

Lee County Board Of County Commissioners

Blue Sheet No. 20051007

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Adopt a resolution amending the Herons Glen DRI Development Order and DRI Map H.

2. WHAT ACTION ACCOMPLISHES: Amends the DRI Development Order and Master Development Plan (Map H) for the Herons Glen DRI to an expedited process in accordance with Florida Statutes and the Lee County Land Development Code.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category:

A12B

5. Meeting Date:

08-02-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	380.06(19)(e)(2)
<input checked="" type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance	LDC34-145 (d)(1)c
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

Commissioner _____
Department County Attorney
Division Land Use
By: *[Signature]*
Joan C. Henry
Assistant County Attorney

9. Background:

The Herons Glen DRI was first adopted by the BOCC in 1988. Herons Glen has petitioned to amend the governing DRI Development Order and Master Development Plan (Map H) to:

1) Remove the two circular conservation areas located on the north of the south property line within Phase 2A, in accordance with the approval letters from the United States Fish and Wildlife Service dated February 10, 2004, and the Florida Fish and Wildlife Conservation Commission dated July 26, 2004, and replace them along existing conservation areas; and

2) Exchange the existing Recreation/Open Space "RO" tract (3.53± acres) located in the northeast corner of Phase 1B with the existing Residential "R" tract (3.42± acres) located on the south central property line within Phase 2.

The Lee County Land Development Code provides that after staff review and recommendation, certain amendments to DRI development orders may proceed directly to the Board of County Commissioners and will be scheduled on the Administrative Agenda of a regular weekly meeting. The Board may vote on this amendment based upon the recommendation of staff without review by the Hearing Examiner.

Staff supports the requested amendment to the DRI development order. The RPC staff concurs that the proposed changes will not create a likelihood of additional regional impacts. Accordingly, staff recommends the Board adopt the attached amendment to the Herons Glen DRI Development Order and DRI Map H.

Attachments: Resolution and Fourth Amendment to the Herons Glen DRI Map H including exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	
					<i>RK 7/19</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>1/2/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. WITH FORWARDED TO CO. ADMIN.
 7/19/05 3 pm

RECEIVED BY COUNTY ADMIN: *[Signature]*
 7-18-05
 4:50
 COUNTY ADMIN FORWARDED TO:

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE HERONS GLEN DRI DEVELOPMENT ORDER AND TO MODIFY THE MASTER PLAN OF DEVELOPMENT (MAP H).

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for The Herons Glen DRI f/k/a Del Tura North Country Club DRI, on April 25, 1988; and

WHEREAS, DRI Development Order was subsequently amended on May 3, 1993 and December 1, 1999; and

WHEREAS, Coolidge-Fort Myers Realty, L.P. has filed a Notice of Proposed Change to amend the DRI Development Order by revising the Master Development Plan to: 1) remove the two circular conservation areas located north of the south property line within Phase 2A, in accordance with the approval letters from the United States Fish and Wildlife Service dated February 10, 2004, and the Florida Fish and Wildlife Conservation Commission dated July 26, 2004 and replace them along existing conservation areas, and 2) exchange the existing recreation/open space "RO" tract (3.53± acres) located in the northeast corner of Phase 1B with the existing residential "R" tract (3.42± acres) located on the south central property line within Phase 2.; and

WHEREAS, the proposed changes to the DRI Development order and Map H do not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statute §380.06(19)(e)2 and Land Development Code §34-145(d)(1)c.

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

1. The above stated recitals are incorporated into this Resolution by reference.
2. The DRI Development Order and Master Development Plan for The Herons Glen DRI are hereby amended as reflected in the attached Exhibit "A".
3. This Resolution and its exhibit constitute the Third Codified Development Order Amendment to the Herons Glen Development of Regional Impact. Development of the project must be consistent with the DRI Development Order attached as exhibit A and the governing zoning approvals.

4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

The motion to adopt this Resolution was offered by Commissioner _____, and seconded by Commissioner _____, and, upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Tammy Hall
John E. Albion

DULY PASSED AND ADOPTED this _____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Joan C. Henry
Office of the County Attorney

Attachment: DRI Development Order and Master Development Plan

THIRD DEVELOPMENT ORDER AMENDMENT¹
FOR
HERONS GLEN (FORMERLY DEL VERA)

A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #6-8687-77
COUNTY CASE #88-3-18-DRI(d)

LET IT BE KNOWN that, pursuant to §380.06, Florida Statutes, the Board of County Commissioners of Lee County, Florida, considered the Application for Development Approval filed by Euromerican Investment Group Ltd/Florida Sites International, Coolidge-Ft. Myers Realty Limited Partnership, a Florida Limited Partnership, regarding a Development of Regional Impact consisting of 1,136 acres, at a public hearing and adopted the original development order for the Del Tura North Country Club Development of Regional Impact (DRI) on April 25, 1988.

WHEREAS, the Del Tura North Country Club DRI was amended in May 3, 1993 to change the name of the DRI to Del Vera DRI; allow detached single family residential dwelling units; eliminate the mobile home/manufactured home uses, eliminate the second golf course and expand the original golf course; change the phasing schedule and extend the buildout date to May 3, 1998; and

WHEREAS, the DRI Development Order approvals were amended a second time on December 1, 1999 to: (1) change the name of the development to Herons Glen DRI; (2) add 20 acres to the DRI to accommodate a waste water treatment plant expansion; (3) increase commercial square footage from 10,000 to 12,000 square feet; (4) add an additional 18 hole golf course; (5) extend the buildout and termination date to May 3, 2010 (for a total extension of 12 years);(6) modify the phasing schedule; and (7) modify Map H; and

WHEREAS, a Notice of Proposed Change was filed by the owners, Coolidge-Fort Myers Realty, L.P. on October 25, 2004 to: 1) remove the two circular conservation areas located north of the south property line within Phase 2A, in accordance with the approval letters from the United States Fish and Wildlife Service dated February 10, 2004, and the Florida Fish and Wildlife Conservation Commission dated July 26, 2004 and replace them along existing conservation areas, and 2) exchange the existing recreation/open space "RO" tract (3.53± acres) located in the northeast corner of Phase 1B with the existing residential "R" tract (3.42± acres) located on the south central property line within Phase 2.

¹ This is a codification and restatement of all DRI development orders rendered with for the Herons Glen DRI, (f/k/a Del Tura and Del Tura North) including actions taken on April 25, 1988, May 3, 1993, December 1, 1999, and _____.

WHEREAS, under §380.06(19), Florida Statutes, the proposed changes must be reviewed cumulatively with previous changes to determine whether they constitute a substantial deviation from the terms of the original development order approvals; and

WHEREAS, the Regional Planning Council has concluded that the request to remove and relocate two circular conservation areas alongside existing conservation areas is not a substantial deviation under §380.06(19)(e)(2); and

WHEREAS, the Board of County Commissioner reviewed the proposed change and based upon the evidence in the record, concludes that the proposed amendment does not constitute a substantial deviation from the original development approvals.

NOW, THEREFORE, it is resolved by the Board of County Commissioners that the Development Order for the Herons Glen (f/k/a Del Tura and Del Tura North) Development of Regional Impact is further amended as follows.

NOTE: New language is underlined and deleted text is struck through.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. Herons Glen is a mixed use Development of Regional Impact (DRI). The development consists of 1,620 detached single-family residential dwelling units, 540 zero lot line villas, 540 townhouses, two 18 hole golf course with clubhouses on 247 acres, a total of 12,000 square feet of commercial area within the clubhouses, sales center, and other amenities on 1,151± total acres of land. A map of the development is attached as Exhibit A (Map H-3).

The legal description of the property is as follows:

A parcel of land in Sections 2, 3, 4, 5, and 10, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Northeast corner of Section 03, Township 43 South, Range 24 East; THENCE N.89°57'30"W. along the North line of the Northeast One Quarter (NE ¼) of said Section 03 for 355.01 feet to an intersection with the Westerly right-of-way line of the former S.A.L. Railroad and the POINT OF BEGINNING of the herein described parcel of land; THENCE continue N.89°57'30"W. along said North line for 2313.55 feet to the Northeast corner of the Northwest One Quarter (NW ¼) of said Section 03; thence S.89°48'38"W. along the North line of said Northwest One Quarter (NW ¼) for 2667.53 feet to the Northwest corner of said Section 03; THENCE N. 89°42'40"W. along the North line of Section 04, Township 43 South, Range 24 East, for 5335.96 feet to the Northwest corner of said Section 04; THENCE S.89°33'20"W. along the North line of the Northeast One Quarter (NE ¼)

of Section 05, Township 43 South, Range 24 East for 1871.76 feet to an intersection with the Northeasterly line of North Fort Myers Park according to the plat thereof as recorded in Plat Book 9, Page 113 of the Public Records of Lee County, Florida; THENCE S.26°03'40"E. along said Northeasterly line for 318.64 feet to an intersection with the Southeasterly line of Lot 3 of said plat of North Fort Myers Park; THENCE S.63°56'20"W. along said Southeasterly line for 300.77 feet to an intersection with the Northeasterly right-of-way line of Tamiami Trail (S.R. 45, U.S. 41), being a point on the arc of a circular curve concave to the Southwest, said point bearing N.63°13'24"E, from the radius point of said curve; THENCE Southeasterly along the arc of said curve having for its elements a radius of 7739.44 feet and a central angle of 00°42'56" for 96.66 feet to the point of tangency; THENCE S.26°03'40"E. along said Northeasterly right-of-way line for 1943.40 feet to an intersection with the Southeasterly line of the Northwestern One-Half (NW ½) of Lot 24 of the aforementioned plat of North Fort Myers Park; THENCE N.63°56'20"E. along said Southeasterly line for 300.17 feet to an intersection with the aforementioned Northeasterly line of North Fort Myers Park; THENCE N.26°03'40"W along said Northeasterly line for 4.46 feet to an intersection with the Southerly line of that certain parcel of land described in Official Record Book 1032 at Page 707 of the aforementioned public records; THENCE N.89°48'47"E. along said Southerly line for 3354.47 feet to an intersection with the East line of that certain parcel of land described in Official Record Book 410 at Page 690 of the aforementioned public records; THENCE S.00°11'07"E. along said East line for 2040.37 feet to an intersection with the South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE S.89°48'47"W. along said South line for 2698.40 feet to an intersection with the aforementioned Northeasterly right-of-way line of Tamiami Trail; THENCE S.26°03'40"E. along said Northeasterly right-of-way line for 370.00 feet; THENCE N.89°48'47"E. for 3845.26 feet; THENCE N.00°11'13"W. for 332.91 feet to an intersection with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE N.89°48'47"E. along said South line for 4368.87 feet to an intersection with the Northerly extension of the West line of that certain parcel of land described in Official Record Book 388 at Page 80 of the aforementioned public records; THENCE S.00°02'36"W. along said Northerly extension and along the West line of said parcel for 2553.91 feet; THENCE S.89°56'45"E. along the South line of said parcel for 1711.91 feet; THENCE N.00°02'36"E. along the East line of said parcel for 16.72 feet to an intersection with the South line of that certain parcel of land described in Official Record Book 1516 at Page 1802 of the aforementioned public records; THENCE S.89°56'45"E. along said South line for 441.17 feet; THENCE N.00°02'36"E. along the East line of said parcel for 2546.26 feet to an intersection with the aforementioned South line of that certain parcel of land described in Deed Book 224 at Page 437 of the aforementioned public records; THENCE N.89°48'47"E. along said South line for 775.85 feet to an intersection with the aforementioned Westerly right-of-way line of the former S.A.L. Railroad; THENCE

N.11°11'01"W. along said Westerly right-of-way line for 4190.51 feet to the POINT OF BEGINNING.

B. The subject property is currently zoned Residential Planned Development (RPD) in accordance with the Lee County Land Development Code.

C. The Application for Development Approval is consistent with the requirements of §380.06, Florida Statutes.

D. The proposed development:

1. is not in an area designated as an Area of Critical State Concern pursuant to the provisions of §380.05, Florida Statutes;
2. does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area;
3. is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code; and
4. is located in the suburban, outlying suburban and wetlands land use categories as identified in the Lee County Comprehensive Plan.

E. The Southwest Florida Regional Planning Council has reviewed the proposed development and adopted recommendations subsequently forwarded to Lee County pursuant to the provisions of §380.06, Florida Statutes. The development, as proposed in the Application for Development Approval and modified by this amended Development Order, is consistent with the recommendations of the Southwest Florida Regional Planning Council in accordance with §380.06(12); and

F. The proposed conditions below meet the criteria found in §380.06(15)(d), Florida Statutes.

G. This constitutes the second amendment to the Herons Glen DRI Development Order and is based upon the NOPC filed by Coolidge-Fort Myers Realty, L.P.

II. ACTION ON REQUEST

NOW, THEREFORE, it is resolved by the Board of County Commissioners of Lee County, that the requested amendments to the Herons Glen DRI development order are hereby APPROVED, subject to the following conditions, limitations and restrictions:

A. DRAINAGE/WATER QUALITY

1. The surface water management system for Herons Glen must implement the design standards and water quality "best management practices" outlined in the Application for Development Approval (ADA) (response to Questions 15 and 22, Water and Drainage), and all supplemental information presented in response to sufficiency questions. These design standards and practices include, but are not limited to the following:

- (a) The combined use of man-made lakes and seasonal ponds to provide the necessary surface water storage.
- (b) Maintenance of the existing transitional wet pine flowway as a natural drainage feature of the development.
- (c) The division of the site into nine drainage basins each containing control structures regulating water levels and discharge rates to pre-development rates.

2. The developer and his consultants must produce an acceptable method of calculating on-site basin storage for the South Florida Water Management District prior to the issuance of a final local development order. This procedure should eliminate any major site plan revisions necessitated as a result of not adequately providing enough on-site storage of stormwater.

3. Water Quality Monitoring:

- (a) The developer must design and implement an on-going water quality monitoring, maintenance and sampling program for the project's surface water management lakes, wetland preserves and groundwater in order to determine the concentration and effects of pollutants on-site.

The surface water quality monitoring program must be developed with South Florida Water Management District (SFWMD) and must be a part of the surface water management permit. Copies of all testing results will be sent to the SFWMD and Lee County Division of Natural Resources Management (DNRM).

An appropriate number of sampling sites must be selected to sufficiently evaluate the quality of water entering and exiting the Herons Glen Project, and remaining in on-site waterbodies, flowways and wetlands.

Water sampling will be conducted quarterly during construction of Phase I. After the first year of construction, the Herons Glen consultants and the SFWMD must evaluate the appropriateness of stations, parameters and

frequency of stations, parameters and frequency of sampling. Monitoring must continue until such time that construction of the Herons Glen project has been completed for two years.

Surface water samples will be collected and analyzed for the following parameters in accordance with Florida Department of Environmental Protection (FDEP) and SFWMD requirements:

- Chemical Oxygen Demand (COD)
- Total Organic Carbon (TOC)
- Total Suspended Solids (TSS)
- Un-ionized Ammonia
- Nitrate
- Dissolved Oxygen (DO)
- pH
- Total Nitrogen
- Total Phosphorous
- Fecal Coliform Bacteria
- Total Coliform Bacteria
- Nitrite
- Conductivity

- (b) The subsurface (groundwater) water quality monitoring: A groundwater program must be developed with the FDEP and will operate for the lifetime of the project. Copies of all groundwater testing results will be sent to the FDEP, and DNRM.

The monitoring program developed with FDEP must be subject to the provisions of FAC. Rules 17-520 and 17-522. The program will be part of the development's wastewater permit, and will be conducted as follows:

(1) All specified monitoring wells must be analyzed initially for the Primary and Secondary Drinking Water Standards listed in FAC. Rule 17-550.310 and .320, as well as EPA Method 608 parameters.

(2) Water quality samples from a specified upgradient background well, an intermediate well, and a downgradient compliance well must be analyzed quarterly for the following indicator parameters:

- Sodium
- Total Dissolved Solids (TDS)
- Total Organic Carbon (TOC)
- Fecal Coliform Bacteria
- Specific Conductance (field)

Nitrate Nitrogen
Sulfate
Chloride
pH (field)

In addition, samples from the intermediate and compliance wells must be analyzed for the following primary volatile organic parameters once per year:

Trichloroethene
Carbon Tetrachloride
1, 1, 1-trichloroethene
Benzene
p-dichloroethene
Trihalomethanes
Tetrachloroethene
Vinyl Chloride
1, 2-dichloroethane
Ethylene dibromide
1, 1-dichloroethene

(3) Groundwater elevations of the above wells must be measured and reported relative to National Geodetic Vertical Datum (NGVD) quarterly.

(4) Field testing, sample collection, preservation, and laboratory testing, including quality control procedures, must be in accordance with methods approved by the FDEP and as specified in FAC. Rule 17-160. All analyses must be performed by a Florida State-certified laboratory.

4. The developer must coordinate with Lee County and the FDEP in the on-site storage of any special or hazardous waste, as defined in the Lee County Hazardous Waste Assessment, that may be generated in the commercial, residential or recreational portions of the project site.

5. All design standards and water quality "best management practices" relating to Questions 15 and 22 of the ADA, Water and Drainage respectively, not in conflict with the above recommendations, are hereby incorporated by reference into this DRI Development Order and must be incorporated into the final local development order.

B. ENERGY

All site plans or architectural programs must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs, or the

property owner/developer must insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative must be utilized and the following features must be included:

1. Provision of a bicycle/pedestrian path system connecting all land uses, to be placed along the main project road and local roads within the project. This system is to be consistent with local government requirements.
2. Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Cooperation in the location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, if such service becomes available to serve the project area.
4. Use of energy-efficient features in window design.
5. Use of operable windows and ceiling fans.
6. Installation of energy-efficient appliances and equipment.
7. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).
8. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
9. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
10. Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch).
11. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
12. Planting of native shade trees to provide reasonable shade for all recreation

areas, streets, and parking areas.

13. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

14. Planting of native shade trees for each residential unit.

15. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

16. Provision for structural shading wherever practical when natural shading cannot be used effectively.

17. Inclusion of porch/patio areas in residential units.

18. Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

The incorporation of these energy conservation measures in this Development of Regional Impact does not preclude the provision of additional energy conservation measures by the developer. It also does not prevent the local government of jurisdiction or any state, regional, or other agency, under whose jurisdiction this project falls, from requiring additional energy measures or measures that may be more stringent.

C. HISTORICAL/ARCHAEOLOGICAL

1. Locations identified as likely to contain archaeological or historical material must be preserved in recreation or preservation/open space areas. If this is not possible, these potential areas must be surveyed in detail by a qualified archaeological survey team prior to any site preparation.

2. If, during site preparation, any archaeological or historical sites are uncovered, the developer must cease all work in the immediate vicinity of the site, and the appropriate state and local agencies must be contacted to evaluate the site and make recommendations concerning excavation, preservation or mitigation.

D. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer must provide, on at least an annual basis, information to residents concerning hurricane evacuation and shelters, through a homeowners' or residents' association.

2. The developer must formulate an emergency hurricane preparedness plan

that is coordinated with the homeowner's association. The plan is subject to the approval of Lee County Emergency Management and must be established prior to any development within Phase I.B. or Phase II.

3. The developer must designate at least one, preferably two, helicopter landing areas within Herons Glen for emergency medical service prior to any development within Phase I.B. or Phase II. The landing areas are subject to the approval of Lee County's Emergency Medical Service.

E. TRANSPORTATION

1. The transportation impact assessment upon which this amended Development Order for Herons Glen DRI is based assumes project buildout in 2010. The traffic impact assessment included the expected impacts of the proposed residential land uses intended to be marketed to retirees by the applicant, non residential land uses and phasing schedule shown in attached Exhibit "B".

If it is found that the land uses at each phase of development differ from that presented in the ADA/DRI, then it will be deemed to be a substantial deviation of the Development Order and a resubmittal will be required of the developer or their successor(s).

2. An annual monitoring program, to be performed by traffic engineers engaged by the developer or their successor(s), must be established to monitor the development's trip generation and impact upon the surrounding roadways. The annual monitoring program must be designed in cooperation with the Lee County Department of Transportation (Lee County DOT), Lee County Division of Development Review, the Florida Department of Transportation (FDOT), the SWFRPC, and the FDCA, and will be subject to approval by the Lee County DOT. At a minimum, the annual monitoring report must report the number, size and type of constructed and occupied on-site development at the time of monitoring, and must contain daily and P.M. Peak-Hour traffic counts with turning movements during peak season traffic condition, intersection analysis performed utilizing the "Highway Capacity Manual" and level of service calculations as adopted and updated for all project access locations onto US 41 and Nalle Grade Road as well as the following intersections:

US 41 and SR 739 (Business 41)
US 41 and Littleton Road
US 41 and SR 78 (Pine Island Road)
SR 739 (Business 41) and SR 78 (Bayshore Road)

In addition, the developer's traffic consultant must perform peak season daily

and P.M. peak hour traffic counts and level of service calculations for the following significantly impacted roadways:

SR 739 (Business 41) from US 41 to SR 78
US 41 from Zemel Road in Charlotte County to SR 78

By July 1, 1993, the developer or their successor(s) must submit the first monitoring report to the Lee County DOT, Lee County Division of Development Review, SWFRPC, FDOT, and DCA. Starting with the first monitoring report submitted for the Notice of Proposed Change, each year's report must analyze the cumulative traffic for the Herons Glen DRI.

Prior to the submission of the first annual monitoring report, the governmental entities (FDCA, FDOT, SWFRPC, and Lee County) and the developer must consult on a methodology to be used for conducting the traffic monitoring program, which is subject to approval by the Lee County DOT. This monitoring report methodology will be utilized for subsequent monitoring reports unless revised after consultation with the relevant agencies and receipt of approval by the Lee County DOT.

The purpose of this monitoring program is to: (1) determine whether or not the traffic levels projected in the traffic impact assessment for Herons Glen are exceeded by actual impacts, (2) assist Lee County and FDOT in determining the proper timing of necessary roadway improvements, and (3) determine the intersection and roadway existing levels of service.

In lieu of the developer's obligation to annually monitor the above-mentioned intersections and road segments, (US 41 and SR 739 (Business 41)), the developer, with the approval of the Lee County DOT, may deposit with Lee County a one time sum of \$35,000 to be used in the installation and operation of two permanent count stations in the vicinity of expected impacts on US 41 and SR 739 along the roadway segments listed above.

In the event that the developer contributes the funding for these permanent traffic count locations, the developer or their successor(s) will only be obligated to report the counts from the permanent count stations, annually monitor for the number size and type of constructed and occupied on-site development at the time of monitoring, and annually monitor the daily and P.M. peak hour traffic conditions, during the peak season, from all Herons Glen access locations onto:

US 41 and
Nalle Grade Road

The transportation conditions contained in this DRI Development Order for Herons Glen envision the construction of an adult retirement community. Similar in nature to the existing Del Tura Country Club Community (in close proximity along US 41, the

conditions of approval, specifically the mitigation for transportation impacts, were based upon an impact fee daily trip generation rate of 4.8 trips per dwelling unit.

If the annual monitoring report finds that the DRI Question 31. Transportation forecasted net new external daily trips (9,464) are exceeded by 15% (10,884), then a substantial deviation pursuant to §380.06(19)(b)15, Florida Statutes, will be deemed to exist and the development must undergo additional DRI review through the submittal of ADA transportation questions as required by §380.06, Florida Statutes.

Any additional transportation obligation that may result from the above must consider the approved mitigation program and actual mitigation undertaken by Herons Glen to that date. Additional mitigation, if any, would be reflective of the increased impacts of the development, if any.

3. The developer or their successor(s) are required to construct, at no cost to Lee County or FDOT, all site related improvements deemed necessary by the FDOT and the Lee County DOT at all project access locations onto US 41 and Nalle Grade Road as well as construct Nalle Grade Road itself and all site-related improvements required within Herons Glen DRI. Nalle Grade Road and access to the road must meet all requirements of the Lee County Land Development Code.

The developer proposes to relocate a median opening on US 41 to align with Entrance #2. If the relocation of the median opening is not allowed pursuant to FDOT access management rules and permitting procedures, then no full access will be permitted at that location. This determination will be made by Lee County DOT, Lee County Department of Community Development, and the FDOT prior to the issuance of permits or a local development order.

The developer or their successor(s) is not be eligible for credits against road impact fees for construction or dedication of rights-of-way associated with improvements at the project's access points deemed to be site-related as defined in the Lee County Roads Impact Fee regulations.

If Nalle Grade Road, between the project access point and west to US 41 or east to Del Prado/Mello Drive Extension, is built, as described above, by the developer with procedures set forth in the Lee County Roads Impact Fees regulations in effect at that time. The developer is guaranteed road impact fee credits for 100% of the eligible construction costs applicable to the construction and acceptance of Nalle Grade Road.

4. As mitigation for the impacts of the new development within Herons Glen DRI Phase I, and in lieu of payment of impact fees at the time of individual building permits for Phase I, the developer or their successor(s) have already provided to Lee County a sum equivalent to the initial Phase I impact fees based on a trip rate of 4.8 per units per day, totaling \$799,200 for 1,200 dwelling units, which were in effect at that time. Those monies represented a "pipelining" of Phase I road impact fee monies with such monies to be used

by Lee County for the Laurel Drive improvement (a portion of) and/or Henderson Grade Road, or a comparable east/west improvement, to be determined by Lee County, in the general Herons Glen DRI impact area.

The above payment for the 1,200 dwelling units did include a proportionate share payment for the potential signalization of the intersection of US 41 with SR 739 (Business 41).²

As mitigation for the impacts of new development within the Herons Glen DRI (beyond 1,200 units) yet to be constructed within Phase I and II, the developer must pay to Lee County roads impact fees in effect at the time building permits are issued for all applicable development within the DRI. Lee County will determine the timing of all necessary road improvements impacted by this DRI. These impact fee payments will represent Herons Glen DRI payments for widening of the impacted segments of SR 739 (Business 41) to four lanes, and improvements at the intersections of US 41 with SR 78 (Pine Island Road) and US 41 with Littleton Road.

Impact fee calculations for residential units will be based on the Mobile Home Park trip generation rate of 4.8 trips per day per dwelling unit.

Should the roads impact fees be repealed, reduced or made unenforceable by court action, Herons Glen DRI will continue to pay, per individual permit, an amount equivalent to the roads impact fees in effect prior to such repeal, reduction, or court action.

5. If the adopted level of service is exceeded for any regional road segment or intersection identified above, and:

- (a) The required road or intersection improvements necessary to bring the identified roadway back to the Lee County adopted Level of Service are not funded and programmed for construction during the next five years (or if such roadway or intersection improvements funded and programmed for construction during that five year period are deleted from the program, postponed beyond the five-year period or not constructed within the five-year period), and
- (b) Herons Glen DRI traffic is utilizing 5% or more, but less than 10% of the adopted level of service volume during the peak season on the impacted regional road segment or intersection;

then the developer or their successor(s) must, within ninety (90) days, file a petition in accordance with §380.06, Florida Statutes for determination of whether a substantial deviation has occurred.

²This improvement was constructed in June 1996.

If Herons Glen DRI is utilizing 10% or more of the adopted level of service volume on a peak season peak hour basis as defined in Lee County's Administrative Code AC-13-16 on the impacted regional road segment or intersection, and the actual Level of Service on the said roadway or intersection is worse than the adopted level of service volume on a peak season peak hour as defined in Lee County Administrative Code AC-13-16, then a substantial deviation must be deemed to have occurred.

Herons Glen DRI may continue development during substantial deviation DRI review if the developer or their successor(s) enters into an agreement with the FDCA, SWFRPC, FDOT, and Lee County specifying the scope of development allowed during the review period. This paragraph, however, may not be construed to guarantee to Herons Glen DRI the right to continue development during substantial deviation DRI review.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU) or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree to that this development generates demand or is benefitted.

7. If any contributions or road or intersection improvements specified herein are required of the developer but not funded or provided within the time frames specified herein, development activities and the issuance of permits by Lee County for the Herons Glen DRI must immediately cease until the obligation is fulfilled.

8. In the event that Lee County anticipates additional urbanization in the area between US 41 and I-75 to the north of SR 78, north/south roads paralleling US 41 may be required to relieve traffic congestion associated with any further urbanization. The developer must work with Lee County to facilitate such north/south road facilities.

F. VEGETATION AND WILDLIFE/WETLANDS

1. MANAGEMENT AREA PRESERVE

- (a) Figure I of the "Revised RCW Monitoring and Management Plan for Heron's Glen DRI, dated July 2000 and attached as Exhibit C, depicts the "RCW Preserve" as encompassing a total of 210.11 acres, comprised of 181.81 acres of transition pine flatwoods (TZ), 21.26 acres of upland pine flatwoods, 5.00 acres of freshwater marsh (RPA) and 2.04 acres where a haul road has been removed and planted with pine. The 181.81 acres of transition pine flatwoods includes all existing TZ of the central flow-way except for 2.91 acres to be devoted to roadway access to Phase 1-B and Phase II development. Other pineland to be retained on site includes approximately 51.59 acres. This acreage is found within buffers, golf course, open space and other preserved transition pine flatwoods.

- (b) Engineering design must provide reasonable assurance that stormwater lakes proposed adjacent to the central RCW preserve will not drain wetlands and that surface water sheet flow will be maintained on either side of the new road alignment proposed to cross the central RCW preserve. All correspondence with the South Florida Water Management District related to engineering design and permitting of the above-identified lakes and new roadway alignment will be copied to the Florida Game Commission.
- (c) If the Red Cockaded Woodpeckers totally abandon the RCW Preserve for ten consecutive years as evidenced by the annual RCW monitoring, then the developer may file a Notice of Proposed Change (NOPC) seeking to remove³ the designation of the 21.3± acres of upland pine flatwoods located within the RCW Preserve from the RCW Preserve area.^{4 5}
- (d) Any reconfiguration of the RCW Preserve or Wetland Preserve areas must be reviewed under the provisions found in §380.06(19) applicable to the filing of a NOPC.

2. MONITORING PLAN

- (a) Monitoring must be in accordance with the Revised-Red-Cockaded Woodpecker Monitoring and Management Plan for Herons Glen dated July 2000 and attached as Exhibit C and the Revised Wetlands Management Plan for Herons Glen dated July 2000 and attached as Exhibit D.

3. MANAGEMENT PLAN

³In the event that this acreage is removed from the preserve as allowed under this condition, a substantial and sufficient amount of hydric pine flatwoods habitat (183± acres) would still remain on-site.

⁴In the First Amendment to the DRI DO, the acreage of upland pine flatwoods referenced in this condition was 15.5 acres. This acreage was increased to 21.3 acres to include the acreage of upland preserve (buffer) area.

⁵The Third Amendment to the DRI DO revises the Conservation and Preserve Areas by transferring 5.76 acres from two circular areas located north of the southern property line within Phase 2A to two areas located in the northern portion of Phase 1B; and two areas located in the southeastern portion of Phase 2. The acreage devoted to conservation and preservation remains the same as a result of the relocation of Conservation and Preserve Area shown on the Conservation Area Exchange Map dated October 2004 (Exhibit E).

- (a) Foraging, roosting and possible nesting RCWs have been documented on the site and the developer's plans to preserve pine forest on the site will maintain available habitat for RCW foraging and nesting activities. In addition, the melaleuca on the site will be eradicated and controlled, thus significantly enhancing the quality of the project's area. This exotic control program must be continued throughout the life of the project.
- (b) To ensure maximal available forage area on site, no pine trees greater than or equal to eight (8) inch diameter breast height (dbh) may be removed, except those found in a road, lake, golf tee, golf green, middle of fairway, or under house lots.
- (c) To ensure minimal disturbance of RCW nest activities, the developer is prohibited from initiating any clearing or other construction within 300 feet of cavity trees during April, May and June of each year.
- (d) The preserve area must be actively managed by the developer to insure continued quality RCW habitat through the use of a combination of prescribed burning/mowing/exotic control measures. Burning will be the preferred management technique. Any prescribed burning of the site must be conducted in accordance with the Florida Division of Forestry guidelines.
- (e) The initial unit prescribed burn must be conducted within three years of the completion of initial exotic eradication activities in the RCW preserve.
- (f) Prescribed burning techniques must be in accordance with the attached Exhibit C.
- (g) Replanting of golf course buffers designated as pine buffer will be as depicted on figure I of attached Exhibit C.
- (h) The developer must comply with the additional conditions set forth in condition 3 of Zoning Resolution 00-78 pertaining to the 2000 RPD amendment designated as DRI964596 and DCI964597.⁶

⁶The following conditions address Environmental concerns, and are intended to supplement the conditions and provisions contained within the DRI Development Order:

(a) The Red-Cockaded Woodpecker (RCW) management plan entitled "Attachment B: Revised Red-Cockaded Woodpecker Monitoring and Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket and Del Tura North DRI), Lee County Florida" dated July 2000 is hereby adopted with the following conditions:

- (1) Prescribed burns of the RCW Preserves must commence within three years of the completion of the

4. Viability of wetland preserves must be in accordance with the attached Exhibit D.
5. Should the developer find any further endangered or threatened species of special concern of either wildlife or plant species, during construction or detailed permit review, the developer must contact the proper Federal, State and County authorities and assure that adequate measures are taken and permits obtained to protect these species.

G. SOLID WASTE

1. The developer must investigate feasible methods of reducing solid waste volume at Herons Glen. Methods to investigate must include, for instance, the use of compaction of the Commercial Center and Clubhouse.

2. The Herons Glen wastewater treatment plant and its associated component,

initial exotic eradication activities in the RCW preserve, and must be completed on the entire site within three years of that date, or no later than 2007; and

(2) All burns must occur between January and March to avoid the RCW nesting season; and

(3) The Division of Planning - Environmental Sciences staff must be notified in writing of each scheduled burn at least 15 days prior to the prescribed burn.

(b) The wetland management plan entitled "Attachment C: Revised Wetlands Management Plan for the Herons Glen DRI (f.k.a. Del Vera, Villages of Nantucket, and Del Tura North)" dated July 2000 and counter stamped August 14, 2000 is approved with the following conditions:

(1) Prior to any invasive exotic removal or control, the Division of Planning - Environmental Sciences Staff must be notified in writing of the commencement and estimated completion dates, the removal method proposed, and the herbicide to be applied. The exotic removal method and herbicide are subject to Environmental Sciences Staff review and approval; and

(2) An appropriate herbicide must be applied to the trunk immediately following the cutting of any invasive exotic vegetation; and

(3) The semi-annual exotic vegetation maintenance must occur in March and October. The exotic vegetation maintenance must commence in March 2001 for a minimum duration of three years as specified in the wetlands management plan, and then on an as-needed basis thereafter; and (4) Monitoring reports of exotic vegetation within the RCW preserve must include at a minimum one photo from each of the four units prior to each semi-annual maintenance and one month following the completion of the exotic maintenance. The monitoring reports must be submitted to Environmental Sciences Staff in May and December each year. The pine planting monitoring report must be submitted as part of the May monitoring report.

(c) The irrigation line installed in the pine planting area within the preserve must be removed prior to the 2001 Red-Cockaded Woodpecker nesting season (April-June). The May 2001 monitoring report must document the removal of the irrigation line.

including the spray irrigation system, must meet all County and State design and operating requirements.

H. WATER SUPPLY

1. The developer must obtain all appropriate water use permits from the South Florida Water Management District (SFWMD) and Lee County prior to any on-site construction.

2. The Herons Glen project must utilize such water conservation measures as are referenced in the ADA, as well as those required by State law, and must consider the use of "xeriscape" landscaping.

I. GENERAL CONSIDERATIONS

1. All commitments, and conditions of the original DRI Development Order and subsequent Development Order Amendments remain in full force and effect. Where a conflict or inconsistencies exist, this Codified Development Order Amendment will control.

2. The developer must submit an annual report on the Development of Regional Impact to Lee County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in §380.06(18), Florida Statutes.

3. The development phasing schedule attached as Exhibit B is incorporated as a condition of this development order approval. The Development Order conditions and developer commitments based upon and incorporated in the development order, ADA, sufficiency documents or NOPC application are intended to mitigate regional impacts. If these conditions and commitments are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order Amendment and phasing schedule, then a substantial deviation for the affected regional issue will be deemed to have occurred.

4. Pursuant to §380.06(16), the developer may be subject to credit for contributions, construction, expansion, or acquisition of public facilities. If the developer is also subject by local ordinances to impact fees or exactions to meet the same needs, then the local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of his fair share.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This Codified Development Order Amendment constitutes a resolution of the Lee County Board of Commissioners issued in response to the Development of Regional

Impact Application for Development Approval filed for Herons Glen DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval, subsequent NOPC applications and supplementary documents not in conflict with conditions or stipulations specifically enumerated above are hereby incorporated by reference into this Development Order Amendment.

3. This Development Order is binding upon the developer its successors or assigns. Those portions of this Development Order Amendment that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, will not be construed to be binding, however, upon future residents of single dwelling units or persons purchasing individual house sites for personal residential purposes. It will, however, be binding upon any builder/developer who acquires any tract of land within Herons Glen.

The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order Amendment.

All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order Amendment may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees, will be paid by the prevailing party.

4. It is understood that any reference herein to any governmental agency will be construed to mean future instrumentalities created and designated as successors in interest to, or which otherwise possesses the powers and duties of the referenced governmental agency in existence on the effective date of this Development Order Amendment.

5. If any portion or section of this Development Order Amendment is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order Amendment, which will remain in full force and effect.

6. The approval granted by this Development Order Amendment is limited. Approval may not be construed to obviate the duty of the developer to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided.

7. Subsequent requests for local development permits will not require further review pursuant to §380.06, Florida Statutes, unless the Board of County Commissioners finds, after due notice and hearing, that one or more of the following occurs:

- (a) A substantial deviation from the terms or conditions of this Development Order Amendment, or other changes to the approved development plan creates a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) Expiration of the period of effectiveness of this Development Order.

Upon a finding that either of the above has occurred, the Board may order a termination of all development activity until a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

8. The project has a buildout date of May 3, 2010 and a termination date of May 3, 2016. This term recognizes the cumulative 12 year extension granted from the original 1998 buildout date and the fact that a local development order, which is valid for six years, may be obtained prior to May 3, 2010. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Florida Statutes §380.06(15)(g) are applicable. Future requests to extend time will be evaluated cumulatively with past requests in accordance with §380.06(19), Florida Statutes.

9. The Administrative Director of the Lee County Department of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The development will not be subject to down-zoning, unit density reduction, or intensity reduction prior to May 3, 2016. If the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order, as amended, or finds that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by Lee County to be essential to the public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur [See 9J-2.025(3)(b)13].

11. The developer, or his successor in title to the undeveloped portion of the subject property, must submit a report annually to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and must further be consistent with the rules of the State land planning agency. The annual report must include information required by §380.06(19), Florida Statutes. The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than May 1, 1989, and further reporting must be submitted not later than May 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by §380.06(18), Florida Statutes, and the developer must so inform any successor in title

to any undeveloped portion of the real property covered by this Development Order. This may not be construed to require reporting from residents or successors of individual home sites or dwelling units.

12. Certified copies of this Development Order Amendment will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but is not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order Amendment becoming effective, the developer must record notice of its adoption in accordance with §380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Amendment was offered by Commissioner _____ and seconded by Commissioner _____ and upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Tammy Hall
John E. Albion

DULY PASSED AND ADOPTED this day of _____, 2005.

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

By: _____
Joan C. Henry
County Attorney's Office

Attachments:

Exhibit A - Map H dated October 2004 (Revised to reflect the relocation of 5.76 acres of Conservation and Preservation Area, and exchange of recreation/open space in Phase 1B with residential tract within Phase 2)

Exhibit B - Phasing Schedule

Exhibit C - Revised Red-Cockaded Woodpecker Monitoring and Management Plan for Herons Glen DRI dated July 2000

Exhibit D - Revised Wetlands Management Plan for Herons Glen DRI dated July 2000

Exhibit E - Conservation Area Exchange Map dated October 2004

Phasing Schedule

<u>Proposed Phase</u>	<u>Use</u>	<u>Quantity</u>
I -1989 -2005	Detached Single Family Dwellings	770du.
	Zero Lot Line Villas	134 du
	Townhouses	134 du
	Sales Center ⁽²⁾	3450,sq. ft.
	Commercial Uses ⁽¹⁾	9,000sq. ft.
	Golf Courses/Clubhouses	247acres (36 holes)
II - 2006-2010	Detached Single Family Dwellings	850du.
	Zero Lot Line Villas	406 du
	Townhouses	406 du
	Sales Center ⁽²⁾	3,450sq. ft.
	Commercial uses ⁽¹⁾	3,000sq. ft.

⁽¹⁾ Commercial uses will be located in the clubhouses.

⁽²⁾ The Sales Center use will be moved when Phase 1 approaches buildout

Exhibit B

Exhibit C

REVISED RED-COCKADED WOODPECKER MONITORING AND MANAGEMENT PLAN FOR THE HERONS GLEN DRI (F.K.A DEL VERA, VILLAGES OF NANTUCKET, AND DEL TURA NORTH DRI); LEE COUNTY, FLORIDA

JULY 2000¹

¹ Note: This Plan constitutes an amendment of the previously adopted Plan dated September 11, 1992. A copy of the strike-thru and underline version is available at the Department of Community Development. However, for ease of use and reference, the strike-thru and underline have been removed from this exhibit.

**REVISED RED COCKADED WOODPECKER MONITORING AND
MANAGEMENT PLAN FOR THE HERONS GLEN DRI (f.k.a. DEL VERA,
VILLAGES OF NANTUCKET, and DEL TURA NORTH DRI),
LEE COUNTY, FLORIDA
July 2000**

1.0 INTRODUCTION

This document serves to revise the red-cockaded woodpecker (RCW) monitoring and management plan for the Herons Glen DRI and supercedes the document titled "*Revised Red Cockaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket, Del Tura North DRI, Lee County, Florida*" (Conservation Consultants, Inc.; September 11, 1992). Revisions contained herein are primarily related to exotic eradication methods and have been instituted to make this plan consistent with the "*Revised Wetlands Management Plan For The Herons Glen DRI*" (July 2000). Other portions of the original plan have remained largely unchanged in intent. Institution of the methods described herein will result in compliance with the conditions of the DRI development order, the Lee County development order, and the South Florida Water Management District permit relative to the RCW.

Herons Glen (formerly known as Del Tura North) is a DRI of approximately 1,151 acres located in the unincorporated area of North Fort Myers, Lee County, Florida. The Herons Glen DRI is planned for a maximum of 2,700 single-family units, incorporating an 18-hole golf course to be developed in phases.

The Development of Regional Impact/Application for Development Approval (DRI/ADA) for the project was submitted during April, 1987. A Development Order (D.O.) approving the project with conditions was adopted on April 25, 1988 by the Lee County Board of County Commissioners. D.O. Condition F.1, VEGETATION AND WILDLIFE/WETLANDS, noted the occurrence of foraging Red Cockaded Woodpeckers (RCWs) and apparently abandoned cavity trees on the site. By terms of the condition, approximately 224 acres of the site were to be set aside as RCW preserve as shown on the amended Conceptual Master Development plan, designated Map H, of the DRI/ADA. The preserve boundary could be subject to minor reconfigurations (5%)

during final planning. Condition F.1 of the D.O. further required the developer to conduct annual surveys of the entire site for RCWs and to survey each phase's development area within sixty days prior to construction. Should a survey document re-activation of existing cavity trees or the development of new nesting activities by RCWs, the monitoring (management) plan and project design could be re-designed "...in accordance with the developer, SWFRPC, GFC and Lee County staff."

On June 23, 1989, the owner was advised by Kimberly A. Dryden of the Florida Game and Fresh Water Commission (GFC) of "reactivation" of the RCW colony site. However, a survey for RCW on the Phase 1-A area conducted during July 1989 by Dr. Eric Heald did not reveal the presence of RCW or cavity trees within the Phase 1-A area. A subsequent survey of the entire site was conducted on September 19, 1989 by Ms. Dryden and Mr. Heald. Observations of this survey documented the occurrence of an active RCW colony within the central "flow-way" area located east of Phase 1-A. Subsequently, more detailed surveys of the colony were performed by Conservation Consultants, Inc. (CCI). The results of those surveys were previously summarized in the document titled *"A Revised Red Cockaded Woodpecker Monitoring and Management Plan for Del Vera and Villages of Nantucket, Del Tura North DRI, Lee County, Florida"* (Conservation Consultants, Inc.; September 11, 1992).

2.0 GENERAL BACKGROUND

As described in the DRI/ADA, the Herons Glen site was characterized by four native vegetation associations identified as Pine Flatwoods (766.26 acres), Transition Pine Flatwoods (222.36 acres), other Hardwood Oak (0.72 acre) and Freshwater Marsh (39.32 acres). Man-altered features comprised about 68.75 acres. The approximately 290 acres in Phase 1-A now occurs on the western portion of the site which was predominantly pine flatwoods. The active RCW colony is located within the northeast area of the Transition Pine Flatwoods that comprise a centrally located "flow-way". Figure 1 provides the locations and numerical designations of cavity trees and starter holes recorded through early May of 2000. Since RCW monitoring was initiated in the

early 1990s, 33 trees with a total of 39 cavities have been recorded on the site. Fifteen (15) of the trees, representing 18 cavities, have died or fallen over time, while the remaining 18 live trees house 21 cavities. As of the 2000 annual RCW monitoring event conducted in late April and early May of 2000, the 21 cavities in live trees included 5 active, 7 inactive, 7 abandoned, and 2 start holes. As of early May 2000, the total estimated RCW population of the site included one clan of approximately 5 birds. Specific details regarding the RCWs of the site can be found in the Year 2000 Annual RCW Monitoring Report for the Herons Glen DRI.

The Transition Pine Flatwoods have a moderate to open canopy of slash pines (*Pinus elliotii*) with an understory of wetland and transitional species of graminoids and herbs, such as cyperus sedge (*Cyperus odoratus*), St. John's Wort (*Hypericum galioides*), broom sedge (*Andropogon virginicus*), white-top sedge (*Dichromena colorata*), bog buttons (*Lachnocaulon anceps*), goldenrod (*Solidago* spp.), and swamp fern (*Blechnum serrulatum*). Typically, the midstory in this habitat is open, vegetated by scattered wax myrtle (*Myrica cerifera*) and bald cypress (*Taxodium distichum*). Much of the midstory of this habitat was moderately to densely vegetated by *Melaleuca* (*Melaleuca quiquenervia*) and wax myrtle (*Myrica cerifera*). Exotic eradication activities conducted in the RCW preserve area have resulted in a substantial decrease in *Melaleuca* in treated areas.

The Pine Flatwoods remaining east of the "flow way" is forested upland with some palmetto understory. This category is dryer than the pine transition zone and is characterized by a more developed overstory of slash pine (*Pinus elliotii*). The understory is characterized by either panic grasses (*Panicum* spp.) or saw palmetto (*Serenoa repens*). Other characteristic species include wax myrtle, broom sedge (*Andropogon virginicus*), gallberry (*Ilex glabra*), dwarf wax myrtle (*Myrica pusilla*), pennyroyal (*Satureja rigida*), and *Lyonia* spp. Infestations of *Melaleuca* are common throughout the pine flatwoods. All of the flatwoods have experienced extensive logging, stumping and drainage.

PREVIOUS SURVEYS

Information pertaining to the original RCW survey methods and results has been deleted from this document since it is no longer current. The reader is referred to the annual RCW monitoring reports for the Herons Glen DRI for more current information regarding RCW activity of the site.

3.0 MANAGEMENT AREA DESIGNATIONS

3.1 Management Area Preserve

Figure 1 depicts the revised central RCW Management Area Preserve ("RCW Preserve"). Based on field surveys, the "RCW Preserve" encompasses a total of 210.11 acres comprised of 181.81 acres of transition pine flatwoods (TZ), 21.26 acres of upland pine flatwoods, 5.00 acres of freshwater marsh (RPA) and 2.04 acres where an existing road is to be removed and planted with pine.

The 181.81 acres of transition pine flatwoods includes all existing TZ of the central flow-way except for 2.91 acres devoted to roadway access to Phase 1-B and Phase II development. Although the seasonal range and habitat use data recorded for the site's RCWs indicates that less than one-quarter of the central flow-way TZ was frequented by the RCW clan, the transition pine flatwoods throughout the RCW Preserve offer suitable foraging habitat except where dense *Melaleuca* stands currently occur. Removal of the *Melaleuca* from dense stands located in the immediate vicinity of the colony will, however, immediately increase available foraging area as significant numbers of mature pines (>4" DBH) remain within the *Melaleuca* stands.

The central flow-way RCW Preserve encompasses 28 of the 33 cavity trees recorded through the 2000 annual monitoring event. Of the remaining trees, two are active (#23 and #26 - Figure 1), one is inactive (#30), one is abandoned with the tree fallen (#27), and one is a start hole tree (#33). All active and start hole trees located outside of the preserve will be protected and preserved. Should any of these trees be located within a road ROW or fill area, Lee County Division of Environmental Sciences, or successor, will be notified and provided copies of all appropriate State or Federal permits or approvals required for tree removal, if any.

3.2 Other Retained Pineland

Other pineland to be retained on site includes approximately 51.59 acres. This acreage is found within buffers, golf course, open space and other preserved transition pine flatwoods.

4.0 MAINTENANCE OF THE RCW PRESERVE

The maintenance objectives for the management area are to provide for the continued on-site existence of suitable foraging and nesting habitat for RCWs. In general, habitat preferred by the RCW in Southwest Florida includes a diversity of slash pine stand age and condition. Additionally, colonies are typically found in open stands with sparse midstories. Thus, maintenance of the management area will employ techniques that retain existing stands of older slash pine, encourage regeneration of slash pine (but not at high density) and minimize development of midstory vegetation within the colony, e.g., hardwoods, wax myrtle. Additionally, dense stands of *Melaleuca* will be eliminated from the vicinity of the colony and pine plantings will be made in the road removal area.

4.1 Fire Maintenance

The RCW Preserve will be divided into four management units as shown on Figure 2 for purposes of fire maintenance.

Controlled burns to each management unit will occur every three years. The sequencing of burns will be from the southeast unit, to the northwest unit, to the southwest unit to the northeast unit (colony area). For each intended burn, the perimeter of each unit will be double plowed prior to the wet season where cleared breaks do not already exist to insure fire containment within the management area. In no case will plowing for burn containment occur within 50 ft. of a cavity tree. Also, for burns encompassing the colony area (northeast unit), excessive leaf litter and other flammable debris will be hand removed from around the base of each cavity tree (25' radius). Each burn of the northeast unit will also be planned to occur outside of the red-cockaded woodpecker nesting season. The burn plan for each unit will adhere to state and federal guidelines for prescribed burns and any necessary burn permits will be secured from Lee County and the Florida Division of Forestry. The Lee County Division of Environmental Sciences, or its successor, will be notified in writing of each scheduled burn at least 15 days prior to the approved burn period.

4.2 Mechanical Techniques

Mechanical methods, should they become appropriate, may include mowing, bush hogging and/or selective hand thinning/removal of vegetation.

In the event burn management becomes unlawful or is judged unsafe at any time by Lee County or state fire officials, the previously described fire maintenance program will be replaced by mowing of relatively open areas and bushhogging of ranker growths. The frequency and sequencing of mowing/bushhogging would be the same as for the burn program. If fire is suppressed, it may also become necessary to hand remove midstory vegetation from within the colony area in association with mechanical management of the unit.

4.3 Melaleuca Removal

Melaleuca in the RCW Preserve will be eradicated and controlled in accordance with procedures specifies in the "*Revised Wetlands Management Plan for the Herons Glen DRI (July 2000)*".

4.4 Pine Planting

Planting of South Florida slash pine will proceed following removal of the roadway fill and grading to elevations similar to the adjacent TZ flatwoods. Slash pine will be planted on approximate ten feet (10 feet) centers (436 trees/acre) throughout the 2.04-acre road removal area and will be comprised of the following materials and distribution:

10 gallon – 10% of Plantings

3 gallon – 25% of Plantings

1 gallon – 65% of Plantings

5.0 MONITORING

A monitoring program has been implemented to assess continued occurrence of RCWs within the RCW Preserve. South Florida slash pines were planted in the roadway mitigation area in early 2000. A monitoring program has been implemented to determine the success of slash pine plantings. *Melaleuca* invasion/control monitoring will be as described in the "*Revised Wetlands Management Plan for the Herons Glen DRI*" (July 2000). The monitoring of the RCW Preserve has and will continue to be performed annually during the RCW breeding period (April-June) and will consist of the below-described program. The separate annual program

of monitoring of remaining undeveloped portions of the site as required by the D.O. will be performed concurrently using the same procedures as previously conducted.

RCW Preserve: Three (3) consecutive days of observation will be performed beginning at sunrise and lasting for approximately four to five hours. Observations will be initiated at the colony site and will serve to record number of birds present, cavity status, daily activities and foraging movements within the RCW Preserve. Any observed new cavity tree locations will be recorded and mapped. Additionally, the RCW monitoring program shall also include a separate survey of the total area of the RCW Preserve on a grid basis to determine the presence of RCWs and/or indications of their presence, e.g., cavities, starter holes, resin wells, feeding marks. For this survey, a system of north-south and east-west transects spaced 300 feet apart within the RCW Preserve will be walked using a 1" = 300' aerial photograph with the transects overlaid as a guide. In areas of dense canopy or midstory, the spacing of survey transects shall be 100' apart to insure adequate visual coverage. As previously noted, the remainder of the project site will also be surveyed during the period April-June for compliance with D.O. Condition F.1 VEGETATION AND WILDLIFE/WETLANDS which requires an annual survey of the entire site for RCW occurrence monitoring.

Slash Pine Plantings: The pine planting area will be monitored according to SFWMD protocol to assess survival and establishment of planted slash pine. Observations will include estimated percent survival of each size class, measured height on a 10% sample subset of each size class and estimated percent cover for dominant naturally recruited vegetation.

Reporting: A single report will be prepared concerning the RCW monitoring components. The annual report will minimally include the following:

- A description of the methods used for each survey component including dates of survey.
- For RCW Preserve, a narrative description of cavity use, daily activities and foraging movements along with a description of foraging paths and locations; a narrative description of the type of other RCW occurrence/signs.
- For the "annual" survey of remaining areas, a description of RCW occurrence/signs along with locations of same.
- For slash pine plantings, a tabulation of survey results and a discussion of the relative progress of plantings.

The report of monitoring results will be submitted to Lee County Division of Environmental Sciences (or its successor), Southwest Florida Regional Planning Council (SWFRPC) and the

Florida Game and Fresh Water Fish Commission (GFC) within thirty (30) days after completion of field surveys.

All monitoring will be conducted by a qualified biologist. The RCW Preserve monitoring program will be implemented upon initiation of Phase 1-B construction and will be continued for a ten-year period. However, should a monitoring event indicate abandonment of the RCW Preserve within the initial ten-year period, the monitoring will be continued for an additional nine (9) consecutive monitoring years. Upon documentation of abandonment evidenced by ten (10) consecutive years of monitoring, RCW monitoring and habitat management will cease. The annual site-wide monitoring program will continue until completion of development. However, should colony re-activation occur or a new colony be found, the RCW monitoring and management plan described herein will be reinitiated or a new plan submitted to Lee County Division of Environmental Sciences, or successor, for review and approval.

The pine planting monitoring will be implemented upon completion of pine planting and will be continued for a three-year period to document establishment of plantings (total four events). Supplemental pine plantings will be performed if the estimated percent survival of all pine plantings is found to be below 80% during an annual monitoring event. A letter report documenting any supplemental plantings will be submitted to the Lee County Division of Environmental Sciences, or its successor, within thirty (30) days following completion of the planting.

6.0 PROVISIONS

In the event that Red Cockaded Woodpeckers totally abandon the RCW Preserve for ten (10) consecutive years as evidenced by the monitoring described in Section 6.0, the developer may request an adjustment to the 21.3 acres of upland pine flatwoods contained in the RCW Preserve by filing a Notice of Proposed Change. Reconfiguration of the RCW Preserve or Wetland area will be reviewed in accordance with F.S. 380.06(19).

Exhibit D

REVISED WETLANDS MANAGEMENT PLAN FOR THE HERONS GLEN DRI (F.K.A DEL VERA, VILLAGES OF NANTUCKET, AND DEL TURA NORTH)

JULY 2000¹

¹ Note: This Plan constitutes an amendment of the previously adopted Plan approved May 29, 1990. A copy of the strike-thru and underline version is available at the Department of Community Development. However, for ease of use and reference, the strike-thru and underline has been removed from this exhibit.

**REVISED WETLANDS MANAGEMENT PLAN FOR THE HERONS GLEN
DRI (f.k.a DEL VERA, VILLAGES OF NANTUCKET, DEL TURA NORTH)**

July 2000

INTRODUCTION

The Del Tura North DRI (Del Vera) was approved by the Board of County Commissioners on April 25, 1988. Condition F.2 of that Development Order (DO) required the preparation of a Wetland Management Plan prior to the issuance of surface water management permits. Condition 2.d of Lee County Resolution No. Z-88-069 also required a plan for the removal of exotic vegetation. A wetland management plan incorporating exotic vegetation removal was prepared by Dr. Eric J. Heald in February of 1989 and approved by the County as part of their amended final DO on May 29, 1990. This plan addressed at a conceptual level the removal of exotic species, the maintenance of wetland hydroperiod and the creation of a shallow lake "refugia" within the central flow-way.

Subsequent to the approval of the Final Development Order and the Wetlands Management Plan, two Red Cockaded Woodpeckers (RCWs) were found on the site which triggered the requirement to revise the RCW Management Plan. In order to provide additional habitat and foraging areas for these birds, it was recommended by the Lee County staff that the proposed shallow lakes be eliminated from the Wetlands Management Plan. Additionally, more detail was requested on wetland hydroperiod maintenance, exotic vegetation control methods and success monitoring. Conservation Consultants, Inc. (CCI) subsequently prepared a document dated September 11, 1992 titled "*Amended Wetlands Management Plan for Del Vera and Villages of Nantucket (formerly Del Tura North)*". The CCI document amended the approved 1989 plan to reflect the requested change and provide additional detail on certain plan elements.

The purpose of this document is to further revise the exotic removal provisions of the Wetlands Management Plan. Such revisions are necessary due to a time delay in initiating exotic removal activities by the previous site owner. This delay resulted in the continued spread of *melaleuca* and continued degradation of habitat quality. Initiation and completion of the *melaleuca* removal methods described herein will result in compliance with the exotic eradication conditions of the DRI development order, the Lee County development order, and the South Florida Water Management District (SFWMD) permit. The proposed plan

is also be consistent with the RCW Management Plan for the project and will serve to substantially increase the quality of RCW habitat.

1.0 EXOTIC PLANT CONTROL

Melaleuca is the primary exotic invader species impacting the site. Invasion by this species ranges from scattered individuals to dense stands where native ground cover and shrub species have been largely excluded. However, belt transect surveys previously conducted by CCI within six dense *Melaleuca* stands in or adjacent to the northern area of central flow-way revealed mature pine tree (>4" DBH) densities similar to largely uninfested transition pine flatwoods in the same region of site. In May 1999, random transects were walked by Florida Environmental Incorporated (FEI) to assess the current conditions of preserve and wetland areas at Herons Glen. Over 50% of preserve areas were observed to have medium to heavy infestations of *Melaleuca*. Given the general low density of desirable understory and ground cover vegetation within the areas of medium to heavy infestation, it would be appropriate to consider the use of mechanical reduction equipment as one part of the overall eradication program.

The program for short- and long-term control of both scattered, individual *Melaleuca* within wetland preserves and identified dense stands are described below.

Melaleuca and other exotics within development areas, road right-of-way, golf course and open space will be removed at the time of site development and control will be accomplished as part of routine landscape and golf course maintenance.

1.1 Short-Term Program

The objective of the short-term program will be to eliminate the majority of the mature "seed source" *Melaleuca*. For stands in the vicinity of the RCW colony, the objective is to further eliminate the *Melaleuca* with minimal disturbance to remaining pines. Retaining mature pines while removing surrounding, dense *Melaleuca* infestations will immediately increase available RCW foraging areas.

1.1.1 Initial Eradication in Medium to Heavy Infestation Areas

Dense stands of *Melaleuca* and other exotic species will be reduced in place using mechanized equipment (e.g., bush hog, Hydroaxe, or grinder/mower). It is estimated that mechanized equipment will be used in approximately 50% of the total acreage of the

preserves (*i.e.*, medium to heavy infestation areas). Mechanized equipment within the preserve areas would be limited to rubber tire or rubber track tractors to minimize impacts to the ground surface. In order to accomplish this goal, such operations will be conducted when there is no standing water (*i.e.*, during the dry season or during portions of the wet season when water levels are below ground). In order to minimize damage to native tree, shrub, and ground cover plant species, labor crews will work within drip lines of native trees greater than 3" in diameter in advance of mechanized equipment.

Labor crews will follow mechanical reduction operations, treating cut stumps with herbicide and girdling material larger than 6" in diameter. Herbicide treatment of the whole circle of cambium layer of cut stumps will occur within 48 hours. The herbicide solution will contain a dye to ensure that all stumps are adequately treated. Girdled material would be left standing as part of the initial eradication program. Herons Glen reserves the right to remove dead trees to improve the overall aesthetics of the project. Stands of *Melaleuca* less than 6" in diameter will be cut into 3 to 6-foot lengths and stacked in accordance with guidelines of the SFWMD. All cut material will be removed from areas located within 75 feet of the preserve boundary.

1.1.2 Initial Eradication in Light to Medium Infestation Areas

Hand removal methods for *Melaleuca* removal will be utilized in areas with light to medium infestation. These areas are estimated to occupy approximately 50% of the total acreage of the preserves. Labor crews will use chain saws (or machetes) to cut medium-sized trees by hand while smaller trees will be hand-pulled. Cut stumps will be treated with herbicide within 48 hours. The herbicide solution will contain a dye to ensure that all stumps are adequately treated. Trees larger than 6" in diameter will be girdled and left standing as part of the initial eradication program. Herons Glen would reserve the right to remove dead trees to improve the overall aesthetics of the project. All other material (trees <6" in diameter) will be cut into 3 to 6-foot lengths and stacked in accordance with guidelines of the SFWMD. All cut material will be removed from areas located within 75 feet of the preserve boundary.

Remaining portions of the site's Resource Protection Areas (RPAs) consist primarily of freshwater marshes located to the east of the central flow-way (Figure 1). The majority of these areas have light to medium infestation by *Melaleuca*. Removal methods in these areas will be identical to those described above for light to medium infestation areas.

1.1.3 Areas of Special Concern

Care will be taken to avoid damage to existing pine trees >3" in diameter and to restrict operations within buffer zones around active or start-hole RCW cavity trees. A buffer zone with a radius of 100' will be established around each active or start-hole cavity tree and activities within this zone will be limited to hand removal operations (*i.e.* no mechanized equipment will be used). For inactive and abandoned RCW cavity trees, mechanized equipment will not be utilized inside of the drip line of the trees. During the RCW nesting season (April through June), no removal activities will be conducted within 700' of active RCW cavity trees.

A professional biologist retained by Herons Glen will verify the location of active RCW cavity trees and field delineate buffer areas around those trees. The reduction of *melaleuca* within foraging areas of the RCW will improve the overall habitat quality for this species.

1.1.4 Implementation Schedule for Short-Term Eradication Program

Implementation of the above-described short-term program within Herons Glen will be completed within one (1) year of approval of this revised plan. *[Note: Initial felling and herbicidal treatment of exotics was completed in the majority of wetland preserves of the site in mid-2000 following submittal of the initial draft of this Revised Wetlands Management Plan. Thus, most of the activities associated with the Short-Term Program, as described above, were already completed at the time of final approval of this revised plan].*

1.2 Long-Term Program

The long-term program for *Melaleuca* control will have two elements: (1) semi-annual inspection/control events for all wetland preserves and upland habitat preserves for three consecutive years following completion of the short-term program; and (2) annual inspection/control events thereafter aimed at habitat maintenance. Additional habitat maintenance measures (e.g., prescribed burning) are also associated with the RCW management program (refer to the "*Revised Red-Cockaded Woodpecker Monitoring and Management Plan*" dated July 2000).

1.2.1 Semi-Annual Inspection and Control Events

During the semi-annual inspection events, each of the areas previously exhibiting dense *Melaleuca* stands will be specifically visited to appraise re-invasion, *i.e.*, seedling establishment and/or sprouting. At the time of inspection or within thirty (30) days,

seedlings will be hand-pulled or cut and chemically treated. Re-sprouts will receive foliar treatment using an appropriate herbicide solution containing dye to ensure thorough coverage. Also, during each semi-annual event, the remaining wetland and upland preserves will be inspected and control performed in the same manner as described for the long-term program.

1.2.2 Annual Habitat Maintenance

Starting the fourth year following completion of the short-term program, annual inspection and maintenance events will be conducted. Methods utilized to suppress and control the growth of exotics will be the same as cited above in Section 1.2.1. Long-term management objectives with respect to the RCW Preserve including fire and/or mechanical habitat maintenance, will also assist in prevention of *Melaleuca* and/or exotic plant species reinvasion. Further, the below described wetland hydroperiod maintenance efforts will contribute to long-term control of *Melaleuca* in wetland preserves.

2.0 WETLAND HYDROPERIOD MAINTENANCE

Wetland hydroperiod maintenance will consist of the following:

2.1 Design Considerations

The hydroperiod of preserved wetlands will be maintained or enhanced by incorporating the wetlands into the site's surface water management system. The system will use manmade lakes and the preserved freshwater marshes for stormwater detention and attenuation. The transition pine flatwoods will receive discharges from a portion of the surface water management system and continue to serve as "flow-ways".

The concepts for completing engineering design for the remainder of the site will be as described in surface water management permitting for Phase I-A of the project. Basically, the design concept is to set water control elevations for any outflows from or through wetlands to approximate wet season groundwater elevations.

2.2 Understory Control

Freshwater marsh preserves have experienced variable encroachment by wax myrtle (*Myrica cerifera*) and dog fennel (*Eupatorium capillifolium*) in addition to some *Melaleuca* at their margins. Site observations also indicate that wax myrtle is a significant component in the transition pine flatwoods preserves.

Control or at least containment of the encroaching understory species within freshwater marshes will be aided by implementation of the previously described wetland hydroperiod maintenance concepts. Transition pine flatwoods preserves should also benefit from increased inputs of fresh water. Additionally, prescribed burns of the central flow-way in association with RCW habitat management will contribute to understory control.

3.0 MONITORING AND REPORTING

Monitoring and reporting requirements will consist of the following:

3.1 Exotic Plant Control

A report of exotic plant control efforts will be submitted to the Lee County Division of Environmental Services, or its successor, within thirty (30) days following the completion of the short-term event and each long-term control event described above. Each monitoring report will contain the following:

- a) A map showing location of and identification number of each freshwater marsh preserve and each "dense *Melaleuca* stand" control area.
- b) Photographs from a fixed reference point following the control event at each site receiving control efforts.
- c) A brief narrative describing exotic plant re-invasions and control efforts at each photographed site.
- d) A narrative describing exotic plant re-invasion and control efforts for the remainder of the site (or Phase area as appropriate).

FIGURE 1