

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Neal Communities of Southwest Florida, Inc., filed an application on behalf of the property owners, G. Keith Cary, Mary Ellen Povia, and Raymond E. Harney and Kathy R. Harney, as Trustees of the Harney Revocable Trust, to rezone a 788.96± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Cary+Duke+Povia RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 4 and 6, 2024. On September 6, 2024, the Hearing Examiner continued the hearing until September 20, 2024. On September 20, 2024, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her office on or before September 24, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00067 and recommended APPROVAL of the request with conditions; and

WHEREAS, a second public hearing was advertised to be heard on February 5, 2025 before the Lee County Board of Commissioners. On February 5, 2025, prior to commencing the case presentation, at the request of the applicant, the Lee County Board of Commissioners continued the hearing until March 5, 2025. On March 5, 2025, the second public hearing was held; and

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 788.96± acre parcel from AG-2 to RPD, to allow a clustered residential community containing up to 1,099 dwelling units with single-family/two-family attached dwellings and amenities. Maximum building height is 35 feet.

The property is located in the Rural and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be consistent with the four-page MCP entitled "Cary + Duke + Povia RPD," prepared by J.R. Evans Engineering, Inc., date stamped September 17, 2024 (Exhibit C) except as modified by conditions below.
- b. Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of local development order, except where deviations have been granted herein. Subsequent changes to the MCP may require further development approvals.
- c. Development Parameters. Development is limited to 1,099 dwelling units, amenity areas, and accessory uses.

2. Schedule of Uses and Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Clubs, private
Community Gardens, within the optional amenity areas only
Dwelling Unit
 Single-Family
 Two-Family Attached (Limited to the R Tract)
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention
Excess Spoil Removal (20,000 cubic yards or more)
Fences, Walls
Home Care Facility
Home Occupation
Models: Display center, display group, model home
Parking Lot: Accessory
Real Estate Sales Office
Recreational Facilities: Personal, Private-on-site
Residential Accessory Uses
Signs
Temporary Uses, temporary construction trailers and equipment storage sheds
Temporary amenity structures

b. Site Development Regulations

	Single-Family Detached	Two-Family Attached	Clubhouse
Minimum Lot Size	4,800 sq ft	4,200 sq ft	N/A
Minimum Lot Width	40 feet	35 feet	N/A

Minimum Lot Depth	120 feet	120 feet	N/A
Maximum Lot Coverage	60 percent	65 percent	50 percent
Maximum Building Height	35 feet	35 feet	35 feet
Minimum Building Separation	10 feet	10 feet	10 feet
Setbacks			
Street (Interior Private Roads)	20 feet / 10 feet ¹	20 feet / 10 feet ¹	20 feet
Street (Public Roads)	50 feet	50 feet	50 feet
Side	5 feet ⁵	5 feet ⁵ / 0 feet ²	10 feet ⁵
Rear (Principal)	10 feet	10 feet	10 feet
Rear (Accessory)	5 feet ³	5 feet ³	5 feet ³
PD Perimeter	50 feet	50 feet	50 feet
Waterbody	20 feet	20 feet	20 feet
Preserve	20 feet ⁴	20 feet ⁴	20 feet ⁴

Notes:

- 1) 20 feet for front loaded garages, 10 feet for side loaded garages, and secondary street setbacks on corner lots.
- 2) No side setback is required from common lot line for two-family attached.
- 3) 5 feet (0 feet where lot abuts lake maintenance easement).
- 4) 30 feet for indigenous plant communities subject to fire.
- 5) Equipment pads may encroach up to 4.5 feet into a side setback (see Deviation 4).
- 6) Dwelling units must be setback a minimum of 170 feet from Duke Highway and 250 feet from North River Road.

3. Rural Compatibility

- a. Prior to development order approval, Developer must demonstrate that entrances features will provide design elements described in LDC §§ 33-1669 through 33-1672.
- b. The RPD must include an enhanced native buffer consistent with the MCP. The buffer must be a minimum 25 feet in width and within the 170-foot minimum setback to fill in gaps in the existing native vegetation and restoration areas to form a continuous, 100% opaque vegetative screen within 5 years of growth.
 - i. The enhanced buffer must meet the following minimum planting per 100 linear feet by 25-foot width: six (6) native canopy trees, seven (7) native understory trees, three (3) Cabbage Palms, and twenty-one (21) native shrubs.

- ii. Planting density may be achieved with a combination of existing and proposed enhanced native vegetation so long as trees are horizontally spaced no more than 15 feet on center and Cabbage Palms and shrubs are clustered in groups of three (3).
- iii. Enhanced buffer plantings must include minimum 10-foot tall, 2-inch caliper native canopy trees, minimum 10-foot clear trunk Cabbage Palms, minimum 10-foot-tall native understory trees, and minimum four (4) foot tall shrubs.
- iv. Enhanced native vegetation species must be consistent with and in addition to the approved Indigenous Preserve Management and Restoration Plan Supplemental Plantings List Revised May 2024 (Exhibit D) within this buffer. Restoration plantings will not contribute to the buffer plant material requirements set forth in this condition.
- v. Exotic vegetation within the 25-foot buffer must be hand removed to minimize disturbance to existing native vegetation.
- vi. Developer must obtain a Certificate of Compliance on the enhanced buffer installation prior to development order approval authorizing residential lots within 300 feet of the 25-foot-wide enhanced buffer depicted on the MCP.

4. Utility Connection

Development order plans must demonstrate connection to public utilities for water and wastewater services to support all phases of development.

5. Public Safety

Development order submittals must demonstrate that public safety service is available to serve each phase under review as evidenced by a letter of No Objection from the Lee County Public Safety Office.

6. Open Space

Development order plans must depict a total of 420.20 acres of indigenous open space in substantial compliance with the MCP consistent with the following:

- a. Rare and Unique Upland Preservation: 26.03 acres;
- b. Rare and Unique Upland Restoration: 2.68 acres;
- c. Rare and Unique Created: 300.01 acres;
- d. Upland Restoration: 7.38 acres;
- e. Upland Preservation: 23.98 acres;
- f. Wetland Preservation: 17.51 acres;
- g. Wetland Restoration: 33.95 acres; and
- h. Surface Waters: 8.66 acres.

7. Protected Species

Developer must submit pre-construction species monitoring reports, where applicable, with each vegetation removal permit application to ensure no protected species are within the clearing limits.

8. Conservation Easement Recording

Conservation easements must be recorded over areas used to achieve the density incentive. Conservation easements must be dedicated to the appropriate maintenance entity and provide Lee County or other public agency, acceptable to Lee County, with third party enforcement rights. Conservation Easements must be recorded within 5 years following approval of the first development order.

9. Wetland Impacts

The first development order application must include a copy of the mitigation receipt of payment or mitigation plans for the 18.85 acres of wetland impacts.

10. Indigenous Habitat Restoration/ Management Plan

- a. Development Order plans must be in substantial compliance with the Indigenous Preserve Management and Restoration Plan (Exhibit D).
- b. The first development order plans must include a schedule for the indigenous preservation, restoration, and created preserve areas to be completed within at least five consecutive years.
- c. The first development order plans must include cross sections depicting the hydrological restoration, upland grading, and the type of habitat being restored/created to ensure survivability. The plans must include details of soil amendments in the restoration and creation areas, if applicable.
- d. The first development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.
- e. The first development order plans must include a monitoring schedule to ensure all preserve enhancement, restoration, and creation is completed and demonstrates 80 percent survivability within five consecutive years. Monitoring will be required until 80 percent survivability is achieved.
- f. The vegetation removal permit application must include survey point maps depicting the preservation and restoration areas and mechanical clearing limits.

11. Northern Buffer Planting Material

The first development order plans must depict a 25-foot-wide buffer within the restoration area along North River Road that includes 14-foot-high native canopy trees, spaced approximately 25 feet on center to comply with LDC § 33-1673.

12. Natural Waterbody Buffer

The first development order application that includes Trout Creek must include landscape plans that provide a natural waterway buffer plan in compliance with the Indigenous Preserve Management and Restoration Plan (Exhibit D). The vegetation must meet the plant specifications of LDC § 10-420. The natural waterway buffer must depict a ten-foot-wide Trout Creek maintenance easement with a 20-foot-wide Trout Creek maintenance access as depicted consistent with the MCP.

13. Surface and Ground Water Monitoring

Prior to local development order approval for any phase of work, Developer must provide the attached Water Quality Monitoring Plan (Exhibit E) with the following modifications:

- a. Developer must identify the groundwater withdrawal locations used to resupply the irrigation withdrawal lakes in the Water Quality Monitoring Plan;
- b. Developer must complete baseline monitoring events prior to commencement of construction and provide a baseline report to the County Division of Natural Resources;
- c. Surface water quality, groundwater quality, and groundwater level monitoring locations must be finalized and identified in the Water Quality Monitoring Plan. Surface water quality monitoring sites must be located at each proposed outfall. Groundwater level monitoring locations must be located to ensure surrounding residential uses are not adversely affected by Sandstone Aquifer withdrawal;
- d. Developer must provide water quality and groundwater level monitoring data to the Division of Natural Resources annually for a minimum of five (5) years. Annual monitoring reports must include a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting/exceeding State water quality monitoring standards, Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources; and
- e. A contingency plan to be implemented upon discovery of an exceedance of State Water Quality Standards. This plan must include notification to impacted residents, Lee County Division of Natural Resources, and applicable authorities.

14. Stormwater Reporting

Development order submittals for each phase must provide a Stormwater Report with models and calculations demonstrating that offsite flow conveyance capacity will be maintained during and following construction of the development.

15. Irrigation Requirements

Development order plans for each phase must demonstrate irrigation will be provided via a master-controlled central irrigation system. The master-controlled system must be

designed to comply with the Water Conservation Ordinance #24-01, as amended. The Property Owner Association documents, including Declarations and Covenants (submitted prior to Development Order approval and recorded prior to issuance of Certificate of Compliance), must prohibit the installation of single-family use wells for potable or irrigation water.

16. Agricultural Uses

- a. Termination of Agricultural Use. Bona fide agricultural uses (cattle grazing) in existence when the application for this project was filed, may continue in accordance with the Agricultural Use Affidavit (Exhibit F) filed with the zoning application until a local development order is approved for the area that contains these uses.
- b. Additional Clearing Prohibited. Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited except when done pursuant to a vegetation removal permit. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but may not be cleared or expanded. This prohibition of clearing/expansion is not intended to preclude County approved requests for removal of invasive exotic vegetation. Violations of this condition will require restoration in accordance with LDC § 10-423.
- c. Proof of Termination. Prior to development order issuance, Developer must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:
 - i. Affidavit. Termination of agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - (1) The date agricultural uses ceased.
 - (2) The legal description of the property subject to the development order approval.
 - (3) An affirmative statement that developer, its successors or assigns acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses.
 - (4) That the affidavit constitutes a covenant between Developer, its successors or assigns, and the County that is binding on the developer, its successors or assigns. The covenant must be properly recorded in the public records of the County at the expense of the applicant, its successors or assigns.
- d. Termination of Tax Exemption. Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to the termination must include a copy of the request to terminate the tax exemption submitted to the Property Appraiser.

17. School Bus Stop

Developer must provide a school bus pull-off at the project entrances as shown on the MCP to ensure buses can stop entirely outside of the North River Road right-of-way. The location and design of the bus stop is subject to approval by the Lee County School District.

18. Lighting

Developer and future property owners must ensure lighting from developed areas does not directly illuminate indigenous preserve or restoration areas by shielding fixtures as necessary and minimizing up-lighting. Developer must include these lighting standards in the Indigenous Management Plan, deed restrictions, and development order plans.

19. Development Permits

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or undertake actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS

1. Access

Deviation (1) seeks relief from LDC § 10-291(3), which requires residential developments more than five acres to provide more than one means of ingress and egress for the development, to allow one access point to the development area west of Trout Creek only. This deviation is APPROVED.

2. North River Road Plantings

Deviation (2) seeks relief from LDC § 33-1673, which requires new developments with frontage on North River Road to provide a 25-foot-wide right-of-way buffer, planted with native canopy trees, such as Live Oaks and Laurel Oaks, with a minimum height of 14 feet and spaced 25 feet on center to allow for creation, restoration and preservation of "Rare and Unique" uplands and wetland vegetation along the North River Road frontage where proposed preserve areas abut the right-of-way. This deviation is APPROVED SUBJECT TO the condition that the development order landscape plans abutting North River Road must meet the Indigenous Preserve Management and Restoration Plan (Exhibit D). Landscape/restoration plants must meet the native tree specifications per LDC § 33-1673 and native shrubs specifications for a Type-F buffer per LDC § 10-416(d).

3. Lake Bank Slopes

Deviation (3) from LDC § 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 slope. This deviation is APPROVED.

4. Equipment Pads

Deviation (4) seeks relief from LDC § 34-2191(5), which allows encroachments into required setbacks for equipment pads of up to 3 feet into a side, rear or waterbody setback, to allow for equipment pads encroachments of up to 4.5 feet into side setbacks. This deviation is APPROVED.

5. Drainage Easement

Deviation (5) seeks relief from LDC § 10-328(a), which requires a 20-foot-wide easement on one side of a watercourse/drainageway/canal/IDD easement/lake/pond/stream, and a 20-foot-wide easement on both sides for canals, lakes, or flow-ways greater than 50 feet wide for maintenance purposes, to allow a 10-foot-wide easement on one side of Trout Creek. This deviation is APPROVED SUBJECT TO the condition that a drainage and access easement consistent with the MCP must be submitted for approval prior to development order issuance. The easement must permit Lee County the right, but not the obligation, to maintain Trout Creek and must be dedicated to Lee County prior to issuance of a Certificate of Compliance for the first development order.

SECTION D. EXHIBITS

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Habitat Management Plan
- Exhibit E: Water Quality Monitoring Plan
- Exhibit F: Agricultural Use Affidavit

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, as conditioned, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. Complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 27, 29, 56, 59, 60, 61, 77, 101, 124, 125, 135; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 27.1, 27.2, 27.3, 27.4, 27.5, 29.1, 29.2, 29.4, 29.6, 29.7, 56.2, 77.1, 77.3, 135.1; Policies 1.4.1, 1.5.1, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 5.1.6, 27.1.1, 27.1.2, 27.1.6, 27.1.8, 27.3.1, 27.4.1, 27.4.2, 29.1.1, 29.1.3, 29.1.4, 29.2.1, 29.2.2, 29.2.3, 29.2.4, 29.3.4, 29.4.3, 29.5.1, 29.7.2, 39.3.2, 60.4.1, 61.2.1, 67.3.7, 68.3.7, 77.3.1, 77.3.4, 101.1.1, 101.3.2, 123.2.7, 124.1.1, 125.1.1, 125.1.2, 135.1.9, 135.9.5, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 2-A, 3-B, 4-A, 5-A, and Table 1(a).
2. Meets the LDC and other County regulations or qualifies for deviations. LDC §§ 33-1661 *et seq.*, 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-373(a)(9), 34-932, 34-936.

3. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, 27.1, 27.3, 29.1, 29.2, 29.4, Policies 5.1.5, 29.1.1, 29.1.3, 29.2.1, 29.2.2, 135.9.5, 135.9.6; LDC §§ 34-411, 34-413.
4. Provides access sufficient to support proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Objectives 27.4, 29.4, 39.1, Policies 27.4.1, 27.4.2, 29.4.3, 38.1.1, 38.1.5, 39.1.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411(d)-(e).
5. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goals 59, 60, 61, 77, 101, 123, 125, Objectives 27.3, 29.6, 29.7, 60.4, 60.5, 61.2, 61.3, 77.1, 77.3, 123.1, 123.2, 124.1, 126.2, Policies 1.5.1, 27.4.3, 27.7.2, 29.2.1, 29.7.2, 29.1.3, 59.1.6, 60.1.1, 60.4.1, 60.4.2, 60.4.3, 60.4.5, 61.2.4, 61.3.3, 61.3.6, 61.3.8, 61.3.11, 61.3.12, 101.1.1, 101.3.2, 123.2.4, 123.2.6, 123.2.8, 123.2.9, 123.2.11, 123.2.13, 123.2.15, 123.2.17, 123.3.1, 123.3.3, 125.1.1, 125.1.2, 125.1.3, 126.2.1, 143.2.2, Standard 4.1.4; and LDC § 34-411(h).
6. Public services and infrastructure will serve the RPD, notwithstanding its Rural designation. Lee Plan Glossary, Lee Plan Goals 2, 4, 56, Objectives 2.1, 2.2, 4.1, 56.2, Policy 1.4.1, 27.4.2, 29.4.3, 53.1.8, 53.1.9, 56.2.1, 61.1.6, 135.9.7, Standards 4.1.1, 4.1.2; LDC § 34-411(d).
7. The proposed use is appropriate at the proposed location. Lee Plan Goals 2, 5, 27, 29; Objective 29.1, 29.2, Policies 1.4.1, 2.1.1, 2.2.2, 5.1.2, 5.1.5, 27.1.1, 29.1.1, 29.1.3, 29.2.1, 29.2.2, 124.1.1, 135.1.9.
8. Recommended conditions and County regulations provide sufficient safeguards to protect the public interest and are reasonably related to expected impacts. Lee Plan Policies: 5.1.5, 5.1.6, 27.4.1, 27.4.2, 29.1.1, 29.1.3, 29.2.2, 61.3.3, 61.3.8, 123.2.9, 135.9.6; LDC §§ 34-377(a)(3), 34-411, 34-932.
9. Requested deviations, as conditioned:
 - a. Enhance objectives of the planned development; and
 - b. Protect public health, safety and welfare. Lee Plan Policy 29.1.4, LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Greenwell made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 5th day of March 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, Vice Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY




Joseph A. Adams
Assistant County Attorney
County Attorney's Office

2025 MAR 10 AM 9:52

MINUTES OFFICE

Exhibit A***RHODES & RHODES LAND SURVEYING, INC.***

88100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34108
PHONE (888) 405-8108 FAX (888) 405-8108

PARCEL 1

BEING A PORTION OF SECTION 16 AND 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 00°23'30" WEST, ALONG THE WESTERLY SECTION LINE OF SAID SECTION 16 A DISTANCE OF 50.00 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF STATE ROAD NO. 78 (N. RIVER ROAD), ACCORDING THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP RECORDED IN SECTION 12560-2604 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 78 THE FOLLOWING 11 COURSES, COURSE (1) SOUTH 89°54'13" EAST, 3,853.85 FEET; COURSE (2) SOUTH 00°05'41" WEST, 25.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHEASTERLY, 2,144.24 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,357.40 FEET, THROUGH A CENTRAL ANGLE OF 90°30'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 44°39'04" EAST, 1,928.15 FEET; COURSE (4) SOUTH 89°23'49" EAST, 25.00 FEET; COURSE (5) SOUTH 00°36'11" WEST, 451.22 FEET TO A POINT OF CURVATURE; COURSE (6) SOUTHERLY, 291.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,482.40 FEET, THROUGH A CENTRAL ANGLE OF 11°16'39" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°02'09" EAST, 291.31 FEET; COURSE (7) SOUTH 00°30'35" WEST, 269.95 FEET; COURSE (8) NORTH 89°29'25" WEST, 6.10 FEET; COURSE (9) SOUTH 00°31'50" WEST, 163.49 FEET; COURSE (10) SOUTH 89°29'25" EAST, 6.16 FEET; COURSE (11) SOUTH 00°30'35" WEST, 40.31 FEET THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 89°58'44" WEST ALONG THE SAID SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 3,534.32 FEET; THENCE SOUTH 11°37'59" EAST, A DISTANCE OF 129.40 FEET; THENCE SOUTH 38°55'40" EAST, A DISTANCE OF 171.91 FEET; THENCE SOUTH 01°24'18" EAST, A DISTANCE OF 210.70 FEET; THENCE SOUTH 04°12'34" EAST, A DISTANCE OF 885.91 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHEASTERLY, 741.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 735.02 FEET, THROUGH A CENTRAL ANGLE OF 57°50'17" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 63°49'32" EAST, 710.87 FEET; THENCE SOUTH 00°18'05" WEST, A DISTANCE OF 324.92 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, RIGHT OF WAY MAP DUKE HIGHWAY ACCORDING TO THE PLAT OR MAP RECORDED IN MAP BOOK 2, PAGES 1 THROUGH 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY THE FOLLOWING 5 COURSES. COURSE (1) SOUTHWESTERLY, 241.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 370.00 FEET, THROUGH A CENTRAL ANGLE OF 37°20'01" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 39°14'38" WEST, 236.85 FEET; COURSE (2) SOUTH 20°31'56" WEST, 313.99 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) SOUTHWESTERLY, 328.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 69°38'12" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 55°16'41" WEST, 308.33 FEET; COURSE (4) NORTH 89°54'59" WEST, 2,080.14 FEET; COURSE (5) NORTH 89°36'26" WEST, 2,006.30 FEET; THENCE NORTH 00°26'05" EAST LEAVING THE SAID NORTHERLY RIGHT OF WAY LINE OF DUKE HIGHWAY, A DISTANCE OF 635.18 FEET; THENCE NORTH 89°44'35" WEST, A DISTANCE OF 668.84 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 26 EAST; THENCE NORTH 00°34'39" EAST ALONG THE SAID WESTERLY LINE OF SECTION 17, A DISTANCE OF 1,995.23 FEET TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF SECTION 17 ALSO BEING THE CENTER OF SECTION 17; THENCE NORTH 89°58'05" WEST ALONG THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2,666.94 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE NORTH 00°23'17" EAST ALONG THE WESTERLY SECTION OF SAID SECTION 17, A

RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34105

PHONE (888) 405-8100 FAX (888) 405-8100

DISTANCE OF 2,608.51 FEET TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD 78 AND TO A POINT ON A NON-TANGENTIAL CURVE; THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF SECTION 17 THE FOLLOWING 3 COURSES, COURSE (1) EASTERLY, 179.42 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,509.16 FEET, THROUGH A CENTRAL ANGLE OF 00°53'36" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°47'08" EAST, 179.42 FEET; COURSE (2) NORTH 89°19'50" EAST, 2,372.18 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE (3) EASTERLY, 113.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 11,409.16 FEET, THROUGH A CENTRAL ANGLE OF 00°34'19" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 89°44'43" EAST, 113.88 FEET TO A POINT ON THE EASTERLY LINE OF NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH 00°26'50" WEST ALONG THE SAID EASTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 1,295.15 FEET TO THE NORTHWEST CORNER OF P. JOHN HART'S, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID P. JOHN HART'S THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°42'51" EAST, 1,336.16 FEET; COURSE (2) SOUTH 00°25'09" WEST, 1,340.40 FEET TO THE SOUTHEAST CORNER OF SAID P. JOHN HART'S AND BEING THE SOUTHWEST CORNER OF NORTH RIVER OAKS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 34 PAGES 102 AND 103, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.; THENCE ALONG THE BOUNDARY LINE OF SAID NORTH RIVER OAKS THE FOLLOWING 2 COURSES, COURSE (1) SOUTH 89°56'54" EAST, 1,336.09 FEET; COURSE (2) NORTH 00°24'21" EAST, 2,620.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 34,362,815 SQUARE FEET OR 788.86 ACRES, MORE OR LESS.

REVIEWED
DCI2022-00067
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/20/2024

Z:\Cary Duke Prop for Neal 2022-345\2022-245 MASTER BNDY SKETCH & DESCRIP.dwg, Layout2, 3/24/2023 4:15:31 PM, 1:1

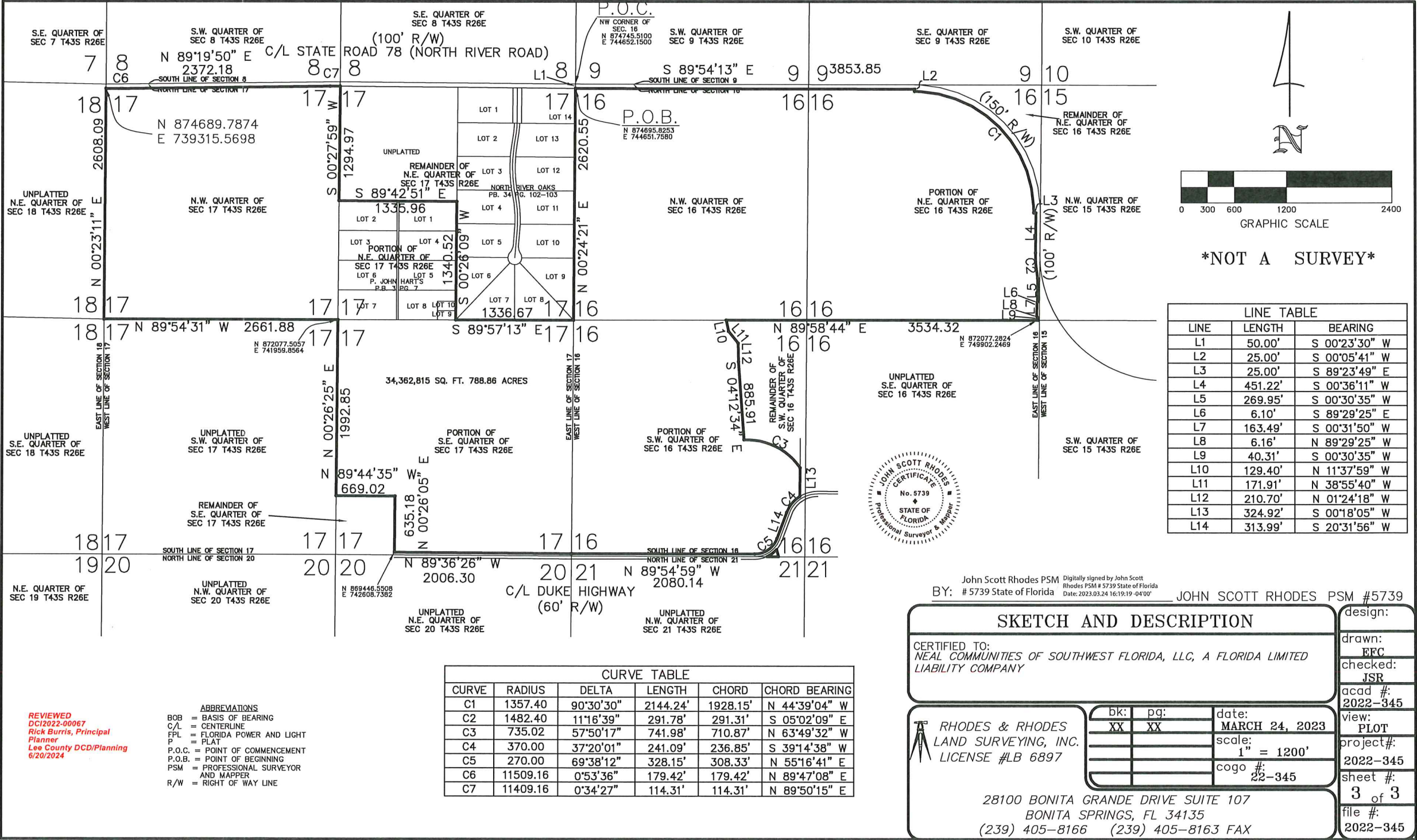


Exhibit A

RHODES & RHODES LAND SURVEYING, INC.

***88100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34108
PHONE (800) 405-8103 FAX (800) 405-8103***

PARCEL 2

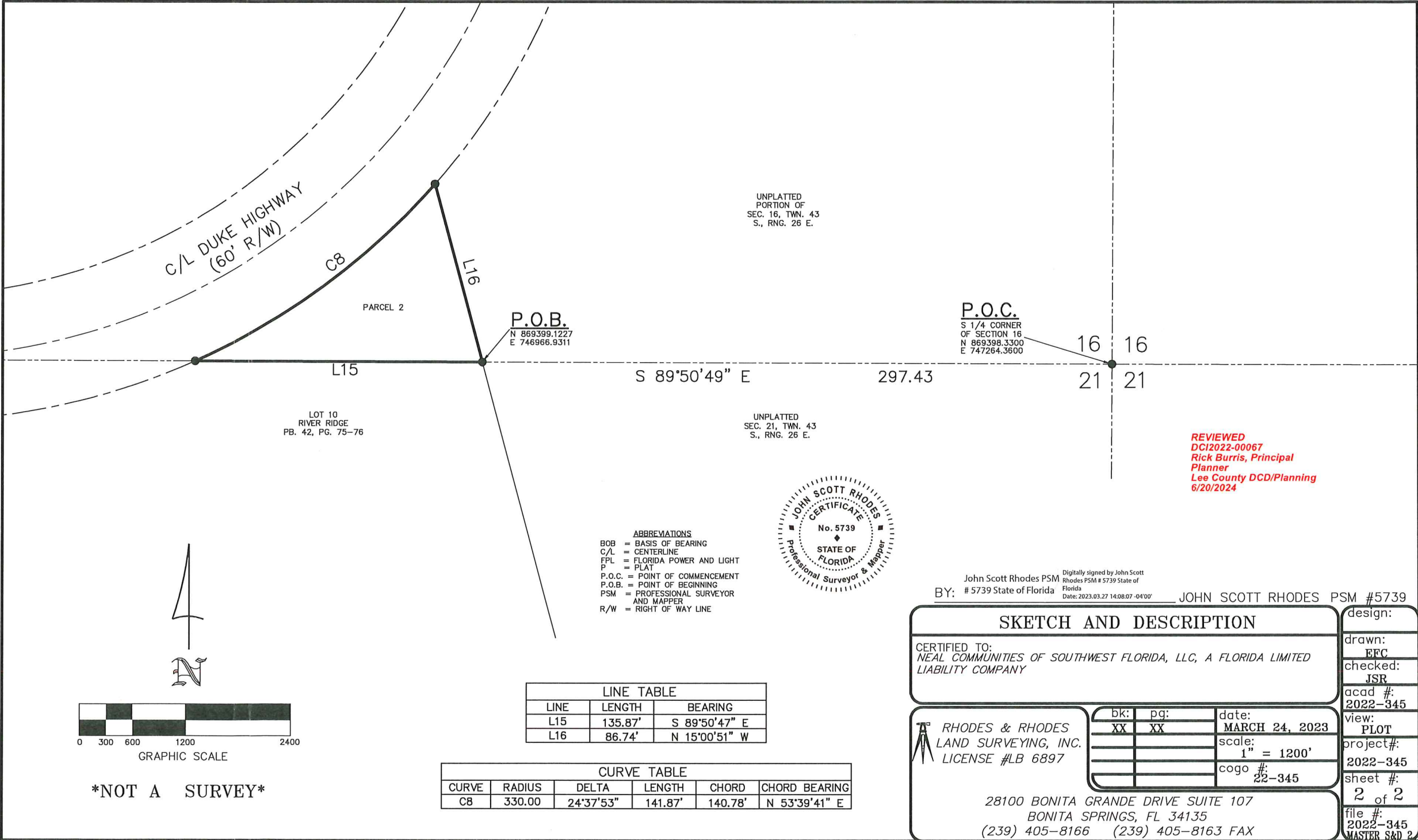
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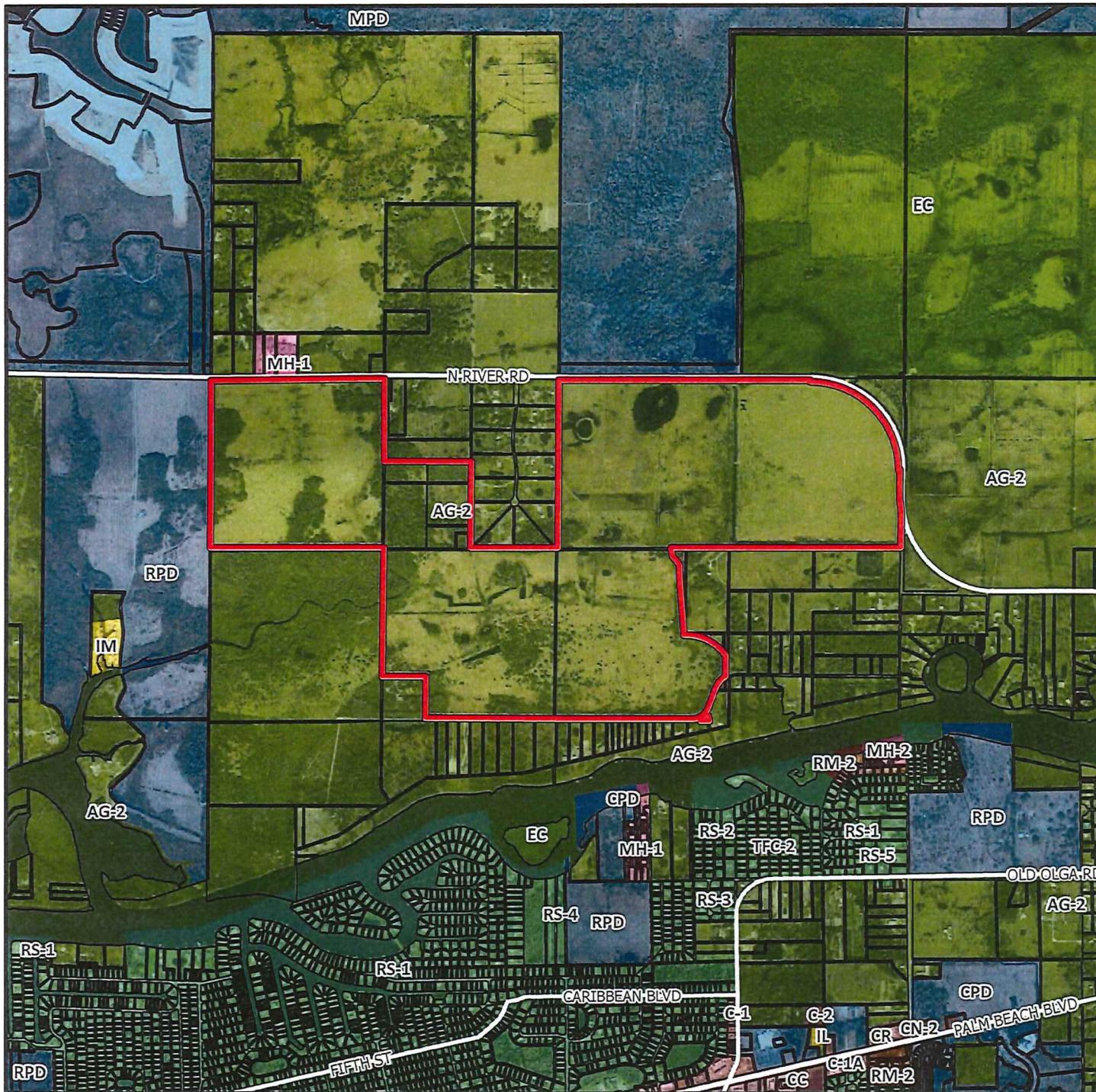
COMMENCE AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.; THENCE NORTH 89°50'49" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 297.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 89°50'47" WEST CONTINUING ALONG THE SAID SOUTH LINE OF SECTION 16, A DISTANCE OF 135.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF DUKE HIGHWAY ACCORDING TO THE OFFICIAL RECORDS BOOK 2026 PAGE 2985, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, 141.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 24°37'53" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 53°39'41" EAST, 140.78 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY OF DUKE HIGHWAY, SOUTH 15°00'51" EAST, A DISTANCE OF 86.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,973 SQUARE FEET OR 0.114 ACRES, MORE OR LESS.

**REVIEWED
DCI2022-00067
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/20/2024**

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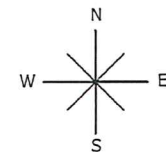




DCI2022-00067

Zoning

 Subject Property



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Feet



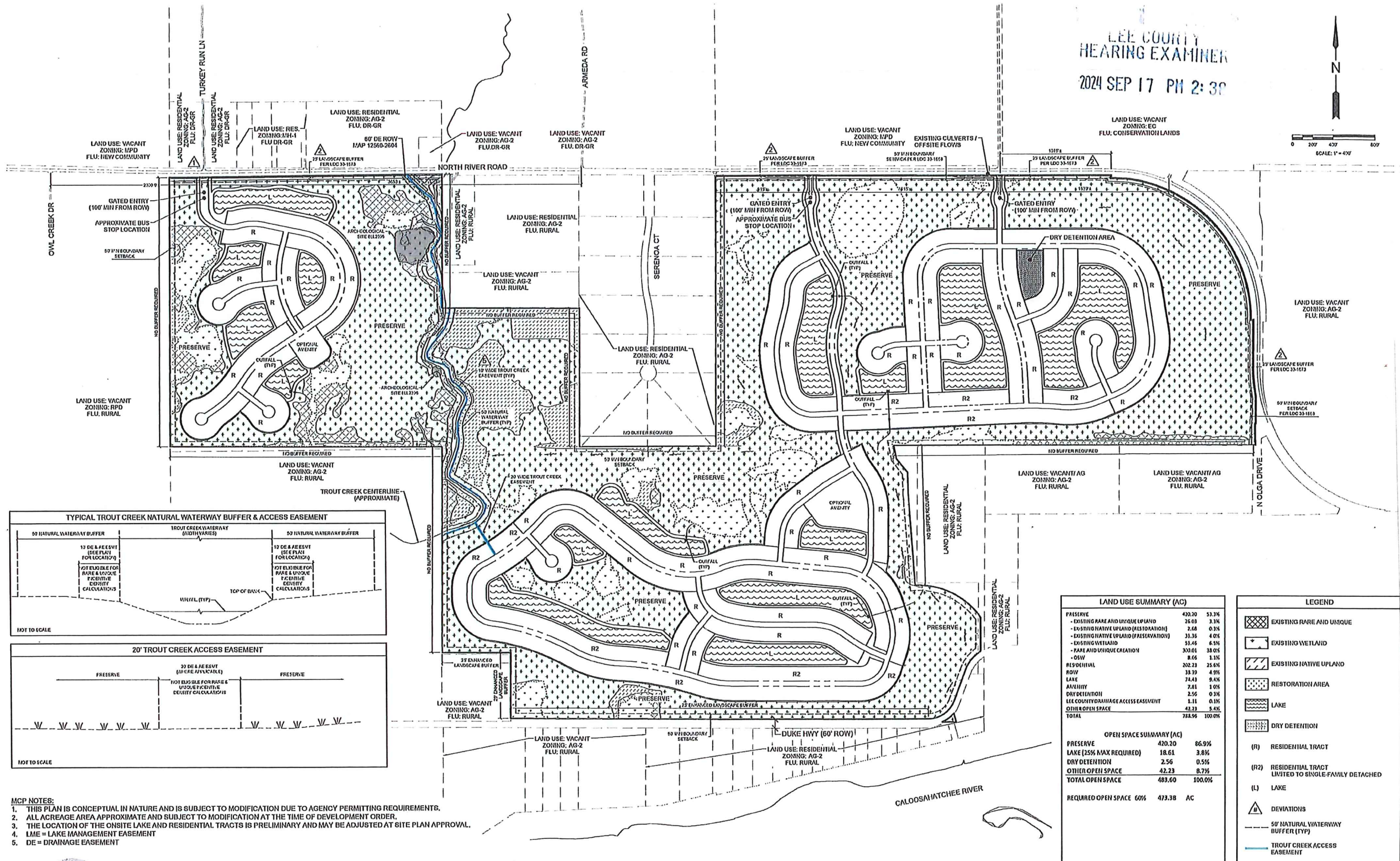
Lee County
Southwest Florida

EXHIBIT B

LEE COUNTY
HEARING EXAMINER
2024 SEP 17 PM 2:30

0 200 400 600
SCALE: 1" = 400'

N



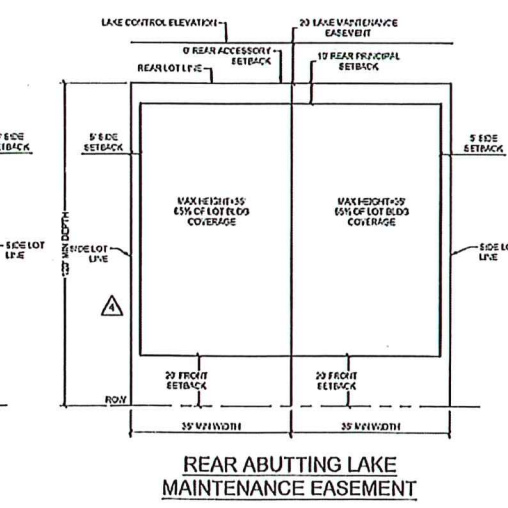
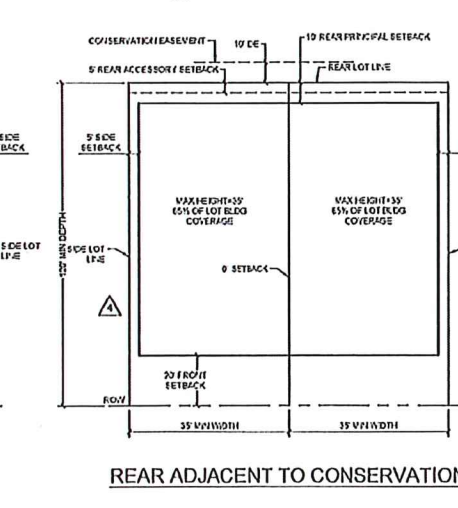
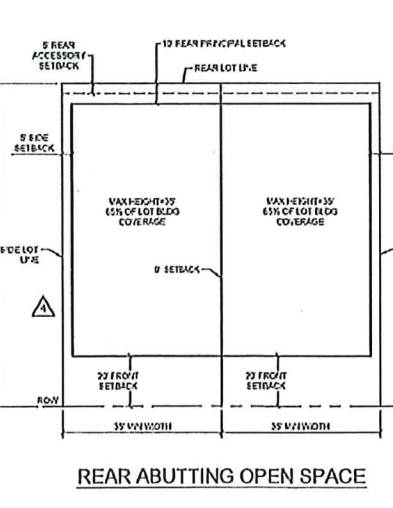
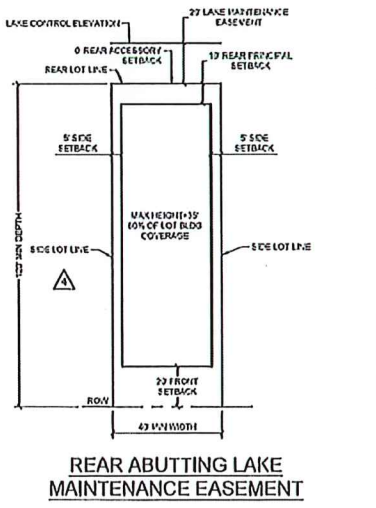
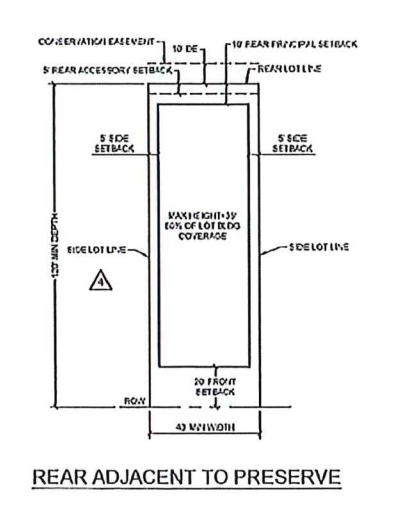
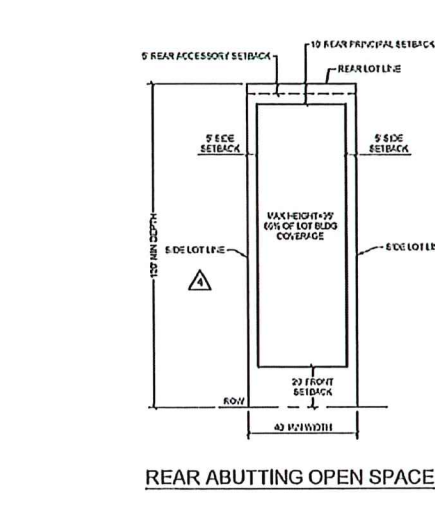
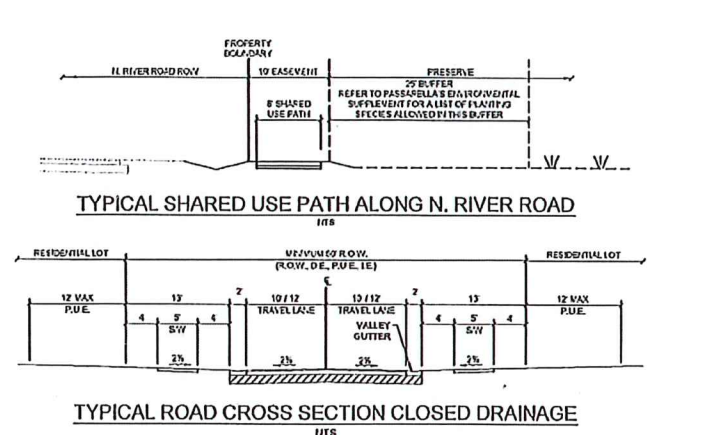
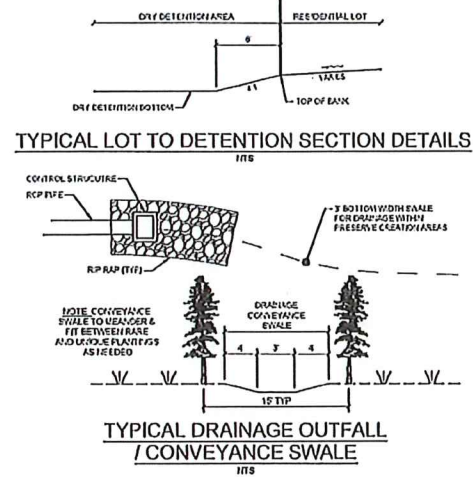
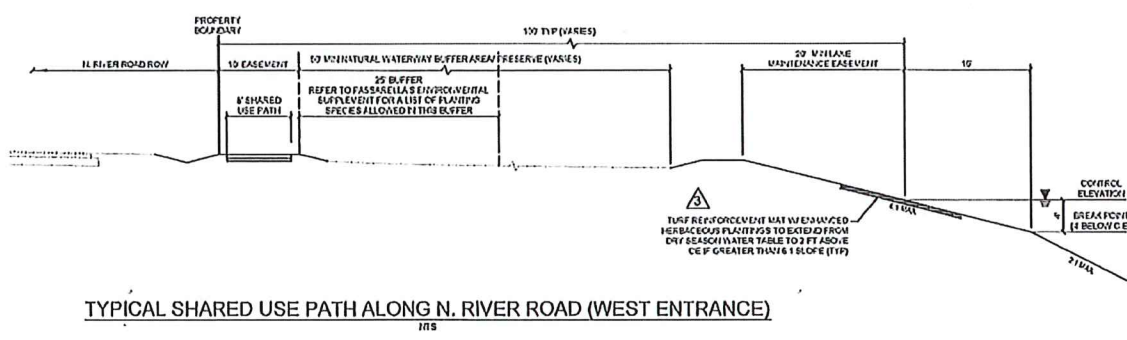
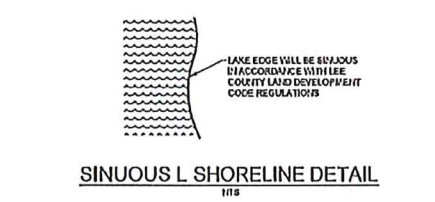
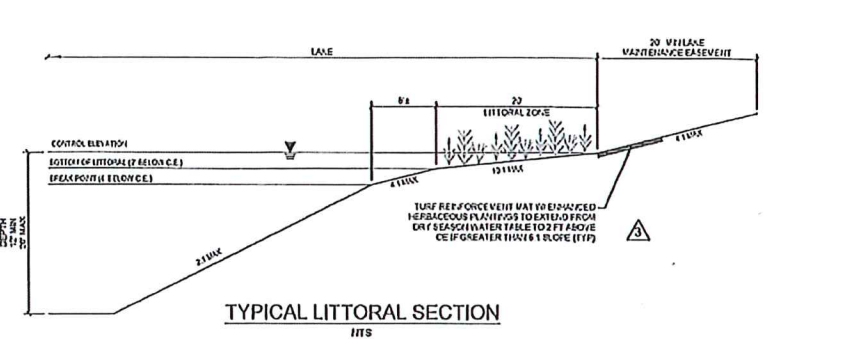
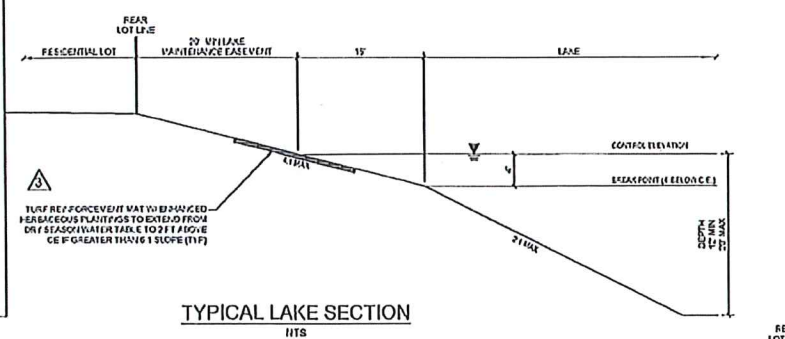
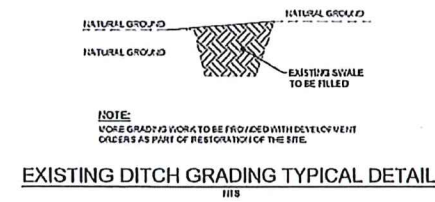
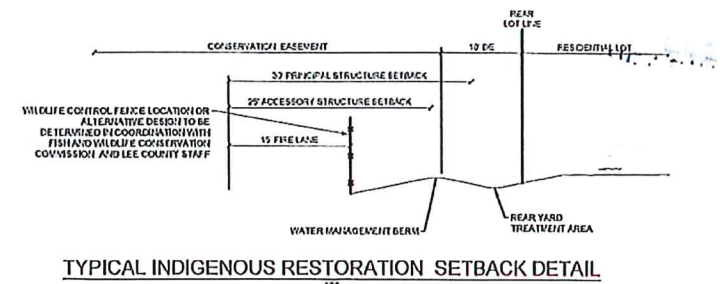
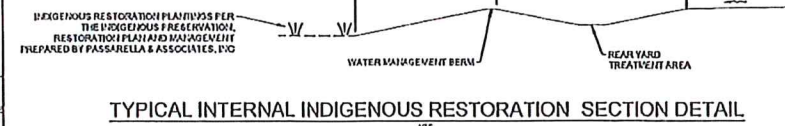
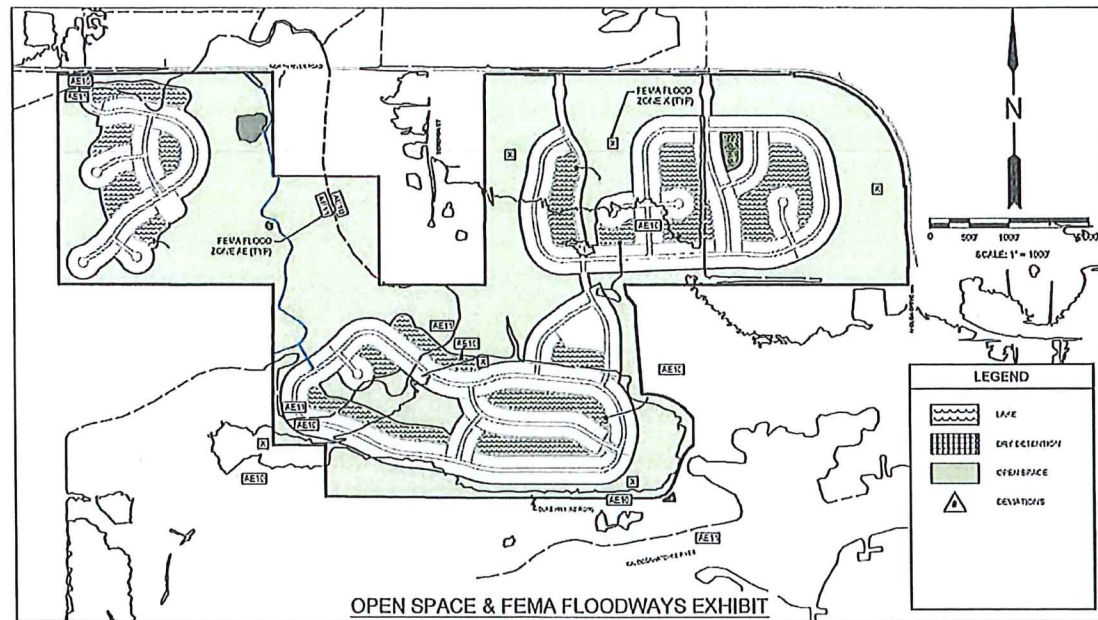
MCP NOTES:
1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. ALL ACREAGE AREA APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.
3. THE LOCATION OF THE ONSITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
4. LME = LAKE MANAGEMENT EASEMENT
5. DE = DRAINAGE EASEMENT

J.R. EVANS
ENGINEERING

CARY+DUKE+POVIA RPD
MASTER CONCEPT PLAN

00911-00 E0511 - OA MCP.DWG
September 17, 2024

Approved as Exhibit C
MCP Page 1 of 4
Resolution # 2-24-024



SINGLE FAMILY DETACHED TYPICAL LOT DETAIL

TWO FAMILY ATTACHED TYPICAL LOT DETAIL

EXISTING NATIVE VEGETATION
&
RESTORATION PLANTINGS

PROPERTY BOUNDARY

DUKE HIGHWAY

100.0'

25.0' ENHANCED BUFFER

170.0' PRESERVE

REAR LOT LINE

5.0' REAR ACCESSORY SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

5.0' SIDE SETBACK

40.0' MIN. WIDTH

40.0' MIN. WIDTH

40.0' MIN. WIDTH

10.0' DE

20.0' TO PRESERVE

10.0' REAR PRINCIPAL SETBACK

5.0' SIDE SETBACK

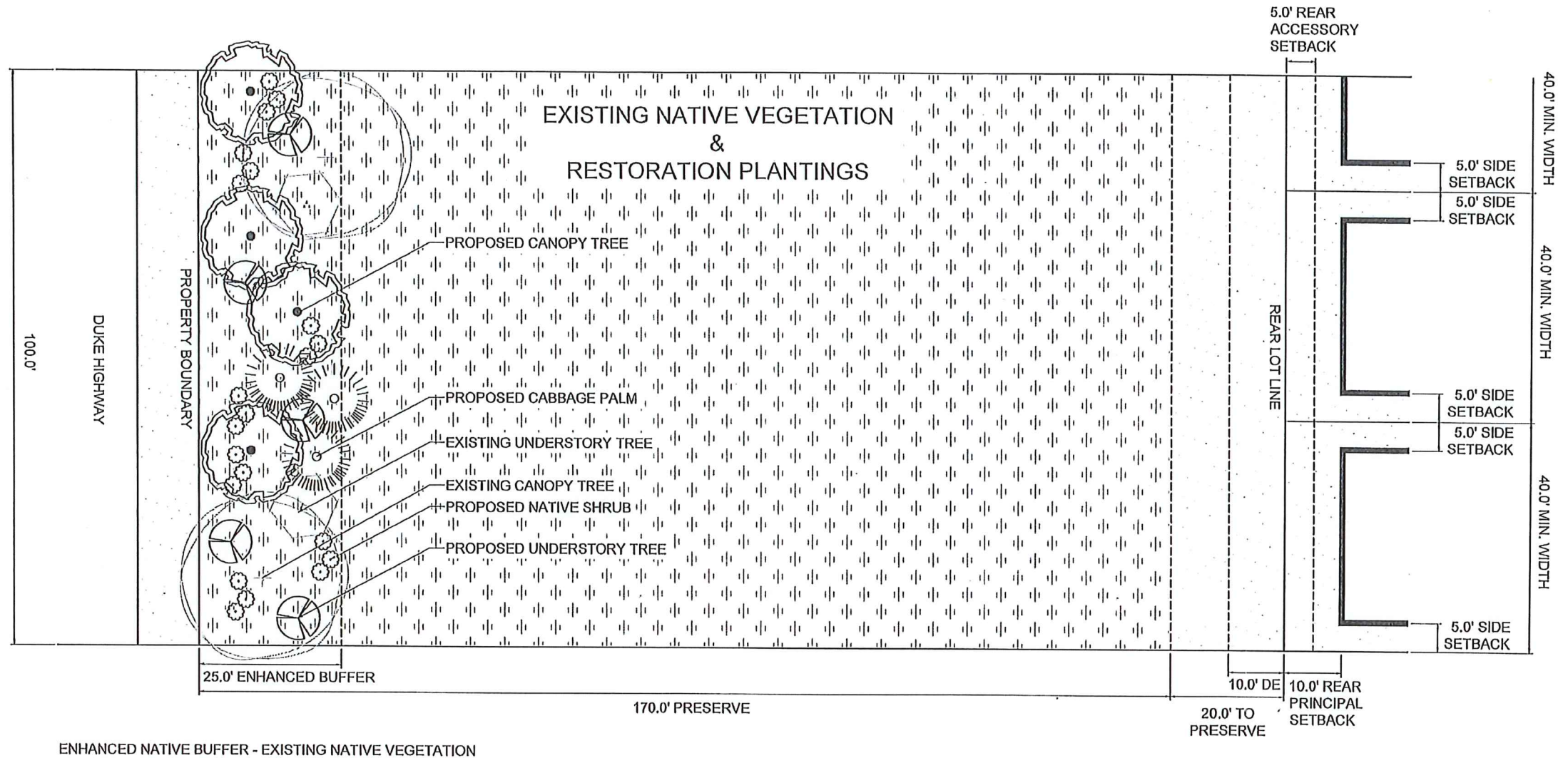
ENHANCED NATIVE BUFFER - NO EXISTING NATIVE VEGETATION

LEE COUNTY
HEARING EXAMINER
2024 SEP 17 PM 2:39

ENHANCED NATIVE BUFFER 25 FT. WIDE ENHANCED BUFFER	
	Required
Canopy Trees	6 / 100 LF
Understory Trees	7 / 100 LF
Cabbage Palms	3 / 100 LF
Native Shrubs	21 / 100 LF

AN ENHANCED NATIVE BUFFER SHALL BE PROVIDED ADJACENT TO DUE HIGHWAY AND PRESERVE ZONE BUFFER ZONE AND SHALL BE 25 FEET WIDE. THE BUFFER SHALL BE COMPOSED OF THE FOLLOWING PLANTING REQUIREMENTS: 6 CANOPY TREES, 7 UNDERSTORY TREES, 3 CABBAGE PALMS, AND 21 NATIVE SHRUBS PER 100 LINEAL FEET. THE BUFFER SHALL BE MAINTAINED AND MONITORED FOR THE LIFE OF THE PROJECT. THE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION.

1. THE ENHANCED NATIVE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE PLANTED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION.
2. THE BUFFER SHALL BE MAINTAINED AND MONITORED FOR THE LIFE OF THE PROJECT. THE BUFFER SHALL BE MAINTAINED AND MONITORED FOR THE LIFE OF THE PROJECT. THE BUFFER SHALL BE MAINTAINED AND MONITORED FOR THE LIFE OF THE PROJECT.
3. ENHANCED NATIVE BUFFER PLANTING SHALL BE COMPLETED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE COMPLETED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION. THE BUFFER SHALL BE COMPLETED WITHIN 6 MONTHS OF THE START OF CONSTRUCTION.
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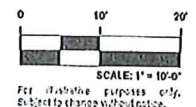
Copyright



CARY + DUKE + POVIA RPD • DUKE HIGHWAY ENHANCED BUFFER

Lee County, FL
September 11, 2024
22001300
Neal Communities

NEAL COMMUNITIES
Building. Home. Life.



Approved as Exhibit C
MCP Page 4 of 4
Resolution # 2-24-024

CARY + DUKE + POVIA RPD
INDIGENOUS PRESERVE MANAGEMENT AND RESTORATION PLAN

Revised May 2024

Prepared For:

Neal Communities
28100 Bonita Grande Drive
Bonita Springs, Florida 34135
(941) 328-1993

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 22NCC3903

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve Management and Restoration Plan for the Cary + Duke + Povia RPD (Project). The Project site totals 788.98± acres and is located in Sections 16 and 17, Township 43 South, Range 26 East, Lee County (Appendix A). The proposed Project will establish on-site conservation areas totaling approximately 420.20± acres. The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 67.52± acres of indigenous wetlands, indigenous uplands, and rare and unique uplands through the removal of exotic vegetation;
- Restoration of 44.01± acres of non-indigenous wetlands, uplands, and rare and unique uplands through the removal of exotic vegetation and installation of supplemental plantings;
- Creation of 300.01± acres of rare and unique indigenous uplands through the removal of exotic vegetation and supplemental plantings in non-indigenous areas; and
- Preservation of 8.66± acres of surface waters.

The rare and unique uplands that will be preserved, enhanced, restored, and created will be consistent with those community types identified in Chapter XII of the Lee Plan. This may include some, or all, of the following community types: pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock.

The conservation areas will be placed in an easement with inspection, enforcement, and approval rights granted to Lee County and the South Florida Water Management District (SFWMD). The total preserve area to be placed under a conservation easement is 420.20± acres.

2.0 EXISTING INDIGENOUS HABITATS

Pursuant to Land Development Code (LDC) Section 10-1, indigenous native vegetation is defined as those plant species that are characteristic of the major plant communities of the county. Native habitats, where invasive exotic vegetation exceeds 75 percent coverage, are not considered to be indigenous vegetation.

Existing indigenous wetland habitat within the proposed preserve totals 17.51± acres and primarily consists of mixed wetland hardwood, cypress, and freshwater marsh habitat. The indigenous upland habitat within the proposed preserve totals 50.01± acres and primarily consists of pine flatwood, live oak, and hardwood/conifer mixed habitat. The indigenous areas are comprised of wetland and upland habitats that contain less than 75 percent coverage by exotic vegetation.

A Florida Land Use, Cover and Forms Classification System (FLUCFCS) and wetland map is attached as Appendix B. Listed below are the FLUCFCS (Florida Department of Transportation

1999) descriptions of the indigenous wetland and upland habitats proposed for preservation and enhancement.

2.1 Indigenous Wetland Habitats

Cabbage Palm, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 4281 E1)

This wetland community type includes cabbage palm (*Sabal palmetto*) with scattered laurel oak (*Quercus laurifolia*) and swamp bay (*Persea palustris*) in the canopy. The sub-canopy contains cabbage palm, Brazilian pepper (*Schinus terebinthifolia*), myrsine (*Myrsine cubana*), laurel oak, wax myrtle (*Morella cerifera*), Carolina willow (*Salix caroliniana*), swamp dogwood (*Cornus foemina*), and buckthorn (*Sideroxylon* sp.). The ground cover contains giant leather fern (*Acrostichum danaeifolium*), swamp fern (*Telmatoblechnum serrulatum*), cabbage palm, Brazilian pepper, Asiatic pennywort (*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), smartweed (*Persicaria* sp.), sand cordgrass (*Spartina bakeri*), laurel oak, dayflower (*Commelina diffusa*), Peruvian primrosewillow (*Ludwigia peruviana*), pickerelweed (*Pontedaria cordata*), and buttonbush (*Cephalanthus occidentalis*).

Cabbage Palm, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 4281 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 4281 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 4281 E3)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 4281 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Willow, Disturbed (25-49% Exotics) (FLUCFCS Code 6189 E2)

The canopy of this wetland community type contains Carolina willow with scattered cabbage palm and Brazilian pepper. The sub-canopy contains Carolina willow, cabbage palm, Brazilian pepper, wax myrtle, swamp dogwood, and buckthorn. The ground cover includes smartweed, swamp fern, shield fern (*Thelypteris* sp.), sawgrass (*Cladium jamaicense*), cattail (*Typha* sp.), Carolina willow, cabbage palm, dayflower, white-top sedge (*Rhynchospora colorata*), and Brazilian pepper.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this wetland community type includes bald cypress (*Taxodium distichum*), cabbage palm, and scattered laurel oak. The sub-canopy contains cabbage palm, Brazilian pepper, bishopwood (*Bischofia javanica*), red maple (*Acer rubrum*), and swamp bay. The ground cover includes spikerush (*Eleocharis interstincta*), pickerelweed, giant leather fern, and swamp fern.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6219 E1 except with 25 to 49 percent melaleuca (*Melaleuca quinquenervia*) and/or Brazilian pepper in the sub-canopy.

Wetland Forested Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 6309 E1)

The canopy of this wetland community type contains live oak (*Quercus virginiana*), laurel oak, slash pine (*Pinus elliottii*), cabbage palm, swamp bay, and Carolina willow. The sub-canopy contains Brazilian pepper, cabbage palm, myrsine, wild coffee (*Psychotria nervosa*), Peruvian primrosewillow, Carolina willow, swamp dogwood, laurel oak, swamp bay, wax myrtle, persimmon (*Diospyros virginiana*), saltbush (*Baccharis halimifolia*), live oak, white stopper (*Eugenia axillaris*), and buckthorn. The ground cover includes swamp fern, giant leather fern, cabbage palm, marsh pennywort, Brazilian pepper, wild coffee, Peruvian primrosewillow, royal fern (*Osmunda regalis* var. *spectabilis*), arrowhead (*Sagittaria lancifolia*), water hyssop (*Bacopa* sp.), Asiatic pennywort, Southern beaksedge (*Rhynchospora microcarpa*), smartweed, torpedograss (*Panicum repens*), rosy camphorweed (*Pluchea baccharis*), shield fern, swamp lily (*Crinum americanum*), dog fennel (*Eupatorium capillifolium*), bulrush (*Scirpus* sp.), peppervine (*Ampelopsis arborea*), white-top sedge, and cattail.

Wetland Forested Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E1 except with 25 to 49 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Forested Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 6309 E3)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E2 except with 50 to 75 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

The canopy of this wetland community type is open. The sub-canopy contains wax myrtle, Brazilian pepper, and scattered cabbage palm. The ground cover contains sawgrass, giant leather fern, marsh pennywort, cattail, pickerelweed, torpedograss, sesbania (*Sesbania* sp.), creeping primrosewillow (*Ludwigia repens*), and swamp fern.

2.2 Indigenous Upland Habitats

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

The canopy of this upland community type contains scattered live oak and cabbage palm. The sub-canopy contains Brazilian pepper. The ground cover contains saw palmetto (*Serenoa repens*), caesarweed (*Urena lobata*), beautyberry (*Callicarpa americana*), Brazilian pepper, and greenbrier (*Smilax* sp.).

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this upland community type contains slash pine with scattered cabbage palm and live oak. The sub-canopy contains slash pine with scattered cabbage palm, live oak, and Brazilian pepper. The ground cover contains broomsedge bluestem (*Andropogon virginicus* var. *virginicus*), Brazilian pepper, bahiagrass (*Paspalum notatum*), wax myrtle, saw palmetto, caesarweed, and blackberry (*Rubus* sp.).

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

The canopy of this upland community type contains live oak with widely scattered laurel oak, pop ash (*Fraxinus caroliniana*), Brazilian pepper, and cabbage palm. The sub-canopy contains live oak, cabbage palm, laurel oak, wax myrtle, myrsine, wild coffee, swamp bay, caesarweed, saltbush, and Brazilian pepper. The ground cover includes saw palmetto, poison ivy (*Toxicodendron radicans*), beautyberry, wild coffee, Virginia creeper (*Parthenocissus quinquefolia*), Brazilian pepper, tropical soda apple (*Solanum viarum*), beggarticks (*Bidens alba*), St. Augustine grass (*Stenotaphrum secundatum*), caesarweed, Boston fern (*Nephrolepis* sp.), cabbage palm, broomsedge bluestem, white stopper, and carpetgrass (*Axonopus fissifolius*).

Live Oak, Disturbed (25-49% Exotics) (FLUCFCS Code 4279 E2)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Live Oak, Disturbed (50-75% Exotics) (FLUCFCS Code 4279 E3)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (25-49% Exotics) (FLUCFCS Code 4289 E2)

The canopy of this upland community type contains cabbage palm with scattered live oak. The sub-canopy contains Brazilian pepper, wax myrtle, and cabbage palm. The ground cover includes smutgrass (*Sporobolus indicus*), bahiagrass, wild coffee, dog fennel, beggarticks, knotroot foxtail (*Setaria parviflora*), scattered broomsedge bluestem, and guineagrass (*Urochloa maximum*).

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this upland community type contains live oak, slash pine, and cabbage palm. The sub-canopy contains live oak, Brazilian pepper, cabbage palm, wax myrtle, saltbush, beautyberry, and scattered saw palmetto. The ground cover contains bahiagrass, broomsedge bluestem, smutgrass, beautyberry, Brazilian pepper, marsh pennywort, caesarweed, live oak, cabbage palm, greenbrier, dayflower, and saw palmetto.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E1 except with 25 to 49 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E2 except with 50 to 75 percent Brazilian pepper in the sub-canopy.

Cypress, Drained, Disturbed (50-75% Exotics) (FLUCFCS Code 6215 E3)

The canopy of this upland community type contains bald cypress, and the sub-canopy contains Brazilian pepper, pop ash, and cabbage palm. The ground cover contains caesarweed and scattered swamp fern.

3.0 EXISTING NON-INDIGENOUS HABITATS

Existing non-indigenous wetland habitat within the preserve totals 33.95± acres. The non-indigenous wetland habitat is comprised of low pasture and areas with greater than 75 percent coverage by exotic vegetation, primarily Brazilian pepper and melaleuca.

Non-indigenous upland habitat within the preserve totals 310.07± acres and consist of pastures, disturbed land, berms, and forested areas with greater than 75 percent coverage by exotic vegetation, primarily Brazilian pepper.

Non-indigenous areas also include 8.66± acres of natural streams and man-made surface waters consisting of agricultural ditches and cow ponds. The non-indigenous wetland and upland habitat types and surface waters are depicted on Appendix B. Listed below are the FLUCFCS descriptions of the non-indigenous areas on the Project site.

3.1 Non-Indigenous Wetland Habitats

Low Pasture (FLUCFCS Code 262)

The canopy of this wetland habitat is open. The sub-canopy contains widely scattered cabbage palm, Brazilian pepper, wax myrtle, and Carolina willow. The ground cover includes inundated beaksedge (*Rhynchospora inundata*), Southern beaksedge, Asiatic pennywort, creeping primrosewillow, dayflower, pickerelweed, bushy bluestem (*Andropogon glomeratus*), sawgrass, white-top sedge, torpedograss, marsh pennywort, savanna iris (*Iris savannarum*), frogfruit (*Phyla nodiflora*), Southern umbrellasedge (*Fuirena scirpoidea*), smartweed, arrowhead, bighead rush (*Juncus megacephalus*), aster (*Aster* sp.), sesbania, spikerush, marsh-mallow (*Kosteletzkya* sp.), and rosy camphorweed.

Brazilian Pepper, Hydric (FLUCFCS Code 4221)

The canopy of this wetland habitat is dominated by Brazilian pepper with scattered live oak, cabbage palm, swamp bay, and Carolina willow. The sub-canopy is dominated by Brazilian pepper with scattered cabbage palm, live oak, swamp bay, myrsine, wax myrtle, saltbush, Carolina willow, pond apple (*Annona glabra*), red mangrove (*Rhizophora mangle*), and swamp dogwood. The ground cover contains Brazilian pepper, cabbage palm, giant leather fern, swamp fern, creeping primrosewillow, smartweed, cattail, shield fern, muscadine grapevine (*Vitis rotundifolia*), greenbrier, Southern beaksedge, flatsedge (*Cyperus* sp.), and marsh pennywort.

Wetland Forested Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6309 E3 except with 76 to 100 percent melaleuca and/or Brazilian pepper in the canopy and sub-canopy.

Wetland Shrub, Disturbed (76-100% Exotics) (FLUCFCS Code 6319 E4)

The canopy in this wetland habitat type is open. The sub-canopy contains saltbush, giant leather fern, wax myrtle, Brazilian pepper, scattered Carolina willow, and swamp bay. The

ground cover contains giant leather fern, marsh pennywort, Brazilian pepper, saltbush, sawgrass, shield fern, and creeping primrosewillow.

Freshwater Marsh, Disturbed (76-100% Exotics) (FLUCFCS Code 6419 E4)

This wetland community type includes vegetation associations that are similar to FLUCFCS Code 6419 E3 except with 76 to 100 percent West Indian marsh grass (*Hymenachne amplexicaulis*), alligatorweed (*Alternanthera philoxeroides*), and water lettuce (*Pistia stratiotes*) in the ground cover.

3.2 Non-Indigenous Upland Habitats

Residential, Low Density (FLUCFCS Code 110)

This upland area consists of single-family homes alongside North River Road (County Road 78).

Improved Pasture (FLUCFCS Code 211)

The canopy in this upland area is open and includes widely scattered slash pine, cabbage palm, and live oak. The sub-canopy is open and includes widely scattered cabbage palm, wax myrtle, and Brazilian pepper. The ground cover includes bahiagrass, tropical soda apple, smutgrass, broomsedge bluestem, blackberry, flatsedge, torpedograss, frogfruit, caesarweed, and Asiatic pennywort. The improved pasture in the southeastern portion of the site was historically a spoil cell for the dredging of the Caloosahatchee River.

Woodland Pasture (FLUCFCS Code 213)

The canopy of this upland community type has scattered slash pine, live oak, laurel oak, and cabbage palm. The sub-canopy includes widely scattered slash pine, Brazilian pepper, persimmon, wax myrtle, live oak, laurel oak, and cabbage palm. The ground cover contains bahiagrass, smutgrass, broomsedge bluestem, muscadine grapevine, saw palmetto, cabbage palm, caesarweed, earleaf greenbrier (*Smilax auriculata*), and blackberry.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4119 E1 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

The canopy of this upland community type is open. The sub-canopy is dominated by Brazilian pepper with scattered wax myrtle and cabbage palm. The ground cover includes Brazilian pepper.

Live Oak, Disturbed (76-100% Exotics) (FLUCFCS Code 4279 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4279 E3 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Cabbage Palm, Disturbed (76-100% Exotics) (FLUCFCS Code 4289 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4289 E2 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

This upland community type includes vegetation associations that are similar to FLUCFCS Code 4349 E3 except with 76 to 100 percent Brazilian pepper in the sub-canopy.

Disturbed Land (FLUCFCS Code 740)

The canopy of this upland community type is open with cabbage palm, live oak, slash pine, red cedar (*Juniperus virginiana*), Florida strangler fig (*Ficus aurea*), Washington fan palm (*Washingtonia robusta*), laurel oak, and other unknown landscape trees. The sub-canopy contains scattered cabbage palm, citrus (*Citrus* sp.), wax myrtle, and Brazilian pepper. The ground cover contains bahiagrass, smutgrass, broomsedge bluestem, wax myrtle, frogfruit, caesarweed, Brazilian pepper, and Asiatic pennywort.

Spoil Areas (FLUCFCS Code 743)

This upland area consists of spoil material.

Berm (FLUCFCS Code 747)

This upland land use type includes spoil material left over from the excavation of ditches. The canopy may include scattered slash pine and live oak. The sub-canopy may include beautyberry, wax myrtle, and Brazilian pepper. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

Road (FLUCFCS Code 814)

This upland land use type includes an unmaintained, partially paved roadway. The canopy and sub-canopy are open. The ground cover is consistent with improved pasture (FLUCFCS Code 211).

3.3 Surface Waters

Streams and Waterways (FLUCFCS Code 510)

These open-water areas consist of tributaries of the Caloosahatchee River.

Ditch (FLUCFCS Code 514)

This open-water land use type includes ditches associated with agricultural operations on the Project site. Ground cover vegetation includes cattail.

Cattle Pond (FLUCFCS Code 525)

This open-water area includes excavated ponds used for watering areas for cattle.

4.0 INDIGENOUS VEGETATION PRESERVATION, ENHANCEMENT, AND RESTORATION

Indigenous upland and wetland areas will be preserved, enhanced, and/or restored through the hand-removal/treatment of exotic and nuisance vegetation and the installation of supplemental plantings in areas with greater than 75 percent cover by exotic vegetation. The supplemental planting details are discussed in Section 6.0. The locations of the indigenous preservation areas are shown on Appendix C.

4.1 Methods to Remove and Control Exotic and Nuisance Plants

Exotics to be eradicated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea bulbifera</i>
Australian pine	<i>Casuarina</i> sp.
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosa</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Indian laurel	<i>Ficus microcarpa</i>
Indian rosewood	<i>Dalbergia sissoo</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Seaside mahoe	<i>Thespesia populnea</i>
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbek</i>

Exotic and nuisance vegetation removal will be conducted by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal, and herbicide treatment of the tree stumps; or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide; (2) foliar application of approved herbicide or hand-pulling of exotic seedlings; and (3) foliar application of approved herbicide to nuisance grasses.

In areas where exotic coverage is greater than 75 percent, mechanical equipment may be utilized to assist in the removal of exotic species. The mechanical removal areas will be flagged in the field and approved by Lee County Department of Community Development (DCD) staff prior to issuance of a vegetation removal permit. The approximate locations of the mechanical clearing areas are depicted on Appendix C.

Efforts will be made to preserve and protect native trees when conducting the exotic removal with mechanized equipment. This may include the use of temporary barriers (e.g., staking, roping, fencing) around native trees prior to the use of mechanical equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller-buncher) will be utilized within the mechanical removal areas. To prevent ground disturbance, mechanical equipment will not be utilized in areas that are saturated or inundated. If rutting occurs, the ground surface will be restored to natural grade with the use of low-impact equipment or by hand methods such as raking.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent development area and burned. No stacking of exotic debris will occur within the preserves. The preserve areas will be inspected annually for trash or garbage. Trash or garbage located within the preserve areas will be removed and disposed of by hand.

4.3 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin after Development Order approval. After completing the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years.

Exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

5.0 RARE AND UNIQUE UPLAND CREATION

Approximately 300.01± acres of rare and unique upland habitat will be created from existing upland pasture and agricultural ditches. Rare and unique upland creation activities will include hand or mechanical removal/treatment of exotic vegetation, backfilling to natural grade, replanting of vegetation to achieve rare and unique upland community types, and ongoing maintenance and management. The rare and unique upland creation areas may include some, or all, of the following community types: pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock.

5.1 Rare and Unique Upland Grading and Planting

The locations of the rare and unique upland creation areas are shown on Appendix C. Rare and unique upland creation will consist of the removal of exotic vegetation, backfilling of ditches, and planting with native rare and unique upland species. Exotic vegetation removal will use the same hand and/or mechanical methods described in Section 4.1. Soil modification may be required in portions of the rare and unique creation areas to backfill the ditches. Regrading will occur after the ditches have been filled to match the adjacent upland elevation. The soils used to backfill the ditches will consist of sandy, well drained soils that will support the proposed rare and unique upland community types consistent with Lee Plan Policy 123.2.17 5.b.

In areas of the Project where dredged material from the Caloosahatchee River will be removed, the soil will be removed to natural ground elevation or to an elevation that contains the appropriate soil types needed to support the establishment and success of the indigenous rare and unique upland habitat. This includes sandy or partially sandy soil types with loose to moderate density, similar to soil types documented throughout the property.

Plantings will be installed in the rare and unique upland creation areas following the completion of initial exotic vegetation removal, backfilling of the ditches, and associated regrading of the backfilled ditches. The planting details are outlined in Section 6.0.

6.0 SUPPLEMENTAL PLANTINGS

Following the removal of exotics, the indigenous wetland restoration areas (33.95± acres) will be supplemented with native vegetation plantings. The target community types include a mixture of cypress, mixed wetland forest, freshwater marsh, and cabbage palm hammock habitats. Plantings will consist of tree, shrub, and ground cover species. Within forested wetlands, tree and shrub plantings will include a minimum of three of the species listed in Table 2. Ground cover plantings will include a minimum of four of the species listed in Table 2. Supplemental plantings within the open marsh habitats will consist of herbaceous species only and include a minimum of four of the species listed in Table 2. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 2. Supplemental Wetland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Bald cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Dahoon holly	<i>Ilex cassine</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Pond apple	<i>Annona glabra</i>	5 ft.	3 gal.	15 ft.
Pond cypress	<i>Taxodium distichum</i>	5 ft.	3 gal.	15 ft.
Pop ash	<i>Fraxinus caroliniana</i>	5 ft.	3 gal.	15 ft.
Red mangrove	<i>Rhizophora mangle</i>	5 ft.	3 gal.	15 ft.
Red maple	<i>Acer rubrum</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Swamp bay	<i>Persea palustris</i>	5 ft.	3 gal.	15 ft.
Swamp dogwood	<i>Cornus foemina</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Buttonbush	<i>Cephalanthus occidentalis</i>	3 ft.	1 gal.	10 ft.
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Giant leather fern	<i>Acrostichum danaeifolium</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Saltbush	<i>Baccharis halimifolia</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 ft.
Bushy bluestem	<i>Andropogon glomeratus</i>	12 in.	2 in.	3 ft.
Cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	3 ft.
Dotted smartweed	<i>Persicaria punctata</i>	12 in.	2 in.	3 ft.
Fireflag	<i>Thalia geniculata</i>	12 in.	2 in.	3 ft.
Frogfruit	<i>Phyla nodiflora</i>	12 in.	2 in.	3 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 ft.
Gulf Coast spikerush	<i>Eleocharis cellulosa</i>	12 in.	2 in.	3 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 ft.
Little blue maidencane	<i>Amphicarpum muehlenbergianum</i>	12 in.	2 in.	3 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 ft.
Muhlygrass	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 ft.
Pickernelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	3 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 ft.
Soft rush	<i>Juncus effusus</i>	12 in.	2 in.	3 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 ft.

Table 2. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Ground Cover (Continued)				
Spatterdock	<i>Nuphar advena</i> subsp. <i>advena</i>	12 in.	2 in.	3 ft.
Spikerush	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 ft.
Swamp fern	<i>Telmatoblechnum serrulatum</i>	12 in.	2 in.	3 ft.
Tracy's beaksedge	<i>Rhynchospora tracyi</i>	12 in.	2 in.	3 ft.
Virginia chain fern	<i>Woodwardia virginica</i>	12 in.	2 in.	3 ft.

In addition, following the removal of exotics, indigenous upland restoration areas (7.38± acres) will be supplemented with native vegetation plantings. The target community types include pine flatwoods and hardwood/conifer mixed forested. Tree and shrub plantings will include a minimum of three of the species listed in Table 3. Ground cover plantings will include a minimum of four of the species listed in Table 3. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground cover species may be included in the planting table with approval from DCD staff.

Table 3. Supplemental Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Laurel oak	<i>Quercus laurifolia</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Shrubs				
Gallberry	<i>Ilex glabra</i>	3 ft.	1 gal.	10 ft.
Myrsine	<i>Myrsine cubana</i>	3 ft.	1 gal.	10 ft.
Rusty lyonia	<i>Lyonia ferruginea</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Sparkleberry	<i>Vaccinium arboreum</i>	3 ft.	1 gal.	10 ft.
Tarflower	<i>Bejaria racemosa</i>	3 ft.	1 gal.	10 ft.
Wild coffee	<i>Psychotria nervosa</i>	3 ft.	1 gal.	10 ft.
Wax myrtle	<i>Morella cerifera</i>	3 ft.	1 gal.	10 ft.
Ground Cover				
Beautyberry	<i>Callicarpa americana</i>	12 in.	2 in.	5 ft.
Gulf muhly	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	5 ft.
Gopher apple	<i>Geobalanus oblongifolius</i>	12 in.	2 in.	5 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.

Table 3. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Ground Cover (Continued)				
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Purple lovegrass	<i>Eragrostis spectabilis</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.

Following the removal of exotic vegetation and the completion of grading activities, supplemental plantings will be installed within the rare and unique upland restoration areas (2.68± acres) and rare and unique creation areas (300.01± acres) shown on Appendix C. The target community types may include a mixture of pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock habitats. Plantings will consist of tree, shrub, and ground cover species. Tree and shrub plantings will consist of a minimum of four (per stratum) of the species listed in Table 4, and ground cover plantings will consist of a minimum of four of the species listed in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County DCD staff.

The trees included in Table 4 will also be utilized to satisfy the Project's right-of-way (ROW) buffer requirements along North River Road; however, cabbage palm hammocks cannot be utilized within the ROW buffer. Cabbage palms may be planted within the ROW buffer but must be mixed with other native trees provided in Table 4.

Table 4. Supplemental Rare and Unique Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees				
Cabbage palm	<i>Sabal palmetto</i>	5 ft.	3 gal.	15 ft.
Gumbo limbo	<i>Bursera simaruba</i>	5 ft.	3 gal.	15 ft.
Live oak	<i>Quercus virginiana</i>	5 ft.	3 gal.	15 ft.
Hackberry	<i>Celtis laevigata</i>	5 ft.	3 gal.	15 ft.
Hog plum	<i>Ximenia americana</i>	5 ft.	3 gal.	15 ft.
Slash pine	<i>Pinus elliottii</i>	5 ft.	3 gal.	15 ft.
Southern red cedar	<i>Juniperus virginiana</i>	5 ft.	3 gal.	15 ft.
Shrubs¹				
Fiddlewood	<i>Citharexylum spinosum</i>	3 ft.	1 gal.	10 ft.
Firebush	<i>Hamelia patens</i>	3 ft.	1 gal.	10 ft.
Florida privet	<i>Forestiera segregata</i>	3 ft.	1 gal.	10 ft.
Marlberry	<i>Ardisia escallonioides</i>	3 ft.	1 gal.	10 ft.

Table 4. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Shrubs¹ (Continued)				
Satin leaf	<i>Chrysophyllum oliviforme</i>	3 ft.	1 gal.	10 ft.
Saw palmetto	<i>Serenoa repens</i>	3 ft.	1 gal.	10 ft.
Shortleaf wild coffee	<i>Psychotria tenuifolia</i>	3 ft.	1 gal.	10 ft.
Simpson's stopper	<i>Myrcianthes fragrans</i>	3 ft.	1 gal.	10 ft.
Spanish stopper	<i>Eugenia foetida</i>	3 ft.	1 gal.	10 ft.
Sparkleberry	<i>Vaccinium arboreum</i>	3 ft.	1 gal.	10 ft.
Walter's viburnum	<i>Viburnum obovatum</i>	3 ft.	1 gal.	10 ft.
White indigoberry	<i>Randia aculeata</i>	5 ft.	3 gal.	10 ft.
White stopper	<i>Eugenia axillaris</i>	3 ft.	1 gal.	10 ft.
Wild coffee	<i>Psychotria nervosa</i>	3 ft.	1 gal.	10 ft.
Wild lime	<i>Zanthoxylum fagara</i>	3 ft.	1 gal.	10 ft.
Ground Cover¹				
Beautyberry	<i>Callicarpa americana</i>	12 in.	2 in.	3 ft.
Coral bean	<i>Erythrina herbacea</i>	12 in.	2 in.	3 ft.
Fakahatchee grass	<i>Tripsacum dactyloides</i>	12 in.	2 in.	5 ft.
Florida coontie	<i>Zamia integrifolia</i>	12 in.	2 in.	5 ft.
Gopher apple	<i>Geobalanus oblongifolius</i>	12 in.	2 in.	3 ft.
Lopsided Indian grass	<i>Sorghastrum secundum</i>	12 in.	2 in.	5 ft.
Sand cordgrass	<i>Spartina bakeri</i>	12 in.	2 in.	5 ft.
Wiregrass	<i>Aristida stricta</i>	12 in.	2 in.	3 ft.

¹No one species shall comprise more than 25 percent of the plantings.

The preserve enhancement, restoration, and creation activities may be completed in multiple phases. The wetland and upland planting activities will occur during the wet season (i.e., June through October). If plantings cannot be installed within this timeframe, irrigation will be utilized until the onset of the wet season (i.e., June) or until the vegetation is successfully established. Irrigation will be utilized on a temporary, as-needed basis, and will not be a required long-term activity.

Depending on the location of the planted areas, irrigation sources may include, but are not limited to, the on-site lakes and wells. The irrigation method may consist of an overhead sprinkler or temporary drip pipe installed to the water source. The temporary irrigation system will be removed within one year of installation or when plantings are successfully established.

In accordance with Section 10-416(d)(9) of the LDC, if restoration activity occurs within the 50-foot natural waterway buffer area, all supplemental plantings will comply with the requirements set forth under Section 10-420 of the LDC.

7.0 RARE AND UNIQUE UPLAND RESTORATION AND CREATION SOILS ANALYSIS

The target community types within the rare and unique restoration and creation areas may include a mixture of pine flatwoods, tropical hardwood, live oak hammock, and cabbage palm hammock habitats. Soil profiles within mesic flatwoods and mesic hammock habitats were researched with Florida Natural Areas Inventory (FNAI) in the *Guide to the Natural Communities of Florida* (2010). Per the source, mesic flatwoods habitats occupy poorly drained sandy soils, while mesic hammock habitats occupy well drained sandy soils with moderate to high amounts of organic matter.

The soils classifications within the rare and unique restoration and creation areas, per the Natural Resources Conservation Service (NRCS), are shown on Appendix D. The dominant soil classifications within these areas consist of Cypress Lake fine sand (Soil Unit 13) (24.51± acres); Immokalee sand (Soil Unit 28) (31.58± acres); Oldsmar sand (Soil Unit 33) (76.70± acres); and Caloosa fine sand (Soil Unit 144) (153.50± acres). According to the NRCS and the Soil Survey of Lee County, Florida (U.S. Department of Agriculture 1984 and 2020), Cypress Lake fine sand, Immokalee sand, and Oldsmar sand are poorly drained soils; and Caloosa fine sand is a moderately well drained soil.

Pursuant to Chapter XII of the Lee Plan, mesic hammock communities classified as rare and unique are scattered throughout the Project site and consist of Live Oak, Disturbed (FLUCFCS Codes 4279 E1, E2, and E3) and Cabbage Palm, Disturbed (FLUCFCS Code 4289 E2) (Appendix B). These mesic hammock habitats are currently established within a variety of NRCS soil unit types, including Cypress Lake fine sand, Immokalee sand, Oldsmar sand, and Caloosa fine sand. Therefore, the Project contains appropriate soil types for the establishment of rare and unique upland habitats.

8.0 MAINTENANCE

After completing the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation area will be conducted annually. After the initial exotic removal, subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.1 Prescribed Fire

Prescribed burning may be used as a management tool in the conservation area to maintain the native vegetation communities. Prescribed burns help maintain vegetative communities in their natural state, reduce fuel loads and the danger of wildfire, aid with the eradication

and control of exotic and nuisance vegetation species, and improve wildlife habitat. The objectives of prescribed burning maintenance events will be to aid in the control of exotic vegetation and woody shrubs (i.e., wax myrtle and saltbush) and to stimulate the growth and diversity of herbaceous vegetation.

If utilized, the burning frequency for the conservation areas will be two to four years, which is consistent with the natural fire regime for South Florida habitats described by the FNAI in the *Guide to the Natural Communities of Florida* (2010). The edges of the Project's freshwater marshes will be burned when the fire moves through the adjacent forested habitats. The fire will be allowed to extinguish naturally within the wetter marsh habitats.

Prescribed burning is typically conducted during the winter or early spring when temperatures are reduced and wind direction is more constant. The initial burn is anticipated to occur during the late winter. Winter burns are preferred to reduce high fuel loads. Growing season burns also may be conducted as conditions allow. Changes in annual weather cycles determine when burn permits will be available, and burns may be conducted only on the day(s) of Florida Forest Service (FFS) permission.

Fire breaks will be installed in strategic locations to safely ignite and control prescribed fires. Fire breaks will be co-located with maintenance trails, recreational trails, access roads, easements, fence lines, property boundaries, and natural habitat boundaries. Fires will be excluded from planted areas for at least ten years to allow plantings to mature enough to survive fires.

Controlled burns will be conducted with a permit issued from the FFS. In addition, notice will be given to the local fire district.

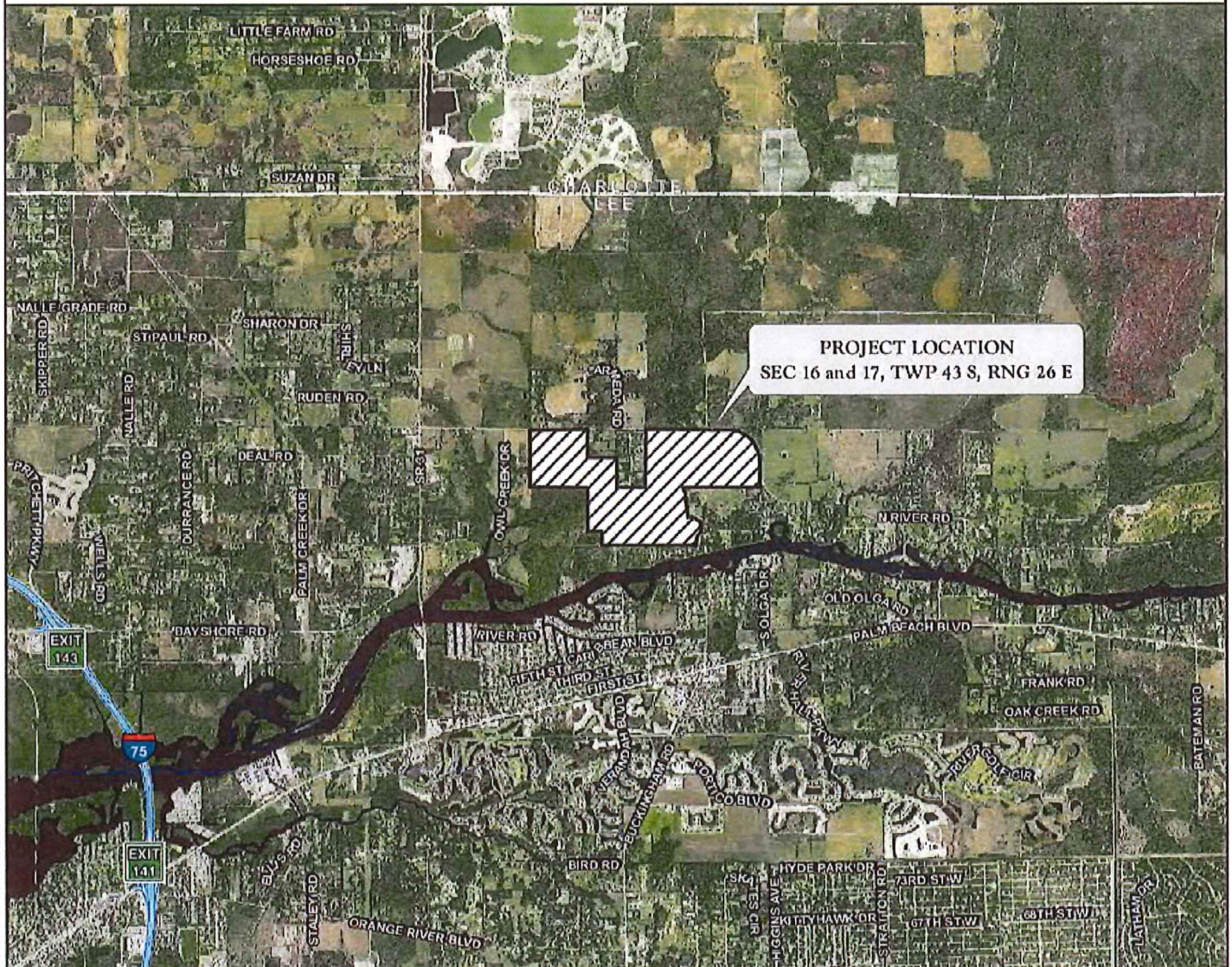
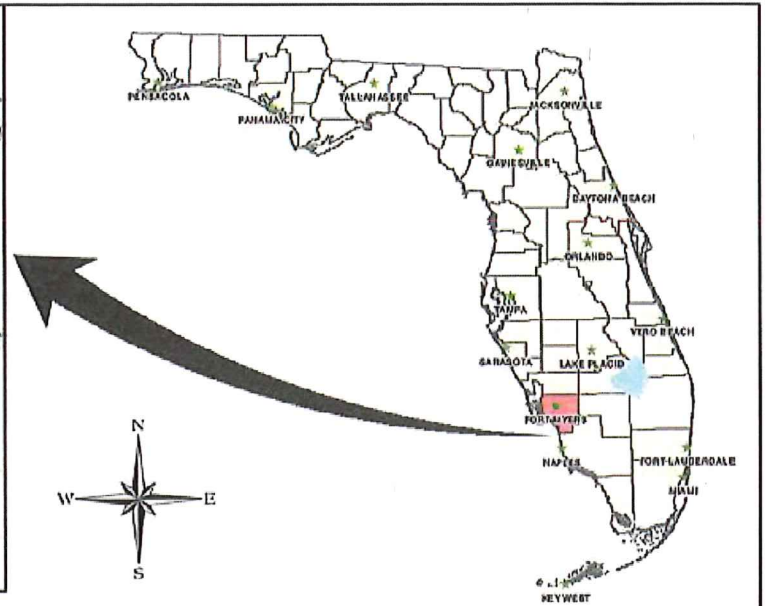
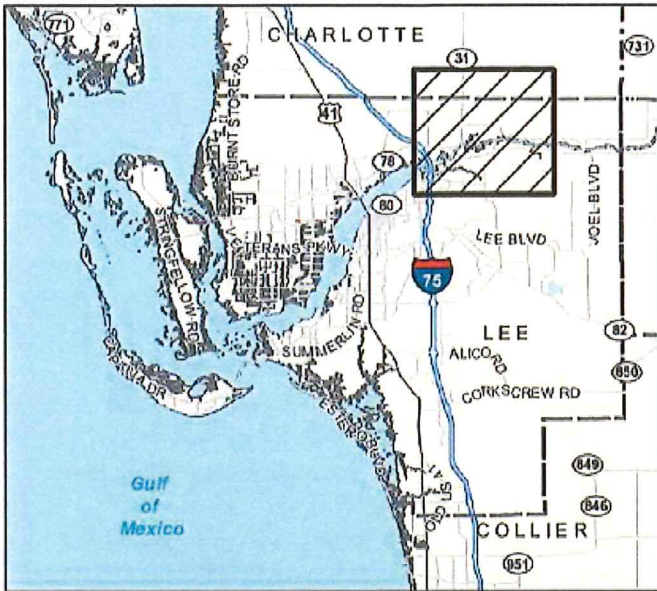
9.0 MONITORING REPORTS

The proposed monitoring of the Lee County Indigenous Preserve areas will consist of baseline, time-zero, and annual monitoring. Annual reports documenting the achievement of the enhancement, restoration, and creation activities will be submitted to Lee County's DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD. The monitoring reports will include documented exotic and nuisance species; mortality of vegetation; estimated causes of mortality; the growth of the vegetation; and hydrologic conditions of the wetland preserve areas, including monitoring well hydrographs, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of anticipated maintenance work to be conducted over the next year will also be included. In addition, monitoring reports will provide recommendations and/or corrective measures to address deficiencies observed, including impacts to wetland hydrology. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

10.0 REFERENCES

- Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.
- Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 Edition. Florida Natural Areas Inventory, Tallahassee, Florida.
- U.S. Department of Agriculture, Soil Conservation Service. 1984. Soil Survey of Lee County, Florida.
- U.S. Department of Agriculture, Soil Conservation Service. 2020. Soil Survey of Lee County, Florida.

APPENDIX A
PROJECT LOCATION MAP



APPENDIX A. PROJECT LOCATION MAP
CARY + DUKE + POVIA RPD

DRAWN BY	DATE
P.F.	10/26/22
REVIEWED BY	DATE
B.B.	10/26/22
REVISIT	DATE
R.F.	05/22/24

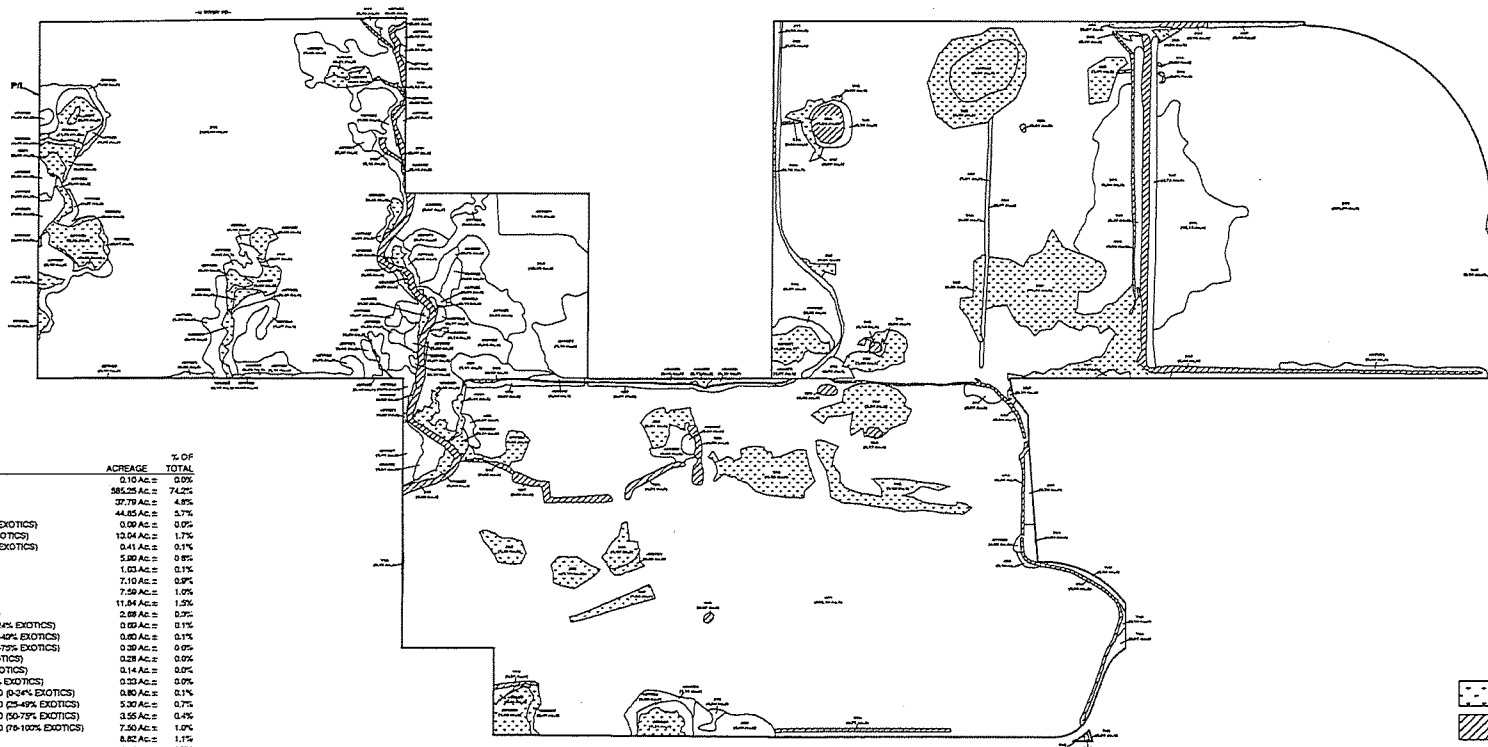


APPENDIX B

FLUCFCS AND WETLANDS MAP



SCALE: 1" = 400'



FLUCFCS CODE	DESCRIPTION	ACREAGE	% OF TOTAL
110	RESIDENTIAL, LOW DENSITY	0.10 AC.±	0.0%
211	IMPROVED PASTURE	585.25 AC.±	74.2%
213	WOODLAND PASTURE	27.79 AC.±	4.8%
202	LOW PASTURE	44.85 AC.±	5.7%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	0.50 AC.±	0.0%
4119 E1	PINE FLATWOODS, DISTURBED (5-24% EXOTICS)	12.94 AC.±	1.7%
4119 E4	PINE FLATWOODS, DISTURBED (75-100% EXOTICS)	0.41 AC.±	0.1%
422	BRAZILIAN PEPPER	5.80 AC.±	0.8%
4221	BRAZILIAN PEPPER HYDRIC	1.05 AC.±	0.1%
4279 E1	LIVE OAK, DISTURBED (5-24% EXOTICS)	7.10 AC.±	0.9%
4279 E2	LIVE OAK, DISTURBED (25-49% EXOTICS)	7.50 AC.±	1.0%
4279 E3	LIVE OAK, DISTURBED (50-75% EXOTICS)	11.84 AC.±	1.5%
4279 E4	LIVE OAK, DISTURBED (75-100% EXOTICS)	2.88 AC.±	0.3%
4381 E1	CABBAGE PALM, DISTURBED, HYDRIC (5-24% EXOTICS)	0.50 AC.±	0.1%
4381 E2	CABBAGE PALM, DISTURBED, HYDRIC (25-49% EXOTICS)	0.50 AC.±	0.1%
4381 E3	CABBAGE PALM, DISTURBED, HYDRIC (50-75% EXOTICS)	0.20 AC.±	0.0%
4381 E4	CABBAGE PALM, DISTURBED (25-49% EXOTICS)	0.28 AC.±	0.0%
4389 E4	CABBAGE PALM, DISTURBED (75-100% EXOTICS)	0.14 AC.±	0.0%
4391 E1	WAX MYRTLE, DISTURBED, HYDRIC (5-24% EXOTICS)	0.25 AC.±	0.0%
4340 E1	HARDWOOD/CONIFER MIXED, DISTURBED (5-24% EXOTICS)	0.80 AC.±	0.1%
4340 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	5.30 AC.±	0.7%
4340 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	3.56 AC.±	0.4%
4340 E4	HARDWOOD/CONIFER MIXED, DISTURBED (75-100% EXOTICS)	7.20 AC.±	1.0%
510	STREAMS AND WATERWAYS	8.82 AC.±	1.1%
514	DITCH	3.34 AC.±	0.7%
525	CATTLE POND	5.84 AC.±	0.8%
6180 E2	WILLOW, DISTURBED (25-49% EXOTICS)	0.00 AC.±	0.0%
6215 E3	CYPRESS, DISTURBED (50-75% EXOTICS)	0.50 AC.±	0.1%
6219 E1	CYPRESS, DISTURBED (5-24% EXOTICS)	1.89 AC.±	0.2%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	1.85 AC.±	0.2%
6300 E1	WETLAND FORESTED MIXED, DISTURBED (5-24% EXOTICS)	1.67 AC.±	0.2%
6300 E2	WETLAND FORESTED MIXED, DISTURBED (25-49% EXOTICS)	3.54 AC.±	0.4%
6300 E3	WETLAND FORESTED MIXED, DISTURBED (50-75% EXOTICS)	2.42 AC.±	0.3%
6300 E4	WETLAND FORESTED MIXED, DISTURBED (75-100% EXOTICS)	1.70 AC.±	0.2%
6319 E4	WETLAND SHRUB, DISTURBED (75-100% EXOTICS)	1.08 AC.±	0.1%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	3.65 AC.±	0.5%
6419 E4	FRESHWATER MARSH, DISTURBED (75-100% EXOTICS)	3.75 AC.±	0.5%
740	DISTURBED LAND	1.55 AC.±	0.2%
743	SPILL AREAS	0.90 AC.±	0.1%
747	BIOMA	8.10 AC.±	0.8%
814	ROAD	1.73 AC.±	0.2%
TOTAL		788.98 AC.±	100.0%

LEGEND:

SPWHD WETLANDS
(79.31 AC.±)

SPWHD "OTHER SURFACE WATERS"
(16.10 AC.±)

NOTES:

PROPERTY BOUNDARY PER JR. EVANS ENGINEERING, DRAWING No. 00918-00 E5509 - DA MCF.DWG DATED MAY 21, 2024.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

REVISION	DATE	DESCRIPTION
Revised boundary	03/01/23	R.F.
Revised boundary	04/01/24	B.B.
Revised boundary	05/22/24	B.B.

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069

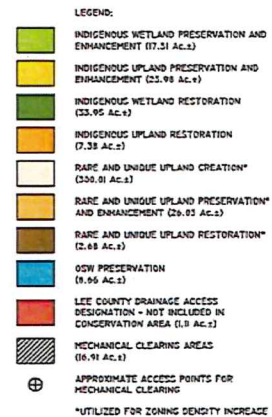


CARY + DUKE + POVIA RPD
FLUCFCS AND WETLANDS MAP

PROJECT NO.	22NCC3903
SHEET NO.	APPENDIX B

APPENDIX C

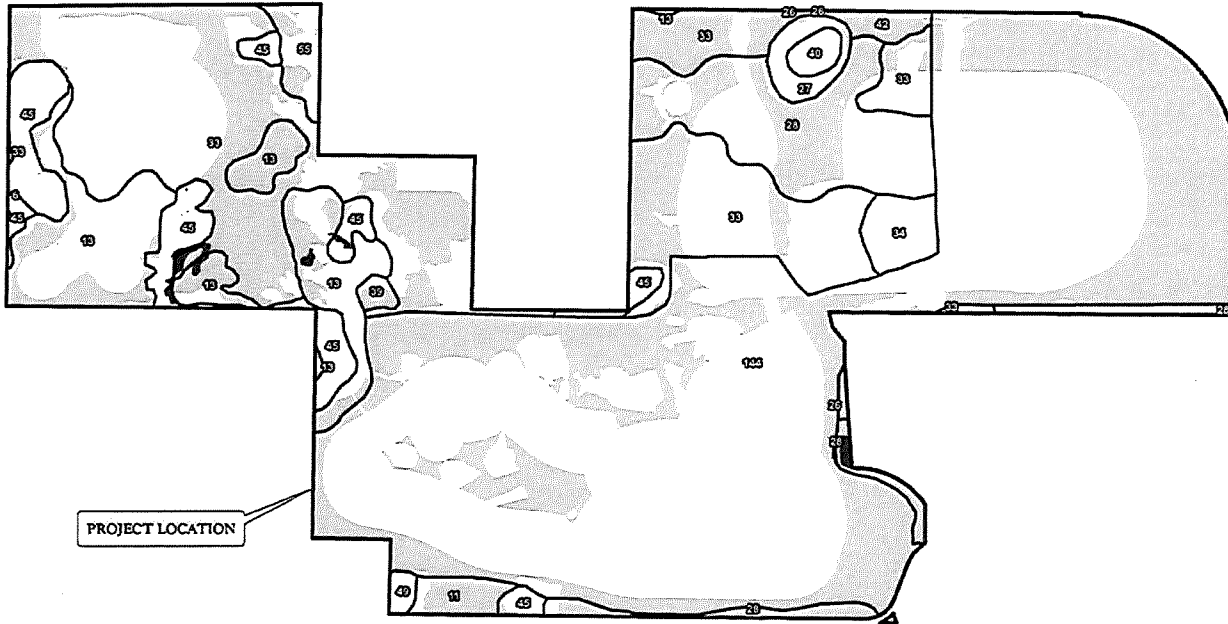
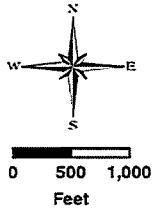
INDIGENOUS PRESERVE AND RESTORATION MANAGEMENT PLAN



NOTES:
PROPERTY BOUNDARY, SITE PLAN AND CONSERVATION
AREAS PER JR EVANS ENGINEERING, DRAWING No.
00011-00 E0509 - OA MCP.DWG DATED MAY 21, 2024.

REVISIONS	DATE	DESIGNED BY	DATE	13620 Metropolis Avenue Suite 200 Ft. Myers, FL 33912 Phone (239) 274-0067 Fax (239) 274-0069	 PASSARELLA & ASSOCIATES INC.	CARY + DUKE + POVIA RPD INDIGENOUS PRESERVE AND RESTORATION MANAGEMENT PLAN	DRAWING No. 22NCC1903
New site plan	01/24/24	R.F.	04/20/23				SHEET No. APPENDIX C
New site plan	03/26/24	J.S.	04/20/23				
New site plan	05/22/24	S.J.	04/20/23				

APPENDIX D
SOILS OVERLAY MAP



LEGEND	
	CARY + DUKE + POVIA RPD
	RARE AND UNIQUE UPLAND CREATION (300.01 AC.±)
	RARE AND UNIQUE UPLAND RESTORATION (2.68 AC.±)
	LEE SOILS

SOILS THAT FALL WITHIN RARE AND UNIQUE CREATION AND RESTORATION AREAS		
Soil Unit	Description	Acres
11	Myakka fine sand, 0 to 2 percent slopes	4.69 AC.±
13	Cypress Lake fine sand, 0 to 2 percent slopes	24.51 AC.±
28	Prionia-Pineda, wet, fine sand, 0 to 2 percent slopes	0.30 AC.±
27	Pompano fine sand, frequently ponded, 0 to 1 percent slopes	0.79 AC.±
28	Immokalee sand, 0 to 2 percent slopes	21.58 AC.±
33	Oldsmar sand, 0 to 2 percent slopes	76.70 AC.±
39	Isles fine sand, frequently ponded, 0 to 1 percent slopes	1.24 AC.±
42	Wabasso sand, limestone substratum, 0 to 2 percent slopes	3.66 AC.±
45	Copeland fine sandy loam, frequently ponded, 0 to 1 percent slopes	2.39 AC.±
49	Felda fine sand, frequently ponded, 0 to 1 percent slopes	0.09 AC.±
55	Cocoa fine sand, 0 to 2 percent slopes	2.54 AC.±
144	Caloosa fine sand, 0 to 2 percent slopes	153.50 AC.±
TOTAL		392.89 AC.±

NOTES:

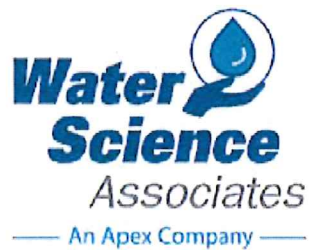
PROPERTY BOUNDARY PER JR EVANS
ENGINEERING DRAWING No. 09011-09
E0509 - 04 MCP.DWG DATED MAY 21,
2024.

SOILS MAPPING WAS ACQUIRED FROM
THE UNITED STATES DEPARTMENT OF
AGRICULTURE WEBSITE OCTOBER 2022.

REVISIONS		DATE	DRAWN BY	DATE	13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069	PASSARELLA & ASSOCIATES	CARY + DUKE + POVIA RPD SOILS OVERLAY MAP		DRAWING No.	
Revised boundary		04/01/24	H.H., R.F.	03/07/23					22NCC3903	
Revised boundary		05/22/24	C.R.	03/07/23					SHEET No.	
			S.J.	03/07/23					APPENDIX D	

Water Quality Monitoring Plan

Cary-Duke-Povia
DCI2022-00067



Evan Lentz

Evan Lentz
Staff Scientist

MC Alfieri

Michael Alfieri P.G. 2476
Senior Managing Hydrogeologist

MAY 2024

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SECTION 2	GOALS AND OBJECTIVES.....	2
SECTION 3	MONITORING SITES	3
SECTION 4	PARAMETERS AND REPORTING SCHEDULE.....	4
SECTION 5	CONTINGENCY PLAN.....	6

FIGURES

FIGURE 1	Regional Location Map
FIGURE 2	Proposed Surface Water Quality Monitoring Site Locations

TABLES

TABLE 1	Proposed Monitoring Parameters and Schedule
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EXHIBITS

EXHIBIT A	Excerpt from Rezoning Application DCI2022-00067
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1.0 INTRODUCTION AND BACKGROUND

The Cary-Duke-Povia project is an approximately 790-acre proposed residential community development located within Section 17 and 16, Township 43S, Range 26 in Lee County, Florida. The proposed Cary-Duke-Povia development is situated approximately one mile east of State Road 31 on the south side of State Road 78 (North River Road). The project is currently seeking approval to change the zoning category from Agricultural (AG-2) to a Residential Planned Development (RPD) under Application DCI2022-00067. Refer to **Figure 1** for a regional location map showing the Cary-Duke-Povia boundary.

2.0 GOALS AND OBJECTIVES

This Water Quality Monitoring Plan provides a response to the Lee County Comment Letter, dated January 19, 2023, Comment No. 6 of the Natural Resources Review section regarding the proposed outflow to Trout Creek. Specifically, the main objective of the Water Quality Monitoring Plan is to establish baseline conditions and to quantify potential impacts of the proposed residential development on Trout Creek. The first task is identification of outfall locations, establishing a water quality monitoring parameter list, and establishment of a schedule for the monitoring program. The second objective of the monitoring plan is to provide documentation of the analytical results to the Lee County Division of Natural Resources (LCDNR) through regular reporting and data transfer such that the water quality database maintained by Lee County accurately identifies and characterizes any contribution of contamination to Trout Creek. This Water Quality Monitoring Plan includes sampling locations, sampling frequency, reporting requirements, and evaluations of the water quality within the project site.

3.0 MONITORING SITES

The existing topography of the Cary-Duke-Povia project site generally directs stormwater runoff from the northeast to the southwest and from the northwest to the southeast into surrounding wetlands/preserves within the site property boundary. Development plans for the project indicate that there are five proposed outfall control structures where water can flow out of the proposed stormwater management system and leave the project site. These control structures, CS A, CS B-1, CS B-2, CS C, and CS D are identified in **Figure 2**. Flow leaving the proposed stormwater management system from the five outfall locations will enter the onsite wetland preserve areas and continue through existing wetlands to Trout Creek, located in the eastern portion of the project area.

The proposed Water Quality Monitoring Plan includes the installation of seven surface water sampling locations five at outfall locations and two staff gages installed in the irrigation withdrawal lakes (SG-1 & SG-2), two shallow monitor wells tapping the upper portion of the Water Table Aquifer (WT-1 & WT-2), and a deeper monitor well tapping the upper portion of the Sandstone Aquifer (SS-1) to record stage and ground water elevations and obtain surface and ground water samples. Sampling at CS A through CS D is proposed at the downstream end of the outfall structure from within the adjoining wetland. The seven surface water samples will be measured in the field and the Sandstone Aquifer wells will be outfitted with electronic water level transducers set to record water levels every 6 hours. Water quality data will be collected from the shallow Water Table wells and outfall locations. The water level elevations will be referenced to the North American Vertical Datum of 1988 (NAVD 88). Proposed sampling locations at the individual control structures, CS A, CS B-1, CS B-2, CS C, and CS D are shown in **Figure 2**.

4.0 PARAMETERS AND REPORTING SCHEDULE

The proposed monitoring parameter list is provided in Table 1. Monitoring includes a baseline sampling event prior to construction commencement followed by semi-annual sampling events. The sampling events are proposed to occur twice per year during the wet season (June through October). The early wet season monitoring event is proposed to occur in June, while the late wet season event is proposed to occur in October. Monitoring will include stage measurements using previously established benchmarks and the discharge condition will be recorded as either a "yes or no" depending on whether or not water is flowing through the control structures at the time of sampling. Water Quality samples will be collected from the water table monitor wells, staff gauge monitoring stations, and outfall locations. 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.

Table 1. Summary of Surface Water and Groundwater Sampling Parameters

PARAMETER	UNITS	BASELINE	Semi-Annually	Groundwater Target Level	Surface Water Target Levels	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	NA	1.54	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	x	x	NA	0.12	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	x (Annually)	5000	5000	Laboratory
Arsenic	µg/L	x		10	10	Laboratory
Copper	µg/L	x	x	1000	2.72	Laboratory
Mercury	µg/L	x	x	2	0.012	Laboratory
Lead	mg/L	x	x	0.015	0.0085	Laboratory
E. coli	MPN/100mL	x	x	NA	126 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.

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 July 30, 2014. Water Quality samples will be collected at surface water monitoring stations documented on **Figure 2**. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. A chain of custody form and laboratory analysis reports will be provided in corresponding annual 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.

Water Monitoring Reporting and Analysis

An annual report, which will include a comparison of State water quality standards, plots of parameters, and any conclusions or recommendations will be provided to the LCDNR annually for at least 5 years. The monitoring reports will be submitted once per year as an Electric Data Deliverable (EDD) in a comma delimited text format approved by the within 60 days of receipt of the laboratory reports. Conclusions and recommendations will be based on applicable target levels, statistical analyses, and trends of measured constituents.

Results of each water quality sampling events will be compared to applicable target levels, if listed and deviation from the initial baseline sampling. 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 annual reports.

Water quality reporting 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 submitting a written request, review, and approval by LCDNR.

5.0 CONTINGENCY PLAN

Should water quality concentrations be identified as exceeding target levels, deviations from baselines, or through statistical trend analyses, site conditions will be reviewed for possible onsite and offsite incidents that could contribute to elevated readings. If no incident or cause can be identified, the samples will be re-collected and re-analyzed for the parameter of concern. Following any re-sampling event, the Applicant will coordinate with the LCDNR to aid in identifying potential causes and/or the potential need to modify monitoring parameters, frequency, and/or reporting. If re-sampling shows water quality concerns, LCDNR will be notified to discuss potential corrective actions.

Potential investigative and corrective actions may include:

- Review potential for contamination from the nearest upgradient facility's lakes;
- Review and revision of community lake management, stormwater management, and fertilizer application procedures and schedules;
- Include additional surface water sampling sites; and/or
- Notification to impacted residents and applicable authorities as needed.

FIGURES

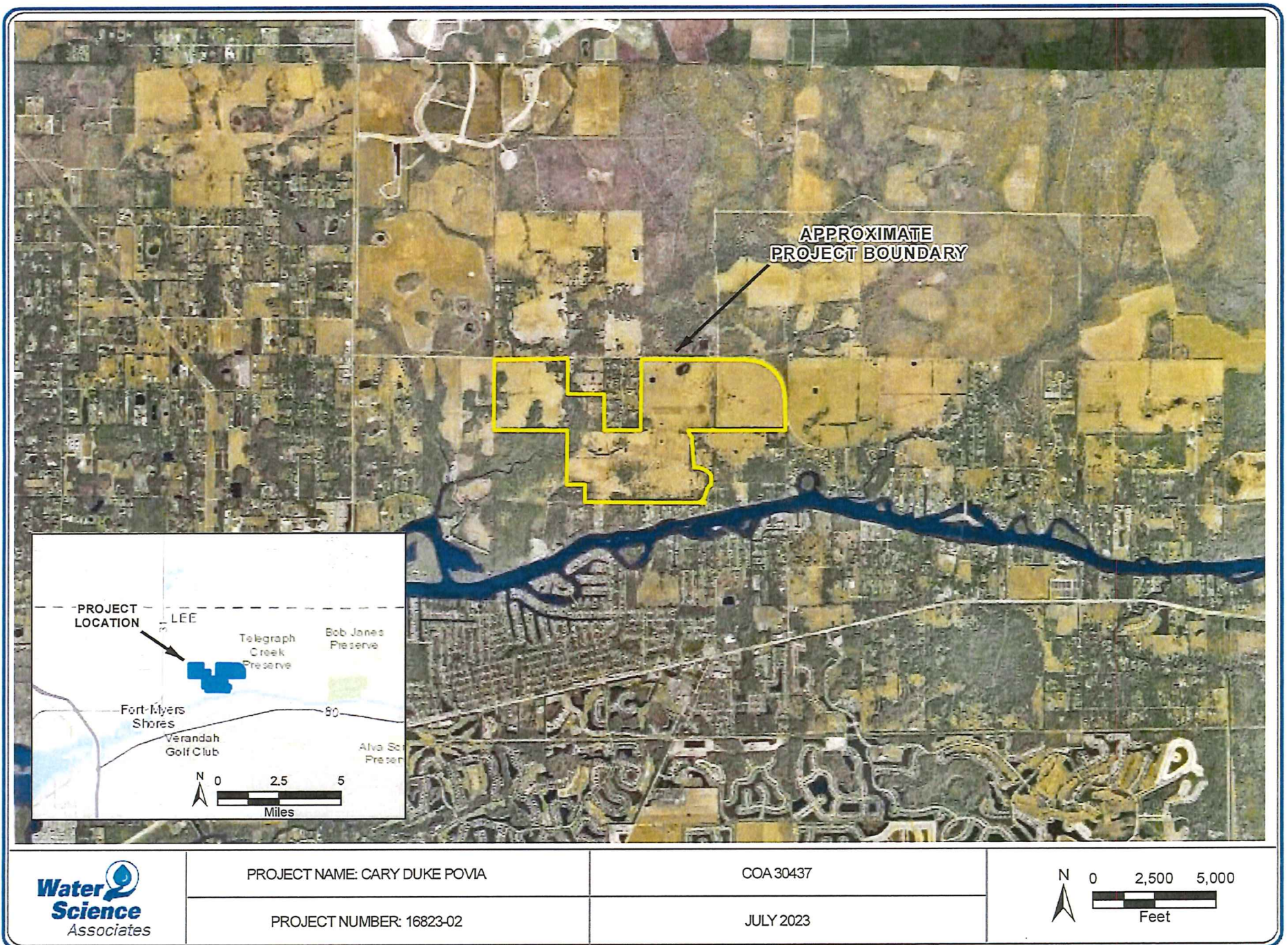


FIGURE 1. REGIONAL LOCATION MAP

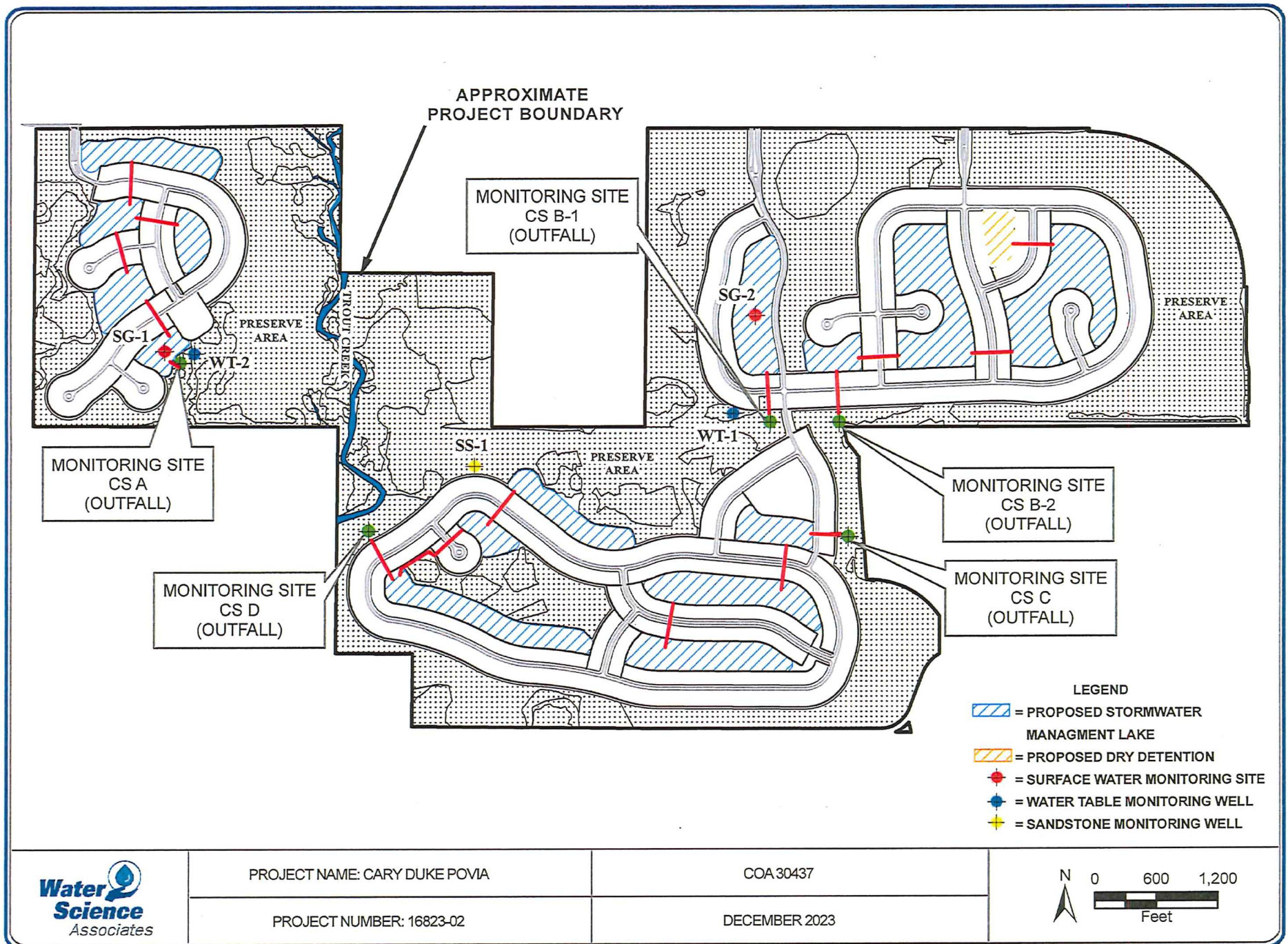


FIGURE 2. PROPOSED SURFACE WATER QUALITY MONITORING SITES

AGRICULTURAL USES AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, on this ____ day of December, 2022, personally appeared
G. Keith Cary, who is personally known to me or who
produced _____

as identification and who did take an oath, who deposes and says as follows:

1. That I am the Owner/Authorized Agent of the following described property, to wit:
STRAP # 17-43-26-00-00001.0000; 17-43-26-01-00003.0000; 17-43-26-01-00009.0000
16-43-26-00-00001.0040; 17-43-26-01-00004.0000
2. That the above-described property was used for bona fide agricultural purposes qualifying for the
Agricultural Tax Classification of the property described above at the time of this zoning
application.
3. The agricultural use of the property, cattle grazing, is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: G. Keith Cary

G. Keith Cary

Owner/Authorized Agent of Cary & Duke Properties, LLC

SWORN TO and subscribed before me on the date and year first above written:

(Notary Seal)

Commission No.
GG 312483



Crystal Darling
Signature of Notary Public

Crystal Darling
(Print, type or stamp commissioned name of
Notary Public)

EXHIBIT F

AGRICULTURAL USES AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 14 day of December, 2022, personally appeared Mary Ellen Povia, who is personally known to me or who produced FL Drivers License PID: 586-45-842-0 as identification and who did take an oath, who deposes and says as follows:

1. That I am the Authorized Representative of the following described property, to wit:

See attached Exhibit "A"
2. That the above-described property was used for bona fide agricultural purposes qualifying for the Agricultural Tax Classification of the property described in the attached Exhibit "A" at the time of this zoning application.
3. The agricultural use of the property is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: Mary Ellen Povia

Authorized Agent for Povia Family, LLC

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Alexis Gaure Arrieta
Signature of Notary Public

Commission No.

(Print, type or stamp commissioned name of Notary Public)

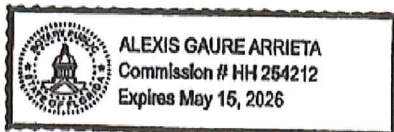


EXHIBIT "A"

LEGAL DESCRIPTION OF THE REAL PROPERTY

(Seller to provide prior to execution)

The North one-half (1/2) of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Less and Except

LEGAL DESCRIPTION: (AS DESCRIBED BY THIS OFFICE)

THE NORTH ONE-HALF (1/2) OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA LYING NORTHEASTERLY OF THE CURRENT RIGHT OF WAY OF NORTH RIVER ROAD LESS AND EXCEPT THE FORMER RIGHT OF WAY AS REFERENCED IN RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTED FEBRUARY 15, 1987 AND SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 AND LESS THE TAKING PER OFFICIAL RECORDS BOOK 353, PAGE 629 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEGIN AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE S.00°39'46"W., ALONG THE EAST LINE OF SAID SECTION, FOR A DISTANCE OF 480.86 FEET TO A POINT ON THE MAINTAINED RIGHT OF WAY LINE AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 BEING A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 811.00 FEET; THENCE ALONG SAID MAINTAINED RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 64°02'58", A CHORD BEARING OF N.43°40'59"W., A CHORD LENGTH OF 555.24 FEET AND AN ARC LENGTH OF 576.38 FEET; THENCE S.89°54'42"E. FOR A DISTANCE OF 387.66 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 52,738 SQUARE FEET, OR 1.211 ACRES, MORE OR LESS

TOGETHER WITH

PARCEL 2

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.89°54'42"W., ALONG THE NORTH LINE OF SAID SECTION, FOR A DISTANCE OF 700.72 FEET; THENCE S.27°33'00"W., A DISTANCE OF 35.43 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY AS SHOWN ON STATE ROAD RIGHT OF WAY MAP SECTION 12560-2604, DATED JULY 20, 1985 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°54'42"E., ALONG SAID MAINTAINED RIGHT OF WAY, FOR A DISTANCE OF 126.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 580.00 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°30'30", A CHORD BEARING OF S.44°39'27"E., A CHORD LENGTH OF 781.26 FEET AND AN ARC LENGTH OF 886.62 FEET; THENCE S.00°35'48"W. FOR A DISTANCE OF 301.41 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1807.40 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°10'28", A CHORD BEARING OF N.41°51'40"W., A CHORD LENGTH OF 1060.11 FEET AND AN ARC LENGTH OF 1083.27 FEET; THENCE N.27°33'00"E. FOR A DISTANCE OF 78.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 194,768 SQUARE FEET, OR 4.471 ACRES, MORE OR LESS

COMBINED ACREAGE IS 5.682 ACRES, MORE OR LESS.

AGRICULTURAL USES AFFIDAVIT

STATE OF WASHINGTON

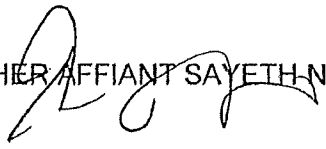
COUNTY OF SNOHOMISH

BEFORE ME, the undersigned authority, on this 12th day of December, 2022, personally appeared Raymond E. Harney and Kathy R. Harney, who is personally known to me or who produced WASHINGTON DRIVERS LICENSE

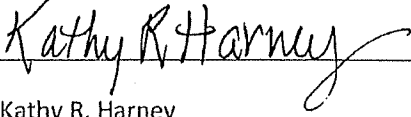
as identification and who did take an oath, who deposes and says as follows:

1. That I am the Owner/Authorized Agent of the following described property, to wit:
STRAP # 17-43-26-01-00008.0000
2. That the above-described property was used for bona fide agricultural purposes qualifying for the Agricultural Tax Classification of the property described above at the time of this zoning application.
3. The agricultural use of the property, cattle grazing, is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

By: 

Raymond E. Harney



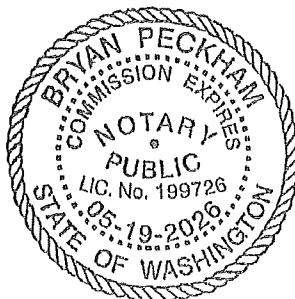
Kathy R. Harney

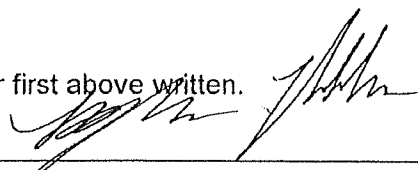
Owner/Authorized Agent of the Harney Trust.

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Commission No. 199726




Signature of Notary Public

Bryan Peckham

(Print, type or stamp commissioned name of Notary Public)