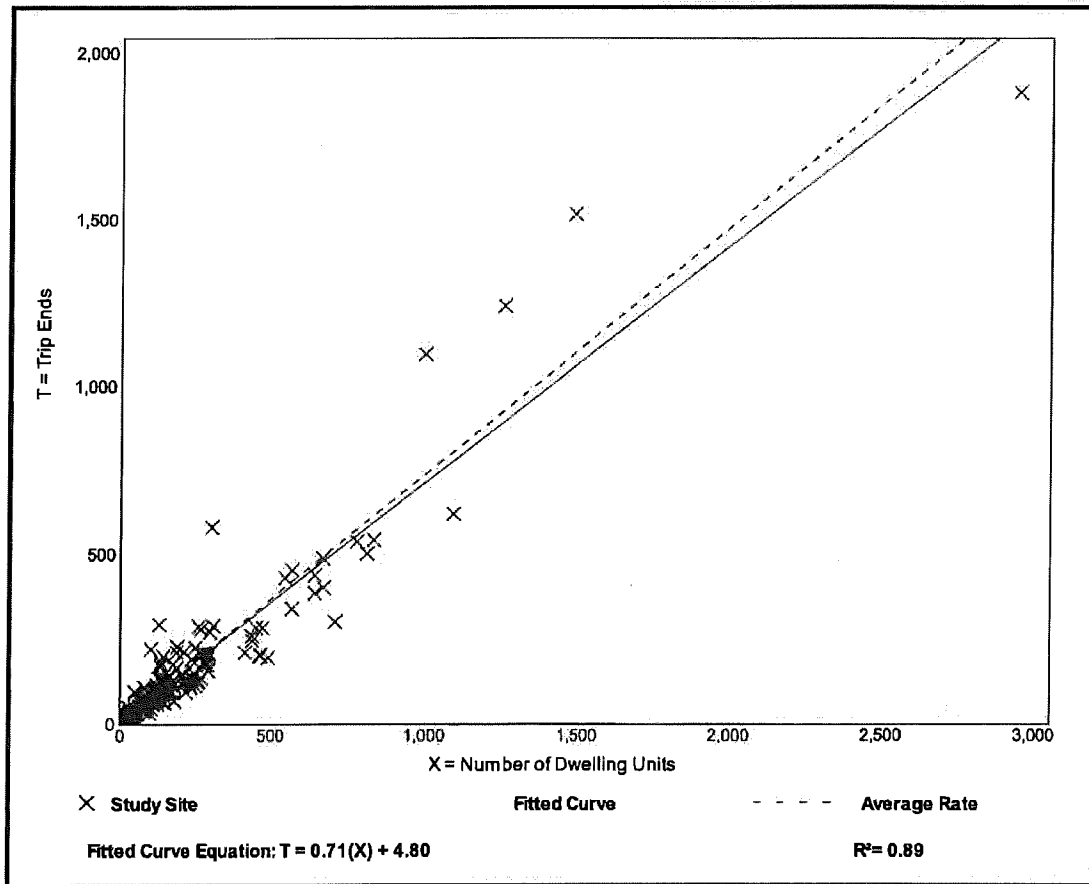
Standard Deviation

0.74

0.33 - 2.27

0.27

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

Avg. Num. of Dwelling Units: 242

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.99

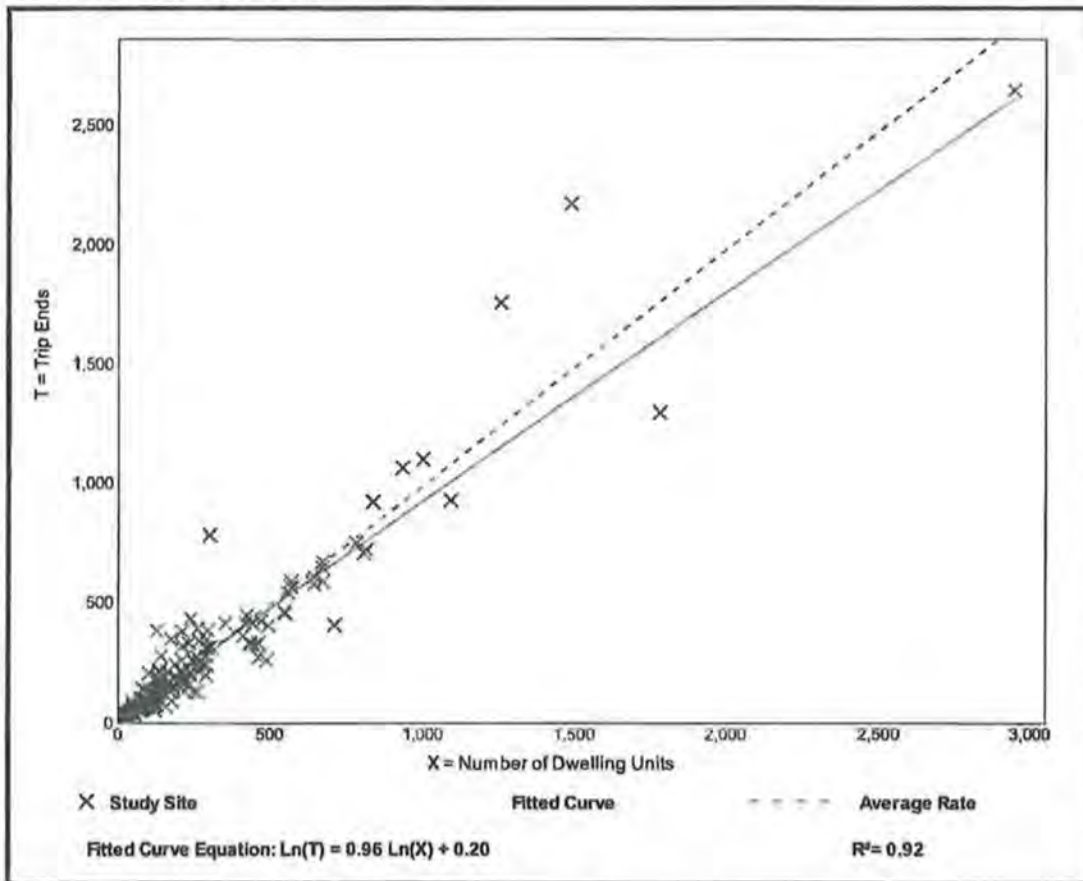
Range of Rates

0.44 - 2.98

Standard Deviation

0.31

Data Plot and Equation





2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

October 27, 2020

Ms. Stacy Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

RE: Owl Creek Map & Text Amendment
CPA2020-00004 & CPA2020-00005

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

4. *Table 2A: The trip generation for this project in PM peak hour will be 421 trips. This project is within TAZ3883 in the 2040 transportation model which is used for background traffic for the Year 2040. TAZ3883 only includes 17 single-family dwelling units and 2 multi-family units in the 2040 transportation model, and does not reflect the current land uses requested. Therefore, 421 trips shall be used for 2040 PM peak hour level of service analysis (Table 2A).*

Acknowledged. Attached Table 2A has been revised to satisfy this comment.

5. *Table 4A: 421 trips shall be also used for the 5 year level of service analysis.*

Acknowledged. Attached Table 4A has been revised to satisfy this comment.

6. *Table 2A and 4A: Buckingham Road needs to be revised to south of SR 80 in Tables 2A and 4A, not south of SR 31.*

Acknowledged. Attached Tables 1A-4A has been revised to satisfy this comment.

7. *Table 2A: A 0.62 D-factor (Permanent #5) shall be used for North River Road in Table 2A.*

Acknowledged. Attached Table 2A has been revised to satisfy this comment.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,



Yury Bykau, E.I.
Transportation Consultant

Attachments

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2040 LONG RANGE TRANSPORTATION ANALYSIS - OWL CREEK

ROADWAY	ROADWAY SEGMENT	2040 E + C NETWORK LANES		GENERALIZED SERVICE VOLUMES				
		# Lanes	Roadway Designation	LOS A	LOS B	LOS C	LOS D	LOS E
				VOLUME	VOLUME	VOLUME	VOLUME	VOLUME
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S. of SR 78	4LD	Arterial	0	0	1,910	2,000	2,000
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 80	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for state maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 2A
2040 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
OWL CREEK**

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 421 VPH IN= 265 OUT= 156

ROADWAY	ROADWAY SEGMENT	2040	COUNTY PCS / FDOT SITE #	MOCF FACTOR ¹	AADT BACKGROUND TRAFFIC	K-100 FACTOR	100TH HIGHEST HOUR PK DIR 2-WAY VOLUME	D FACTOR	PM PK HR PEAK DIRECTION	2040 PEAK DIRECTION TRAFFIC VOLUMES & LOS		PROJECT TRAFFIC DIST.	PK DIR PM PROJ TRAFFIC	2040 BACKGROUND PLUS PROJ PEAK DIRECTION TRAFFIC VOLUMES & LOS	
		FSUTMS PSWDT								VOLUME	LOS			VOLUME	LOS
N. River Rd	E. of Owl Creek Dr	5,548	124650	0.93	5,160	0.095	490	0.62	EAST	304	B	5%	13	317	B
	W. of Owl Creek Dr	5,568	124650	0.93	5,178	0.095	492	0.62	EAST	305	B	95%	252	557	C
SR 31	N. of N. River Rd	36,889	120273	0.94	34,676	0.095	3,294	0.521	NORTH	1,716	B	20%	53	1,769	B
	S. of N. River Rd	35,534	121001	0.94	33,402	0.095	3,173	0.54	NORTH	1,713	C	75%	199	1,912	D
	S. of SR 78	29,867	120030	0.94	28,075	0.090	2,527	0.54	NORTH	1,365	C	50%	133	1,498	C
SR 78	W. of SR 31	15,365	121002	0.94	14,443	0.090	1,300	0.54	EAST	702	C	25%	66	768	C
SR 80	W. of SR 31	54,543	126005	0.94	51,270	0.090	4,614	0.54	EAST	2,492	C	35%	93	2,585	C
	E. of SR 31	30,577	120085	0.94	28,742	0.090	2,587	0.54	EAST	1,397	C	10%	27	1,424	C
	E. of Buckingham Rd	19,690	120012	0.94	18,509	0.090	1,666	0.54	EAST	900	B	3%	8	908	B
Buckingham Rd	S. of SR 80	21,036	11	0.93	19,563	0.089	1,741	0.53	NORTH	923	F	4%	11	934	F

¹ Model Output Conversion Factor was utilized to obtain the AADT Volumes for all roadways.

* The K-100 and D factors for County maintained roadways were obtained from Lee County Traffic Count Report.

Note Due to insufficient traffic data in the Lee County Traffic Count Report, the K-100 and D factors for North River Road were obtained from Florida Traffic Online resource.

* The K-100 and D factors for FDOT maintained roadways were obtained from Florida Traffic Online resource.

**TABLE 3A
LEVEL OF SERVICE THRESHOLDS
OWL CREEK**

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># LANES</u>	<u>ROADWAY DESIGNATION</u>	LOS A	LOS B	LOS C	LOS D	LOS E
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S. of SR 78	2LU	Arterial	0	0	830	880	880
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 80	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
OWL CREEK**

												FDOT Sta. #	K	D		
TOTAL PROJECT TRAFFIC AM =		317	VPH	IN =	79	OUT=	238						120273	0.095	0.521	
TOTAL PROJECT TRAFFIC PM =		421	VPH	IN=	265	OUT=	156						121001	0.095	0.540	
												120030	0.090	0.540		
												121002	0.090	0.540		
												126005	0.090	0.540		
												120085	0.090	0.540		
												120012	0.090	0.540		
				2018/2019	2025			2018/2019	2025					2025	2025	
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
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				PK HR	PK HR	PK SEASON			PERCENT					BCKGRND		
				PK HR	PK HR	PK SEASON			PERCENT							

Letters of Determination for the Adequacy/Provision of Existing/Proposed Support Facilities (Exhibit M17)



BAYSHORE FIRE PROTECTION AND RESCUE SERVICE DISTRICT

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

August 11, 2020

To: Jennifer M. Sheppard

Banks Engineering

10511 Six Mile Cypress Parkway, suite 101

Fort Myers, Florida 33966

From: Lawrence Nisbet

Fire Chief

Regarding: Owl Creek

Jennifer,

Bayshore Fire Rescue has reviewed the comprehensive plan amendment proposal for the Owl Creek property. In reference the ability to provide service to the proposed project, Bayshore Fire Rescue will be able to adequately serve the development as proposed. However, the District will require residential sprinklers within the homes if the area is not serviced by an adequate pressurized fire hydrant system. Furthermore, the District reserves the right to enforce all applicable fire codes and ordinances. Please feel free to contact us if we can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Nisbet".

Lawrence Nisbet

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

August 3, 2020

Mr. Larry Nisbet, Fire Chief
Bayshore Fire & Rescue
17350 Nolle Road
North Fort Myers, Florida 33917

REFERENCE: OWL CREEK - LETTER OF AVAILABILITY
PROPERTY ADDRESS: 12850 N. RIVER ROAD; 18420 & 17900 OWL CREEK DRIVE
STRAP NO.: 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 19-43-26-00-00002.1020

Dear Chief Nisbet:

We are seeking an amendment to the Lee County Comprehensive Plan for a $348.8 \pm$ acre site at the proposed Owl Creek Development. The application is intended to amend the Future Land Use Map (FLUM) from Rural and Wetlands to New Community with an associated text amendment. If approved, the request will result in a maximum increase of 220 residential dwelling units. Please find below the property information, including a property location map, for your use:

Property Information:

Total Acreage of Property: ± 348.8

Total Acreage Included in Request: ± 348.8

Total Uplands: ± 213.2

Total Wetlands: ± 135.6

Current Zoning: AG-2

Current Future Land Use Category(ies): Rural & Wetlands

Area in Each Future Land Use Category: Rural: ± 213.2 Wetlands: ± 135.6

Existing Land Use: Agricultural Grazing Lands

Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 220

Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 440



• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

As part of the approval process, Lee County requires a letter from your agency determining the adequacy/provision of existing/proposed support facilities, including fire protection with adequate response times to serve the increase in demand.

At your earliest convenience, please forward a letter verifying that the increase in demand will be adequately served. If you have any questions or I may be of further assistance, please feel free to contact me at our Fort Myers office.

Sincerely,
BANKS ENGINEERING



Jennifer M. Sheppard
Permitting Manager & Planner

:jms



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Larry Kiker
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Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 19, 2020

Stacy Ellis Hewitt, AICP
Director of Planning
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

Re: Letter of Service Availability

Ms. Hewitt,

I am in receipt of your letter requesting a Letter of Service Availability for STRAP 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 19-43-26-00-00002.1020.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 11, located 5.1 miles southwest; there is a second EMS station within six miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Chief

Division of Emergency Medical Services



BOARD OF COUNTY COMMISSIONERS

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County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

August 7, 2020

Via E-Mail

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33066

**RE: Potable Water and Wastewater Availability
Owl Creek, 12850 N. River Road, 18420 and 17900 Owl Creek Drive
STRAP # 18-43-26-00-00002.0020; .0000 & 19-43-26-00-00002.1020**

Dear Ms. Sheppard:

The subject property is not located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are not in operation in the vicinity to the property mentioned above. The nearest water main is located on Bayshore Road approximately 1 mile west of S.R.31 and the nearest wastewater mains are located on the south side of the Caloosahatchee River along S.R. 80 (Palm Beach Blvd).

In order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required along with a Map 6 and 7 Comprehensive Plan Amendment.

Your firm has indicated that this project will consist of 440 single family residential units with an estimated flow demand of approximately 110,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on the existing system.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

A handwritten signature in blue ink that reads "Mary McCormie". The signature is written in a cursive style with a large, stylized "M" and "C".

Mary McCormie
Technician Senior
239-533-8532
UTILITIES ENGINEERING

John E. Manning
District One

August 3, 2020

Cecil L. Pendergrass
District Two

Jennifer M. Sheppard

Ray Sandell
District Three

Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Brian Hamman
District Four

RE: Request for Mass Transit Letter of Availability for Future Land Use Map & Text Amendment

Frank Mann
District Five

Dear Ms. Sheppard,

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

LeeTran has reviewed your request for service availability in regards to a Comprehensive Plan Amendment intended to amend the Future Land Use Map (FLUM) from Rural and Wetlands to new Community with an associated text amendment, on the referenced subject area located approximately at 12850 N River Rd, Alva. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

Donna Marie Collins
County Hearing Examiner

- Subject area is not within one-quarter mile of a fixed-route corridor
- Closest fixed-route corridor is the route 100 along Palm Beach Boulevard
- The 2016 TDP does not identify the need for enhanced or additional transit services in the area

Proposed future development does not currently meet applicability outlined in Sec. 10-442 and Sec. 10-443. Developer will not be required to connect to and improve transit facilities because pedestrian access from subject parcels to closest stop is greater than one-quarter mile.

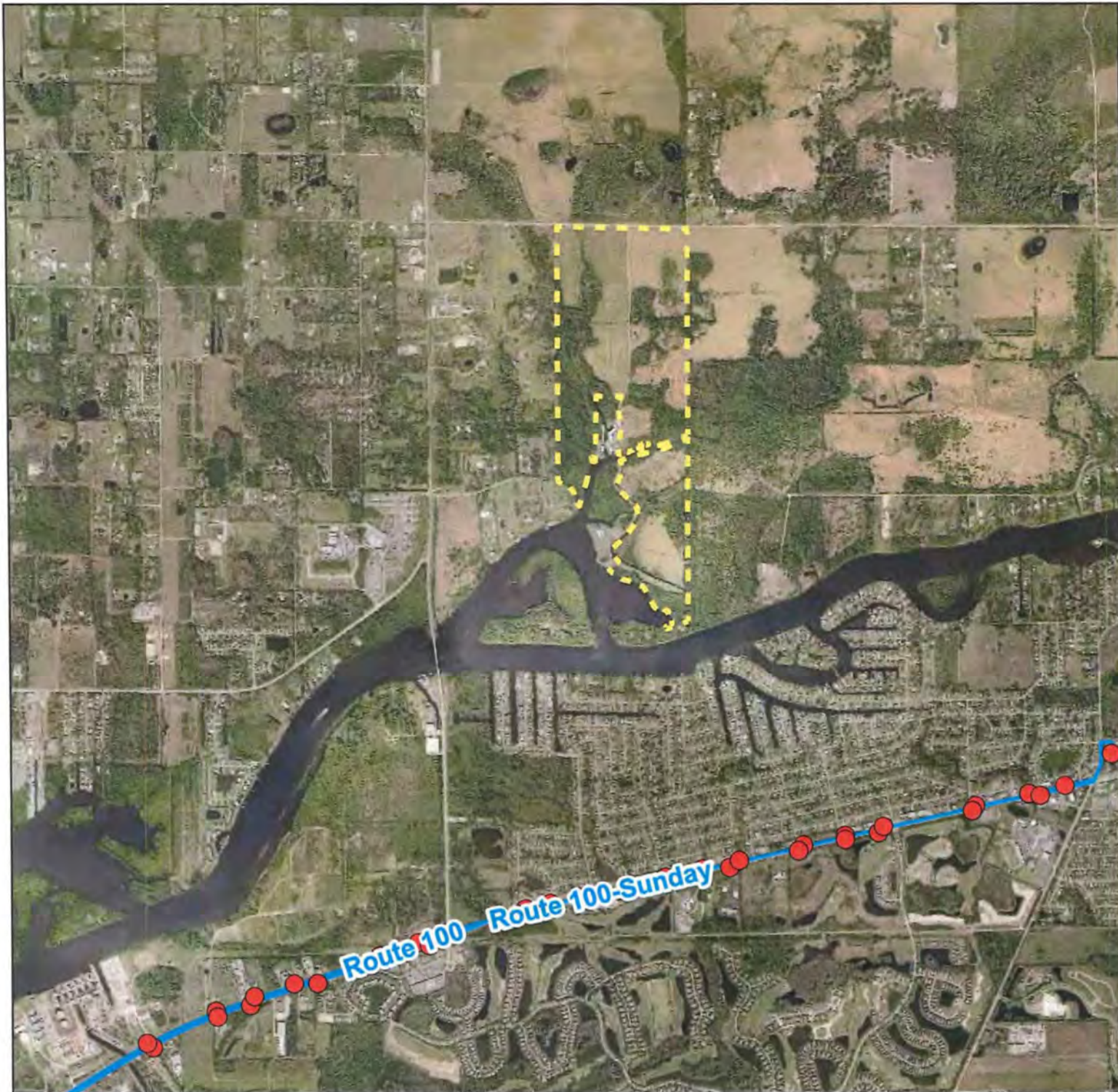
If transit services have been modified within one-quarter mile of the subject parcels at time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

Attached is a map of our route serves in relation to the subject parcels. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or jpunte@leegov.com.

Sincerely,

Jorge J. Puente

Jorge J Puente, Transit Service Planner
Lee County Transit



Development Review

LOSA
Proposed
Development
Owl Creek

- Bus Stops
- Bus Routes
- Development Review



0 4,000
US Feet



Prepared by LeeTran Planning Department



THE SCHOOL DISTRICT OF LEE COUNTY

Cindy Leal Brizuela

Senior Planner

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1432

August 7, 2020

Jennifer M. Sheppard
Permitting Manager & Planner
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966

RE: Owl Creek Comprehensive Plan Amendment

Dear Ms. Sheppard:

This letter is in response to your request for concurrency review dated August 3, 2020 for the subject property in unincorporated Lee County in regard to educational impact. The project is located in the East Choice Zone, E2.

This development is a request for 440 single-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .297 and further broken down by grade level into the following, .149 for elementary, .071 for middle and .077 for high. A total of 131 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1432

Sincerely,

Cindy Leal Brizuela, Senior Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Owl Creek CPA
OWNER/AGENT Banks Engineering
ITEM DESCRIPTION All impacts in East CSA, sub area E2

PROPOSED DENSITY 440 units
LOCATION NE Lee County (South of N. River Road, East of SR 31)
ACRES 348.80
CURRENT FLU Rural & Wetlands
CURRENT ZONING AG-2

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
440	0	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.149		65.56
Middle School	0.071		31.24
High School	0.077		33.88
Source: Lee County School District, September 7, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
West CSA, Elementary	13,328	11,648	1,680	66	1614	88%	
West CSA, Middle	7,030	6,668	362	31	331	95%	
West CSA, High	8,920	9,629	-709	34	-743	108%	Yes

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by:

Cindy Leal Brizuela, Senior Planner

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

August 4, 2020

Jennifer M. Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway Suite 101
Fort Myers, Florida 33966

Ms. Sheppard,

The requested Comprehensive Plan Amendment for a 348.8 +- acre site at the proposed Owl Creek Development (STRAP No. 18-43-26-00-00002.0020, 18-43-26-00-00002.0000 and 19-43-26-00-00002.1020) does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. Therefore, we have no objections to increasing housing density to a maximum of 440 residential units and changing the property's land use designation from Rural and Wetlands to New Community.

This agency will provide law enforcement services from our North District substation in North Fort Myers. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments. Please contact Community Relations Supervisor Beth Schell at (239) 258-3287 with any questions regarding the CPTED study.

Respectfully,

MAT. R. Snyder 86-013

Rich Snyder
Major, Patrol Bureau



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

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Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 10, 2020

Ms. Jennifer M. Sheppard
Permitting Manager & Planner
Banks Engineering
10511 Six Mile Cypress Parkway • Suite 101
Fort Myers, Florida 33966

SUBJECT: Request for Solid Waste Letter of Availability
Owl Creek, N. River Road & 18420 & 17900 Owl Creek Drive

Dear Ms. Sheppard,

Lee County Solid Waste is capable of providing solid waste collection service for the proposed Owl Creek development through our franchised hauling contractors. Disposal of the solid waste generated from the approx. 220 residential dwelling units will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Solid Waste Ordinance (11-27) defines those residential dwelling units that are eligible to receive curbside residential collection service. It further establishes that Property Owners will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor

Brigitte Kantor
Public Utilities Manager
Solid Waste Department



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779 6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

September 3, 2020

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966
jsheppard@bankseng.com

RE: Wastewater Availability – LOA ID#: 20-56 NFMD
Parcel ID No.: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, & 19-43-26-00-00002.1020
12850 N. River Rd, 18420 OwlCreek Dr., & 17900 Owl Creek Dr., North Fort Myers, FL 33903
Owl Creek

Dear Ms. Sheppard:

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required. A letter of no objection will also need to be obtained from the current utility provider in that service area for FGUA to provide service to this property.

Your firm has indicated that this project will consist of 440 residential homes with estimated wastewater flows of 110,000 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors

LEA ANN THOMAS, Chair, Polk County / CHRISTINE BRADY, Lee County / KEN CHEER, P.E., Citrus County
SHANE PARKER, P.E., Hendry County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / ANGEL ROUSSEL, P.E., Marion County

When you are ready to move forward with your project, please contact Paul Arnett, Development Review Utility Connection Coordinator at 407-629-6900 ext. 109 or via email at PArnett@govmserv.com to schedule a pre-development meeting. Please note that this meeting is **MANDATORY** prior to submitting construction plans for review by the FGUA.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Mandatory Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Mandatory Pre-Development Meeting Request

Purpose:

The mandatory pre-development meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. A pre-development meeting is required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This mandatory pre-development meeting will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

At the meeting, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings may take place at the local office and/or via video conference call.

Meeting Requests:

Please call or e-mail Paul Arnett, Utility Connection Coordinator to request a meeting at PArnett@govmserv.com, office: (407) 629-6900, or cell: (407) 885-1756.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you call or email to schedule this meeting.

You will also be requested to provide a preliminary site utility plan for staff review.

Prior to submitting utility construction plans for approval, you MUST request a pre-development meeting. Plans submitted to the FGUA without scheduling and attending this meeting will not be reviewed until this meeting takes place.

8/5/2020

STRAP #: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000,
& 19-43-26-00-00002.1020

Project Name: 20-56 NFMD N River Rd and Owl Creek Dr

Property Address: 12850 N. River Rd., 18420 & 17900 Owl Creek Rd.



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 20-56 NFMD

Justification of Proposed Amendment (Exhibit M19)

CPA2020-00004
Revised February 2022



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Justification of Proposed Amendment
CPA2020-00004 & CPA2020-00005
Revised February 2022

The plan amendment and the environmental, water quality, hydrological, infrastructure, and community character enhancement criteria to allow for the clustered development of the Owl Creek property represents sound planning principles.

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment:

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance
4. Historical Resource preservation of the 3 recommended sites
5. 186.05± acres (54% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River (139.64± acre onsite wildlife corridor)
7. Connection to adjacent SFWMD owned lands to the east and south
8. Potential public canoe/kayak launch area to Trout Creek
9. Wildlife management and co-existence plans
10. Enhanced lake management plan
11. Florida Friendly Landscaping with the low irrigation requirements in common areas
12. 60% open space (205.6± acres)
13. Preserve minimum 88% (106.28± acres) of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 223 septic tanks and wells
16. Removal of cattle grazing will significantly reduce onsite nutrient generation
17. Additional 50% water quality treatment
18. Reduced rate of run-off and associated nutrient loads
19. Stormwater enhancements
20. Green infrastructure
21. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies)
22. Minimum 50' perimeter setback/buffer
23. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots

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24. Provide area for multi-use path along North River Road
25. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas
26. Provide Rare and Unique Upland habitat preservation (15.16± acres) and restoration (41.2± acres)
27. Preservation of historic flow-ways associated with Owl and Trout Creeks and associated wetlands

The Lee Plan recognizes that enhancement and conservation of environmental, historical, stormwater, public water access and enhanced water quality is a public priority. The plan amendment balances this public interest with those of the property owner. The plan amendment represents a kind of public-private partnership. The public interests for Owl Creek outlined above will be conditioned in the concurrent Planned Development Zoning application. The private interest in utilizing and developing the property is satisfied in a responsible environmental manner. This represents sound planning.

The plan amendment utilizes the planning principle of clustered development. Clustered development is a development arrangement that stresses people living in harmony with nature and locates buildings in concentrated portions of a site, leaving the remainder of the site undeveloped. Typically this form of development is utilized to limit sprawling development patterns while protecting such things as open space, environmentally sensitive areas and natural resources. The project design protects a least 88% of the wetlands, provides preservation of a minimum of 54% of the site including areas along Owl Creek and Trout Creek and provides enhanced setbacks to adjacent uses.

The Owl Creek project also utilizes the planning principle of conservation design or designing with nature. The process of selecting the appropriate preservation and development scenario for the property utilized an analysis of the property's attributes such as property location and location of adjacent uses, soils, topography, previous uses and associated impacts and natural resources. One guiding principle of conservation design is that environmentally sensitive areas must be first identified and designated as non-buildable. The analysis of the property identified the location of wetlands, rare and unique uplands and 3 historical sites recommended for listing and preservation on the property and incorporated these areas into the project's preservation and open space plan. Through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 88% of the onsite wetlands providing protection and enhancements through exotic removal, restoration where noted and upland buffers. A minimum of 54 percent of the property (186.05± acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3 recommended historical sites and the project will provide a public canoe/kayak launch area to Trout Creek. This process represents sound planning for the subject site, its natural resources and existing surrounding uses.

The Owl Creek project represents compatible land uses with existing surrounding uses which include agricultural uses, preservation and single family uses. The project's residential uses will be clustered inside the property with enhanced setbacks/buffers to adjacent uses and properties. The project's open spaces and preservation areas compliment and enhance adjacent existing and pending public and private preserve areas. The Owl Creek project residential uses are clustered and separated from the perimeter by a minimum 50 foot setback/buffer area. The project's compatibility with nearby land uses represents sound planning for the region in which the property is located.

The Owl Creek project will be connected to and serviced by a centralized water and sewer

system via privately funded extensions. Connecting this property to a centralized water and sewer system represents sound planning with the removal of potential for 223 septic systems and private wells will provide fire protection to the existing and future residents and properties, including the Owl Creek project. The proposed privately funded expansion of utilities to the area is already encouraged and anticipated by existing Lee Plan policies.

The Owl Creek project represents a high quality master planned project. The applicant respectfully asks that the proposed plan amendment for the Owl Creek property be approved to realize these regional benefits.

The Lee County Sheriff's Office has reviewed the request and has provided a review letter dated August 4, 2020 that provides that the proposed development does not affect their ability to provide core services and that they have no objection to the requested increase in density. The Sheriff's Office letter states that law enforcement services will be provided from their North District substation in North Fort Myers. This letter also provides that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report at the time of application for a development order.

Bayshore Fire Rescue reviewed the request and provided a letter dated August 11, 2020. This letter provides that Bayshore Fire Rescue will be able to adequately serve the development as proposed and that the District will require residential sprinklers within homes if the area is not serviced by an adequate pressurized fire hydrant system. Privately funded potable water will be extended to the site to provide adequate pressurized fire hydrant system.

The Lee County Division of Emergency Medical Services reviewed the request and provided a review letter dated August 19, 2020 indicating that the service availability for the proposed development of this property is adequate at this time. Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response. The primary ambulance for this location is Medic 11, located 5.1 miles southwest; there is a second EMS station within six miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

The Owl Creek project represents a high quality master planned project. The applicant respectfully asks that the proposed plan amendment for the Owl Creek property be approved to realize these regional benefits.

Planning Community Requirements (Exhibit M20)

CPA2020-00004
Revised January 2022



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Comprehensive Plan Amendment

**CPA2020-00004 & CPA2020-00005
Exhibit "M20" – Revised January 2022**

Summary of North Olga Planning Community Second Public Information Meeting

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of Alva Planning Community Public Information Meetings.

The Second Public Information Meeting within the North Olga Planning Community was held on Wednesday, December 1, 2021 at 6:00 pm at a special North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present online and in person for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 15, 2020

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: Okay, so you have 342 acres, and 100 acres is going to be revived and 139 acres is going to be for wildlife preservation? Is that 139 part of the 186 preservation?

- Response: Yes.

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Question: Are those areas all together rather than broken up? Because wildlife doesn't survive well when things are all broken up.

- Response: There are two separate wildlife corridors within the 139 acres. One associated with Owl Creek and one associated with Trout Creek.

Question: So, if the 60% is open space, that's 205 acres out of the 342 acres is going to be open space. So, what is the density? I mean I know how many units you're going to be building in there but are they all 100 by 100 lots or half acre lots?

- Response: Density is approximately 1.1/1/11 units per acre. Lot sizes vary; with minimum of 6,500 square feet for single-family and minimum 3,750 square feet for two-family attached.

Question: Is that like a duplex? Is that you're talking about the two-family attached? Like townhouses?

- Response: It is similar to a duplex except ownership is different, the duplex is normally located on one lot and the two family attached each unit is on its own lot.

Question: Single or double story?

- Response: There is no limitation on the stories, but proposing same height allowed under today's existing zoning of maximum height 35 feet

Question: And what are the prehistoric preserves?

- Response: There survey is on file with the application – they are prehistoric sites and three sites determined worthy of preservation are incorporated within the preservation area.

Question: You said there were two access points, one of them on North River Road and I didn't catch where the other one is located.

- Response: Two gated access points are proposed on North River Road, with the eastern access resident only.

Question: Have you done any water testing on Trout Creek since you've been involved with this property?

- Response: Not that we are aware of. There is a water monitoring and quality monitoring plan proposed to be incorporated as part of the project.

Question: Has it been implemented yet?

- Response: No, it would be implemented as part of the project approval.

Question: You're making no improvements to the intersection at North River Road and SR. 31? Is that because of the traffic problem now or is it because the future road plans?

- Response: That is an off-site intersection. The application will pay road impact fees that cover any off-site improvements for the project. We did an analysis with traffic counts of that intersection as part of the traffic study and it is shown as an appropriate level of service with our project.

Comment: At 7 am it takes about four lights just to get through that intersection, there's already a traffic problem there so adding 400 will obviously add to that. Obviously, I'm aware of that they're going to widen the road and correct that but obviously what may happen with that. I think we'll have some issues out there, I think a lot of the residents are going to have some issues, but it is openly being corrected.

- Response: Acknowledged.

Question: The privately funded utilities now that's the water and sewer, correct? So, these houses are not going to have well water and septic tanks?

- Response: Although they could have well and septic today under the existing zoning, we are proposing as part of the project to extend water and sewer lines to the project.

Question: So where is the water coming from if it is not coming from that property per say? Are you going to have your own well there that's going to supply the water for everyone cause Duke County already has a water problem out there.

- Response: We will connect to Lee County Utilities existing water located near Bayshore/Old Bayshore.

Question: For the North River Road widening, what will it look like after the process? Like one more lane, turning lanes? No lights here, just the stop signs?

- Response: North River Road is not proposed to be widened. No lights proposed. Potentially at least a right turn line at the main entrance.

Question: Do you have a start/beginning date? I mean I know you are still going through the process. But what's is you anticipated start date?

- Response: We hope to have entitlements including State which is longest lead time by October next year to hopefully get started by next fall.

Question: Will you be like just selling individual lots in there or will y'all be building and developing houses and selling the houses after you develop them? Or bringing in builders and building them?

- Response: D.R. Horton will be the developer and home builder.

Question: Do you have an estimated minimum price to high price at this time?

- Response: It's too early to tell as it is still a year and a half away.

Question: Is that a marina will that be part of it?

- Response: Yes, this is private slip amenity for the facility as part of the request and not truly a marina. There is also a private amenity site.

Question: What's happening with the Owl Creek boat works there?

- Response: They are staying and are not part of the project.

Question: What kind of setback would you say from North River Road before you are going to have houses there?

- Response: There is a minimum 50-foot perimeter setback per code.

Question: What is that called on North River Road, the 25-foot-wide enhancement and what will that look like?

- Response: There is a 25' buffer with 14' tall trees and preservation areas along the road.

Question: So, it won't be a berm?

- Response: There will not be much of a stormwater berm along North River Road because the grade up there is higher.

Online Question: Can you share where you intend to run the utility expansion and confirm whether it will run up 31 and then turn East down N River Rd?

- Response: That is the proposal.

North Olga Community Planning Panel

Dec. 1, 2021
Sign-in

#	Name	Address	E-mail	Phone #
	Stacy Hewitt	Banks Eng. 10511 Six Mile Cypress Pkwy	shewitt@bankseng.com	239-776-2527
	Debra VanRunkel	18321 N OLA	DVRDUM1@AOL.COM	239-691-9394
	Mary Povea	5991 Buckingham Rd.		
	Adele Smith	18140 Riverchase Ct	fiesty68@live.com	305 799 4657
	Suzanne Armeda	19040 Armeda Rd. 33920	nsarmeda@aol.com	(239) 543-3084
	Ken DeWalt	7 Jute St. Alva 33920	kwdewalt1@gmail.com	610-223-8630
	Alexis Crespo	28100 Santa Grade	alexisc@walshopengineering.	405 1777
	Jeremy Arnold	"	"	"
	Josay Medina	"	"	"
	Math McLean	"	"	"
	Russell Schropp	POB 280 Ft. Myers 33902	russell.schropp@kenlaw.com	344-1280
	Wayne Everett	10541 6 Mile Cypress 33966	jweverett@drhorton.com	239 225 2631

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared

Nicole Jacobs, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated or by publication on the newspaper's website, if authorized, on:

11/19/2021

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 2nd of February 2022, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

AMY KOKOTT
Notary Public
State of Wisconsin

of Affidavits: 1

This is not an invoice

PUBLIC INFORMATION MEETING North Olga Planning Community

The public is invited to attend a Public Information Meeting presentation to the North Olga Planning Panel by Banks Engineering, at a special meeting held on

Wednesday, December 1st at 6:00 pm
at the Bayshore Fire Station,
17350 Nalle Rd, Fort Myers, FL 33917

The 342.68 acres subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately 1/2 mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek Reserve proposes a Comprehensive Plan Text amendment (Case No. CPA2020-00005) to allow incentives for wetland preservation and rare and unique upland habitat preservation or restoration for clustered developments utilizing the planned development process within the North Olga Planning Community and a Map amendment (Case No. CPA2020-00004) to include in Lee County Future Water Service Area. The applicant is also proposing to rezone the property from Agricultural (AG-2) to minor Residential Planned Development (RPD) (Case No. DC2021-00011) to allow a clustered residential community containing up to 380 dwelling units (reduced from original 440 units) consisting of single-family and two family attached with associated amenities and a maximum height of 35 feet. There is also a pending Development Order Application for the 380-unit residential community with amenities and associated infrastructure. This is an update from the prior meeting held on October 15, 2020.

All are welcome to attend the presentation to discuss these project applications with the applicant's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by November 29th via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.

AD# 5009162 11/19/2021



Professional Engineers, Planners & Land Surveyors

**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of North Olga Planning Community Public Information
Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the North Olga Planning Community was held on Thursday, October 15, 2020 at 6:00 pm at the North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: What happens to Owl Creek? Does it stay Owl Creek?

- Response: Yes it stays Owl Creek.

Question: What are the historic sites?

- Response: Prehistoric sites where prior civilizations had eaten and pieces of bone and shell were found showing activity in these areas.

Question: So, you are going through this process and you're really only increasing the density from 1-unit acre to 1.28 acre, so you really aren't asking for 2 units?

- Response: That is correct. The request is limited to 2 du per upland acre or 1.28 du per gross acre.

Comment: Looking at this for the first time, they basically took Babcock high criteria and applying to a much smaller property and surprised able to do all of it.

Question: No commercial in here?

- Response: No commercial with the request. Adjacent Owl Creek Boat Works will remain.

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Question: How many units in the Intensive Development future land use.

- Response: Not within the Intensive Development future land use designation – the handout of Table 1(a) was only to demonstrate the proposed limitation language in red.

Question: They are all single-family homes?

- Response: Single-family and two-family attached.

Question: And it's 440?

- Response: 440 is the maximum dwelling units for request.

Question: Did you go to Alva?

- Response: Yes, we held a meeting in Alva and mailed notices to the surrounding properties within 500 feet and interested parties listed with Lee County.

Question: How did it go?

- Response: We received a lot of good feedback from the community and desire to maintain communication.

Question: Does it say in here how many dwellings will be in there?

- Response: Yes, the maximum is 440 dwelling units.

Question: Is the 440 dwelling units based on the proposed amendment or original limit?

- Response: Yes, the amendment is for 440 dwelling units as there can be 221 today under current designation

Question: Is that specific to this piece of land?

- Response: Yes the request is for just this property.

Question: This is not a gated community, correct?

- Response: It could be, but it would have to be semi-public since there are public facilities possibly 9am to 6 in evening and a guard would let you in.

Question: Is the Owl Creek Boat Works part of this or are they separate?

- Response: They are existing and separate.

Question: You will have public access to the river?

- Response: We are proposing a potential canoe/kayak launch on Trout Creek.

Question: So everybody in there would be using North River Road to get to 31 with no other access?

- Response: Correct, there is no other access to SR 31.

Question: Do you have turning lanes?

- Response: Something that we will look at during the Development Order stage when we know exact number of units

Comment: Could mean we get that stop light.

Question: Where are you at in the process?

- Response: We have filed the comprehensive plan amendment and awaiting comments and will file planned development zoning when we respond.

Comment: So by time it goes to the Board of County Commissioners, the zoning will be filed so everyone can see the development plan.

- Response: That is correct, the applications will run concurrently.

North Olga Community Planning Panel

Sign-in October 15, 2020

#	Name	Address	E-mail	Phone #
	Dean Went	17160 WaterEdge Cir ³³⁹¹⁷	Gdeanwiant@AOL.com	239-565-3091
	Wayne Everett	10541 6 mile Cypress Pkwy	jweverett@drhorton.com	239-225-2631
	Stacy Hewitt	10511 SIX MILE CYPRESS PKWY, Fort Myers, FL 33906	shewitt@bankseng.com	239-770-2527
	Megan Bishop	10511 Six mile Cypress Pkwy, ³³⁹⁰⁶ Fort Myers	mbishop@bankseng.com	239-939-5490
	Suzanne Armada			
	Yury Bykau		yury@trtrans.net	
	Clark Cary			
	Russell Schrupp	PO Box 280 Ft. Myers 33902	russell.schrupp@henlaw.com	239-344-1100
	Dennis VanRackel			
	Walter VanRackel			
	Justin Thibaut		jthibaut@lsiconomics.com	239-489-4066

Also noted present per email but not signed in: Mary Povia, Adele Smith, John Brodrick, Deana Armada

Attn:

BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared
Nicholas Penstrom, who on oath says that
he or she is a Legal Assistant of the News-Press, a daily
newspaper published at Fort Myers in Lee County, Florida; that
the attached copy of advertisement, being a Legal Ad in the
matter of

PUBLIC INFORMATION MEETING North Olga Planning
Community The public is invited to attend a Public Information
Meeting presentation to the North Olga Planning P

In the Twentieth Judicial Circuit Court was published in said
newspaper in the issues of:

10/05/2020

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee County and published at Fort
Myers, in said Lee County, Florida, and that the said newspaper
has heretofore been continuously published in said Lee County,
Florida each day and has been entered as periodicals matter at
the post office in Fort Myers, in said Lee County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that
he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the
said newspaper.

Sworn to and Subscribed before me this 5th of October 2020,
by legal clerk who is personally known to me.

Affiant

Nancy Heyrman
Notary State of Wisconsin, County of Brown

My commission expires

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

PUBLIC INFORMATION MEETING
North Olga Planning Community

The public is invited to attend a Public
Information Meeting presentation to
the North Olga Planning Panel by
Banks Engineering, at their meeting
held on:

Thursday, October 15, 2020 at 6:00
pm at the Bayshore Fire Station,
17350 Nalle Rd, Fort Myers, FL 33917

The 342.68 acres subject property is lo-
cated at 12850 N. River Road, 18420 &
17900 Owl Creek Drive on the south
side of N. River Road approximately 1/2
mile east of S.R. 31. (Babcock Ranch
Road) within the North Olga Communi-
ty Plan Area.

Owl Creek is a proposed Future Land
Use Map amendment from
Rural/Wetlands to Sub-Outlying Subur-
ban with associated text amendment
to accommodate up to 440 residential
dwelling units (increase of 219 dwell-
ing units), include in Lee County Future
Water Service Area, and a concurrent
Planned Development Zoning applica-
tion.

During the meeting, the agent will
provide a general overview of the proj-
ect for any interested citizens. Should
you have questions or comments, they
can be directed by mail, phone, or e-
mail to: Stacy Ellis Hewitt, Banks Engi-
neering, 10511 Six Mile Cypress Pkwy,
Fort Myers, FL 33966, (239) 770-2527,
shewitt@bankseng.com.
AD# 4400357 10/5/2020



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Comprehensive Plan Amendment

**CPA2020-00004 & CPA2020-00005
Exhibit "M20"**

Summary of Alva Planning Community Second Public Information Meeting

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding the zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of North Olga Planning Community Public Information Meetings.

The Second Public Information Meeting within the Alva Planning Community was held on Thursday, December 9, 2021 at 6:00 pm at the Alva Community Center, 21471 North River Road, Alva, FL 33920. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present in person for the meeting and no online public attendees.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 6, 2020

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: What exactly is a turn around?

- Response: A turn around is a cul-de-sac, circular turnaround for if someone couldn't get in the gate, they have a place to turn around to leave. The main entrance would provide the turnaround to accommodate trucks like a UPS truck, but the deviation would allow the secondary resident only access without the full turnaround. It will provide a place where a passenger car or pickup truck could turn around.

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10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

Question: How would you public access that if it's a gated community?

- Response: They would be granted access at the gate house.

Question: You'd have a guard there? Would they recognize public access to the public ramp?

- Response: There could be a guard or the gate could be open daytime hours for example 7 am to 7 pm and public access to the canoe/kayak launch would be provided.

Question: You were going to have 400 plus houses, now you're going down to 380, what were those lots that were being used what are those going to be used for now?

- Response: Made some of the lots bigger so that reduced the lot count.

Question: On the retention ponds where are they going to discharge?

- Response: They generally will discharge into the wetlands that are onsite and that connect to either Owl Creek or Trout Creek. The ones that are south of Trout Creek will ultimately discharge to the Caloosahatchee.

Question: Traffic from this development and another one being planned just off US 31 being built by Pulte Homes and another development that is south over the bridge that's on 31, that's supposed to be completing construction later this year. That's over 1,000 new homes altogether so traffic situation here is only affected by your development but some discussion at North Olga about the red light on 31 after multiple accidents and deaths there. Do you know of anything else that's being planned for that kind of increase in the next 3 years traffic wise?

- Response: SR 31 is being widened to 4 lanes as part of Babcock Ranch development.

Question: Do you have any idea what the plan for the bridge are? Imagine no draw bridge and it would be higher and longer entries.

- Response: Plans are still being worked on.

Question: The prehistoric area, in the research to discover them was any human remains found?

- Response: No.

Question: Where is the upland preserve area on the plan?

- Response: The various preservation areas are demonstrated by different hatch patterns on the plan depicted in the legend.

Question: Are the dotted lines trails?

- Response: The lines are creeks and other tributaries, natural waterways and the black lines show where the natural waterway buffers are provided.

Question: Will people have access to the area?

- Response: These areas will be placed in a conservation easement to Lee County or another agency that is acceptable to Lee County.

Question: You mentioned something about grass, how big are the lots? There's so much pollution going into the river already and now all this - are there measures in place?

- Response: The project has submitted a water quality monitoring program with safety measurements in place. There are existing cattle grazing on site which will be removed as part of the request which significantly reduces pollutants from that use.

Question: Who does the monitoring and what happens?

- Response: It will be monitored by Lee County. The association will have to prepare the collected data, collected samples, get it tested and then provide the results to Lee County. So, there will be a mechanism for the water quality treatment, so if it does not improve or if it exceeds the thresholds for what the loading rates are for various pollutants, there will be measure that will need to be implemented through the County that will correct it.

Question: Is it unique to have a heavy industrial use in the middle of an upscale community? Is it an upscale community? They build and repair boats, how will that be kept safe for children in our development?

- Response: We like to think of it as an upscale community. Proposed is a minimum 6-foot to 8-foot wall and berm separating Owl Creek Boat Works. .

Question: Have you gone as far as to design the houses?

- Response: The homes are the same homes we build throughout the whole tri county area. Lee, Charlotte, Sarasota County and Collier County. Similar to Hickeys Creek.

Question: So, these are single family and two family attached? What is that exactly? Is that like a duplex?

- Response: A duplex is two units on one lot, a two-family attached has each unit on its own lot.

Question: Another project representative and their engineers thought that their homes would be selling somewhere between 300K and 600K, I know you don't want to put a number out there but is that probably what we're looking at hear?

- Response: If it were starting today maybe, we can't predict the real estate prices.

Question: Are these exhibits available online

- Response: The comprehensive plan amendments and the zoning are online with Lee County, but the development order has not yet been submitted.

Question: Where exactly is the canoe launch area?

- Response: It's right down by Trout Creek.

Question: Are the docks on the Caloosahatchee?

- Response: It is not on the main portion of the Caloosahatchee. It is in a separate basin off of the main river where the historical line followed before the current river configuration.

Question: Can we look up online and check on it?

- Response: Yes – the application numbers were provided in the advertisement.

PROJECT NAME:	Owl Creek Reserve RPD-Alva Community Meeting	MEETING DATE:	December 9, 2021	JOB NUMBER:	8504
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PRINT NAME	PHONE	COMPANY (IF APPLICABLE)	EMAIL
Connie Dennis	239-728-2472	Alva Inc	ahkeell28@gmail.com
Kenneth Dellalt	610 223 8630	on the River	keudewalt1@gmail.com
Roxanne Gause	239-247-0193	Alva Inc	Gause_RL@earthlink.net
Russell Schroer	239-344-1280	Henderson Travel	russell.schroer@henderson.com
Yury Bykan	239-692-0589	Tr Transportation	yury@trtrans.net
Jennifer Sheppard	239-939-5490	Banks Eng.	j.sheppard@bankseng.com
Stacy Ellisthewitt	239-770-2527	Banks Eng.	shewitt@bankseng.com
Dave Underhill	940 8687	Banks Eng	dunderhill@bankseng.com
Wayne Everett	239-225-2631	DR Horton	jweverett@drhorton.com
Mark Brumfield	"	"	mabrumfield@drhorton.com
B. Schupp	734 332-2949	Sci	
P. FURBAY	340-8610	ALVA INC.	p.furbay@NETZERO.NET
C FLEMING	239 340 8610	ALVA INC.	" " "

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Nicole Jacobs, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC INFORMATION MEETING Alva Planning Communi
The public is invited to attend a Public Information Meeting held by Banks Engineering, on: Thursday, Decembe

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated in the issues of:

11/27/2021

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Sworn to and Subscribed before me this 27th of November 2021, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

SHELLY HORA
Notary Public
State of Wisconsin

of Affidavits 1

This is not an invoice

PUBLIC INFORMATION MEETING

Alva Planning Community
The public is invited to attend a Public Information Meeting held by Banks Engineering, on:
Thursday, December 9, 2021 at 6:00 pm
at the Alva Community Center,
21471 N. River Road Alva, FL 33920

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Owl Creek Reserve proposes a Comprehensive Plan Text amendment (Case No. CPA2020-00005) to allow incentives for wetland preservation and rare and unique upland habitat preservation or restoration for clustered developments utilizing the planned development process within the North Olga Planning Community and a Map amendment (Case No. CPA2020-00004) to include in Lee County Future Water Service Area. The applicant is also proposing to rezone the property from Agricultural (AG-2) to minor Residential Planned Development (RPD) (Case No. DCJ2021-00011) to allow a clustered residential community containing up to 380 dwelling units (reduced from original 440 units) consisting of single-family and two-family attached with associated amenities and a maximum height of 35 feet. There is also a pending Development Order Application for the 380-unit residential community with amenities and associated infrastructure. This is an update from the prior meeting held on October 6, 2020.

All are welcome to attend the presentation to discuss these project applications with the applicant's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by December 7th via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.
AD# 5018078 11/27/2021



Professional Engineers, Planners & Land Surveyors

**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of Alva Planning Community Public Information Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the Alva Planning Community was held on Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva, 2790 Joel Boulevard, Alva, FL 33920. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting in person and online and a copy of the sign-in sheet and online attendance documentation is attached for the record.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Public Notice mailed on September 25, 2020
- List of property owners within 500 feet of the property that were mailed the notice and interested parties on file with Lee County for notice of applications filed within Northeast Lee County Planning Community
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: How long will development permits take?

- Responded with 9-12 months to complete Comprehensive Plan Amendment and Rezoning. Development permits would be approximately 6 months.

Question: Have studies been done for the historic drainage through area, sheet flow across land? Creeks flood with excessive rain events.

- Responded that part of permitting through South Florida Water Management District will be looking at historic drainage patterns and accommodate any offsite flows and review creeks which are tidal.

Question: What is the elevation of property?

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- Responded that elevation varies significantly across the property and ranges up near N. River Road approximately elevation ± 8 and drops down to elevation ± 2 by the river.

Question: Who is Developer? Do they own the property yet?

- Responded that DR Horton, Inc. is the applicant and the property is under contract to purchase pending entitlements.

Question: Aren't there concerns about increasing density in Coastal High Hazard flood areas with hurricanes? In other areas around gulf coast think they have regretted all the development in low lying areas. Keep making same mistakes.

- Responded that an analysis and review of increase and have received letters of support and review and recommendation demonstrating adequate public facilities exist. Increased changes and development patterns in the area make the request appropriate.

Question: Will product be 2-story

- Responded with maximum height is 35', which could accommodate 2-story.

Question: Owl Creek very polluted, have waters been cleaned up?

- Responded that request will be removing existing cattle grazing and remove potential for future septic tanks since utilities brought to area and the onsite wetlands will have exotics removed which will result in improved water quality discharge from the site than what exists today.

Question: Are we open to more meetings with Alva community? Would like more time to go over information on project.

- Responded Yes. Contact information has been provided and would like to keep communication open. Have tried to reach out to Alva contacts and would like better communication line.

Question: What effect on Owl Creek boat works?

- Responded that not proposing any impacts to Owl Creek Boat Works. Minimum 100' separation between any proposed single-family lots and Owl Creek Boat works. Access will be semi-public and may or may not have a gate house but being that it is public facilities access will not be prevented for individuals traveling to Owl Creek Boat Works within reasonable hours such as 9 to 6 or so.

Question: What are the historical locations onsite?

- Responded primarily places where previous populations had stopped to eat there were oyster shells and small pieces of bone. Prehistoric sites and 3 will be preserved within 25 foot buffer.

Question: What is happening with 7% of wetland impacts? What is acreage being impacted? How will mitigation be handled? What are total wetlands on site?

- Responded that 7% will be impacted as part of the development of the site. Primarily existing wetlands being preserved will be enhanced and mitigated as negotiated through SFWMD and ACOE by removing exotic vegetation and placing in conservation easement. Impacts are limited to exotic infested low quality wetlands. Total wetlands on site are 101.7 \pm acres.

Question: Questions on wetlands category on FLUM. Usually from Rural and Wetlands to Sub-Outlying Suburban and Wetlands

- Responded that the request will provide Sub-Outlying Suburban and Wetlands Future Land Use Categories once jurisdictional lines and conservation easement lines are defined through development permitting process.

Question: Will this be multi-family/condos? Price point yet?

- Responded no – limited to single-family and two-family attached. No townhomes. Price has not yet been determined.

Question: Water & Sewer improvements - who is paying? Where will it connect to?

- Responded that developer will be paying for utility extensions then turn them over to public utilities. We are exploring all options possibly from Lee Civic Center area up SR 31 and N River Road, possibly Old Rodeo Drive boring under wetlands – still looking at design.

Question: 29.10.1 - Written specific for this property, but does not mention it? Will the 440 units be for all other future developments?

- Responded the Policy is within North Olga Community Plan. The 2 dwelling units per upland acre or 1.28 per gross acre and 440 unit limitation is specifically for Sub-Outlying Suburban within North Olga Community Plan. The 440 accommodates this property and an amendment would be required if another property desired to add dwelling units in Sub-Outlying Suburban in North Olga.

Question: Where will stormwater retention areas be located?

- Responded that the preliminary site plan/MCP demonstrates the proposed lakes.

Question: Where will stormwater discharge go to?

- Responded that each development pod will discharge where it discharges today – maintain water that is currently naturally draining to each area to keep wetlands and creeks functioning per permitting requirements.

Question: How many outfalls will the development have?

- Responded there will be 1 or 2 or more per 5 or 6 development pods, approximately 10-12 discharge points.

Question: Will retention ponds be manmade?

- Responded there are no existing lakes all will be manmade lakes and also pre-treatment measures such as dry detention to further treat the runoff before the lakes.

Question: Asked for case numbers for amendment

- Responded CPA2020-00004 – map amendment, CPA2020-00005-text amendment.

Question: Regarding the minimum perimeter setback - what will it be constructed of? Asked not to be too high - no building a large berm and planting on top of it. Desire natural rural view for public driving past.

- Responded that some areas are within conservation and remaining may have required SFWMD perimeter berm, but do not anticipate a large berm.

Comment: Desire view to stay rural view setting. Do not want Cape Coral.

- Responded that we appreciate feedback and understand desire.

Question: Who is the reviewer at Lee County.

- Responded that we did not have this information readily available.

Question: Can unpaved area within roadways be counted as part of 60% open space.

- Responded that yes areas that meet the definition of open space will count towards the requirement. Typical residential developments require 40% open space so we are proposing 150% of the typical requirement.

OWL CREEK

Public Information Meeting: October 6, 2020 @ 5:30 PM

Please Sign In

Thank you for coming! Please leave your name and contact information.

[illegible]

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Nicholas Kunstman, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC INFORMATION MEETING Alva Planning Communi

The public is invited to attend a Public Information Meeting held by Banks Engineering, on: Tuesday, October

in the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

09/26/2020

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of September 2020, by legal clerk who is personally known to me.

Affiant

Nancy Heyrman
Notary State of Wisconsin, County of Brown

My commission expires

**PUBLIC INFORMATION MEETING
Alva Planning Community**

The public is invited to attend a Public Information Meeting held by Banks Engineering, on: Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva, 2790 Joel Boulevard, Alva, FL 33920

The 342.68 acre subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately 1/2 mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

WE VALUE YOUR INPUT

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by October 2nd via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.

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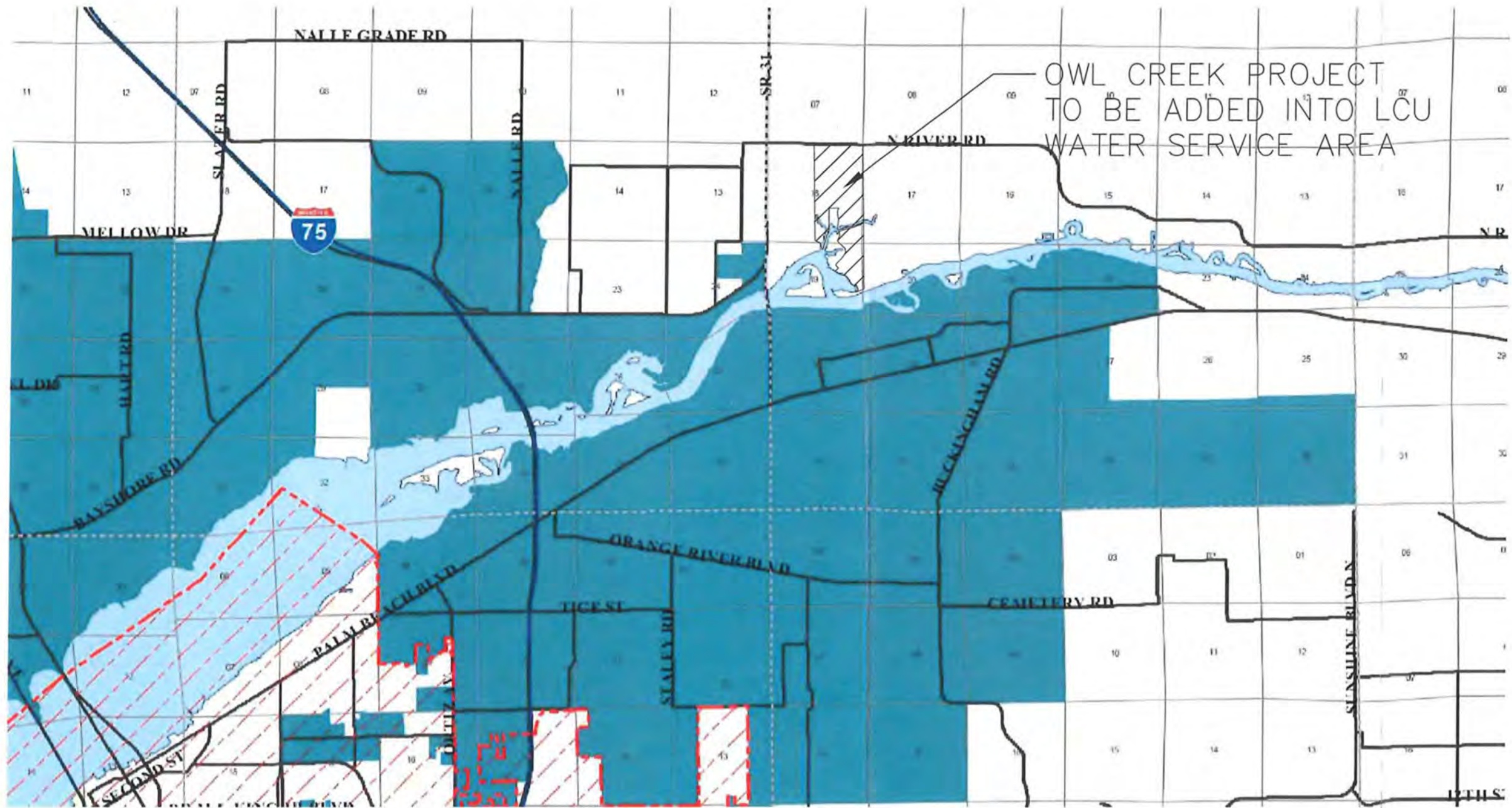
9/26/2020

of Affidavits 1

This is not an invoice

**NANCY HEYRMAN
Notary Public
State of Wisconsin**

Amendment to Lee Plan Map 6 – Future Water Service Areas



Legend

- Future Water Service Areas Map
- City Limits

S:\JOBS\8504\EXHIBITS\8504_LEE MAP 6.DWG 9/8/2020 8:03 AM KEVIN GONZALEZ

NO.	DATE	REVISION DESCRIPTION	BY

BANKS
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Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

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SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

LEE PLAN MAP 6 - FUTURE WATER SERVICE AREAS

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
09/08/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Preliminary Development Footprint

CPA2020-00004
Revised August 2021

Hurricane Evacuation Analysis

Revised August 2021

Trescott Planning Solutions, LLC

Urban and Regional Planning



421 Norwood Court • Fort Myers, Florida 33919
Cell 239-850-7163 • Office 239-433-4067
Email: trescottplanningsolutions@gmail.com

August 13, 2021

Stacy Ellis Hewitt, AICP
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

Dear Stacy:

As requested, this document provides my consulting services to addressing Coastal High Hazard Area (CHHA) and Hurricane Preparedness/Mitigation for the Owl Creek Map and Text amendments to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service and to provide incentives to encourage wetland preservation and rare and unique upland habitat preservation or restoration for clustered developments utilizing the planned development process within the North Olga Planning Community to accommodate the clustered development of up to 385 single-family dwelling units and internal amenities. This request will allow an increase of 157 dwelling units from the 228 dwelling units that could be developed currently. The Owl Creek property is ±342.68 acres located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31 within the North Olga area of the Northeast Lee County Planning Community. The property is zoned Agricultural (AG-2) and is used for agricultural/grazing purposes. It is my expert opinion the proposed Owl Creek project Map and Text Amendments are consistent with Lee Plan Goals, Policies and Objectives, Land Development Code (LDC) and state law relative to addressing the protection of human life along with current and future development from the impacts of coastal flooding.

Hurricane Storm Surge/Tide Analysis/Flood Insurance Rate Map Flood Level

The CHHA definition is found in Florida Statutes 163.3178(2)(h) and is as follows.

“Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.”

The Owl Creek project site is within the Hurricane Category 1 Storm Surge/Tide area (see Attachment I 10/23/2020 Lee SLOSH Map and Attachment II Map 5 CHHA in Lee Plan) and Lee County Evacuation Zone Level A (see Attachment III). The Lee SLOSH Map Category 1 red area defines the Coastal High Hazard Area as defined by state statute. Attachment II Map 5 CHHA in Lee Plan is not consistent with the most updated South Florida SLOSH Model in that a little less area is within the Category 1 area. Table

I below shows the Category 1 Storm Surge/Tide Heights at mean and high tides for the project site and Attachment IV shows the South Florida SLOSH Model Display map.

Table I

Potential Storm Tide Heights* for Project Site (In feet above ground** and Sea Level***)

Category Hurricane	High Tide	Mean Tide
1**	5.7 – 6.7	4.8 – 5.8
1***	8.6	7.9

*2017 South Florida (SLOSH) Model Display Program (1.79) Category

Hurricane Based on the Saffir-Simpson Hurricane Wind Scale

Storm tide heights represents the maximum values from SLOSH

MOMs (Max of the Max tide heights)

Protection of Property Mitigation Measures

To mitigate the effects and impacts on loss of life, property and evacuation issues the new development including the residential units will have to elevate the first floor to 7 feet above means sea level to meet the Federal Flood Insurance 100-year floodplain requirement (See Attachment V FIRMs). The applicant has committed in the application to not fill within any regulatory floodway and all homes will be constructed a minimum of one foot above the base flood elevation in effect at the time of construction. The FIRM elevation is for flood insurance minimum floor elevation purposes to mitigate loss of property whereas, the SLOSH Model elevations are for mitigating the loss of life used for evacuation planning. The 7 feet first floor FIRM elevation requirement plus the one foot extra to 8 feet applicant commitment essentially elevates the residential units above of the CHHA storm surge elevation of 7.9 feet during a mean tide storm surge. This is a mitigation measure that protects property in the CHHA.

Another property protection mitigation measure is the applicant agreeing to place a minimum of ±169.12 acres (49% of property) into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The project will be 60% open space and will preserve a minimum of 90% of the wetlands on site (See Attachment VI, Enhancement and Preservation Map). This adjusted site design and clustered density with the wetland preserves on the development site, protect the proposed project from the effects of velocity flooding and wave action associated with storm events. These wetland preserves will serve their function by dissipating wave energy and storm surge.

In Lee County the Florida Building Code 7th Edition (2020) is another property protection measure that now requires residential construction in this area to be designed to withstand 150 mph “ultimate design wind speed”, which is equivalent to Category 4 hurricane wind levels. Further, because the development proposal includes a multi-slip docking facility the applicant must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment. This hurricane plan is subject to county approval as required in Policy 128.6.6.

The building elevation, strong wind code construction, protection of 169.12 acres of conservation easements (60% open space 90% of the wetlands preserved) and hurricane plan for marina are property

mitigation measures that are consistent with Goal 101, Objectives 101.1 and 101.3 and Policies 5.1.2, 101.1.1, 101.3.2, 101.3.5 and 128.6.6).

Protection of Life Mitigation Measures

Lee County staff comments on this application has indicated that the project will not increase density in the Coastal High Hazard Area. The applicant will comply with Lee County Land Development Code (LDC) Article XI – Hurricane Preparedness Section Sec. 2-482, which applies only to development required to obtain a development order under LDC Chapter 10 and is applicable to all new residential development within unincorporated Lee County that is located in a land falling category 1, 2, or 3 storm surge area. Section 2-485(b)(3) provides the formula for calculating the appropriate mitigation for payment in lieu of physically creating additional sheltering space. Based on the LDC adopted methodology, the total shelter impact mitigation would be **\$29,108**. The project will also generate additional funding for hurricane preparedness mitigation by future residents providing yearly Ad Valorem tax funding to Lee County's All Hazard MSTU fund, typically used to improve hurricane shelter capacity in the county.

Based on the LDC Article XI – Hurricane Preparedness Section 2-484(c) determining evacuation impacts, the assumption is that a total of 424 vehicles would result from the 385-unit development. The statewide evacuation model does not measure less than half hour increases and as such is not designed to analyze the impact for a small 385 dwelling unit project as proposed. Based on the methodology I applied in previous Lee County cases I have worked on the 424 evacuating vehicles is de minimis and would have no consequential impact to countywide evacuation times (5.4-minute increase).

The applicant will provide evacuation route mitigation in accordance with LDC Article XI – Hurricane Preparedness Section(c) "Evacuation impacts. One or a combination of the following options may be used to address the impacts on hurricane evacuation routes with respect to evacuation timing and infrastructure precipitated by the proposed residential development. Acceptability and appropriateness of the type of mitigation proposed will be determined by the Division and the Lee County Department of Transportation (DOT).

- (1) Roadway elevation or improvements. Acceptability and appropriateness of this option will be determined by the DOT based upon the residential development vulnerability conditions. Mitigation under this option may include one or more of the following:
 - a. Construction of roads in the development or subdivision will be built to meet the same elevation of the nearest segment of a designated evacuation route. Determination as to the applicable route or segment will be made by the division in consultation with the Lee County DOT.
 - b. Construction of the main access or spine road in the development or subdivision to an elevation meeting the one in ten to the one in 25-year storm event. The Lee County DOT will determine the applicable storm event standard.

Furthermore, because the project is close to the northern and eastern boundaries of the county and will have easy access to State Roads 31 (future 6 lanes), 78 and 80 to leave the county, residents will be able to evacuate the county quickly.

The applicant will comply with Administrative Code 7-7 C and D "Emergency Preparedness Plan Criteria for Marinas, Multi-slip Docking Facilities, and certain residential developments". Policy/Procedure C and D will require an Emergency Preparedness Plan be submitted for the residential and marina portions of the development, respectively. These emergency preparedness plans are to be submitted to Lee County Emergency Management for review and approval by the director of the division of emergency management during the site plan approval.

The combination of a LDC shelter mitigation payment requirement, future residents paying yearly Ad Valorem tax funding to Lee County's All Hazard MSTU fund, development of emergency preparedness plans for the residents and marina, high evacuation route capacities in the project area and evacuation impact mitigation the community residents loss of life can be prevented. These losses of life mitigation measures will continue to protect the public's health, safety and welfare in the surrounding area from the proposed development's minor impact on hurricane shelter and evacuation. These loss of life mitigation measures are **consistent with Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2, 101.3.4 and 101.3.5.**

Conclusion

In conclusion, it is my expert opinion the proposed project is **consistent with the Lee Plan Goals 73, 95, 101, Objectives 73.1, 101.3, 101.3, Policies 5.1.2, 72.2.2, 73.2.2, 101.1.1, 101.3.2, 101.3.4, 101.3.5, 128.6.6, LDC.** The Lee Plan or state law do not preclude development in the CHHA as long there is consistency with the Future Land Use Map, Goals, Objectives and Policies. The combination of loss of life and property mitigation measures listed below will ensure the protection of the public health, safety and welfare.

- FIRM elevation requirement plus one-foot applicant commitment for new construction at the CHHA mean tide SLOSH Model level of 8 feet (**consistent with Policy 5.1.2 Goal 101, Objectives 101.1 and 101.3 and Policies 101.1.1, 101.3.2 and 101.3.5.**)
- Preservation of ±169.12 acres (49% of property) into a conservation easement. The project will be 60% open space and will preserve a minimum of 90% of the wetlands on site that will dissipate wave energy and storm surge and protect the proposed project from the effects of velocity flooding and wave action associated with storm events (**consistent with Goal 101, Objectives 101.1 and 101.3 and Policies 5.1.2, 101.1.1 and 101.3.2.**)
- Category 4 hurricane wind building code construction standards (**consistent with Goal 101 and Objective 101.3.**)
- Compliance with Administrative Code 7-7 C and D "Emergency Preparedness Plan Criteria for Marinas, Multi-slip Docking Facilities, and certain residential developments". These emergency preparedness plans are to be submitted to Lee County Emergency Management for review and approval by, the director of the division of emergency management during the site plan approval.
- Development of a hurricane plan with county assistance for the multi-slip docking facility which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment (**consistent with Goal 101, Objective 101.3 and Policies 101.1.1, 101.3.2, and 128.6.6.**)
- LDC shelter impact mitigation payment of \$29,108 (**consistent with LDC Article XI – Hurricane Preparedness Section 2-485(b)(3) and Lee Plan Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2, 101.3.4 and 101.3.5.**)
- LDC evacuation impact mitigation (**consistent with LDC Article XI – Hurricane Preparedness Section 2-485(c)(1) and Lee Plan Goals 73, 101, Objectives 73.1, 101.3.**)
- Future residents paying yearly Ad Valorem tax funding to Lee County's All Hazard MSTU fund will mitigate for any additional demand on sheltering and evacuation in the county (**consistent with Goals**

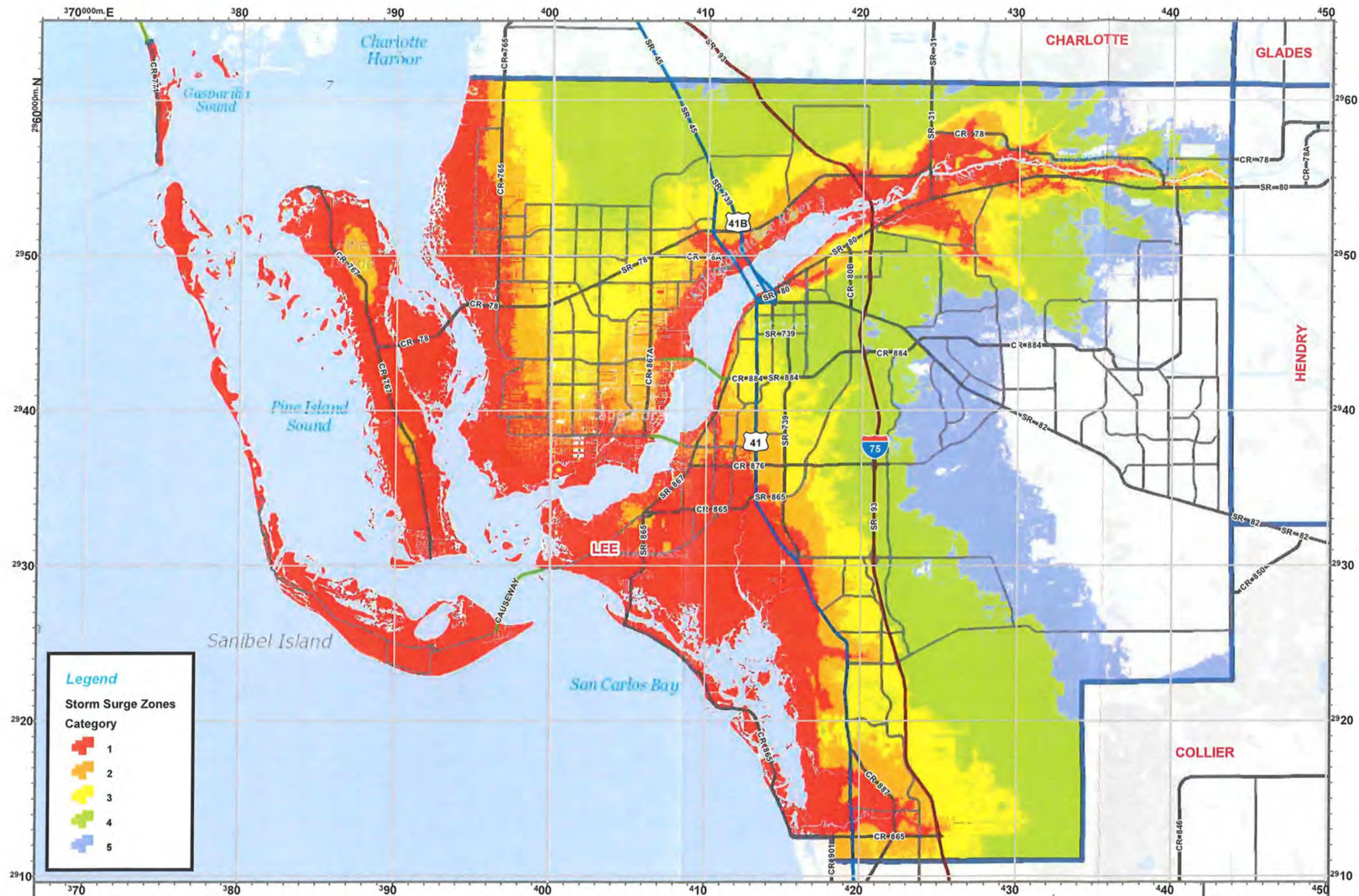
73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2 and 101.3.4).

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Trescott". The signature is fluid and cursive, with the first name "Daniel" and last name "Trescott" clearly distinguishable.

Daniel L. Trescott, MSP
President



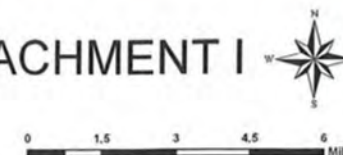
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LEE STORM SURGE ZONES

ATTACHMENT I





LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) AND COASTAL BUILDING ZONE

-  Coastal High Hazard Area
-  Coastal Building Zone
-  County Line
-  City Limits

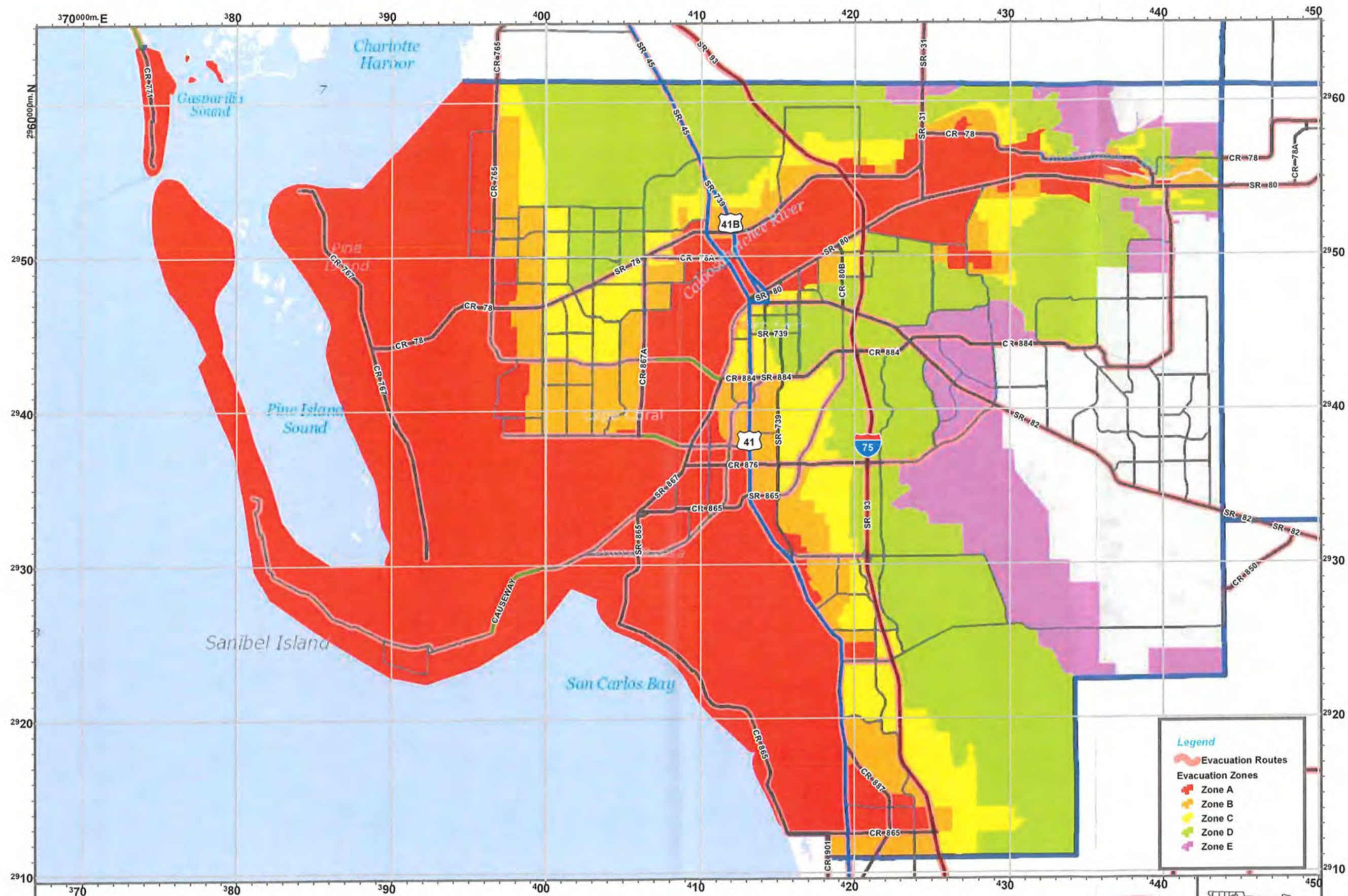


Map Generated: May 2019
City Limits current to date of map generation

Source: 2010 Evacuation Study
Florida Statewide Regional Evacuation Study
Storm Tide Atlas for Lee County

Ordinance No. 99-17, 09-17, 16-13, 18-28

Lee Plan Map 5



Disclaimer: Map is intended for reference only
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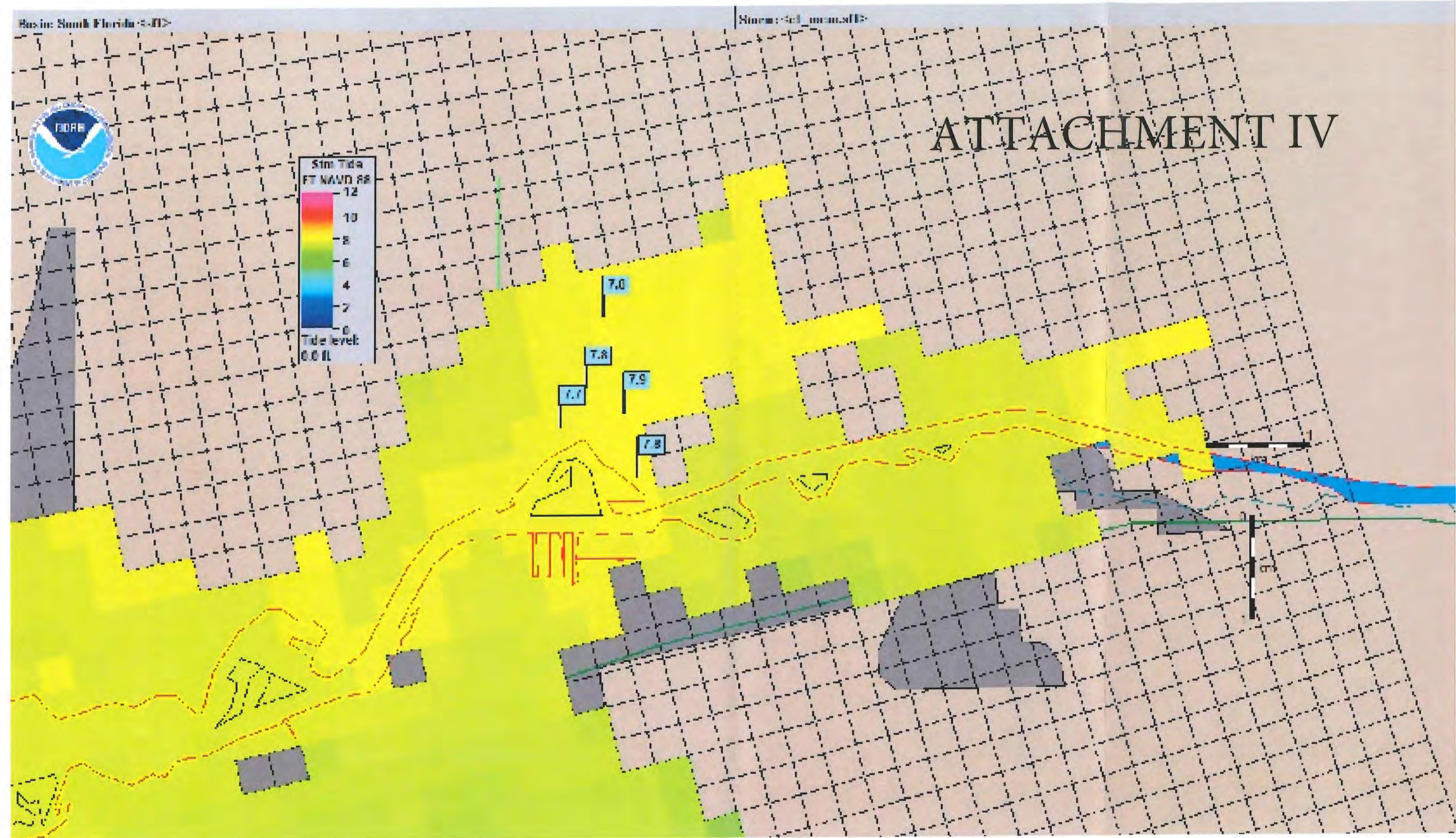
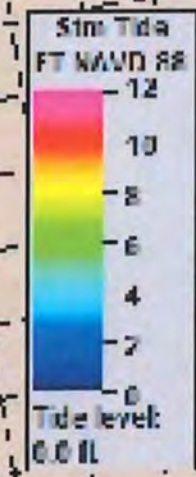
LEE EVACUATION ROUTES & ZONES

ATTACHMENT III

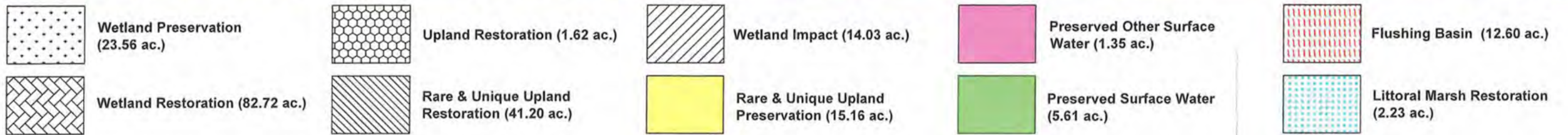
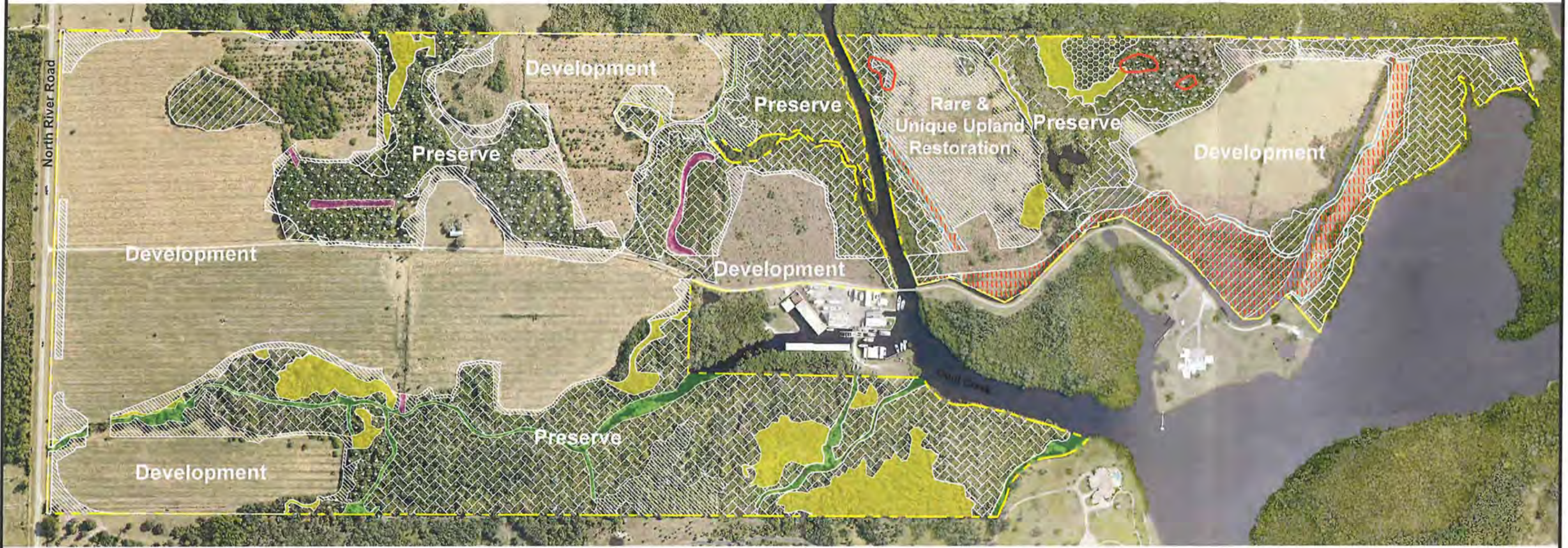
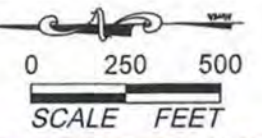




ATTACHMENT IV



SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



 Archeological Historic Preservation Areas (0.78 ac.)

Notes:
1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

January 24, 2022 10:08:31 a.m.
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Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

Water Resources Report

Revised October 2021

Water Resources Report
Owl Creek Reserve
North Olga, Lee County, Florida

Banks Engineering, Inc.
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, Florida 33966



OCTOBER 2021
(REVISED PER REVIEW COMMENTS
DATED SEPTEMBER 10, 2021)



13620 Metropolis Avenue, Suite 110
Fort Myers, Florida 33912
O 239.204.5300 - F 866.398.2426
www.waterscienceassociates.com

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SURFACE WATER RESOURCES	8
WATER DEMANDS	10
IRRIGATION IMPACT ASSESSMENT	12
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FIGURES

Figure 1.	Location of the Owl Creek Reserve Project
Figure 2.	Owl Creek Reserve Project Site, Regional Watershed Setting
Figure 3.	Aquifer System Underlying Owl Creek Reserve in North Lee County
Figure 4.	Typical Stormwater Management Lake
Figure 5.	Conceptual Site Plan
Figure 6.	Location of Nearby Water Level Monitoring Stations
Figure 7.	Hydrographs of Nearby Water Level Monitoring Stations
Figure 8.	Map Showing Conceptual Monitoring Locations

TABLES

Table 1.	Summary of Historic and Proposed Allocations
Table 2.	Summary of Surface Water and Groundwater Sampling Parameters

The Owl Creek Reserve project is a proposed residential development located in Sections 18 and 19, Township 43 South, Range 26 East in North Olga, Lee County Florida. The project is situated immediately south of State Road 78 and approximately 0.5 miles east of State Road 31 between the Caloosahatchee River to the south, Babcock Ranch Community to the north, and rural and agricultural areas to the east and west. The site consists of approximately 340 acres of predominantly farm fields and undisturbed areas. The fields have a historic agricultural irrigation water use extending from the 1950's through present with water use exceeding 700,000 gallons per day from the Sandstone Aquifer.

Projected irrigation water demands for the project are lower than the historic agricultural use and proposed irrigation supplies will be developed from a combination of stormwater harvesting of the project stormwater management system with supplements from the Sandstone Aquifer. Neither of the proposed irrigation water sources are currently used or projected to be used by Lee County Utilities in the vicinity of the project area. Potable water supplies will be provided by Lee County Utilities and wastewater utility services will be provided by Florida Governmental Utility Authority (FGUA) with the privately funded expansion of services to the project site.

The proposed Owl Creek Reserve development currently lies within the North Olga Community Planning area and is designated within the Future Land Use Map (Lee Plan Map 1, page 1 of 7) as Rural and Wetland categories. The North Olga Community Planning area provides protections to the rural character of the community through restrictions on residential density. The proposed project recognizes that low-density clustered residential development is appropriate for the area and can contribute to the County's water resource improvement initiatives through enhanced onsite water management design. The project has provisions of development that achieve conservation and enhancement of important environmental resources, including water quality, hydrological, and infrastructure enhancements, and protection of the rural character of the surrounding community. The project specifically recognizes the subject property's strategic location proximate to the Caloosahatchee Estuary watershed and its ability to implement and further the County's long-term goals of protecting groundwater and improving surface water management in northern Lee County.

SECTION B INTRODUCTION

Project Overview

The Owl Creek Reserve project is an approximately 340 acre proposed residential development located in Sections 18 and 19, Township 43 South, Range 26 East in North Olga, Lee County Florida within the North Olga Community Planning area. Refer to **Figure 1** for a regional location map of the project site. The property was formerly used for agricultural purposes and consists of fallow farm fields and heavily impacted wetland areas. The project historically maintained an agricultural water use permit and currently maintains a livestock water use permit for the Blackburn Groves project.



Figure 1. Location of the Owl Creek Reserve Project

The project is situated immediately south of State Road 78 and approximately 0.5 miles east of State Road 31 between the Caloosahatchee River to the south, Babcock Ranch Community to the north, and rural and agricultural areas to the east and west. The project lies within the Tidal North watershed and the Trout Creek sub-watershed of the Caloosahatchee Estuary (**Figure 2**). Tributaries of the Caloosahatchee Estuary watershed including Trout Creek and Owl Creek, flow through the project area from the north and northeast. The Owl Creek Reserve project will include a number of stormwater management lakes to provide improved flood management and water quality treatment of stormwater runoff. A number of onsite design and control features are planned to protect and enhance the water quality in the onsite lakes prior to leaving the development into the adjacent watersheds. The stormwater management system will be designed to meet or exceed state and local water quality standards.

Past Land Use and Water Use

The Owl Creek Reserve project falls within three parcels that have been used in the past for agricultural production. The project site was largely undisturbed land until the early 1950's when it was converted to agricultural use. Review of aerial photography indicates that active agricultural activity continued through the mid to late 2000's. The project site, known as Blackburn Groves, maintained a water use permit (WUP No. 36-00594-W) for irrigation through the South Florida Water Management District (SFWMD) since the mid 1980's. Information on file with the SFWMD indicates that the farm irrigated up to 115 acres of citrus groves until October 1996 when the permit was allowed to expire. The permit was renewed in 2008 for the continued agricultural operations and most recently modified in 2013 for the conversion of citrus grove irrigation to a livestock water supply. The current water use permit allocates about 0.076 million gallons on a maximum monthly basis and 0.92 million gallons on an annual average basis. Permitted allocations are from the Sandstone Aquifer via two existing groundwater wells. Prior to the conversion to livestock water supply, the facility was permitted for a peak allocation of 22.6 million gallons per month (0.73 mgd) on a maximum monthly basis and 105 million gallons per year (0.29 mgd) on an annual average basis.

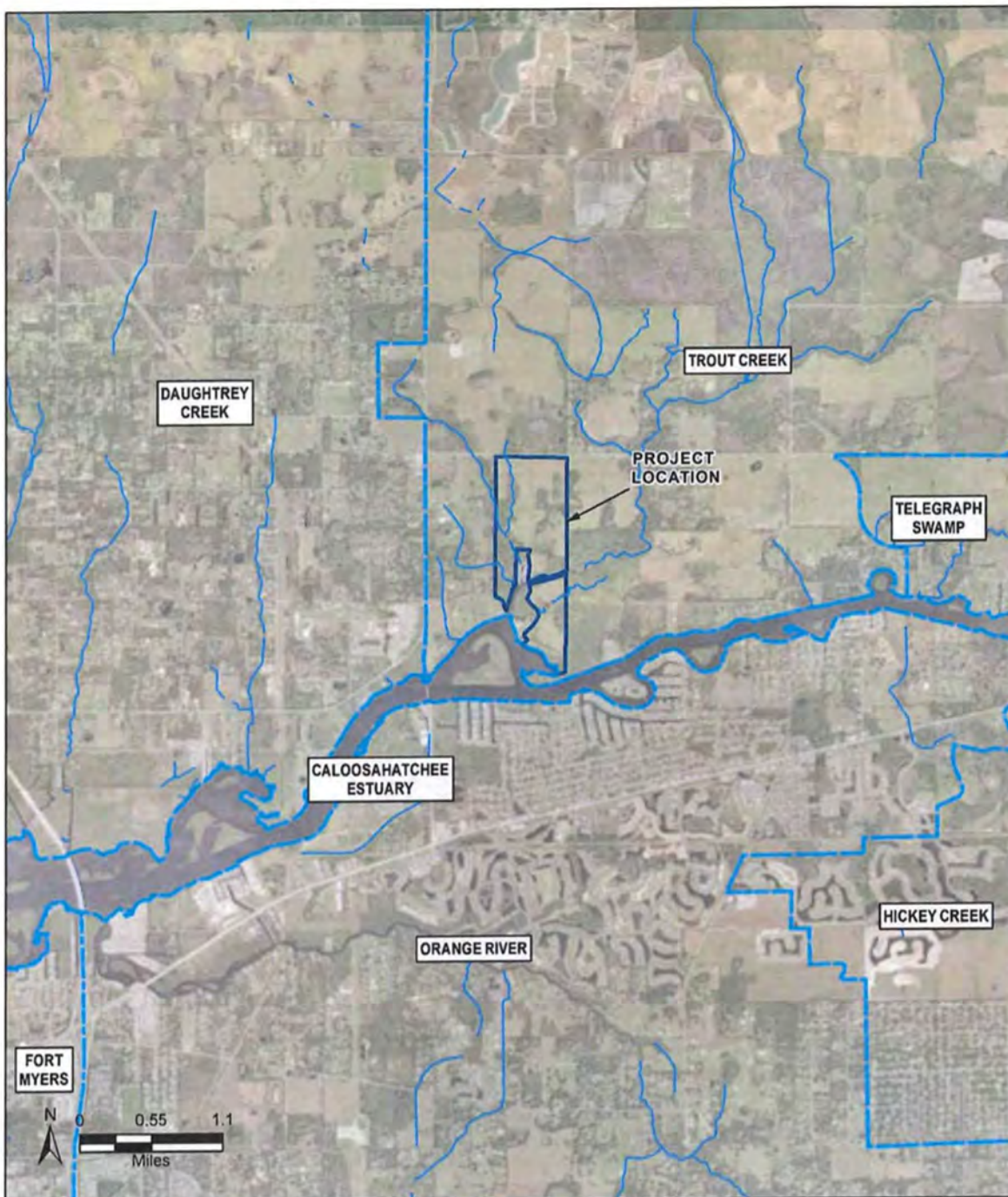


Figure 2. Owl Creek Reserve Project Site, Regional Watershed Setting

SECTION C

GROUNDWATER RESOURCES

Introduction

The hydrostratigraphy underlying the Owl Creek Reserve project is typical for northern Lee County with a series of aquifers and confining beds occupying the Surficial, Intermediate, and Floridan Aquifer Systems. **Figure 3** provides a schematic showing the groundwater sources in north Lee County. In general, freshwater sources are the Water Table and the Sandstone Aquifers. The underlying Mid-Hawthorn Aquifer of the Intermediate Aquifer System is slightly to moderately brackish and generally low yielding and inconsistent in occurrence and continuity in the project area. Highly brackish and saline water sources include the Lower Hawthorn Aquifer and underlying zones of the Upper Floridan Aquifer.

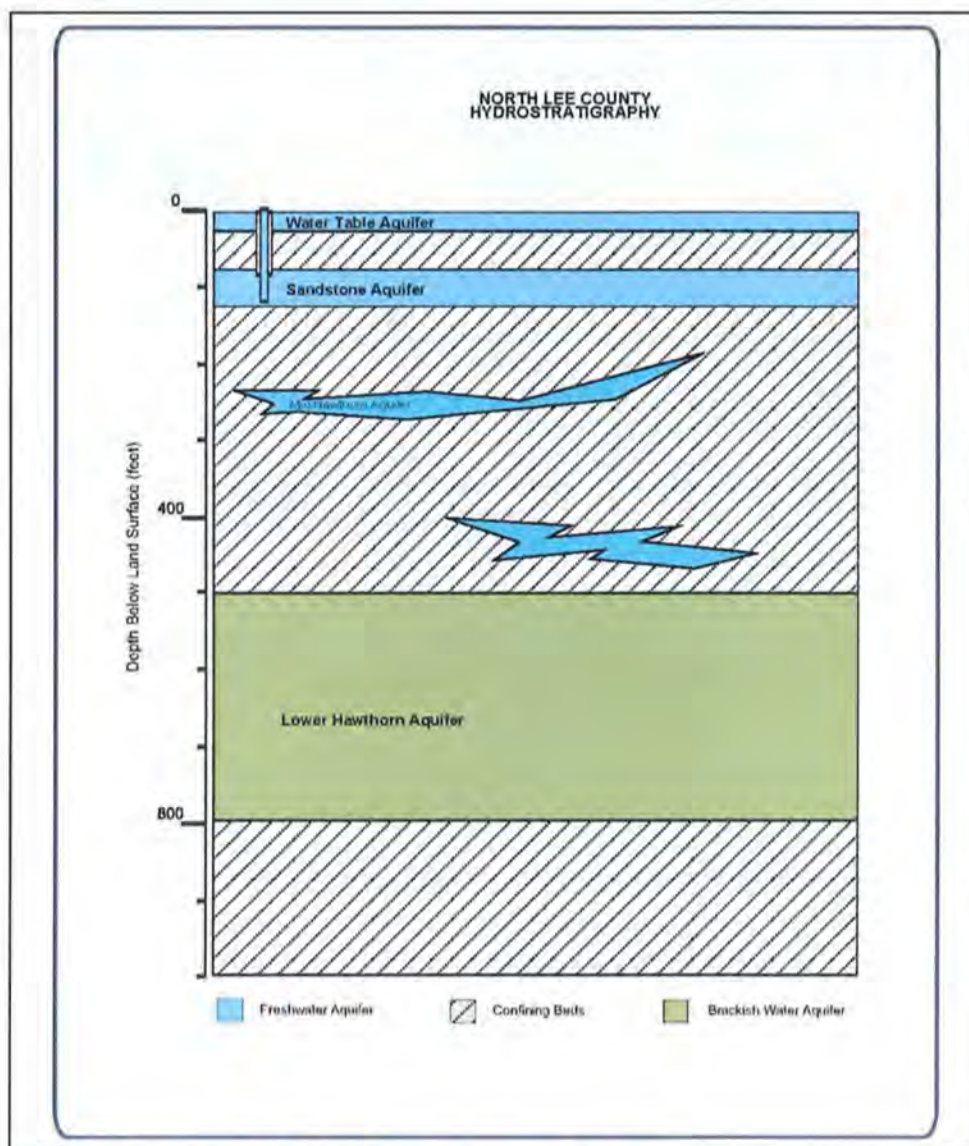


Figure 3. Aquifer System Underlying Owl Creek Reserve in North Lee County

Four primary aquifers are of significance beneath the Owl Creek Reserve project site and are described below in order of increasing depth. These are the Water Table, the Sandstone, the Mid-Hawthorn, and the Lower Hawthorn Aquifers. Deeper underlying aquifers are too saline for direct use at the site. The primary sources of information used to characterize the groundwater resources include information from Lee County, South Florida Water Management District, and U. S. Geological Society.

Water Table Aquifer

The Water Table aquifer is an unconfined aquifer that covers all of Lee County. The aquifer is defined as occurring at or near land surface downward to the top of the first regional confining bed. Beneath the Owl Creek Reserve project, the thickness of the aquifer is approximately 10 to 20 feet. The aquifer generally consists of sand and shell overlying porous limestone beneath the project site. The limestone portions of the aquifer typically have a moderate to low permeability and relatively thin in the project area making the aquifer unsuitable for medium to large capacity water production wells. Further the Water Table Aquifer in the vicinity of the project site is over drained by the influences of its topography and vicinity to the Caloosahatchee River. Use of the aquifer is typically limited by the potential for impacts to natural wetland areas from drawdown in the aquifer water level. The aquifer is recharged directly by rainfall with discharges occurring by way of natural or man-made surface drainage features, evaporation and transpiration, and by pumpage from wells. Groundwater flow and levels in the aquifer fluctuate seasonally in response to climatic conditions but are also impacted by local and regional drainage features. Water quality in the aquifer is generally very good and useful for both drinking water and irrigation water needs although high concentrations of naturally occurring iron and organic material are common. Lake extraction is the most efficient use of this aquifer for irrigation purposes, which also typically results in less iron and organic staining, as well as reduced impact to area water levels. Approximately 60-80 feet of confining beds consisting of low permeable clays and silts of the Upper Hawthorn Confining unit are encountered at the base of the Water Table Aquifer.

Sandstone Aquifer

The Sandstone Aquifer underlies the Hawthorn Confining unit and Water Table Aquifer in the northern portion of Lee County. Review of lithologic logs of nearby wells indicates that in the area of the project site, the top of the Sandstone is expected to occur approximately 100 feet below land surface. The Sandstone Aquifer is the uppermost aquifer in the Intermediate Aquifer System and consists of unconsolidated sands and poorly consolidated sandstone. The unit varies in thickness in the area of the project site, ranging from about 30 and 45 feet. The Sandstone aquifer is predominately fresh and can become slightly to moderately brackish closer to the Caloosahatchee River. Salinities however, are generally low enough for either general irrigation supply or blending with fresher water sources for irrigation supply. Productivity of the aquifer is moderate and is the typical water source used in the area of the Owl Creek Reserve project. The aquifer is recharged where overlying confining beds are thin or absent in Hendry and Glades County. Discharge from the aquifer generally occurs as pumpage from wells. Fluctuations in seasonal water levels are common near the Owl Creek Reserve project project site with wet season levels near their historic highs (near land surface) and dry season water levels often at depths of 10 feet. However, dry season water levels can be found at depths of excess of 30 feet in the Lehigh Acres area due to excessive usage. Use of the Sandstone Aquifer to supplement stormwater from the onsite lake system is proposed to meet irrigation demands at the Owl Creek Reserve project.

Mid Hawthorn Aquifer

The Mid-Hawthorn Aquifer is the lowermost aquifer in the Intermediate Aquifer System in Lee County. It consists of moderately permeable limestones of the Arcadia Formation and is separated from the overlying Sandstone Aquifer and underlying Lower Hawthorn Aquifer by thick clay confining beds of the Peace River and Arcadia Formations. It has moderate yield characteristics in western Lee County and exists as a sequence of interbedded limestones and marls that occur at depths between 200 and 300 feet below land surface. The interbedded limestone units generally thin moving eastward in north Lee County, making the aquifer unsuitable for medium to large capacity water production wells. This aquifer is recharged north of Charlotte County where the aquifer is much nearer to land surface and overlying confinement is thin or nonexistent.

Lower Hawthorn Aquifer

The Lower Hawthorn Aquifer is the uppermost water bearing unit in the Upper Floridan Aquifer System. The aquifer has good yield potential but contains brackish water that is only useful for irrigation if blended with other freshwater resources and is only useful for public water supply using reverse osmosis or other desalination technologies. The top of this aquifer is anticipated to be encountered at depths between about 500 and 600 feet below grade at the Owl Creek Reserve project site. The aquifer is separated from the overlying Mid-Hawthorn Aquifer by the Lower Hawthorn Confining Zone which consists of marine silts and clays of very low permeability. The Lower Hawthorn Confining Zone has a thickness of about 200 feet. The aquifer is recharged in the central Florida highlands area between Tampa and Orlando where the aquifer beds are near land surface and confining beds are thin or absent. In general, the South Florida Water Management District supports increased use of the Lower Hawthorn/Upper Floridan aquifer especially for public water supply use. Lee County Utilities uses the Lower Hawthorn Aquifer to feed a reverse osmosis water treatment plant for development of public water supply. The Owl Creek Reserve project proposes no use of the Lower Hawthorn Aquifer.

Onsite Lakes

The development will include stormwater management lakes to provide flood control and water quality treatment. A number of design and control features are planned for the Owl Creek Reserve project to protect and enhance the quality of water in the lakes and adjacent watersheds and provide for hydrological improvements on the project site (refer to **Figure 5** for a conceptual site plan). These elements include collection, treatment, and conveyance of stormwater within the project's water management system, the use of filter marshes, and other water treatment BMP's, and centralized control over the application of irrigation water.



Figure 4. Typical Stormwater Management Lake

The stormwater management system will include the collection and detention of all stormwater generated on the site and will provide stormwater treatment through various dry and wet detention elements within the development footprint that meet or exceed water quality requirements of the South Florida Water Management District, the Florida Department of Environmental Protection, and Lee County. The Owl Creek Reserve project will include a Lake Management Plan following BMP's for erosion control and bank stabilization; deep lake management; and fertilizer and pesticide use to reduce nitrogen and phosphorous loading to the stormwater management system. Additionally, the project will incorporate multiple required best management practices to ensure a maximum potential treatment stormwater including a water quality treatment train consisting of a combination of sediment traps, dry / wet detention, and planted filter marshes that provides a high level of treatment of both onsite generated stormwater and regional flow-through of surrounding area watersheds.

Centralized control of the operation of the irrigation system results in improved adherence to Best Management Practices and water use compliance than if individual homeowners have control of these functions or the ability to override irrigation programming. Application of fertilizers and pesticides within the common areas in the yards of lots/parcels will be controlled and managed by the Homeowners Association. Similarly, the irrigation of residential lots and common areas will be centrally controlled to meet conditions of applicable water use permits, local ordinances, and periodic water use restrictions. Individual homeowners will not have the ability to override irrigation times or quantities.

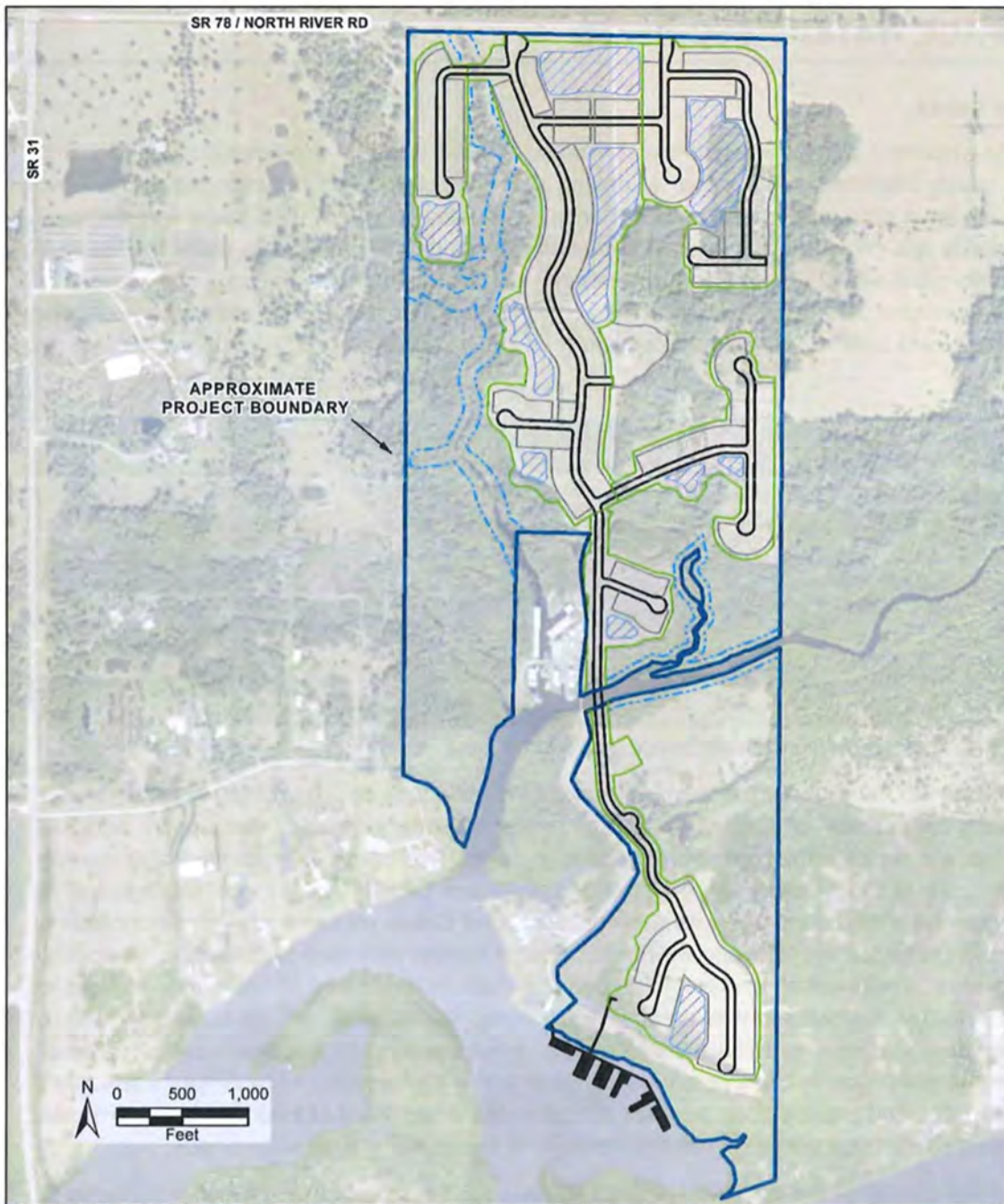


Figure 5. Conceptual Site Plan

SECTION E

WATER DEMANDS

Water demands at the proposed project will consist of in-house potable water and outside irrigation uses. An amendment to Lee County's Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) is proposed to include the Owl Creek Reserve project to allow for privately funded expansion of water service to the development. Potable water service will be provided by Lee County Utilities and Wastewater service will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of the utility services. Irrigation demands will be met with onsite sources including harvesting stormwater from the onsite stormwater lake system with re-supply by groundwater withdrawals. The lake withdrawals will provide an efficient and low impact method for tapping the Water Table Aquifer underlying the project site and effectively harvest available stormwater supplies. Lake volume storage will minimize potential impacts to surface and groundwater levels. Recharge of the lakes from the Sandstone Aquifer will minimize the potential for wetland impacts and provide an effective blending system for slightly brackish water known to occur in the aquifer near the River. The project has a long history of permitted agricultural withdrawals from the Sandstone Aquifer that are larger than the proposed irrigation demands for the Owl Creek Reserve project.

Potable Water and Wastewater

Lee County Utilities and FGUA will provide potable water and wastewater services respectively to the project. This will eliminate the need for individual domestic self-supply wells and individual onsite sewage treatment and disposal systems (septic tanks) which are common for many rural areas of Lee County. Provision of central public utilities to the Owl Creek Reserve project will provide a number of desirable environmental and hydrological advantages. Supplying potable water to the project from the nearby water treatment facility will remove a potentially competing water use from the freshwater aquifers and allow for improved planning and control of area water resources. Similarly, provision of a central sewer system will eliminate septic tank discharges in the area providing a higher level of protection to the existing water resources.

Irrigation Water

The project was historically permitted for Sandstone Aquifer withdrawals for agricultural production. Water use permit WUP No. 36-00594-W was established in the mid 1980's and later modified in 2013 for the conversion of citrus grove irrigation to a livestock water supply. The current water use permit allocates about 0.076 million gallons on a maximum monthly basis and 0.92 million gallons on an annual average basis. Permitted allocations are from the Sandstone Aquifer via two existing groundwater wells. Prior to the conversion to livestock water supply, the facility was permitted for 0.73 million gallons per day on a maximum monthly basis and 0.29 million gallons per day on an annual average basis.

The Owl Creek Reserve project will include stormwater management lakes that are hydraulically connected to the Water Table Aquifer. The proposed irrigation system will consist of stormwater harvesting from the stormwater lake management system with these withdrawals re-supplied by groundwater. The proposed source of groundwater to supplement lake withdrawals will be fresh to mildly brackish groundwater from the Sandstone Aquifer. Actual percentages of lake and groundwater withdrawals will be determined during the water use permitting process with the SFWMD. However, the combination of any use of mildly

brackish groundwater and fresh stormwater will maintain a chloride level of less than 200 mg/l in compliance with SFWMD policy. Use of stormwater as a primary irrigation resource reduces use of potable water supplies, provides additional stormwater treatment, reduces offsite discharges of stormwater, reduces nutrient levels of the stormwater outfalls, and reduces reliance on groundwater systems being used to supply potable water to Lee County Utilities and home sites on individual wells.

Irrigated area for the Owl Creek Reserve project is estimated to be 70 acres of turf grass and landscaping. Using standard Blaney-Criddle calculations used by the SFWMD for irrigation supply permitting, this acreage will result in irrigation water demands of 11.27 million gallons per month (MGM) on a maximum monthly basis (or about 0.36 million gallons per day) and 80.15 million gallons per year on an average annual basis (0.22 million gallons per day). **Table 1** provides a summary of historic water use on the property and proposed allocations for the Owl Creek Reserve project. Projected irrigation demands for the Owl Creek Reserve project indicate a reduction in the historic maximum monthly use by approximately 50%.

Table 1. Summary of Historic and Proposed Allocations.

Allocation	Historically Permitted 36-00594-W	Currently Permitted 36-00594-W	Proposed Total Allocations	Change from Historic Allocations	Change from Current Allocations
Maximum Monthly (MGM)	22.6 MG	0.08 MG	11.27 MG	-11.33 MG	+11.19 MG
Annual Average (MGY)	105 MG	0.92 MG	80.15 MG	-24.85 MG	+79.23 MG

The proposed project will also explore the use of computerized irrigation systems that incorporate onsite data and conditions to provide irrigation on an as-needed bases rather than simply on a scheduled basis. Such systems have been shown to result in reductions in irrigation water use by over 30% in Southwest Florida. In general, these systems operate based on computer software that takes into account soil moisture, rainfall, and elements that influence evaporation and transpiration to determine which locations require irrigation, how much irrigation is needed, and when to apply irrigation water.

SECTION F

IRRIGATION IMPACT ASSESSMENT

Water Levels

Water Science Associates reviewed hydrographs of nearby monitoring wells maintained by Lee County Division of Natural Resources (LCDNR) and surface water data maintained by the SFWMD for the Caloosahatchee River Station (S79_T), located approximately 3.5 miles east of the project and west of the Franklin Lock site shown on **Figure 6**. The nearest wells to the project site with long term water level data (1992 to present) are 27-GW2, located about 1.25 miles northwest of the project site in the Trout Creek sub-watershed and wells 26-GW2 and 26-GW1 located about 1.6 miles west and 1.1 miles southwest of the project site respectively in the Daughtrey Creek sub-watershed, was also reviewed.



Figure 6. Location of Nearby Water Level Monitoring Stations

The topography in the area of the project site, which influences water elevations, drops significantly from north to south approaching the tidally influenced Caloosahatchee River. In the vicinity of the project site, water level elevations generally range between 0 and 5 feet below land surface depending upon season. The Caloosahatchee Estuary sub-watershed acts as a natural drainage feature for the surrounding areas including surface water from the Trout Creek and Owl Creek within the project area. Groundwater elevations in the upstream monitoring well (27-GW2) show water levels ranging seasonally between +18 and +23 feet NAVD88 with a slight decline trending over the period of record from 1992 to present. Groundwater elevations in well 26-GW2, located laterally to the west of the project site show season water levels ranging between +13 and +18 feet NAVD88 with a steady range over the period of record from 1996 to present. The downstream monitor well 26-GW1 shows seasonal water levels ranging from 0 and +5 feet NAVD88 reflecting close proximity to regional drainage feature of the Caloosahatchee River. This data shows a steady range over the period of record from 1996 to present. Surface water elevations from the Caloosahatchee River Station S79_T show elevations ranging from -2 feet NAVD to +3 feet NAVD88 and a rising trend for the period of record from late 1990 to present.

One hundred percent of the irrigation withdrawals from the stormwater lake management system will be re-supplied with groundwater from the Sandstone Aquifer. Therefore, there is no impact on the water levels in the Water Table Aquifer from the proposed use. Additionally, the project's water management system will provide enhanced water quality treatment and storage thereby providing a positive impact to groundwater recharge and regional water quality.

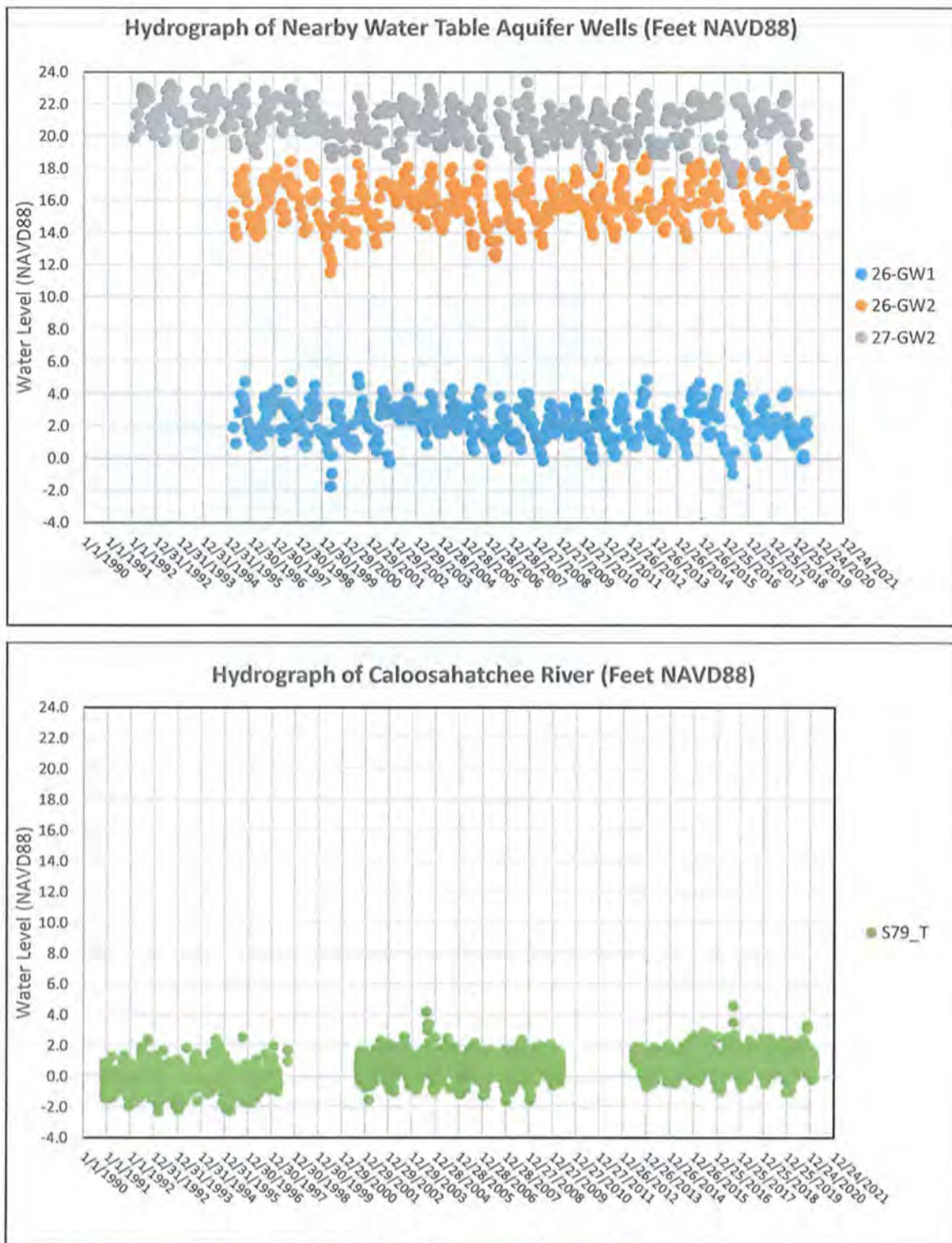


Figure 7. Hydrographs of Nearby Water Level Monitoring Stations

SURFACE WATER AND GROUNDWATER MONITORING PLAN

Purpose

This Surface Water and Groundwater Monitoring Plan will be initiated to establish baseline conditions for the project site and to quantify potential adverse impacts as a result of the proposed residential development. The Surface Water and Groundwater Monitoring Plan includes sampling locations, sampling frequency, reporting requirements, and evaluations of the water level and water quality within the Owl Creek Reserve project site. The proposed monitoring plan may be further refined during the Development Order process that may include additional or removal of groundwater and/or surface water sampling locations.

Monitoring

The Surface Water and Groundwater Monitoring Plan includes the installation of two shallow monitor wells tapping the upper portion of the Water Table Aquifer (WT-1 & WT-2), a deeper monitor well tapping the upper portion of the Sandstone Aquifer (SS-1), up to seven surface water sample locations (typical outfall locations), and one staff gauge installed within the irrigation withdrawal lake (SG-1) upon operational completion. Refer to **Figure 8** for a map showing the proposed monitoring locations of the Surface Water And Groundwater Monitoring Plan including proposed irrigation withdrawal facilities. All monitor wells and the staff gauge will be equipped with electronic water level transducers set to record water levels every 6 hours. Surface water and groundwater monitoring parameters are provided in **Table 2** and include contaminant target levels where applicable for surface water and groundwater.



Figure 8. Map Showing Conceptual Monitoring Locations

The proposed Surface Water and Groundwater Monitor Plan includes a baseline sampling event followed by subsequent quarterly sampling events. Two quarterly sampling events will be performed during the wet season (June through September) and two sampling events will be performed during the dry season (October through May).

Quality Assurance

Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective 7/30/2014. Water Quality samples will be collected from both monitor wells and the staff gauge monitoring station. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. Chain of custody forms and laboratory analysis reports will be provided in corresponding quarterly reports.

Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) using approved test methods and QA testing requirements (i.e. blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 QA Rules.

Table 2. Summary of Surface Water and Groundwater Sampling Parameters

PARAMETER	UNITS	BASELINE	Quarterly	Groundwater Target Level	Surface Water Target Levels	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	NA	NON-NUMERIC	Laboratory
Ammonia (un-ionized)	mg/L as N	x	x	NA	0.02	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	10	NON-NUMERIC	Laboratory
Nitrite	mg/L as N	x		1	NON-NUMERIC	Laboratory
Nitrate	mg/L as N	x		10	10	Laboratory
Total Phosphorus	mg/L as P	x	x	NA	NON-NUMERIC	Laboratory
Chloride	mg/L	x	x	250	250	Laboratory
Total Dissolved Solids (TDS)	mg/L	x	x	500	500 Average	Laboratory
Florida PRO (TRPH)	µg/L	x		5000	5000	Laboratory
Arsenic	µg/L	x		10	10	Laboratory
Copper	µg/L	x	x	1000	NON-NUMERIC	Laboratory
Mercury	µg/L	x	x	2	12	Laboratory
Lead	mg/L	x	x	0.015	NON-NUMERIC	Laboratory
E. coli	MPN/100mL	x	x	NA	200 Average	Laboratory
Total Hardness	mg/l	x	x	NA	NA	Laboratory
Temperature	C	x	x	NA	NA	Field
Specific Conductance	mhos/cm	x	x	NA	1275 or <50% increase	Field
pH	pH units	x	x	6.5-8.5	1 unit from background	Field
Dissolved Oxygen (DO)	mg/L	x	x	NA	>5.0	Field
Lake Stage	ft NAVD	x	x	NA	NA	Field/Recorder
Water Table Aquifer Elevation	ft NAVD	x	x	NA	NA	Field/Recorder
Sandstone Aquifer Elevation	ft NAVD	x	x	NA	NA	Field/Recorder

NA=Not Applicable

Note - Groundwater Target Levels per Chapter 62-550 and Rule 62-520.420, FAC with exception of FL-PRO. FL-PRO is a petroleum screening parameter with a target level of 5 mg/l listed in Chapter 62-777, FAC. Surface Water Target Levels per Chapter 62-302.

Water Monitoring Reporting and Analysis

The Quarterly Surface Water and Groundwater Monitoring Reports will provide evaluation of the analytical results and include conclusions and recommendations. The Quarterly Reports will include a continuous hydrograph of the recorded water levels and updated tables of quarterly water quality sampling results. The data will be reported to the Lee County Department of Natural Resources (LCDNR) in their approved comma delimited electronic format within 30 days of receipt of results from the laboratory. Conclusions and recommendations will be based on applicable target levels and statistical analyses and trends of measured constituents.

Results of water sampling will be compared to applicable target levels, if listed. Parameters that do not have numeric target levels will be evaluated for trends. The surface water and groundwater laboratory results will undergo statistical analyses for the development of conclusions and recommendations within the Surface Water and Groundwater Monitoring Reports. Statistical methods to be used include determination of standard deviations, linear regressions, and calculation of confidence intervals. Once a sufficient data population of laboratory results of sample analyses has been compiled, these statistical tools will be employed to assist in analyzing the data to identify trends and aid in identifying potential concerns.

Once sufficient data is obtained, a 95% confidence interval and a standard deviation value will be calculated and updated with each sampling event. If an analytical result falls outside either the 95% confidence interval, or two standard deviations from the mean, the data will be further evaluated to aid in determining potential anomalous data. Additionally, a linear regression analysis will be performed on each data set to signify trends in the data. If the r^2 value of the regression analysis falls below 0.8, further investigation will be performed to determine the cause of the variability in the results. If the variability is due to seasonal variations, the data will be segregated into seasonal sets, and linear regression analysis will be performed separately on each set, with the above parameters followed.

Should indications of water level or water quality concerns be identified by exceeding target levels or through statistical trend analyses, site conditions will be reviewed and assessed and if indicated, additional samples will be collected. Following any re-sampling event, the LCDNR will be notified of necessary corrective actions. Should potential areas of concern be identified, the Applicant will coordinate with the LCDNR to aid in identifying potential causes and potential needs to modify monitoring parameters, frequency, and/or reporting.

Water Quality Monitoring will continue for a minimum of 5 years from the date of completion of the stormwater management system. After 5 years of meeting or exceeding state water quality monitoring standards, the developer may amend or discontinue water quality monitoring and reporting after written request, review, and approval by Lee County Division of Natural Resources.

Stormwater Planning Report

Revised October 2021

STORMWATER PLANNING REPORT

PREPARED FOR:

Owl Creek Reserve Minor RPD

DCI2021-00011

Revised October 2021

DR Horton
10541 Six Mile Cypress Pkwy
Fort Myers, FL 33966

PREPARED BY:



Professional Engineers, Planners & Land Surveyors

10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, Florida 33966

Existing Conditions

The **Owl Creek** development is located in Lee County, Florida, between North River Road and the Caloosahatchee River, approximately one mile east of SR 31. The project is located in Sections 18 and 19, Township 43 South, Range 26 East. The project area is located within the Owl Creek and Trout Creek Drainage Basins. These natural creeks traverse the project and connect to the Caloosahatchee River and are tidally influenced within the project. The site has historically been used for agriculture (cattle grazing) and has been partially cleared. The property slopes from North to South and the existing grade varies from elevation 8 in the north, to elevation 2 in the south. Owl Creek and Trout Creek flow across North River Road and through the project.



Figure 1: Existing Drainage Map

These creeks and the other onsite wetlands are shown as flow-ways in the County system (see Figure 2) and are prioritized for preservation and restoration. The elevation of the uplands south of Trout Creek range from 2'-3'. The onsite wetlands are primarily along the Trout Creek and Owl Creek. The hydroperiod of the wetlands is controlled by the water table in these creeks that drain upstream areas north of North River Road.

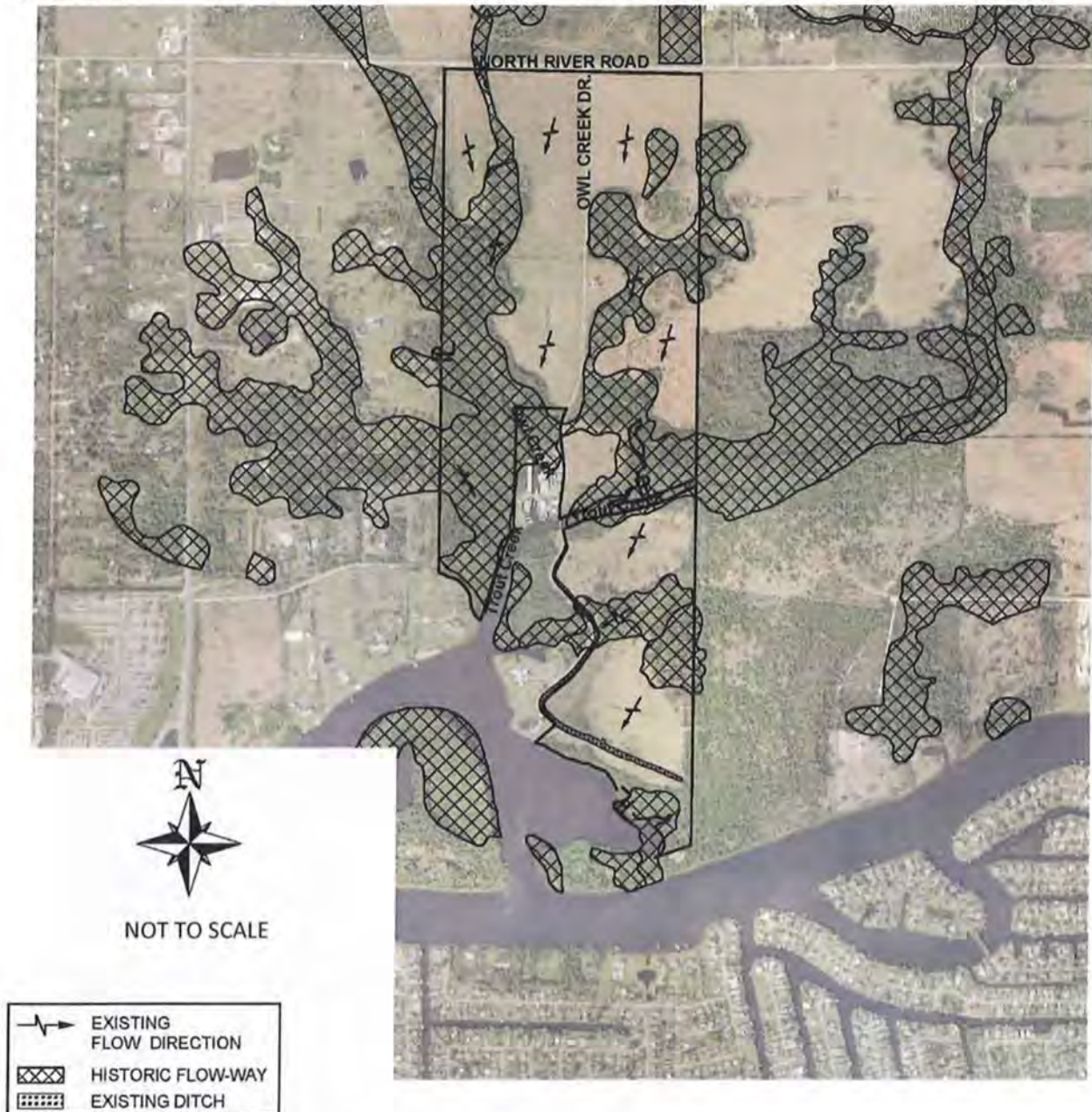


Figure 2: Existing and Historic Flow-ways Map

Proposed Water Management System

The proposed *Owl Creek* project will provide significant wetland and upland preservation and restoration areas with clustered residential development. The development areas will include lakes with residential tracts surrounding these lakes. An amenity area is also planned within the development. The development will primarily occur in the previously cleared areas with a majority of the existing vegetation being preserved. Owl Creek and Trout Creek and their adjacent wetland systems will be maintained as regional flow-ways (See Figure 3).



Figure 3: Post Development Historic Flow-ways Map

The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The wetland preserves will not be part of the controlled surface water management system. This will allow the offsite flows to pass through the site without being affected by the project. The storm water management system has been designed to mimic the natural sheet flow pattern. The discharge from the storm water management system basins from the developed site will be controlled and will be limited to predevelopment discharge rates and directed to mimic natural flows. The discharge from the storm water system will help to hydrate the wetland systems and improve water levels. These wetland systems can provide additional polishing of runoff prior to entering the natural waterways functioning as a filter marsh. No negative impacts to water levels or wetland hydroperiods are expected.

The water management system will include both wet and dry detention areas planted with wetland plant species. Runoff from the developed site will be routed to these detention areas for treatment and storage (See Figure 4). Since the site elevation and therefore the wet season water table varies across the site from north to south, the water management system will be divided into several separated basins. These separate basins will be used to help maintain onsite water elevations within the wetland systems.

Runoff will first be routed to planted dry detention areas for initial treatment. These dry detention areas will overflow to the wet detention areas (lakes). This will maximize water treatment and nutrient removal, which will exceed SFWMD, FDEP and Lee County requirements. The Owl Creek Project will include a lake management plan following BMP's for erosion control and bank stabilization, deep lake management the includes native plantings and aeration of the lakes, and limitations on fertilizer and pesticide application. These features help to improve water quality in the lakes, and therefore improving the discharges to the wetlands.

After treatment, runoff will be discharged at pre development rates to the onsite wetlands in order to help maintain wetland hydration and provided additional polishing and nutrient uptake. These wetland systems connect to Trout Creek and Owl Creek which discharge to the Caloosahatchee River and are tidally influenced in the project area.

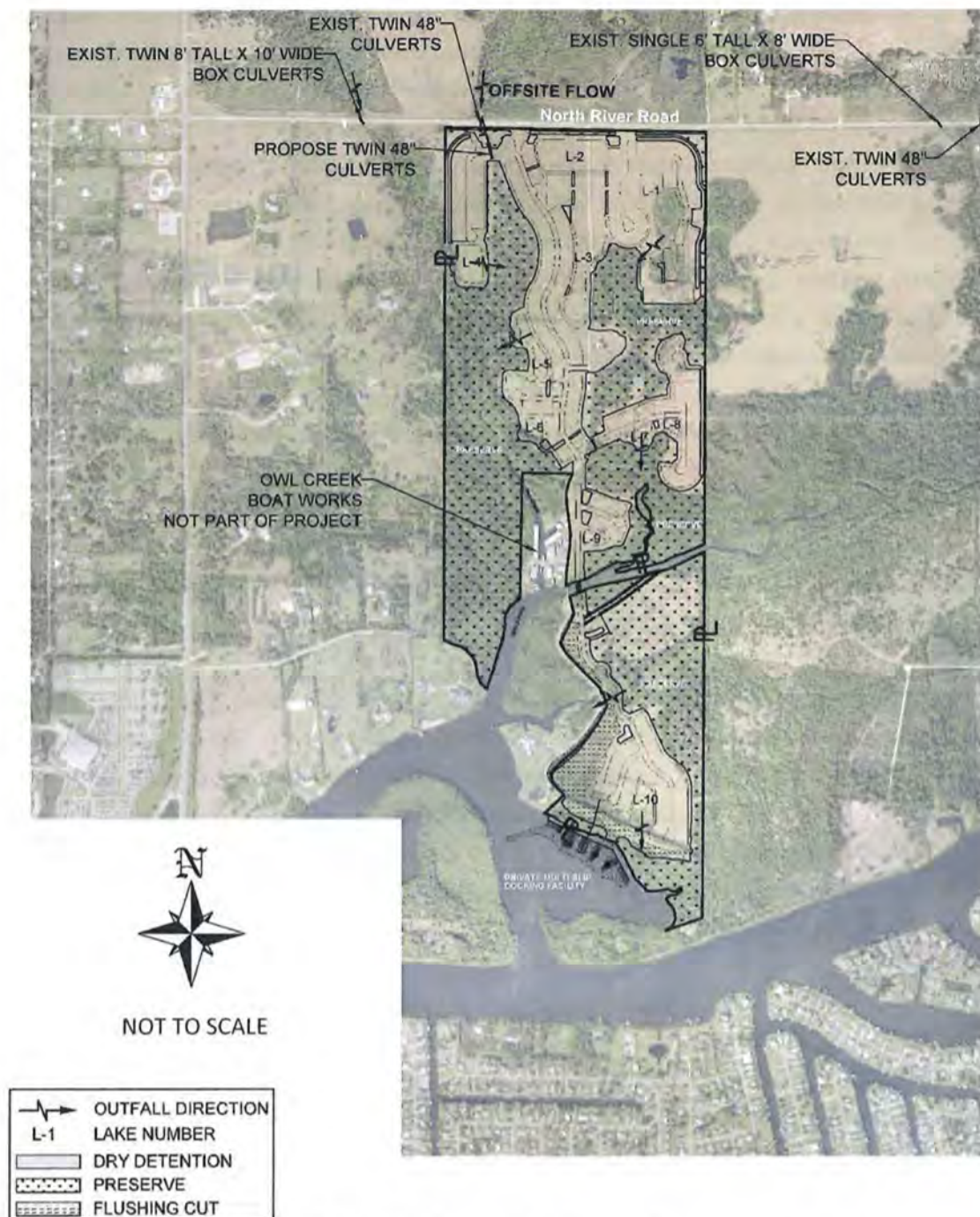


Figure 4: Post Development Drainage Map

FEMA	Floodplain	-	Pre-Development
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The project is located within the FEMA (Federal Emergency Management Agency) 100-year floodplain. The project includes the Owl Creek on the west side and the Trout Creek on the southeastern side of the proposed site. These natural creeks flow through the project. The creeks are tidally influenced by the Caloosahatchee in the project area and the FEMA elevations with

the Floodway range from 0.90' to 9.00'. These flood elevations for the rainfall driven flood event were obtained from the 2018 FEMA FIS (Flood Insurance Study) for Lee County. These creeks and the adjacent lands are also part of the regulatory FEMA flow-way adopted by FEMA and Lee County in 2008 (See Figure 5). These flow-way areas represent the historic floodplain and can not be filled unless the floodplain impacts are reviewed and approved by FEMA or the floodplain manager. Fema assumes that the flow-way area is the conveyance for the creek, and that all the property surrounding the flow-way has been filled and is not available for drainage.

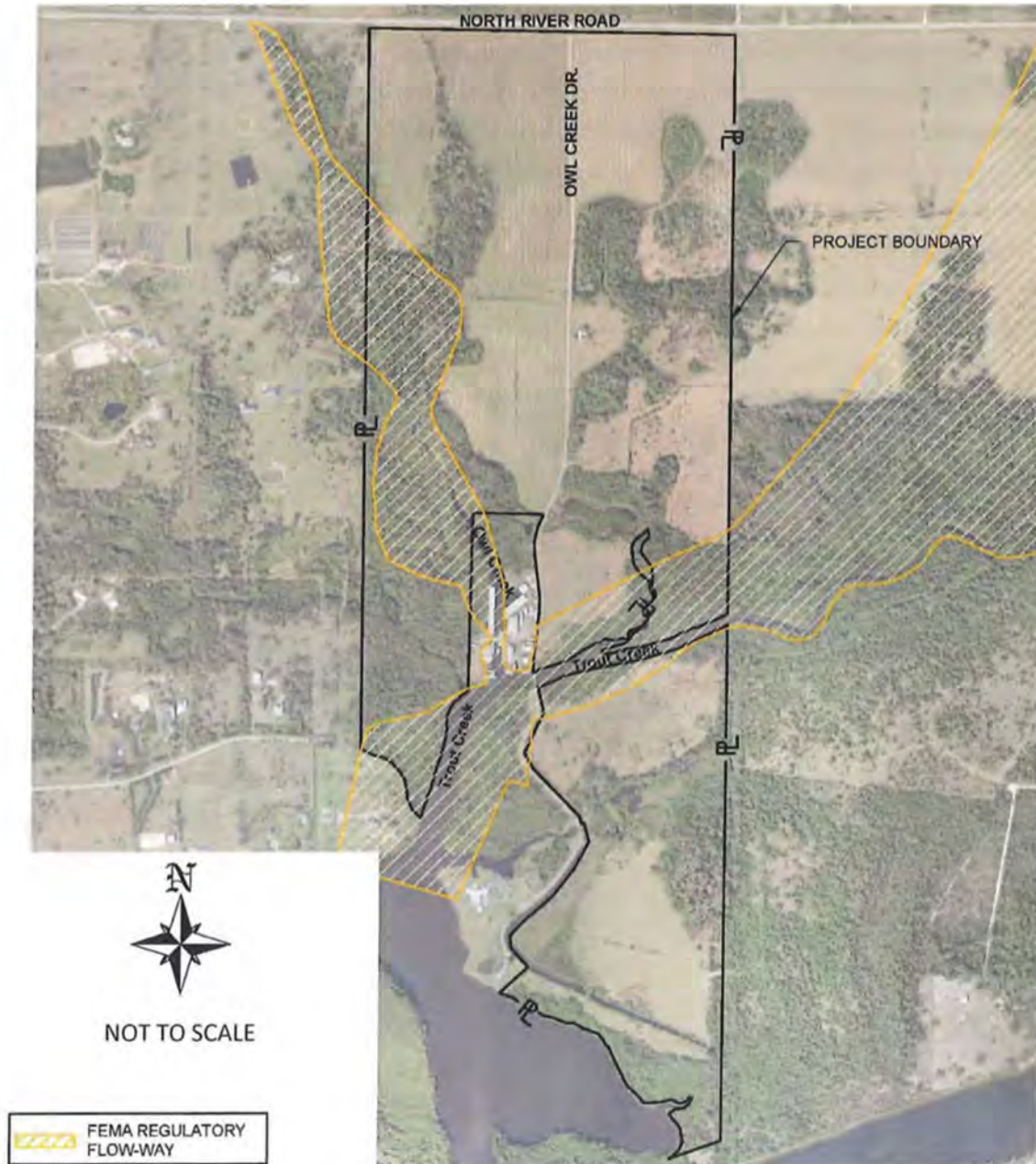


Figure 5: Existing FEMA Flow-way Map

The elevations from the FEMA models do not top North River Road in the project area. Therefore, the offsite flows must pass through the culverts under the road. There are twin 8'x10' box culverts across North River Road at Owl Creek and a 6'x8' box culvert across North River Road at Trout Creek. The flow-way is hundreds of feet wide and has significantly more flow capacity than the culverts.

Recently FEMA has completed (not implemented) the Unincorporated Lee County Coastal Risk MAP, which according to the Lee County website "builds on the previous Map Modernization program with a closer consideration of coastal wave action.". FEMA and the local jurisdictions have coordinated proactively on flood map updates in 2008, 2012 and 2018. The new Risk Map also "used storm surge and wave analysis models to update flood zones and base flood elevations for coastal areas and the banks of the Caloosahatchee River." The new Risk Map categorizes the proposed project area as Coastal A, rather than AE (See Figure 6) and eliminates the FEMA floodway within the Coastal A zone. These Coastal A areas are within the Limit of Moderate Wave Action (LiMWA) inside of which the wave action can be as high as 1.5 ft. The proposed project falls inside this limit and this wave action during flooding is indicative of a tidally influenced flood area. Filling in these tidal areas does not affect upstream flood elevations.

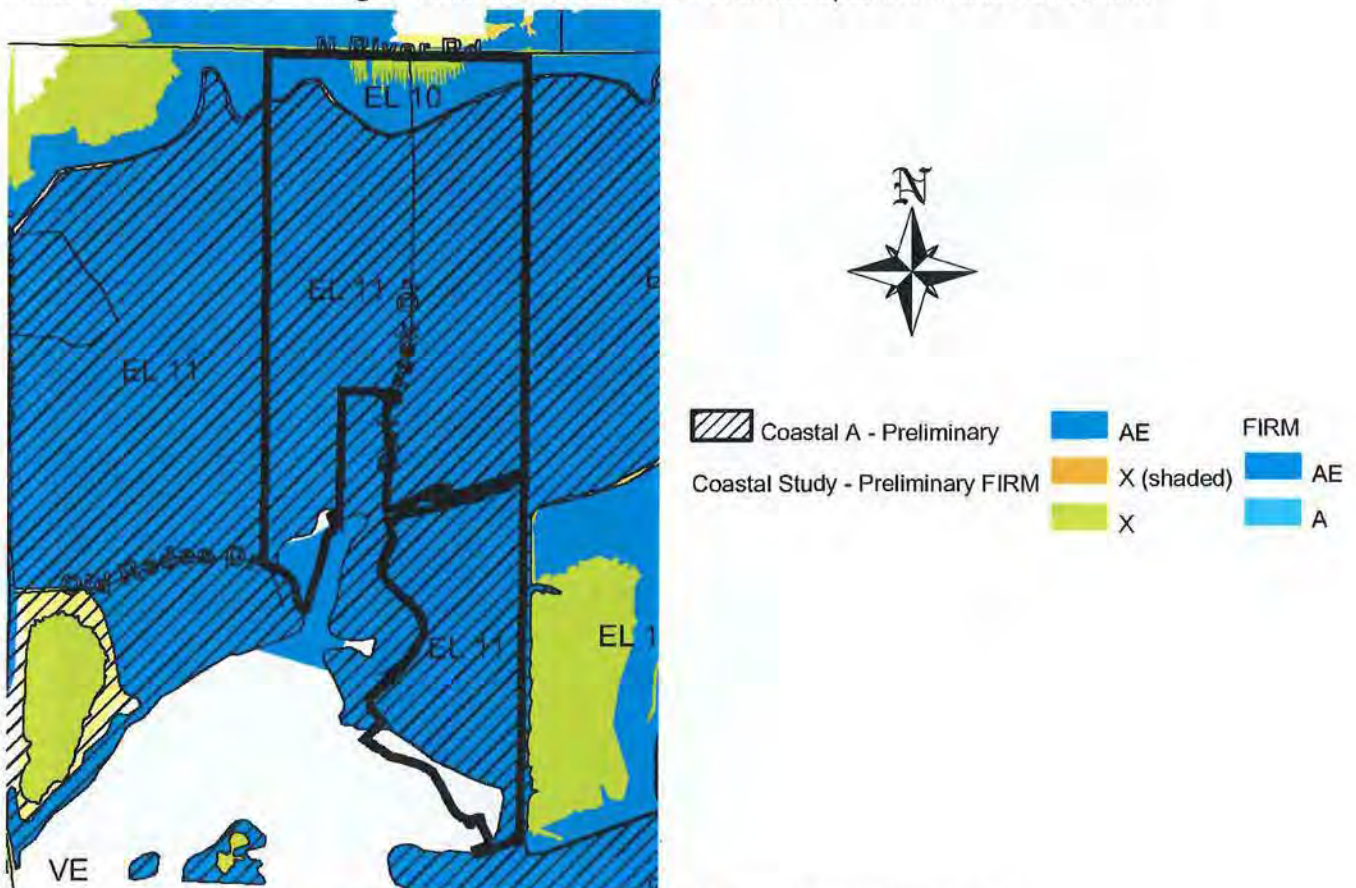


Figure 6: Preliminary Proposed FEMA Map (not implemented)

FEMA Flood Plain – Post Development

In the proposed project of 342.68-acres a total of almost 200 acres of wetlands, easements, and open space will not be developed. The areas currently serve as a collection and distribution system for runoff, and these drainage corridors (Trout Creek and Owl Creek) will be preserved. We believe that by the time the project is fully permitted and developed, the new FEMA study will be in affect. If not, the site plan can be adjusted to eliminate any encroachments into the regulatory flow-way on the current FEMA maps (See Figure 7). The Owl Creek project will comply with the requirements of the FEMA map in affect at the time of Development Order permitting.

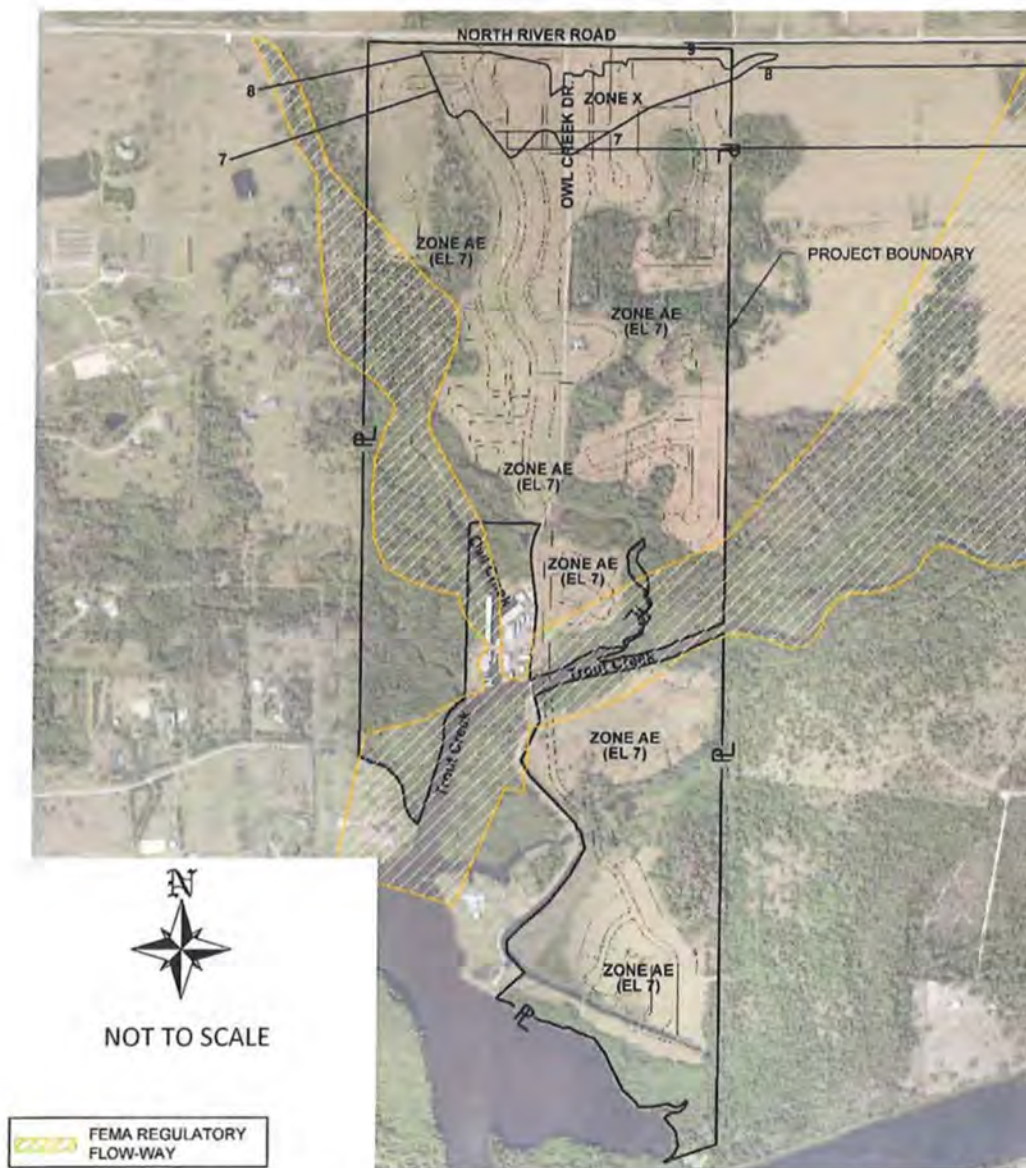


Figure 7: Post Development FEMA Flow-way

Application

(Exhibit T1)

Revised February 2022



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Owl Creek Reserve

Project Description: Text Amendments to allow incentives for protection of environmentally sensitive lands within the Rural future land use category for clustered planned developments within the North Olga Planning Community area. Concurrent amendment to Map 6 and planned development application for ±342.68 acres to accommodate up to 380 residential dwelling units (increase of 157 dwelling units). Amendments proposed to Policies 124.1.1, Table 1(a) Note 8, and proposed new Policy 29.2.4.

State Review Process: ☐ State Coordinated Review ☒ Expedited State Review ☐ Small-Scale Text*

*Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.

APPLICANT – PLEASE NOTE:

A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

1. Name of Applicant: D.R. Horton, Inc.

Address: 10541 Six Mile Cypress Parkway

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-225-2600

E-mail: JWEverett@drhorton.com

2. Name of Contact: Stacy Ellis Hewitt, AICP – Banks Engineering

Address: 10511 Six Mile Cypress Parkway, Suite 101

City, State, Zip: Fort Myers, FL 33966

Phone Number: (239) 939-5490

E-mail: SHewitt@bankseng.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. The request is to support a concurrent residential planned development application located between North River Road and the Caloosahatchee River and provides specific development conditions. Other Rural lands within North Olga Planning Community could apply for a planned development zoning request to utilize incentives for protection of environmentally sensitive lands.

4a. Does the proposed change affect any of the following areas?

If located in one of the following areas, provide an analysis of the change to the affected area.

☐ Acquisition Area
[Map 1 Page 4]

☐ Burnt Store Marina Village
[Map 1 Page 2]

☐ Urban Infill and Redevelopment
[Map 15]

☐ Agricultural Overlay
[Map 30]

☐ Environmental Enhancement and
Preservation Communities [Map 17]

☐ Urban Reserve Area [Map 1 Page 4]

☐ Airport Mitigation Lands
[Map 3]

☐ Mixed Use Overlay
[Map 1 Page 6]

☐ Water Dependent Overlay
[Map 1 Page 2]

☐ Airport Noise Zone
[Map 1 Page 5]

☐ Planning Communities Map
[Map 1 Page 2]

☐ Private Recreational Facilities
[Goal 16]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> N/A | <input type="checkbox"/> Bayshore [Goal 18] | <input type="checkbox"/> Boca Grande [Goal 19] | <input type="checkbox"/> Buckingham [Goal 20] |
| <input type="checkbox"/> Caloosahatchee Shores [Goal 21] | <input type="checkbox"/> Olga [Goal 22] | <input type="checkbox"/> Captiva [Goal 23] | <input type="checkbox"/> Greater Pine Island [Goal 24] |
| <input type="checkbox"/> Lehigh Acres [Goal 25] | <input type="checkbox"/> North Captiva [Goal 26] | <input checked="" type="checkbox"/> NE Lee County [Goal 27] | <input type="checkbox"/> Alva [Goal 28] |
| <input checked="" type="checkbox"/> North Olga [Goal 29] | <input type="checkbox"/> North Fort Myers [Goal 30] | <input type="checkbox"/> Page Park [Goal 31] | <input type="checkbox"/> San Carlos Island [Goal 32] |
| <input type="checkbox"/> Southeast Lee County [Goal 33] | <input type="checkbox"/> Tice [Goal 34] | | |

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon).

2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space
- e. Public Schools

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

MINIMUM SUBMITTAL ITEMS

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8)
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)

Pre-Application Meeting

(Exhibit T3)



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Pre-Application Meeting/Teleconference Minutes
EXHIBIT "T3"

Date: June 22, 2020 at 1:30 p.m.

County Staff: Audra Ennis, Brian Roberts, Mikki Rozdolski, Brandon Dunn, Becky Sweigert, Tyler Griffin, Nic DeFilippo, John Fredyma

Applicant Representatives: Russell Schropp, Tom Lehnert, Dave Underhill, Stacy Ellis Hewitt, Wayne Everett

Meeting was requested to discuss a potential plan amendment and Residential Planned Development rezoning for ±345 acres, of which 200± are uplands. The proposal would be for a FLUM amendment from Rural to Sub-Outlying Suburban and an RPD for approximately 400 single family dwelling units. Specific properties were provided prior to the meeting.

Following items topics were discussed:

- Potential for amenities and potential single-family docks or multi-slip docks. Number of docks and manatee review is in the works
- There has been a recent amendment to Policy 6.1.2 to allow neighborhood commercial at intersection of N. River Road and S.R. 31.
- Northeast Lee County and North Olga have lots of design criteria
- Caloosahatchee riverfront - manatee and potential sawfish
- Water quality - extending water and sewer to site from civic center
- Premature for any staff recommendation
- 2 community meetings required - North Olga and Alva
- Owl Creek Boat Works is within Water Dependent Overlay and must be protected
- Concurrent planned development zoning after first comments on comp plan amendment
- Clustering, large open space areas, water and sewer - no septic
- Sub-Outlying Suburban allows 2 units per acre - possible text amendment to further limit
- Evaluate Policy 101.1.4 - hurricane evacuation times
- Address holistically such as recent Babcock with flood, storm water, septic issues
- Policies direct to look at N. River Road alternate routes
- Review Goals 27 and 29

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Proposed Text Changes (Exhibit T4)

CPA2020-00005

Revised February 2022

As amended with Lee County Staff

FUTURE LAND USE ELEMENT

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in

Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas and Rural~~ future land use categories may transfer ~~densities~~ dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).

GLOSSARY

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation, ~~as identified by the Lee County Coastal Study (Godsehawk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411); slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

TABLE 1(A)

⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.