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POC Jim/M. P. [unclear] - Upper Captiva Comm Plan

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20061323**

**1. ACTION REQUESTED/PURPOSE:**

Approve an agreement with the Upper Captiva Civic Association, Inc. to provide public financial support up to \$46,000 for the development of the Upper Captiva Community Plan. Funds are available.

**2. WHAT ACTION ACCOMPLISHES:**

Section 3.1 of Administrative Code 13-3 requires contract approval by the Board of County Commissioners

**3. MANAGEMENT RECOMMENDATION:**

Approve.

**4. Departmental Category:**

04

**5. Meeting Date:**

October 24, 2006

**6. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**7. Requirement/Purpose: (specify)**

- Statute
- Ordinance
- Admin. Code AC 13-3
- Other

**8. Request Initiated:**

**Commissioner** \_\_\_\_\_  
**Department** Community Development  
**Division** Planning  
**By:** Paul O'Connor, AICP, Director  
POC 10/12/06

**9. Background:** The Upper Captiva Community Panel (UCCP) has submitted a request for financial support to the Board of County Commissioners. The applicant is requesting \$46,000.00 of public funding in accordance with Administrative Code (AC) 13-3, Section 3. The applicant proposes to develop the Upper Community Plan with the intent that its recommendations will be incorporated into the Lee Plan.

Obtaining this grant is contingent upon UCCP complying with the terms and conditions of the contract and the provisions of Administrative Code 13-3. It is understood by all parties that the community planning effort: is subject to the Florida laws on Open Government; must provide an adequate opportunity for public participation; must provide reasonable notice of all meetings pertaining to the planning effort; and, that all meetings of the Community Panel and Subcommittees must be open to the public. The Community Panel must also maintain both recorded and written minutes of all its full meetings.

The estimated cost of the Upper Captiva Community Plan is \$50,000.00. This request to the Board for \$46,000.00 of Lee County funds will pay for approximately 92% of the total estimated project cost. This project will include all of Upper Captiva Island, aka North Captiva Island.

Funds are available in account: LB5150715500.508309.05 (Community Development at/Planning/Unincorporated MSTU/Other Grants & Aids/Sector Planning)

**Attachments:**

- Grant contract
- Map of geographic area subject to the Community Planning effort
- Application materials

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>MW (11/15)</i>	N/A	N/A	N/A						

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other



COMMUNITY PLANNING AGREEMENT  
BETWEEN LEE COUNTY AND UPPER CAPTIVA CIVIC ASSOCIATION, INC.

RECITALS

- A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.
- B. The residents of the Upper Captiva community have expressed a desire to prepare a community plan to propose goals, objectives, and policies applicable to the Upper Captiva community that may ultimately be incorporated into the Lee Plan.
- C. The Upper Captiva Community Panel has approached the County requesting planning funds to be used for expenditures incurred to prepare and submit a community plan for the Upper Captiva community.
- D. The Upper Captiva Community Panel is a sub organization of the Upper Captiva Civic Association, Inc.
- E. The Upper Captiva Civic Association, Inc., through its community planning panel, is responsible for preparing and submitting to Lee County a community plan for the Upper Captiva community.
- F. Lee County Administrative Code 13-3 requires communities who seek planning funds from the County to enter into a contract to govern the disbursement and use of public money on the community planning effort.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the preparation of a community plan for a geographical area known as Upper Captiva (aka North Captiva).

The geographic area has been illustrated in Exhibit A hereto.

2. Deliverables. The Upper Captiva Planning Panel (the "Panel") is responsible for the preparation of a community plan, including suggested goals, objectives, and policies applicable to the area described in paragraph 1 above. The intent of the parties is that the County may ultimately incorporate the proposed goals, objectives, and policies into the Lee County Comprehensive Land Use Plan. The parties agree that the draft community plan

will include data and analysis to support recommended goals, policies, and objectives for consideration by Lee County Planning Division staff. See Exhibit B for detailed description of deliverables.

3. Eligibility for Public Funds. The parties agree that Lee County will provide the Panel with up to \$46,000 in planning funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of a community plan. \$5,000 will be provided up-front as seed money. The remainder of the funding will be provided when proper documentation of expenditures is provided to the County as specified in paragraph 8. Total disbursements from the County will not exceed \$46,000.

4. Applicability of Lee County Administrative Code. The parties agree that the community planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC." Lee County Administrative Code 13-3 is attached hereto as Exhibit C.

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the community planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Upper Captiva community planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.
2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.
3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.
4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of

information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.

5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of a completed comprehensive plan amendment application. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

- A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.
- B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.
- C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.

- D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

- A. Lee County will disburse \$5,000 of seed money followed by the remainder of the funding, not to exceed a total of \$46,000, to the Upper Capiva Civic Association, Inc. during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the scope of work and schedule of deliverables set forth in the document attached as Exhibit B. With the exception of \$5,000 of seed money, the County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

- B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

- A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited scope of review and does not relieve the Panel of its obligation to manage

the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of the agreement. The panel must rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.

10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.

11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.

12. Reports.

- A. The Panel agrees to prepare a report outlining the progress of the Upper Captiva community planning effort and deliver the report to the County with each request for disbursement of funds.
- B. A closeout report is due 60 days after the termination of the agreement or upon the submission of a completed community plan in the form of a comprehensive plan amendment application.
- C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver a proposed community plan for consideration by the Lee County Planning Division no later than September 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the Upper Captiva Civic Association, Inc., responsible for the administration of this agreement is: Karen Wildeman, PO Box 3038, Pineland Florida 33945. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the Upper Captiva Civic Association, Inc., have executed this agreement:

Attest: Clerk of Court

Lee County

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman  
Board of County Commissioners

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna Marie Collins  
Assistant County Attorney

Upper Captiva Civic Association, Inc., A  
Florida Not-for-Profit  
Corporation

By: \_\_\_\_\_  
Karen Wildeman, Vice President

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

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ by  
(date)  
Fran DeTure, President of the Upper Captiva Civic Association, Inc.,  
a Florida Not-for-Profit corporation, on behalf of the corporation. He is personally known  
to me or has produced \_\_\_\_\_ as identification.  
(type of identification)

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed, or stamped)  
(Title or Rank)  
(Serial Number, if any)

**Exhibits:**

- A: Map of Geographic Area subject to the Community Planning effort
- B: Deliverables - Prepared by Upper Captiva Community Panel








North Captiva Island  
Planning Area

Costa



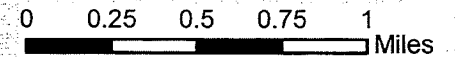
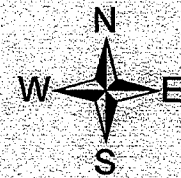
North Captiva Island

**NORTH CAPTIVA  
FUTURE LANDUSE CATEGORIES**

-  Public Facilities
-  Outer Island
-  Conservation Lands - Uplands
-  Wetlands
-  Conservation Lands - Wetlands



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



Map Created:  
August 23, 2006

Captiva  
Island

# Exhibit B

## COMMUNITY PLANNING PROPOSAL for UPPER CAPTIVA COMMUNITY PANEL

The following information is provided in support of an application to initiate a Community Panel and for Seed Money to initiate a community plan for the island of North (Upper) Captiva. One or more representatives of the proposed Panel have met with the District Commissioner on 2 occasions and with the Lee County Planning staff and assistant county attorney on 1 occasion prior to filing this application.

A. The proposed name of the Community Panel will be the Upper Captiva Community Panel. The initial Community Panel will consist of the following individuals:

A. Peter Aldrian  
311 Spanish Gold Lane  
Upper Captiva, FL 33924

Mailing Address  
P.O. Box 613  
Pineland, FL 33945

Kristie Anders – Vice Chair  
4550 Schooner Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 978  
Sanibel, FL 33957

Richard Craven – Chair  
4591 Oyster Shell Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 396  
Pineland, FL 33945

Rick Fox  
3722 Yucatan Parkway  
Cape Coral, FL 33993

Mailing Address  
c/o Safety Harbor Club  
P.O. Box 2276  
Pineland, FL 33945

David Tompkins – Secretary/Treasurer  
4591 Hodgepodge Lane  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 609  
Pineland, FL 33945

No current budget has been prepared for the Panel at this time. However, it is expected that the Panel's budget will not exceed the maximum permitted for community planning provided by Lee County. The Panel is currently a committee of the Upper Captiva Civic Association. The Civic Association has been funding the cost of exploring the viability of forming the Panel and obtaining financial assistance for the Planning Effort.

B. Copies of Form 1 "Statement of Financial Interests" for each community panel member and for myself are attached as Composite Exhibit "B".

C. Lee County Community Development staff has committed to provide a county map of North Captiva (Upper Captiva), which is intended to be covered under this proposed plan.

D. The main issues the planning effort intends to address are:

Transportation (Traffic) Element and Public Safety

Island Access (Island has no bridge to mainland)

--Air

--Boat

Nature of and Use of System of Pathways (Island lacks public roads)

Pathway Usage & Maintenance

Canal Usage & Maintenance

Noise-Limitation of Use of gasoline-powered personal vehicles on the island. (Historical ban in jeopardy)

Underage golf cart drivers.

Speed limits and reckless operation of carts.

Code enforcement and specifically illegal dumping.

Law Enforcement

Disaster Planning

--Hurricanes & Tropical Storms

--Evacuation and return

--Funding for future storm contingencies to avoid delay in obtaining help for post hurricane needs.

--Garbage, trash, and construction debris removal.

--Fires, especially wildfires

**Capital Improvements Element**

**Potential Needs-Public Facilities**

- Fire Station/Emergency Services-Station Expansion
- Community Center
- Library Facility
- Public Docks/Canoe Launch
- Public Restrooms
- Utilities & Communication Facilities

**Intergovernmental Coordination Element**

- Coordination of garbage & solid waste with other islands & county

**Future Land Use Element**

- Uses, density & development standards
- Design standards
- Building Standards
- Open space and state parkland

**Wastewater, Solid Waste, Drainage, Potable Water Element**

- Review of existing systems
- Illegal dumping
- Surface Water Management
- Solid Waste (see above)

**Conservation Element**

- State Parkland coordination
- Beaches and Beach Access
- Funding for beach renourishment
- Maintenance of marine and estuarine habitat.
- Maintenance of wetland and other environmentally significant habitat.
- Mosquito Control
- Wildlife and Vegetation

**Housing Element**

- Workforce Housing

The resources for addressing these issues will be the requested Seed Money and a future Planning Fund grant from Lee County. It is hoped that the State of Florida will participate also, due to the large portion of the island that is covered by state lands.

E. The preliminary timetable is as follows:

- The target date for submitting a complete draft of implementing regulations to Lee County is 9 months after approval of the planning grant.
- The final date for submitting these regulations is 1 year after approval.

- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted
- All work under this planning grant is anticipated to be completed within 2 years after approval of the planning grant

F. Meetings will be duly noticed and held approximately monthly at the Upper Captiva Fire Station. All members of the public are invited to attend and participate.

G. The estimated full cost of the planning effort is \$50,000.00.

H. This panel projects that 95% of the projected costs will be provided through County funds. \$2,500 has already been provided by Upper Captiva Civic Association.

I. The creation of the Upper Captiva Community Panel is a tangible demonstration of the motivation and ability of those involved to initiate a complex public planning project and bring it to completion while encouraging public input.

Favorable consideration by the County of this Community Planning Proposal would be greatly appreciated.

Submitted by: Richard Craven, Chair  
Upper Captiva Community Panel

Through: Robert D. Pritt, Esq.  
Roetzel & Andress  
2320 First Street  
Fort Myers, FL 33901  
239.338.4214

495173.113403.0002

UPPER CAPTIVA COMMUNITY PANEL

BUDGET-IN CONJUNCTION WITH REQUEST FOR SEED MONEY

Please consider the following tentative budget for the community planning process for the Upper Captiva Community Panel. This is submitted in connection with the Panel's request for seed money for the community planning process submitted on March 29, 2006. Planning staff has requested that the proposed budget be submitted. This should be attached to the Community Planning Proposal.

The Panel has not issued RFPs for Planning services yet, without having seed money for the project. However, if approved for seed money, the Panel will advertise for Proposals.

Budget items:

Expected Services	Estimated Cost
<b>A. Planning Consultant-</b>	
1. Meetings with panel, identify Scope of Services and needs as identified in previous surveys, UCCA meeting minutes, meetings with County staff and input from Island residents.	
2. Identify relevant current Lee Plan elements; identify which Goals, Objectives and Policies can be addressed by planning process and which cannot.	
3. Identify and consider planning challenges resulting from unique island circumstances including those set out in Paragraph D. of Proposal.	
4. Obtain data and analysis to address issues identified in Paragraph D. of Proposal and as identified in the Community Planning Process, including inventory of Governmental services provided and those not provided.	
5. Draft proposed changes to Lee Plan to implement Panel's recommendations.	
6. Work with County staff in implementing changes resulting from Community Planning process.	
7. Follow up on implementation of plan amendments and other proposals resulting from Planning process.	
	Total Planning \$30,000.00
<b>B. Legal Consultant</b>	
1. Consultations with staff; drafting Proposal; Drafting and/	

	or reviewing draft RFP for Planning Consultant; setting up legal aspects of Panel; notices.	\$4,500.00
2.	Title reviews; obtain & analyze data for determination of nature of pathways, air and water facilities and governmental facilities.	\$1,500.00
3.	Attendance and legal advice at some meetings (some via phone).	
4.	Review drafts of Proposed Plan changes and advise.	
5.	Provide legal advice to Panel and Planning Consultant regarding legal parameters.	
6.	Work with County Attorney's Office on issues needing legal assistance up to adoption hearings. Appear at LPA and BOCC hearings if and as needed.	
	Total 3-6	<u>\$7,500.00</u>
		Total Legal    \$13,500.00*

C. Miscellaneous Out-of-Pocket Expenses

1. Notices-Surveys-Mailings, Miscellaneous	Total Misc.	<u>\$ 2,500.00</u>
	Total Budget	<u>\$ 46,000.00</u>

\*Portions of this amount may not be necessary, depending upon the extent of assistance that can be provided by County legal staff, by the County's database, or by the Planning Consultant's database. Portions may need to be allocated to Planning Consultant.

Note: Upper Captiva Civic Association has already paid \$2,500.00 toward planning process and additional sums for notices of meetings.

Jim: Yes, we are asking for \$5000.00 as seed money. Thanks for moving quickly on this. We would like to be able to send out RFPs and get planning consultant on board as quickly as possible, so as to start the process while people are here. Bob

1. Robert D.Pritt  
Board Certified City, County & Local Government Lawyer  
Roetzel & Andress, L.P.A.  
850 Park Shore Dr. Third Floor  
Naples, FL 34103  
239.649.2714



**B. REVISED STAFF RECOMMENDATION:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment with the following changes to the applicant's language shown in strike-through/double-underline.

**GOAL 25: NORTH CAPTIVA (Upper Captiva).** The North Captiva Community seeks to preserve its character, scale, fragile environment, and way of life by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education.

**OBJECTIVE 25.1: FUTURE LAND USE.** Preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure.

**POLICY 25.1.1:** The owner or agent for any rezoning, variance or special exception request within the North Captiva community must conduct at least one duly noticed public informational meeting on North Captiva where the owner or agent will provide a general overview of the project and answer questions from interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. A minimum of ten day's written notice of the public meeting must be given to the President of the North Captiva Civic Association. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff and the North Captiva Civic Association with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

**POLICY 25.1.2:** Variances should be limited to unique, specifically authorized circumstances and be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following criteria are met:

(a) the hardship cannot be corrected by other means allowed in the ordinances;

(b) strict compliance with the applicable regulations allows the property owner no reasonable use of the property;

(c) the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property;

(d) the applicant did not cause the need for the variance, and;

(e) the variance is not contrary to the spirit of the Land Development Code.

**POLICY 25.1.3:** ~~Lee County will support the efforts of t~~The North Captiva community in its efforts will draft and and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations to further investigate modification of development regulations applicable to North Captiva, based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities.

**POLICY 25.1.4:** The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. Lee County will work with t~~The North Captiva community to develop or maintain regulations on~~ will work to adopt land development regulations applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.

**OBJECTIVE 25.2 TRANSPORTATION AND PATHWAYS.** Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights.

**POLICY 25.2.1:** ~~Lee County will collaborate~~ cooperate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of providing access to North Captiva from Pine Island and the mainland. Access should be both convenient and cost-effective for residents and their guests. Any costs to island residents must be minimized.

**POLICY 25.2.2:** ~~Lee County will collaborate with the North Captiva community in maintaining its pathway system.~~

**POLICY 25.2.3:** ~~Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. Lee County will provide enforcement for this ban.~~

**POLICY 25.2.4:** ~~The North Captiva community will collaborate with Lee County to develop, maintain, and enforce pathway, fire, safety standards.~~

**OBJECTIVE 25.3: CONSERVATION AND COASTAL MANAGEMENT.** Preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity.

**POLICY 25.3.1:** The North Captiva community will work with Lee County to support the efforts of the Federal and State authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process and will enforce these policies through land development regulations, if necessary.

**POLICY 25.3.2:** The North Captiva community in collaboration with Lee County, will support the State of Florida's efforts to protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These resources include but are not limited to:

- mangroves
- the beach dune system, beach dune vegetation, and beach dune wildlife
- coastal dunes, beaches, and coastal scrub vegetation
- beach dune wildlife, including shorebird nesting habitat and sea turtle habitat
- the marine habitat, including sea grass beds and fisheries

**POLICY 25.3.3:** Except for emergency events, public purposes, and human powered vehicles, vehicular traffic is banned from all beaches on North Captiva. Lee County will encourage support enforcement of the ban through the Lee County Sheriff's office.

**POLICY 25.3.4:** Lee County will work in conjunction with the North Captiva community to implement a plan to stop the proliferation of exotic vegetation and nuisance pests. This will include a plan will include measures to control raccoons, black rats, feral hogs, iguanas, and other nuisance pests. The plan will also include the control of exotic vegetation as identified by the Exotic Pest Plant Council of Florida. This plan may include the use of incentives, disincentives, and regulations to accomplish this policy.

**OBJECTIVE 25.4: WATER AND WASTE MANAGEMENT.** Ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island residents and island taxpayers.

**POLICY 25.4.1:** Lee County will support tThe North Captiva community in conducting to may conduct a feasibility study of cisterns and other water conservation systems, the long-term development of an island-wide potable water system, and the development of an island-wide wastewater treatment system. The feasibility study will include, but not limited to, costs estimates, new or innovative technologies, and funding assistance.

**POLICY 25.4.2:** Lee County, in collaboration with tThe North Captiva community, may will conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** To protect the water aquifer utilized throughout North Captiva island, Lee County will offer to survey water wells and provide advice for remediation for those found to be of substandard construction. The survey will be available to all current and future property owners.

**POLICY 25.4.4:** Lee County, in collaboration with the North Captiva community, will conduct a study to improve the efficiency and reduce the cost of household garbage waste disposal. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and a recycling program. Lee County and the North Captiva community will follow this study by developing a program that best suits the North Captiva island needs.

**POLICY 25.4.5:** Lee County, in collaboration with the North Captiva community and the North Captiva Fire Protection and Rescue Service District will conduct a study to facilitate the removal of yard and vegetative waste. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County and the North Captiva community will follow this study by developing, or participating in the development of, a program that best suits the North Captiva island needs.

**POLICY 25.4.6:** Within one year from the adoption of this policy, Lee County will provide consider the feasibility of transporting and disposal of household garbage and trash off North Captiva island at a service level consistent with other county residents at a reasonable cost.

**POLICY 25.4.7:** Lee County will coordinate cooperate with the efforts of the North Captiva community to develop a program focused on the safe disposal of toxic and/or hazardous household waste, such as batteries, mercury, fluorescent lights, and paint.

**POLICY 25.4.8:** Lee County will work with the The North Captiva community will seek to develop and enforce establish a construction waste policy and procedures for North Captiva island through land development regulations.

**OBJECTIVE 25.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.** Lee County will seek to promote, protect, and enhance existing and potential open space, minimal recreational facilities and the quality of life for residents and visitors to North Captiva. These intent of these efforts will seek is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will be mindful to monitor consider the demands on a the island's limited infrastructure.

**POLICY 25.5.1:** Lee County will seek to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.

**POLICY 25.5.2:** Lee County will support the North Captiva community in its efforts to obtain an accessible community pursuit of a facility feasibility study and funding plan for an accessible community facility and library for the purposes of meeting, recreation, and community education.

**POLICY 25.5.3:** The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service and other agencies to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships.

**OBJECTIVE 25.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION.**  
The North Captiva community will seek to eEnhance the community character, sustain natural resources, and involve the public in decisions that affect them, by providing educational and participation opportunities.

**POLICY 25.6.1:** Lee County will work with the North Captiva community to establish an electronic Document Clearing House, where copies of selected documents will be available. These documents will include permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, administrative variances, and changes to the Lee Plan and Land Development Code for any development on North Captiva, barrier islands, and Pine Island Sound. The county's failure to provide or to provide in a timely manner a document to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 25.6.2:** Lee County will involve the North Captiva community in planning processes that relate specifically to North Captiva; and generally to barrier islands, generally to island ingress and egress, or any and other changes that may affect the island and its environment.

**POLICY 25.6.3:** Through the Document Clearinghouse Lee County will coordinate and communicate provide notice to the North Captiva island community any known changes that are or will of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by any state, Lee County district, or regional district that will impact the island's ambiance, environment, safety, or other regulations.

**POLICY 25.6.4:** Upon request Lee County will collaborate with the North Captiva island community to develop an understanding of natural resources by providing educational programs on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, green building, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva

**OBJECTIVE 25.7: PUBLIC SAFETY.** Preserve the character of North / Upper Captiva by providing for a law enforcement presence on North / Upper Captiva.

**POLICY 25.7.1:** Lee County The North Captiva Community will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on

North / Upper Captiva. The North / Upper Captiva community will work to identify housing and other resources as necessary in support of enforcement activities.

**POLICY 25.7.2:** Lee County will continue to ensure viable hurricane evacuation and emergency communication options for the residents and other affected persons.

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. Except for those services as provided by in compliance with other sections of this plan, they are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre).

	Staff Recommendation	LPA Recommendation	Upper Captiva Recommendation
Policy 25.1.3	POLICY 25.1.3: By the end of 2010, the North Captiva community will draft and submit Land Development Code regulations applicable to North Captiva for Lee County to review and consider based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities.	POLICY 25.1.3: By the end of <u>2010 2013</u> , the North Captiva community will draft and submit Land Development Code regulations applicable to North Captiva for Lee County to review and consider based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities.	<i>Community requests policy be transmitted as revised by the LPA (see Staff Report, p. 22 of 26)</i>
Policy 25.1.4	POLICY 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. By the end of 2010, the North Captiva community will develop land development regulations for the county to review and consider that are applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.	POLICY 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. By the end of <u>2010 2013</u> , the North Captiva community will develop land development regulations for the county to review and consider that are applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.	<i>Community requests policy be transmitted as revised by the LPA with additional language (see Staff Report, p. 22 of 26)</i>  POLICY 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. By the end of <u>2010 2013</u> , the North Captiva community will develop land development regulations for the county to review and consider that are applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife <u>to the greatest extent possible.</u>
Policy 25.2.2	Staff asserts that pathways are on located on private easements and concludes that pathways are the responsibility of the community to maintain.  Staff recommended striking: <del>POLICY 25.2.2: Lee County will collaborate with the North Captiva community in maintaining its pathway system.*</del>		<i>Community recommends revised language (below) --pathways are also used for public purposes, such as in fire emergencies. The need for expert advice on such issues as pathway maintenance or funding mechanisms remains.</i>  <u>Policy 25.2.2 The North Captiva community may collaborate with and seek technical advice from Lee County from time to time on procedures necessary to accomplish pathway maintenance.</u>

and safety



	Staff Recommendation	LPA Recommendation	Upper Captiva Recommendation
Policy 25.2.3	<p>Staff objects to the financial and jurisdictional implications of enforcing a ban on internal combustion vehicles. Staff recommends striking:</p> <p><del>POLICY 25.2.3: Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. Lee County will provide enforcement for this ban.*</del></p>		<p>Community recommends policy be transmitted absent reference to enforcement.</p> <p><u>POLICY 25.2.3: Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva."</u></p>
POLICY 25.3.2	<p><b>POLICY 25.3.2:</b> The North Captiva community and Lee County will support the State of Florida's efforts to protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These resources include but are not limited to:</p> <ul style="list-style-type: none"> <li>• mangroves</li> <li>• the beach dune system, beach dune vegetation, and beach dune wildlife</li> <li>• coastal dunes, beaches, and coastal scrub vegetation</li> <li>• beach dune wildlife, including shorebird nesting habitat and sea turtle habitat</li> <li>• the marine habitat, including sea grass beds and fisheries</li> </ul>		<p><b>POLICY 25.3.2:</b> The North Captiva community and Lee County will support the State of Florida's <u>and Lee County's</u> efforts to protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These resources include but are not limited to:</p> <ul style="list-style-type: none"> <li>• mangroves</li> <li>• the beach dune system, beach dune vegetation, and beach dune wildlife</li> <li>• coastal dunes, beaches, and coastal scrub vegetation</li> <li>• beach dune wildlife, including shorebird nesting habitat and sea turtle habitat</li> <li>• the marine habitat, including sea grass beds and fisheries</li> </ul>



	Staff Recommendation	LPA Recommendation	Upper Captiva Recommendation
POLICY 25.3.4		POLICY 25.3.4: The North Captiva community and Lee County will cooperate to stop the proliferation of <u>invasive</u> exotic vegetation and nuisance pests.	Community requests policy be transmitted as revised by the LPA with additional revisions (below).  POLICY 25.3.4: The North Captiva community and Lee County will cooperate to stop the proliferation of <u>invasive</u> exotic vegetation and nuisance pests <u>as identified by the Exotic Pest and Plant Council of Florida. Incentives, disincentives, and regulations may be developed to accomplish this policy.</u>
Policy 25.5.1	Staff struck this policy due to objections over the acquisition of small lots due to a potential expenditure by Lee County as follows:  <del>Policy 25.5.1: The North Captiva community and Lee County will cooperate to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.</del>	Policy 25.5.1: The North Captiva community and Lee County will cooperate to preserve, protect; and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots. <u>This policy does not imply that the County will provide funding.</u>	Community requests policy be transmitted in its original form.
Policy 25.5.2	Staff struck policy due to objections over funding implications for a library as follows:  <del>Policy 25.5.2: The North Captiva community and Lee County will cooperate in the community's efforts to obtain an accessible community facility and library for the purposes of meeting, recreation, and community education.</del>	Policy 25.5.2: The North Captiva community and Lee County will cooperate in the community's efforts to obtain an accessible community facility and library for the purposes of meeting, recreation, and community education. <u>This policy does not imply that the County will provide funding.</u>	Community requests policy be transmitted in its original form.



**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

*Jeni Mudd*

Writer's Direct Dial Number: (239) 335-2236

Facsimile (239) 335-2118

April 3, 2006

**RECEIVED**  
APR 03 2006

**COMMUNITY DEVELOPMENT**

Mr. Richard C. Craven  
P. O. Box 396  
Pineland, FL 33945

Re: Upper Captiva Community Plan  
Need for Revisions to Form 1 - Statement of Financial Interests  
LU-05-11-2090.A.11.a

Dear Mr. Craven:

A review of the Form 1, Statement of Financial Interests, filed with the Supervisor of Elections reveals that it must be amended in order to be legally sufficient.

Specifically, the second section of the form requires the filer to specify the disclosure period to which the form applies. Unfortunately, it appears that this section was inadvertently left blank. Since this section of the form must be completed, it will be necessary to file an amended form with the Supervisor of Elections.

In addition, with the exception of the Direct Satellite TV entity, the businesses identified in Part F of the form do not qualify as one of the "specified businesses" identified in the instructions for Part F of the form. The information pertaining to the medical equipment business and the consulting business should be removed from Part F when preparing the amended form. It appears, however, that all three entities should be listed in Part B of the form since they most likely serve as secondary sources of income.

I have enclosed a blank Form 1X for your convenience. Kindly complete the form, making sure to address the matters identified in the previous paragraph. Once the amended form has been filed with the Supervisor of Elections, kindly submit a copy of the filed form to my office. It will be necessary to have a correctly completed form


S:\LU\DMC\DMCCommunity Planning\Upper Captiva\Form 1 - Craven.wpd

Richard C. Craven  
April 3, 2006  
Page 2

Re: Upper Captiva Community Plan - Form 1  
Statement of Financial Interests  
LU-05-11-2090.A.11.a

on each member of the planning panel before the Community Planning Grant Agreement can be submitted to the Board.

Kind regards,



Donna Marie Collins  
Assistant County Attorney

DMC/amp

Enclosures: Copy of Completed Form 1 (highlighted)  
Blank Form 1X  
Instruction for Form 1X

cc: James Mudd, Planning Division



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Writer's Direct Dial Number: (239) 335-2236

Facsimile (239) 335-2118

November 8, 2006

RECEIVED  
NOV 13 2006  
COMMUNITY DEVELOPMENT

Ms. Karen Wildeman, Vice President  
Upper Captiva Association, Inc.  
P. O. Box 3038  
Pineland, Florida 33945

Re: Community Planning Agreement between Lee County and  
Upper Captiva Association, Inc.  
LU-05-11-2090.L.

Dear Ms. Wildeman:

Enclosed please find a copy of the executed Community Planning Agreement  
between Lee County and the Upper Captiva Association, Inc.

If you have any questions, please do not hesitate to contact me.

Kind regards,

  
Donna Marie Collins  
Assistant County Attorney

DMC/amp

cc: w/enclosure  
James Mudd, Planning Division

S:\LU\DMC\DMCCCommunity Planning\Upper Captiva\Transmittal of executed agreement.wpd

COMMUNITY PLANNING AGREEMENT  
BETWEEN LEE COUNTY AND UPPER CAPTIVA CIVIC ASSOCIATION, INC.

RECITALS

- A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.
- B. The residents of the Upper Captiva community have expressed a desire to prepare a community plan to propose goals, objectives, and policies applicable to the Upper Captiva community that may ultimately be incorporated into the Lee Plan.
- C. The Upper Captiva Community Panel is a sub organization of the Upper Captiva Civic Association, Inc.
- D. The Upper Captiva Community Panel has approached the County requesting planning funds to be used for expenditures incurred to prepare and submit a community plan for the Upper Captiva community.
- E. The Upper Captiva Civic Association, Inc., through its community planning panel, is responsible for preparing and submitting to Lee County a community plan for the Upper Captiva community.
- F. Lee County Administrative Code 13-3 requires communities who seek planning funds from the County to enter into a contract to govern the disbursement and use of public money on the community planning effort.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the preparation of a community plan for a geographical area known as Upper Captiva (aka North Captiva).

The geographic area has been illustrated in Exhibit A hereto.

2. Deliverables. The Upper Captiva Planning Panel (the "Panel") is responsible for the preparation of a community plan, including suggested goals, objectives, and policies applicable to the area described in paragraph 1 above. The intent of the parties is that the County may ultimately incorporate the proposed goals, objectives, and policies into the Lee County Comprehensive Land Use Plan. The parties agree that the draft community plan

**COPY**



will include data and analysis to support recommended goals, policies, and objectives for consideration by Lee County Planning Division staff. See Exhibit B for detailed description of deliverables.

3. Eligibility for Public Funds. The parties agree that Lee County will provide the Panel with up to \$46,000 in planning funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of a community plan. \$5,000 will be provided up-front as seed money. The remainder of the funding will be provided when proper documentation of expenditures is provided to the County as specified in paragraph 8. Total disbursements from the County will not exceed \$46,000.

4. Applicability of Lee County Administrative Code. The parties agree that the community planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC." Lee County Administrative Code 13-3 is attached hereto as Exhibit C.

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the community planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Upper Captiva community planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.
2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.
3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.
4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of

information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.

5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of a completed comprehensive plan amendment application. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

- A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.
- B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.
- C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.

- D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

- A. Lee County will disburse \$5,000 of seed money followed by the remainder of the funding, not to exceed a total of \$46,000, to the Upper Capiva Civic Association, Inc. during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the scope of work and schedule of deliverables set forth in the document attached as Exhibit B. With the exception of \$5,000 of seed money, the County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

- B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

- A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited scope of review and does not relieve the Panel of its obligation to manage



the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of the agreement. The panel must rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.

10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.

11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.

12. Reports.

- A. The Panel agrees to prepare a report outlining the progress of the Upper Captiva community planning effort and deliver the report to the County with each request for disbursement of funds.
- B. A closeout report is due 60 days after the termination of the agreement or upon the submission of a completed community plan in the form of a comprehensive plan amendment application.
- C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver a proposed community plan for consideration by the Lee County Planning Division no later than September 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the Upper Captiva Civic Association, Inc., responsible for the administration of this agreement is: Karen Wildeman, P.O. Box 3038, Pineland Florida 33945. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the Upper Captiva Civic Association, Inc., have executed this agreement:

Attest: Clerk of Court

Lee County

By: Ina Pierce  
Deputy Clerk

By: [Signature]  
Chairman  
Board of County Commissioners

Date: 10-31-06

APPROVED AS TO FORM:

[Signature]  
Donna Marie Collins  
Assistant County Attorney

Approved by BOCC on  
10/24/06, A4(A)

Upper Captiva Civic Association, Inc., A  
Florida Not-for-Profit Corporation

By: Karen Wildeman  
Karen Wildeman, Vice President  
*Vice President  
UCCA*

Date: October 26, 2006

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of OCT.  
(date)  
2006, by Karen Wildeman, Vice President of the Upper Captiva Civic Association, Inc.,  
a Florida Not-for-Profit corporation, on behalf of the corporation. She is personally known

to me or has produced \_\_\_\_\_ as identification.  
(type of identification)



Cheryl Bredin  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed, or stamped)  
(Title or Rank)  
(Serial Number, if any)

Exhibits:

- A: Map of Geographic Area subject to the Community Planning effort
- B: Deliverables - Prepared by Upper Captiva Community Panel

North Captiva Island  
Planning Area






Cayo  
Costa

Safety  
Harbor

North Captiva Island

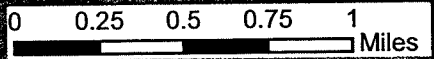
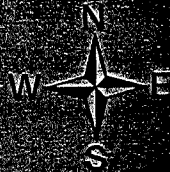
Captiva  
Island

**NORTH CAPTIVA  
FUTURE LANDUSE CATEGORIES**

-  Public Facilities
-  Outer Island
-  Conservation Lands - Uplands
-  Wetlands
-  Conservation Lands - Wetlands



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING



Map Created:  
August 23, 2006

COMMUNITY PLANNING PROPOSAL  
for  
UPPER CAPTIVA COMMUNITY PANEL

The following information is provided in support of an application to initiate a Community Panel and for Seed Money to initiate a community plan for the island of North (Upper) Captiva. One or more representatives of the proposed Panel have met with the District Commissioner on 2 occasions and with the Lee County Planning staff and assistant county attorney on 1 occasion prior to filing this application.

A. The proposed name of the Community Panel will be the Upper Captiva Community Panel. The initial Community Panel will consist of the following individuals:

A. Peter Aldrian  
311 Spanish Gold Lane  
Upper Captiva, FL 33924

Mailing Address  
P.O. Box 613  
Pineland, FL 33945

Kristie Anders – Vice Chair  
4550 Schooner Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 978  
Sanibel, FL 33957

Richard Craven – Chair  
4591 Oyster Shell Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 396  
Pineland, FL 33945

Rick Fox  
3722 Yucatan Parkway  
Cape Coral, FL 33993

Mailing Address  
c/o Safety Harbor Club  
P.O. Box 2276  
Pineland, FL 33945

David Tompkins – Secretary/Treasurer  
4591 Hodgepodge Lane  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 609  
Pineland, FL 33945

No current budget has been prepared for the Panel at this time. However, it is expected that the Panel's budget will not exceed the maximum permitted for community planning provided by Lee County. The Panel is currently a committee of the Upper Captiva Civic Association. The Civic Association has been funding the cost of exploring the viability of forming the Panel and obtaining financial assistance for the Planning Effort.

B. Copies of Form 1 "Statement of Financial Interests" for each community panel member and for myself are attached as Composite Exhibit "B".

C. Lee County Community Development staff has committed to provide a county map of North Captiva (Upper Captiva), which is intended to be covered under this proposed plan.

D. The main issues the planning effort intends to address are:

- Transportation (Traffic) Element and Public Safety
  - Island Access (Island has no bridge to mainland)
    - Air
    - Boat
  - Nature of and Use of System of Pathways (Island lacks public roads)
  - Pathway Usage & Maintenance
  - Canal Usage & Maintenance
  - Noise-Limitation of Use of gasoline-powered personal vehicles on the island. (Historical ban in jeopardy)
  - Underage golf cart drivers.
  - Speed limits and reckless operation of carts.
  - Code enforcement and specifically illegal dumping.
  - Law Enforcement
  - Disaster Planning
    - Hurricanes & Tropical Storms
    - Evacuation and return
    - Funding for future storm contingencies to avoid delay in obtaining help for post hurricane needs.
    - Garbage, trash, and construction debris removal.
    - Fires, especially wildfires

Capital Improvements Element

Potential Needs-Public Facilities

- Fire Station/Emergency Services-Station Expansion
- Community Center
- Library Facility
- Public Docks/Canoe Launch
- Public Restrooms
- Utilities & Communication Facilities

Intergovernmental Coordination Element

- Coordination of garbage & solid waste with other islands & county

Future Land Use Element

- Uses, density & development standards
- Design standards
- Building Standards
- Open space and state parkland

Wastewater, Solid Waste, Drainage, Potable Water Element

- Review of existing systems
- Illegal dumping
- Surface Water Management
- Solid Waste (see above)

Conservation Element

- State Parkland coordination
- Beaches and Beach Access
- Funding for beach renourishment
- Maintenance of marine and estuarine habitat.
- Maintenance of wetland and other environmentally significant habitat.
- Mosquito Control
- Wildlife and Vegetation

Housing Element

- Workforce Housing

The resources for addressing these issues will be the requested Seed Money and a future Planning Fund grant from Lee County. It is hoped that the State of Florida will participate also, due to the large portion of the island that is covered by state lands.

E. The preliminary timetable is as follows:

- The target date for submitting a complete draft of implementing regulations to Lee County is 9 months after approval of the planning grant.
- The final date for submitting these regulations is 1 year after approval.



- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted
- All work under this planning grant is anticipated to be completed within 2 years after approval of the planning grant

F. Meetings will be duly noticed and held approximately monthly at the Upper Captiva Fire Station. All members of the public are invited to attend and participate.

G. The estimated full cost of the planning effort is \$50,000.00.

H. This panel projects that 95% of the projected costs will be provided through County funds. \$2,500 has already been provided by Upper Captiva Civic Association.

I. The creation of the Upper Captiva Community Panel is a tangible demonstration of the motivation and ability of those involved to initiate a complex public planning project and bring it to completion while encouraging public input.

Favorable consideration by the County of this Community Planning Proposal would be greatly appreciated.

Submitted by: Richard Craven, Chair  
Upper Captiva Community Panel

Through: Robert D. Pritt, Esq.  
Roetzel & Andress  
2320 First Street  
Fort Myers, FL 33901  
239.338.4214

495173.113403.0002

UPPER CAPTIVA COMMUNITY PANEL

BUDGET-IN CONJUNCTION WITH REQUEST FOR SEED MONEY

Please consider the following tentative budget for the community planning process for the Upper Captiva Community Panel. This is submitted in connection with the Panel's request for seed money for the community planning process submitted on March 29, 2006. Planning staff has requested that the proposed budget be submitted. This should be attached to the Community Planning Proposal.

The Panel has not issued RFPs for Planning services yet, without having seed money for the project. However, if approved for seed money, the Panel will advertise for Proposals.

Budget items:

Expected Services	Estimated Cost
A. Planning Consultant-	
1. Meetings with panel, identify Scope of Services and needs as identified in previous surveys, UCCA meeting minutes, meetings with County staff and input from Island residents.	
2. Identify relevant current Lee Plan elements; identify which Goals, Objectives and Policies can be addressed by planning process and which cannot.	
3. Identify and consider planning challenges resulting from unique island circumstances including those set out in Paragraph D. of Proposal.	
4. Obtain data and analysis to address issues identified in Paragraph D. of Proposal and as identified in the Community Planning Process, including inventory of Governmental services provided and those not provided.	
5. Draft proposed changes to Lee Plan to implement Panel's recommendations.	
6. Work with County staff in implementing changes resulting from Community Planning process.	
7. Follow up on implementation of plan amendments and other proposals resulting from Planning process.	
Total Planning	\$30,000.00
B. Legal Consultant	
1. Consultations with staff; drafting Proposal; Drafting and/	

	or reviewing draft RFP for Planning Consultant; setting up legal aspects of Panel; notices.	\$4,500.00
2.	Title reviews; obtain & analyze data for determination of nature of pathways, air and water facilities and governmental facilities.	\$1,500.00
3.	Attendance and legal advice at some meetings (some via phone).	
4.	Review drafts of Proposed Plan changes and advise.	
5.	Provide legal advice to Panel and Planning Consultant regarding legal parameters.	
6.	Work with County Attorney's Office on issues needing legal assistance up to adoption hearings. Appear at LPA and BOCC hearings if and as needed.	
	Total 3-6	<u>\$7,500.00</u>
		Total Legal \$13,500.00*

C. Miscellaneous Out-of-Pocket Expenses

1. Notices-Surveys-Mailings, Miscellaneous	Total Misc.	<u>\$ 2,500.00</u>
	Total Budget	<u>\$ 46,000.00</u>

\*Portions of this amount may not be necessary, depending upon the extent of assistance that can be provided by County legal staff, by the County's database, or by the Planning Consultant's database. Portions may need to be allocated to Planning Consultant.

Note: Upper Captiva Civic Association has already paid \$2,500.00 toward planning process and additional sums for notices of meetings.

Jim: Yes, we are asking for \$5000.00 as seed money. Thanks for moving quickly on this. We would like to be able to send out RFPs and get planning consultant on board as quickly as possible, so as to start the process while people are here. Bob

1. Robert D.Pritt  
Board Certified City, County & Local Government Lawyer  
Roetzel & Andress, L.P.A.  
850 Park Shore Dr. Third Floor  
Naples, FL 34103  
239.649.2714

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-3
TITLE: Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC	ADOPTED: 6/26/01
	AMENDED: 6/28/05
	ORIGINATING DEPARTMENT: Department of Community Development

**Purpose/Scope:** To provide procedures and criteria for community planning effort and to establish the minimum acceptable criteria for community plans in order to be eligible for public financial support.

**Policy/Procedure:** The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions of how their community should develop. The intent of a community plan is to propose goals, objectives, and policies applicable to a specific area of the County that may ultimately be incorporated into the Lee Plan. Upon completion of a community planning effort the information gathered and the common concerns identified will be considered for a formal amendment to the Lee Plan.

The following procedures are established by the Board of County Commissioners to assure public confidence in the grass root planning effort when public funds are provided to encourage the development of community plans by the residents of a community:

**Section 1. Definitions:**

- 1.1. "Community Panel" means the collection of community residents who volunteer to act as the group responsible for coordinating and overseeing the community planning effort. The Community Panel is encouraged to represent a wide variety of the community, including citizens, local business people, landowners, developers, and civic leaders. The Community Panel initiating a community planning effort must be a legal entity, either already existing or established expressly for the purpose of conducting the planning effort. The Community Panel may also be a committee or subset of a legal entity. If the Community Panel receives public funds from the Board of County Commissioners, they will be responsible for the financial accountability of the public funds granted for use in the community planning effort. The Community Panel is not an advisory body to the Board of County Commissioners. Their planning product is a compilation of the common concerns of the community containing suggested amendments to the Lee Plan and/or the Land Development Code to address those concerns.
- 1.2. "Planning Funds" means a grant that will be used for certain expenditures incurred by the Community Panel in the preparation of and the submission of: (a) a community plan, (b) land development regulations to implement a community plan, or (c) update a previously adopted community plan.
- 1.3. "Seed Money" means an initial grant of public money, authorized by the Board of County Commissioners, to be used to: (a) initiate a community plan, (b) pursue the development of land development regulations to implement a community plan, or (c) update a community plan. Seed money will be disbursed only after the Community Panel has entered into a written grant agreement

with the County describing the scope of the community plan and the limitations on the use of the grant.

**Section 2. Initiation of a Community Planning Effort:**

- 2.1. Residents wishing to serve as a Community Panel that is eligible to receive financial support from the County, must have at least one preliminary meeting with Planning Division staff to discuss the proposed community planning effort.
- 2.2. Following initial discussion with the Planning Division, the Community Panel must develop a written Community Planning Proposal that must contain, at a minimum:
  - a. The proposed name of the Community Panel including a list of the people who will act as the initial Community Panel, and information regarding its organization and composition, including, if applicable, a copy of its current budget and a list of its board of directors. (The membership of the Community Panel may be increased thereafter);
  - b. Copies of completed Form 1 "Statement of Financial Interests" for the previous year and, when applicable: Form 2 "Quarterly Client Disclosure" for the previous four quarters from those people wishing to act as the Community Panel and from any consultants that have been retained by the Community Panel to assist in the community planning effort;
  - c. A preliminary boundary description or a map of the area of the unincorporated County that the plan intends to cover;
  - d. An overview of the main issues that the planning effort intends to address and the expected resources needed to address the issues;
  - e. A preliminary timetable for the planning effort including target dates for project milestones such as completion of a visioning effort, completion of the data and analysis, workshops and public meetings, compilation of a draft study, and study completion date;
  - f. A description of the methods and procedures to be used to foster the maximum amount of public participation in the planning process;
  - g. A good faith estimate of the expected full cost of the planning effort;
  - h. A statement indicating the percentage of the projected costs that will be provided through the County funds; and,
  - i. A tangible demonstration that the planning effort will operated in a financially sound manner.
- 2.3. Planning staff will review and comment on the Community Planning Proposal to determine if it is sufficient for presentation to the Board of County Commissioners. Planning staff may require additional information, clarifications, or revisions to assure that the minimum requirements of this code have been met. Planning Staff will make a recommendation as to whether a Community Planning Proposal is sufficient to proceed before the Board of County Commissioners.

### **Section 3. Obtaining Seed Money and Planning Funding:**

- 3.1 Once a Community Planning Proposal is determined by Planning staff to be sufficient, staff will initiate a blue sheet to bring the proposal, which includes a proposed grant agreement requesting the use of public funds, to a Public Hearing at a regularly scheduled Board of County Commissioner meeting. The grant agreement will set forth the terms and conditions that must be fulfilled prior to obtaining the Planning Funds and the seed money, if included in the request.
- 3.2 At the Public Hearing the Board of County Commissioners will solicit input from members of the community and the public in general.
- 3.3 Following public comment, the Board of County Commissioners will consider by motion whether to enter into the contract with the Community Panel.

### **Section 4. Seed Money, Planning Funds and Additional Grant Funding Assistance:**

- 4.1. The Board of County Commissioners may initially authorize a grant of up to \$5,000 ("seed money"), to facilitate a community planning effort. No money will be disbursed by the Board until the required grant agreement is approved. The "seed money" will be disbursed pursuant to the written grant agreement between the County and the Community Panel. All disbursements of "seed money" will be deducted from the maximum amount of funds for which the Community Panel may be eligible.
- 4.2. Subsequent disbursements of public money for Planning Funds will be available in accordance with the terms and conditions of the grant agreement. The County grant will be based on the size and scope of the planning effort and the Community Panel's ability to complete the effort.
- 4.3 Each Community Panel may be eligible to receive a grant of up to \$50,000 for the development of a community plan and up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan. The maximum amount of funds disbursed for each phase of the planning effort may not exceed \$50,000.
- 4.4. Community Panels may update community plans and the land development regulations necessary to implement the plan after five years. The County may authorize a grant of up to \$50,000 to defray the cost of the update.
- 4.5. All grants of public funds must be used solely for the creation of, or update to, the community plan and the preparation of land development regulations necessary to implement the plan. Acceptable uses of these public funds will include: payment of professional consulting services; advertising of public meetings/workshops; and copying of draft and final documents. Public funds may not be used for the rental of office space, purchase of supplies such as computers and software, or phone service. Before receiving any funds, the Community Panel must document how the funds will be utilized to the Lee County Department of Community Development, Planning Division.
- 4.6. The County will have unrestricted access to all records of the Community Panel pertaining to the community planning effort. The County may conduct audits of the financial records of the Community Panel. Before disbursing a grant of Planning Funds, the County must independently ensure that the proposed expenditure is in accordance with the regulatory requirements set forth in this Code and may enlist the Clerk of the Courts to perform an audit of the Community Panel. The head of the Community Panel must attest that the entity has complied with the provisions of the grant agreement and this Code.

- 4.7. County Planning Staff will assist the Community Panel in identifying additional funding sources to support the community planning efforts such as state or philanthropic grants.

#### **Section 5. Public Participation:**

- 5.1. The Community Planning effort is subject to the Florida laws on Open Government. Therefore, there must be an adequate opportunity for public participation in the community planning effort, the Community Panel must encourage and allow the participation of residents, property owners, the school district, and other interested parties. In order to effectuate this purpose, reasonable notice of all meetings pertaining to the community planning effort must be provided to the public. All meetings of the Community Panel must be open to the public.
- 5.2. Proper notification of meetings of the full Community Panel will include the posting of the meeting date and time in several public places including, but not limited to local libraries, post offices, banks, supermarkets, chambers of commerce, civic associations, and community recreation areas. In addition, these public meetings must be noticed in a local paper that is published daily or weekly. All posted and published notices must provide the date, time, and location of the public meeting. In lieu of a display advertisement, the notice could take the form of an article in a similar publication that provides the date, time, and location of the public meeting.
- 5.3. The Community Panel must maintain both recorded and written minutes of all of its full meetings. All records of the Community Panel pertaining to the community planning effort will be deemed public records and open for personal inspection by any person.
- 5.4. The Community Panel may establish sub-committees consisting of members of the Community Panel and/or other community members for the purpose of information gathering, information sharing, and the exploration of common concerns. The sub-committee meetings are required to be publicly noticed and recorded. The common concerns explored by the sub-committees must be presented to the full Community Panel at an informational sharing session during a properly noticed public meeting as outlined in section 5.2 above.

#### **Section 6. Minimum Community Plan Requirements.**

- 6.1. The Community Panel's suggested additions or revisions to the Lee Plan must be based on sufficient data and analysis to support the proposed amendments. Original data collection by the Community Panel to support the vision and unique character of a community is encouraged but not required.
- 6.2. Where data augmentation, updates, or special studies or surveys are deemed necessary by the Community Panel, appropriate methodologies must be clearly described or referenced and must meet professionally accepted standards for those methodologies.
- 6.3. The Community Panel's suggested additions or revisions to the Lee Plan must be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections must be those provided by the Planning Division, or can be generated by the Community Panel. If the local Community Panel chooses to base its community plan on its own projections, a detailed description of the rationale for this choice must be included in the Plan.
- 6.4. If a community plan includes suggested new Capital Expenditures or mandates County actions that will require additional or new public expenditure, the community plan must identify the funding source to achieve these expenditures.



- 6.5. County staff may make suggestions to the Community Panel regarding issues, upcoming projects, and other needs relevant to the community. The Community Panel is not obligated to incorporate those suggestions into the plan, but will recognize the suggestions as public input into the planning process.

**Section 7. Submittal Requirements:**

- 7.1. A completed Lee Plan Amendment Application form. ( applicable comprehensive plan amendment fees will not be required.)
- 7.2. All text and maps submitted with a community plan must be in a format and size that is easily reproduced.
- 7.3. All maps included in the community plan must include major natural and man-made geographic features, and city and county lines, when applicable, and must contain a legend indicating a north arrow, map scale, and date.
- 7.4. As part of any proposed Comprehensive Plan Amendment, the Community Panel must provide a written summary on the extent of citizen participation in the planning effort. At a minimum, the citizen participation report must include the following information:
- a. Details of methods the Community Panel used to notify and involve the public. The dates, location, and attendance of all meetings and workshops where citizens were invited to discuss the planning effort;
  - b. Copies of all published and posted notices for meetings. A copy of the letters used for mailings, as well as the dates the letters were mailed and numbers of intended recipients. Copies of newspaper articles and newsletters discussing the community planning efforts.
  - c. Copies of all Agency Minutes for all meetings and workshops;
  - d. Copies of notices, newsletters, or other written materials distributed during the community planning effort;
  - e. A tally of the number of people who participated in the process, and if possible, the names of those who attended meetings and workshops;
  - f. A summary of the issues and concerns expressed by the participants in the planning effort;
  - g. The substance of the issues and concerns;
  - h. A description of how the agency has addressed or intends to address the issues and concerns expressed during the planning effort;
  - i. A description of the issues and concerns the Community Panel does not intend to address and why;
  - j. Copies of correspondence, including e-mail and facsimile transmittals; and
  - k. The names and addresses of the members of the Community Panel and all consultants retained to assist the Community Panel, and their additional Form 1 and Form 2 disclosures

for the time periods through the date of submittal of the Community Panel's suggested additions or revisions to the Lee Plan.

**Section 8. Community Plan Amendment Review Process:**

- 8.1 Following submittal of suggested amendments to the Lee Plan, Planning Division staff will conduct a complete evaluation and analysis of the proposal.
- 8.2 Lee County will consider comprehensive plan amendments suggested in community plans as part of the regular yearly amendment process. Those amendments will be reviewed, evaluated and considered in the same manner as any other proposed Lee Plan amendment. This review will follow the procedures and public notification required by Florida Statutes section 163.3187 and Lee County Administrative Code 13-6: Annual Plan Amendment Procedure to the Lee Plan.
- 8.3 The Board of County Commissioners reserves the right to adopt, not adopt or modify any and all of the community plan's suggestions.

**Mudd, James P.**

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**From:** JOTis12529@aol.com

**Sent:** Thursday, February 01, 2007 9:17 AM

**To:** ACAMP@aol.com; AirLoans@aol.com; ajmrpm@earthlink.net; allenjkr@comcast.net; apaldrian@att.net; BabyAnnM@aol.com; barnacle4859@yahoo.com; barrycuda@comcast.net; Billslocum1@comcast.net; bjohnston@meltingpot.com; boatclub411@yahoo.com; bosshard@ridgerunner.com; Bracgarden@aol.com; bretzes@bellsouth.net; Brigitte@firstworldtravel.webmail.com; bud@northcaptive.com; c.bergin@verizon.net; cajcmc@earthlink.net; Cagle1942@aol.com; CAPTIVAGLF@EARTHLINK.NET; ccohen@umich.edu; chuck@backwaterbay.com; cindy@north-captive.com; coraogle@hotmail.com; cravenatnorthcaptive@earthlink.net; danielhrycyk@videotron.ca; dean.eisner@cox.com; deane\_richardson@fitch.com; debperk@cox.net; debskinner@comcast.net; dennis.powell@midwesternresearch.com; dennis@afsi.net; dfh1945@yahoo.com; Djd7707@aol.com; DKMayer@aol.com; Doctree@aol.com; Don@brooksandfreund.com; douglasshgd@earthlink.net; Drjwbmd@aol.com; DSHEPP@GILEAD.COM; DTOOTH22@aol.com; editar313@hotmail.com; elsje.reiss@mac.com; Equine1977@aol.com; eyeguy36@optonline.net; Familyirvin@comcast.net; forbrug@yahoo.com; Frenchdd1@aol.com; gary\_walker@att.net; gclark@garfieldclark.com; gene@foehllaw.com; Girls5dad1@aol.com; gjcowan@hotmail.com; glna416@aol.com; hagermanp@patmedia.net; Hatch@alaska.net; hewittjc@earthlink.net; Hietindals@adelphia.net; hilley2@bellsouth.net; hkulin@comcast.net; homes@northcaptive.net; HONDONCI@aol.com; Horst.eylerts@eds.com; HPHLP@aol.com; i45love@earthlink.net; info@schoonerbeachhouse.com; islander-realty@att.net; Islandhartjune@aol.com; ISLANDPILI@aol.com; Jacnbilbyrnes@aol.com; JaneM112@aol.com; JanePugh@tampabay.rr.com; JANINELADURE@aol.com; jays.mqc@att.net; jbalk@gsinet.net; JBeiermeis@aol.com; jberardo@swfla.jj.com; jeffconnery@comcast.net; jefuller@msn.com; jimbaier@jimbaier.com; jimlou1@earthlink.net; jimlou@earthlink.net; jj46@optonline.net; Mudd, James P.; Joanna@arcutus.nxi.com; JohnEd2@aol.com; JohnTaft@aol.com; JOTis12529@aol.com; jpchipman@comcast.net; JVNernon898@aol.com; KandDVR@aol.com; kanders@sccf.org; katiawalsh@hotmail.com; kaystieger@adelphia.net; KBSirabian@aol.com; kebcurry@msn.com; kpond@gwi.net; KRiley2232@aol.com; kroeck@opdinc.com; LARIMORELE@aol.com; Lawscout@aol.com; LBasch@aol.com; leftbank@charter.net; lesliem@thebeachcombers.net; linda@tapper.com; Lindbergfla@aol.com; lkhuber@wowway.com; llowe@adamsrobinson.com; louissilverstein@msn.com; LTDIORIO@aol.com; lynfeldman@msn.com; mariettaamit@bellsouth.net; martintrott@mac.com; MASails@aol.com; mbanyan@johnsoneng.com; MBEEBE@aol.com; mdsmrapp@alltel.net; mhry52@yahoo.com; MIMlotta@aol.com; mladner@rcn.com; mlm6@earthlink.net; mmhudec@comcast.net; MONTANADDS@aol.com; N777VK@aol.com; Nealfeltingoff@aol.com; northcaptive@webtv.net; office@bonaventura.at; Ogleck@email.uc.edu; paul.taylor@cox.net; pbertsche@cadevelopment.com; PELICANDO@aol.com; peter@omegasee.com; petergeisinger@web.de; pogoplace@yahoo.com; ralphcusick@msn.com; Rauprofit@aol.com; Redief@aol.com; repa1@t-online.de; res@smallandelegranhotels.com; rf Freitag@ifmggroupconsulting.com; rglewis@coconet.com; rhipkens@yahoo.com; ric.miller6@worldnet.att.net; richard.d.brusca@wachoviasec.com; rkdemarco@verizon.net; Rostum@aol.com; rpritt@ralaw.com; rrchristensen@comcast.net; rtaero@bellsouth.net; rustyandmarcia@msn.com; Ruthden@aol.com; sacousar@earthlink.net; sblevins@prodigy.net; seagator@hissam.com; seashore2@verizon.net; Serenitycove40@cs.com; Sevans0@aol.com; SHarborclu@aol.com; SHCLUBADMNSTRTN1@aol.com; sholt@hfrlaw.com; slc212@mac.com; slhorsley@msn.com; slkime@earthlink.net; SmallridgeJD@aol.com; snb2267@ewol.com; snooknook@earthlink.net; steve.ward@fiserv.com; Sticks3@aol.com; TAPDMD@aol.com; tdiehl@donet.com; Terryjm@comcast.net; thetindals@adelphia.net; tomp3kins@earthlink.net; UpperCapFD@aol.com; VEGABUNCH@aol.com; Vmanings@aol.com; vrbauman@comcast.net; wallschlaeger.2@osu.edu; wildeman@pipeline.com; will\_meek@mcgraw-hill.com; WStjohn128@aol.com; zekemcdonald@earthlink.net

**Subject:** UCCA January 28 Meeting

UPPER CAPTIVA CIVIC ASSOCIATION

Combined Board and General Meeting  
January 28, 2007

President Fran Deture called the meeting to order at 11:00 am.

Board members present: Kristie Anders, Fran Deture, Dean Eisner, Barbara Miklavcic, Maxine Otis, Ashlynn Sims, Carolyn Stephens, David Tompkins

Board members absent: Howard Kulin

Also present: Joann Beiermeister, A. Peter Aldrian, Rob Diefenbach, Ruth Diefenbach, Joanne & Darryl Damico, John & Marian Fuller, Ramon Torres, Bob & Sue Ann Cousar, Karen Wildeman, Jane Pugh, Ron Simmons, Jackie & Bill Byrnes, Gene & Ann Murphy, Carol Tarrier, Jim & Cora Ogle, Jim Mudd, Arthur Mason, Richard Craven, Margaret Banyan, Tomasin Shepp, Marcia Andrews, Louise McDonald

President Deture introduced new board members and officers.

He also announced the new board committees for 2007. \*

Secretary's Reports: Accepted with two date changes: December 9, not 16  
January 7, not 9

Treasurer's Report: The Treasurer's report was approved as presented. \*  
Fran Deture announced the new budget. \*

Committee Reports:

Membership: No formal report. Fran Deture and David Tompkins asked for input and help in an effort to increase membership, which is now about one-third of all the island homeowners. David passed out additional membership forms.

Community Planning: Richard Craven introduced Margaret Banyan, representing Johnson Engineering, and James Mudd, who is the principle planner for community planning for Lee County.

Margaret Banyan explained that a community plan is often part of a larger planning document, a comprehensive plan. Comprehensive plans are the community's vision of the future and the only planning document that considers multiple programs and activities on land located within the planning area. Ours will be part of the Lee County Comprehensive Plan.

Four sets of responsibilities rest with:

Citizen Planning Board: our Community Panel

Committee Chairperson: Richard Craven

Consultants: Johnson Engineering represented by Margaret Banyan

Citizens: The population of Upper Captiva Island

Ms. Banyan emphasized the huge importance of citizen input into the process. Our job is to be involved, to ask questions, come together, provide feedback, and help the process be fair, open, and honest. Plans with the most citizen input and feedback are the most successful.

She will send out a survey shortly to all islanders which will gather basic information and start the feedback process.

Responses to the survey will be possible via e-mail--the quickest way to gather information, but there will be opportunity for those who do not have e-mail to respond.

The final process is approval: September 28, 2007, the Community Plan has to go to the Lee County Commissioners.

The next meeting of the Community Panel will be February 17, at 11:30 am at the Firehouse, and another C.P. meeting will be March 17.

(A draft document of the agreement between UCCA and Johnson Engineering, plus a complete statement of the Planning Process for Upper Captiva can be reviewed in the files at the Firehouse.)

Jim Mudd then spoke about the specifics of getting the Community Plan through the Lee County system and all the way up to the State. There was much discussion as to what a Community Plan could and could not accomplish. Jim Mudd emphasized that we need to be careful to avoid unintended consequences. We can put specifics in the Land Development Code, but Lee County Code takes precedence over the LDC.

Both Margaret Banyan and Jim Mudd, again emphasized that everyone on the island realize that this Plan is important, and that all should provide feedback. And members of the Planning Panel as well as UCCA members in attendance underscored their emphasis.

The Planning Panel received applause in thanks for all their efforts.

#### Road Commission Report:

The Road commission received applause for their having greatly improved the major roads on the island. The fill and crowning process has made a notable difference in directing run-off appropriately and in keeping the roads smoother.

Peter Aldrian reported that volunteers are needed to replant the ex-fill area. Requested new money is coming in from islanders, and we will have a county road grader out here as well as new equipment that will be able to

smooth the side roads.

The State and County project to remove non-native trees in the state land has been trying to work out a tree-chipping plan that uses chips to help stabilize roads at the south end that are very sandy and can't be successfully graded by conventional means.

We will also get an influx of material to use when more canal work is done at the Spanish Gold & Sear area by the airport

New meeting dates were discussed. the only firm date set was APRIL 22  
The Fall meeting is likely to be on a late October Sunday.

#### OLD BUSINESS;

Signs: All the signs are now in place.

Canoe Launch: Zeke McDonald and Marcia Andrews are to talk with a County Zoning Commission person on February 1 to discuss the environmental impact of putting up a dock at our new access point. The original intent is that the dock allow access for fairly small personal craft only. And that it be for island use to launch and retrieve small craft--no parking.

#### Island Clean-Up:

Island clean-up will be February 10 and start at the Firehouse at 10 am. Between 12:30 and 1:00 pm volunteers may go to Barnacle Phil's for complementary black beans and rice.

Fuzzy will provide 2 dumpsters gratis. He will also provide a pallet for batteries, but there might be a charge for disposal fees.

Co-chair Barbara Miklavcic asked that volunteers try to fill the black bags; it is necessary to get off the lanes and into the foliage to pick up some garbage, so dress appropriately.

We should not pick up large household or construction items.

St Patrick's Day:

The benefit/party will be held Saturday, March 17 at Barnacle Phil's. Admission is \$25 for adults and \$10 for children under 12. Gate opens at 5:00; dinner service is from 5:30-8:00pm. The admission ticket includes a full dinner and non-alcoholic beverage, plus chance to win a door prize, plus band music.

One golf cart will be raffled. Raffle tickets are \$20 and 350 raffle tickets will go on sale March 1.

A silent auction of original art by island artists will be on display until 8 pm. At 8:15 purchasers will be announced, and art may be paid for and picked up. The band will be BROTHER LOVE. The Fire Department will Benefit money may go to defray Canoe Launch expenses.

again sell hats. Some

Gas-Powered Vehicle issue:

Fran Deture reported that the UCCA offer to match Safety Harbor dollar for dollar up to \$3500 had to be withdrawn, since SHC will not issue UCCA a "hold harmless" release from liability.

SHC began policing their grounds January 10, and there has been some reduction of non-permitted gas-powered vehicles within SHC. They are still a problem on the rest of the island.

Underage golf cart drivers; stolen golf cart problem:

Joanne Bieremeister suggested numbers on golf carts as a means to identify and report underage or otherwise dangerous drivers.

John Fuller suggested that some distinctive identification on each cart would be useful in locating and returning stolen golf carts.

It was decided that the UCCA Minutes reflect the following recommendation:

"In terms of enforcement of underage driving and to facilitate return of missing golf carts, we recommend that each owner put an identifying item on each golf cart."

NEW BUSINESS:

Insurance status:

Fran Deture reported that the UCCA is covered by general liability insurance from April '04 for 3 years.

We need to get errors and omissions coverage as well--immediately.

Rat Problems:

Gene Murphy reported on the rat problem at his home, a problem which many islanders have complained about the last 2-3 years.

Kristie Anders responded by explaining that because of disturbances due to a great deal of construction and reconstruction, and because the Brazilian Pepper trees have proliferated to choke out native species, the rats have found an ideal environment to flourish. Brazilian Peppers are an ideal habitat for the common black rat.

She suggested trimming vegetation around homes and other buildings, and getting rid of Brazilian Pepper on properties.

Kristie also explained that the cheapest rat poisons, in particular, are deadly to raptors and other animals. These poisons contain Heparin, which causes non-coagulation of blood and bleeding not only in rats, but in the creatures which might consume them.

Kristie also reported that the State Water Resources Management Board is holding a hearing to discuss DECLASSIFYING present designations of

State waters. This declassification would lead to deteriorating water quality in all State waters, due to less stringent laws and monitoring. She urged all islanders to write to their legislators.

The General UCCA meeting adjourned.

#### UCCA BOARD MEETING

Because there was board business to attend to following the general meeting, the UCA board held a brief meeting following the general meeting.

Insurance: Barbara Miklavcic moved that we apply for "Errors and Omissions" insurance immediately. Motion passed.

Since Ashlynn Sims declined the Treasurer's position, Fran Deture and David Tompkins agreed to share the position. A full-time island resident is needed in that office.

Booth at St. Pat's Day Benefit: Ashlynn suggested that the UCCA have a booth which sells attractive T-shirts with a UCCA logo on them. The booth would also sell UCCA memberships and phone books. David Tompkins and Sherman Cotrell will coordinate the T-shirt design. Ashlynn will take charge of setting up and running this booth.

Benefit money: The board discussed using some of the benefit returns to help fund the replanting in the road fill removal area of the State land.

Bulletin Board: Islanders should know that To sell, trade, or buy notices may be posted on the Island Bulletin Board.

Conflict of Interest? Kristie Anders reported that Jim Mudd will consult with the Lee County Attorney as to whether or not two members of the Planning Panel being on the UCCA board is a conflict of interest issue or not.

The meeting adjourned.  
Respectfully submitted,  
Maxine Otis, Secretary

NEXT UCCA MEETING DATE: April 22

interoffice  
MEMORANDUM

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**To:** Richard Craven - Chair  
Upper Captiva Community Panel  
P.O. Box 396  
Pineland, FL 33945

**From:** Jim Mudd, AICP, Principal Planner  
DCD/Planning

**Date:** February 6, 2007

**Subject:** Overview of Open Meetings and Public Records Law

Richard, I've enclosed copies of pamphlets that the County Attorney's Office put together to assist Advisory Board and Planning Panel members with Florida Sunshine Law requirements and public participation. If you or the other panel members have any questions please contact Assistant County Attorney Donna Marie Collins at 335-2236. I'll see you on February 17.



**Upper Captiva Community Planning Panel  
February 5, 2007  
Overview of Open Meetings and Public Records Law**

**Contents of Packet**

**Administrative Code 13-3**

**Florida open Meeting Law  
Florida Statutes, Section 286.011**

**Florida Public Records Law  
Florida Statutes, Section 119.011(1)**

**Financial and Client Disclosure Notes**

**Form 1**

**Form 2**

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-3
TITLE: Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC	ADOPTED: 6/26/01
	AMENDED: 6/28/05
	ORIGINATING DEPARTMENT: Department of Community Development

**Purpose/Scope:** To provide procedures and criteria for community planning effort and to establish the minimum acceptable criteria for community plans in order to be eligible for public financial support.

**Policy/Procedure:** The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions of how their community should develop. The intent of a community plan is to propose goals, objectives, and policies applicable to a specific area of the County that may ultimately be incorporated into the Lee Plan. Upon completion of a community planning effort the information gathered and the common concerns identified will be considered for a formal amendment to the Lee Plan.

The following procedures are established by the Board of County Commissioners to assure public confidence in the grass root planning effort when public funds are provided to encourage the development of community plans by the residents of a community:

**Section 1. Definitions:**

- 1.1. "Community Panel" means the collection of community residents who volunteer to act as the group responsible for coordinating and overseeing the community planning effort. The Community Panel is encouraged to represent a wide variety of the community, including citizens, local business people, landowners, developers, and civic leaders. The Community Panel initiating a community planning effort must be a legal entity, either already existing or established expressly for the purpose of conducting the planning effort. The Community Panel may also be a committee or subset of a legal entity. If the Community Panel receives public funds from the Board of County Commissioners, they will be responsible for the financial accountability of the public funds granted for use in the community planning effort. The Community Panel is not an advisory body to the Board of County Commissioners. Their planning product is a compilation of the common concerns of the community containing suggested amendments to the Lee Plan and/or the Land Development Code to address those concerns.
- 1.2. "Planning Funds" means a grant that will be used for certain expenditures incurred by the Community Panel in the preparation of and the submission of: (a) a community plan, (b) land development regulations to implement a community plan, or (c) update a previously adopted community plan.
- 1.3. "Seed Money" means an initial grant of public money, authorized by the Board of County Commissioners, to be used to: (a) initiate a community plan, (b) pursue the development of land development regulations to implement a community plan, or (c) update a community plan. Seed money will be disbursed only after the Community Panel has entered into a written grant agreement

with the County describing the scope of the community plan and the limitations on the use of the grant.

## **Section 2. Initiation of a Community Planning Effort:**

- 2.1. Residents wishing to serve as a Community Panel that is eligible to receive financial support from the County, must have at least one preliminary meeting with Planning Division staff to discuss the proposed community planning effort.
- 2.2. Following initial discussion with the Planning Division, the Community Panel must develop a written Community Planning Proposal that must contain, at a minimum:
  - a. The proposed name of the Community Panel including a list of the people who will act as the initial Community Panel, and information regarding its organization and composition, including, if applicable, a copy of its current budget and a list of its board of directors. (The membership of the Community Panel may be increased thereafter);
  - b. Copies of completed Form 1 "Statement of Financial Interests" for the previous year and, when applicable: Form 2 "Quarterly Client Disclosure" for the previous four quarters from those people wishing to act as the Community Panel and from any consultants that have been retained by the Community Panel to assist in the community planning effort;
  - c. A preliminary boundary description or a map of the area of the unincorporated County that the plan intends to cover;
  - d. An overview of the main issues that the planning effort intends to address and the expected resources needed to address the issues;
  - e. A preliminary timetable for the planning effort including target dates for project milestones such as completion of a visioning effort, completion of the data and analysis, workshops and public meetings, compilation of a draft study, and study completion date;
  - f. A description of the methods and procedures to be used to foster the maximum amount of public participation in the planning process;
  - g. A good faith estimate of the expected full cost of the planning effort;
  - h. A statement indicating the percentage of the projected costs that will be provided through the County funds; and,
  - i. A tangible demonstration that the planning effort will operated in a financially sound manner.
- 2.3. Planning staff will review and comment on the Community Planning Proposal to determine if it is sufficient for presentation to the Board of County Commissioners. Planning staff may require additional information, clarifications, or revisions to assure that the minimum requirements of this code have been met. Planning Staff will make a recommendation as to whether a Community Planning Proposal is sufficient to proceed before the Board of County Commissioners.

### **Section 3. Obtaining Seed Money and Planning Funding:**

- 3.1 Once a Community Planning Proposal is determined by Planning staff to be sufficient, staff will initiate a blue sheet to bring the proposal, which includes a proposed grant agreement requesting the use of public funds, to a Public Hearing at a regularly scheduled Board of County Commissioner meeting. The grant agreement will set forth the terms and conditions that must be fulfilled prior to obtaining the Planning Funds and the seed money, if included in the request.
- 3.2. At the Public Hearing the Board of County Commissioners will solicit input from members of the community and the public in general.
- 3.3 Following public comment, the Board of County Commissioners will consider by motion whether to enter into the contract with the Community Panel.

### **Section 4. Seed Money, Planning Funds and Additional Grant Funding Assistance:**

- 4.1. The Board of County Commissioners may initially authorize a grant of up to \$5,000 ("seed money"), to facilitate a community planning effort. No money will be disbursed by the Board until the required grant agreement is approved. The "seed money" will be disbursed pursuant to the written grant agreement between the County and the Community Panel. All disbursements of "seed money" will be deducted from the maximum amount of funds for which the Community Panel may be eligible.
- 4.2. Subsequent disbursements of public money for Planning Funds will be available in accordance with the terms and conditions of the grant agreement. The County grant will be based on the size and scope of the planning effort and the Community Panel's ability to complete the effort.
- 4.3 Each Community Panel may be eligible to receive a grant of up to \$50,000 for the development of a community plan and up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan. The maximum amount of funds disbursed for each phase of the planning effort may not exceed \$50,000.
- 4.4. Community Panels may update community plans and the land development regulations necessary to implement the plan after five years. The County may authorize a grant of up to \$50,000 to defray the cost of the update.
- 4.5. All grants of public funds must be used solely for the creation of, or update to, the community plan and the preparation of land development regulations necessary to implement the plan. Acceptable uses of these public funds will include: payment of professional consulting services; advertising of public meetings/workshops; and copying of draft and final documents. Public funds may not be used for the rental of office space, purchase of supplies such as computers and software, or phone service. Before receiving any funds, the Community Panel must document how the funds will be utilized to the Lee County Department of Community Development, Planning Division.
- 4.6. The County will have unrestricted access to all records of the Community Panel pertaining to the community planning effort. The County may conduct audits of the financial records of the Community Panel. Before disbursing a grant of Planning Funds, the County must independently ensure that the proposed expenditure is in accordance with the regulatory requirements set forth in this Code and may enlist the Clerk of the Courts to perform an audit of the Community Panel. The head of the Community Panel must attest that the entity has complied with the provisions of the grant agreement and this Code.

- 4.7. County Planning Staff will assist the Community Panel in identifying additional funding sources to support the community planning efforts such as state or philanthropic grants.

#### **Section 5. Public Participation:**

- 5.1. The Community Planning effort is subject to the Florida laws on Open Government. Therefore, there must be an adequate opportunity for public participation in the community planning effort, the Community Panel must encourage and allow the participation of residents, property owners, the school district, and other interested parties. In order to effectuate this purpose, reasonable notice of all meetings pertaining to the community planning effort must be provided to the public. All meetings of the Community Panel must be open to the public.
- 5.2. Proper notification of meetings of the full Community Panel will include the posting of the meeting date and time in several public places including, but not limited to local libraries, post offices, banks, supermarkets, chambers of commerce, civic associations, and community recreation areas. In addition, these public meetings must be noticed in a local paper that is published daily or weekly. All posted and published notices must provide the date, time, and location of the public meeting. In lieu of a display advertisement, the notice could take the form of an article in a similar publication that provides the date, time, and location of the public meeting.
- 5.3. The Community Panel must maintain both recorded and written minutes of all of its full meetings. All records of the Community Panel pertaining to the community planning effort will be deemed public records and open for personal inspection by any person.
- 5.4. The Community Panel may establish sub-committees consisting of members of the Community Panel and/or other community members for the purpose of information gathering, information sharing, and the exploration of common concerns. The sub-committee meetings are required to be publicly noticed and recorded. The common concerns explored by the sub-committees must be presented to the full Community Panel at an informational sharing session during a properly noticed public meeting as outlined in section 5.2 above.

#### **Section 6. Minimum Community Plan Requirements.**

- 6.1. The Community Panel's suggested additions or revisions to the Lee Plan must be based on sufficient data and analysis to support the proposed amendments. Original data collection by the Community Panel to support the vision and unique character of a community is encouraged but not required.
- 6.2. Where data augmentation, updates, or special studies or surveys are deemed necessary by the Community Panel, appropriate methodologies must be clearly described or referenced and must meet professionally accepted standards for those methodologies.
- 6.3. The Community Panel's suggested additions or revisions to the Lee Plan must be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections must be those provided by the Planning Division, or can be generated by the Community Panel. If the local Community Panel chooses to base its community plan on its own projections, a detailed description of the rationale for this choice must be included in the Plan.
- 6.4. If a community plan includes suggested new Capital Expenditures or mandates County actions that will require additional or new public expenditure, the community plan must identify the funding source to achieve these expenditures.

- 6.5. County staff may make suggestions to the Community Panel regarding issues, upcoming projects, and other needs relevant to the community. The Community Panel is not obligated to incorporate those suggestions into the plan, but will recognize the suggestions as public input into the planning process.

**Section 7. Submittal Requirements:**

- 7.1. A completed Lee Plan Amendment Application form. ( applicable comprehensive plan amendment fees will not be required.)
- 7.2. All text and maps submitted with a community plan must be in a format and size that is easily reproduced.
- 7.3. All maps included in the community plan must include major natural and man-made geographic features, and city and county lines, when applicable, and must contain a legend indicating a north arrow, map scale, and date.
- 7.4. As part of any proposed Comprehensive Plan Amendment, the Community Panel must provide a written summary on the extent of citizen participation in the planning effort. At a minimum, the citizen participation report must include the following information:
- a. Details of methods the Community Panel used to notify and involve the public. The dates, location, and attendance of all meetings and workshops where citizens were invited to discuss the planning effort;
  - b. Copies of all published and posted notices for meetings. A copy of the letters used for mailings, as well as the dates the letters were mailed and numbers of intended recipients. Copies of newspaper articles and newsletters discussing the community planning efforts.
  - c. Copies of all Agency Minutes for all meetings and workshops;
  - d. Copies of notices, newsletters, or other written materials distributed during the community planning effort;
  - e. A tally of the number of people who participated in the process, and if possible, the names of those who attended meetings and workshops;
  - f. A summary of the issues and concerns expressed by the participants in the planning effort;
  - g. The substance of the issues and concerns;
  - h. A description of how the agency has addressed or intends to address the issues and concerns expressed during the planning effort;
  - i. A description of the issues and concerns the Community Panel does not intend to address and why;
  - j. Copies of correspondence, including e-mail and facsimile transmittals; and
  - k. The names and addresses of the members of the Community Panel and all consultants retained to assist the Community Panel, and their additional Form 1 and Form 2 disclosures

for the time periods through the date of submittal of the Community Panel's suggested additions or revisions to the Lee Plan.

**Section 8. Community Plan Amendment Review Process:**

- 8.1 Following submittal of suggested amendments to the Lee Plan, Planning Division staff will conduct a complete evaluation and analysis of the proposal.
- 8.2 Lee County will consider comprehensive plan amendments suggested in community plans as part of the regular yearly amendment process. Those amendments will be reviewed, evaluated and considered in the same manner as any other proposed Lee Plan amendment. This review will follow the procedures and public notification required by Florida Statutes section 163.3187 and Lee County Administrative Code 13-6: Annual Plan Amendment Procedure to the Lee Plan.
- 8.3 The Board of County Commissioners reserves the right to adopt, not adopt or modify any and all of the community plan's suggestions.

**FLORIDA OPEN MEETING LAW**  
**FLORIDA STATUTES, SECTION 286.011**

Provides for the public's right of access to governmental proceeding and the decision-making process.

**BASIC REQUIREMENTS:**

- (1) Meetings of public boards or committees must be open to the public;
  - (2) Reasonable notice of such meetings must be given; and
  - (3) Minutes of the meetings must be taken.
- Law is equally applicable to elected and appointed boards. Can apply to certain committee meetings of staff.
  - Applies to any gathering of two or more members of the same board to discuss some matter which will foreseeable come before that board for action.

Question: Does it relate to board business? If so, there is a real probability that the matter will come up or if already decided, may come back before the board in some fashion. Point: Do not discuss board business outside the properly noticed and scheduled board meeting.

- Applies to the entire decision-making process. It is the how and why officials decided to act, not merely the final decision. Thus, the law applies to discussions between two board members on Board issues whether the discussions are formal, informal, or preliminary in nature. In addition, it does not matter what communication method is used - telephone, electronic, mail, etc.
- Board members cannot discuss Board business and/or reach a final decision by the use of secret ballots (they are open to review), codes, and/or the use of liaisons.
- Written correspondence between members. One member's position or information written notice to other members is generally o.k., however, there must not be any interaction among the members on the correspondence. The correspondence must not be used as a vehicle for a response or interaction from the other board members or used as a substitute for open meeting actions. If written correspondence is circulated among board members for comment with such written comments and/or responses being provided to the other board members, there is an interaction that must first meet the requirements of the open meeting law. Even though the correspondence itself is subject to disclosure under the Florida Public Records Law, the interactive written communication can be held violative of the open decision-making process. Due to the unintended consequence of other members providing responsive writings, the use of written



correspondence by one member to other members outside the public meeting is discouraged.

- Subcommittees: Subcommittee meetings are normally held to the same standard as the committee meetings. There is a limited exception for strictly fact-finding, however, if the subcommittee is making recommendations and/or taking other actions, they should comply with the open meeting requirements.
  
- Single Individual: Ordinarily the law does not apply to an individual member of the public board. Certain factual circumstances, however, have arisen where in order to assure public access to the decision-making process, the Courts have concluded that the presence of two members of the same board is not necessary to trigger the open meeting law requirements, i.e.:
  - (A) The individual has been delegated de facto authority on behalf of the board to take actions and/or make decisions on its behalf. The individual functions as the board's alter ego. The open meeting law does not allow the board to circumvent the open process by having one member make decisions for them outside the public meeting.
  
  - (B) If the member has been authorized only to gather information or function as a fact-finder with all such matters being related back for board consideration at the open meeting, the law does not normally apply. Individual members, committees and/or subcommittees delegated fact-finding and reporting activities can be an exception to the law. If used, caution dictates how such exception is first established, the authority given, and the need for full disclosure and discussion at the subsequent open meeting.
  
- Staff: Meetings of staff employees are not ordinarily subject to the Open Meeting Law. Some exceptions may be where there is:
  - (A) A delegated decision-making function outside the ambit of the normal staff function; or
  
  - (B) An acting as a liaison between board members; or
  
  - (C) An acting in place of board members at the board member's direction.

There are reported cases wherein the Courts have held that a staff member has ceased to function in his or her staff capacity when appointed to a specific committee or group that has been delegated authority to make material recommendations and/or take substantial acts that could affect certain rights and interests. In general, the Courts look at the nature of the act performed, not the make-up of the committee or the proximity of the act to the final decision. General Examples Noted: Certain appointed Budget, Grievance and Bid Selection Committees. In creating a staff committee it is important to review how and why members are selected, committee function in relation to job of members and intended results.

## MEETING REQUIREMENTS:

- (1) Meeting Place: open to public, access available, opportunity for public participation, out-of-town meetings discouraged.
- (2) Reasonable Notice: Time and manner. Factual circumstances dictate what is "reasonable". Always better to provide as much notice as possible.
- (3) Minutes: Promptly recorded and written. Can be a written summary or synopsis. Can use a tape, but need written minutes. If tape used, it is retained as a public record. Minutes retained and open for public inspection as a public record.

## PENALTIES:

### Individual:

- (A) A knowing violation - 2<sup>nd</sup> degree criminal misdemeanor.  
60 days/\$500.00  
State Attorney's Office
- (B) Suspension and removal from official duties.
- (C) Non-criminal infraction - fine not to exceed \$500.00.  
State Attorney's Office
- (D) Attorney fees - if civil action.

### Government Body:

- (A) Civil action for injunctive or declaratory relief.
- (B) Acts of body may be held void.
- (C) Attorney fees.

## PUBLIC RECORDS Florida Statutes Chapter 119

All documents and materials made or received by the County and its Advisory Boards in connection with official business which are used to perpetuate, communicate or formalize knowledge are considered Public Records.

All such materials, regardless of whether they are in final form, are open for public inspection and copying unless the Legislature has specifically exempted them from disclosure.

The term "Public Record" is not limited to traditional written documents. Can include such materials as tapes, photographs, sound recordings, e-mail, film, etc.

If the purpose of the document and/or material prepared in connection with the official business is to perpetuate, communicate or formalize knowledge it is a public record regardless of whether it is in final form or the ultimate product of the Board. Thus, however prepared, if any such document is circulated for review, comment or information it is a public record, even if marked or intended to be a "preliminary" or "draft" document.

It is only those uncirculated materials which are merely preliminary or precursors to future documents and which are not in and of themselves intended to serve as final evidence of the knowledge to be recorded which are outside the scope of the law.

Examples: Preliminary notes to be used in preparing a public record, uncirculated rough drafts not intended for filing or final evidence of knowledge.

### THE PUBLIC HAS THE RIGHT TO INSPECT AND COPY PUBLIC RECORDS:

#### Inspection and Copying Points:

- Custodian must keep records secure and readily available.
- Custodian must allow the record to be inspected and examined by any person desiring to do so, at any reasonable time.
- Inspection can be done under reasonable conditions, but custodian may not impose a condition of inspection which operates to restrict the right of access. The custodian's role is to see that the record is reasonably protected from alteration or destruction, but not to frustrate the inspection.
- No special or legitimate interest need be shown.
- Custodian cannot refuse because request is "over broad".

- Request need not be in writing or contain any special information.
- Custodian not required to answer questions, create or reformat its records in a particular form.
- Custodian must allow inspection and copying within limited reasonable time. Custodian can retrieve the record, review for exemption, and delete any portion claimed exempt. No automatic delay permissible.
- If a record is exempt from inspection pursuant to law, the basis for the refusal to release must be provided. If only a portion of the records is exempt, that portion only can be deleted, but the remaining record must be provided for examination.
- All exemptions of a public record or portions of a public record must be specifically authorized by law. Exemptions are strictly construed in favor of open records.
- The custodian can charge the fees as authorized by Florida Statute for copies of Public Records.
- Public records are maintained, stored and then destroyed pursuant to the rules of the State of Florida.

PENALTIES:

Individual:

- (A) Willful and knowing violation - 1<sup>st</sup> Degree Criminal Misdemeanor.  
One (1) year/\$1,000.00  
State Attorney's Office
- (B) Non-criminal infraction - Fine not to exceed \$500.00.  
State Attorney's Office

Government Body:

- (A) Injunctive/Declaratory Civil Action - reasonable costs and attorney fees imposed.

## FINANCIAL AND CLIENT DISCLOSURE

### I. Financial Disclosure - Form 1

- A. Read all the instructions first.
- B. Disclosure of sources - not amounts.
- C. File within 30 days of appointment - annually thereafter.
- D. File within 60 days after leaving office, unless you assume another position that also requires filing.
- E. File with Supervisor of Elections.
- F. Only file one form - not one for every board or committee.
- G. Prepare a list of your assets and liabilities - balance sheet/financial statement.
- H. Income - Personal
  - 1. Sources - not amounts.
  - 2. More than 5% of gross income.
- I. Income - From Business Owned
  - 1. More than 5% of total assets or stock, and
  - 2. More than 10% of your gross income, and
  - 3. More than \$1,500.
  - 4. Source of income to the business that exceeded 10% of the business entity's gross income - not amounts.
- J. Real Property
  - 1. In Florida.
  - 2. Not residences or vacation homes.
  - 3. You own more than 5% of value.
  - 4. Location/Description - not value.
- K. Intangible Personal Property
  - 1. Worth more than 10% of total assets.
  - 2. Type and source - not amounts ("stock - IBM" or "CD - First Union").
- L. Liabilities Greater Than Net Worth
  - 1. Creditors - not amounts.
  - 2. Do not list: credit cards, retail installment accounts, taxes owed, life insurance, contingent liabilities, accrued income taxes on net unrealized appreciation.

- M. Interests In Specified Businesses
  - 1. Ownership or position held.
  - 2. Only the listed businesses.
  - 3. More than 5% of total assets or stock.
  - 4. Name, address, type of business, nature of interest, position.
  
- N. Penalties
  - 1. New - 112.3145(6)(c) - \$25.00 per day, maximum of \$1,500.00.
  - 2. Existing - 112.317
    - a. Impeachment.
    - b. Removal from office.
    - c. Suspension from office.
    - d. Public censure and reprimand.
    - e. Forfeiture of no more than one-third salary per month for no more than 12 months.
    - f. A civil penalty not to exceed \$10,000.00.
    - g. Restitution of any pecuniary benefits received because of the violation committed.
  
- O. Page 6 - Other Forms You May Need to File.

II. Client Disclosure - Form 2

- A. Representation of a client at the same level of government.
- B. File quarterly if any representation during that quarter.
- C. Names of Clients and agencies before which they were represented.
- D. You or any partner or associate of your firm.
- E. File with Supervisor of Elections.
- F. Penalties - 112.317
  - 1. Impeachment.
  - 2. Removal from office.
  - 3. Suspension from office.
  - 4. Public censure and reprimand.
  - 5. Forfeiture of no more than one-third salary per month for no more than 12 months.
  - 6. A civil penalty not to exceed \$10,000.00.
  - 7. Restitution of any pecuniary benefits received because of the violation committed.

III. Interest in Competitive Bid for Public Business - Form 3A

- A. Used when claiming "sealed bid" exemption for otherwise prohibited business

Please print or type your name, mailing address, agency name, and position below:

**FINANCIAL INTERESTS**

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF  CANDIDATE OR  NEW EMPLOYEE OR APPOINTEE

PDF 2006

**\*\*BOTH PARTS OF THIS SECTION MUST BE COMPLETED\*\***

**DISCLOSURE PERIOD:**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (check one):

DECEMBER 31, 2006 OR  SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: \_\_\_\_\_

**MANNER OF CALCULATING REPORTABLE INTERESTS:**

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR  DOLLAR VALUE THRESHOLDS

**PART A -- PRIMARY SOURCES OF INCOME** [Major sources of income to the reporting person]

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

**PART B -- SECONDARY SOURCES OF INCOME** [Major customers, clients, and other sources of income to businesses owned by the reporting person]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART C -- REAL PROPERTY** [Land, buildings owned by the reporting person]


**FILING INSTRUCTIONS** for when and where to file this form are located at the bottom of page 2.

**INSTRUCTIONS** on who must file this form and how to fill it out begin on page 3.

**OTHER FORMS** you may need to file are described on page 6.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc.]	
TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts]	
NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses]			
	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

### FILING INSTRUCTIONS:

**WHAT TO FILE:**

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

Facsimiles will not be accepted.

**NOTE:**

**MULTIPLE FILING UNNECESSARY:**

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

**WHERE TO FILE:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

*Local officers/employees* file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

*State officers or specified state employees* file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

*Candidates* file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

**WHEN TO FILE:**

*Initially*, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

*Candidates* for publicly-elected local office must file at the same time they file their qualifying papers.

*Thereafter*, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

*Finally*, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment.



# INSTRUCTIONS FOR COMPLETING FORM 1 STATEMENT OF FINANCIAL INTERESTS

## WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

### **STATE OFFICERS** include the following positions for state officials:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of sole advisory bodies; but including judicial nominating commission members; Directors of the Florida Black Business Investment Board, Enterprise Florida, Scripps Florida Funding Corporation, Workforce Florida, and Space Florida; Members of the Florida Commission on Tourism, Florida Substance Abuse and Mental Health Corporation, and the Council on the Social Status of Black Men and Boys; and Governors and senior managers of Citizens Property Insurance Corporation.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

### **LOCAL OFFICERS/EMPLOYEES** include the following positions for officers and employees of local government:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; an expressway authority or transportation authority established by general law; members of the Tampa Bay Commuter Rail Authority; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a board of adjustment; a planning or zoning board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: Mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$15,000 for the local governmental unit.

### **SPECIFIED STATE EMPLOYEES** include the following positions for state employees:

1) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

5) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

## INSTRUCTIONS FOR COMPLETING FORM 1:

### **INTRODUCTORY INFORMATION** (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**NAME OF AGENCY:** This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."


**OFFICE OR POSITION HELD OR SOUGHT:** Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief." If you are a candidate for office or are a new employee or appointee, check the appropriate box.

**MAILING ADDRESS:** If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality**. Persons

listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

**DISCLOSURE PERIOD:** The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2006; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

**MANNER OF CALCULATING REPORTABLE INTERESTS:** As noted in this portion of the form, the Legislature has given filers the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4) 

## PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

exceeded five percent (5%) of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, or

exceeded \$2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if you are reporting based on percentage thresholds and if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the 5% threshold.

"Gross income" means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, social security, distributive share of partnership gross income, and alimony, but not child support.

### Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, \$2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, \$2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, \$2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, \$2,500), rather than aggregating all of your investment income.

— If more than 5% of your gross income (or, alternatively, \$2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

## PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will **not** have anything to report **unless** :

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity; **and**

(3) You received more than \$1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

### Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income (an amount that was more than \$1,500) (or, alternatively, more than \$5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

— You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.


## PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property's value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently-assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or 40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

(CONTINUED on page 5) 

Examples:

— You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but are not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).

— If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

## PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than:

- (1) ten percent (10%) of your total assets (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:

— You own 50% of the stock of a small corporation that is worth \$100,000, according to generally accepted methods of valuing small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

— When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is \$100,000. You also have a certificate of deposit from a bank worth \$75,000 and an investment portfolio worth \$300,000, consisting of \$100,000 of IBM bonds and a variety of other investments worth between \$5,000 and \$50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is \$225,000. Since your total assets are worth \$700,000, you must list each intangible worth more than \$70,000. Therefore, you would list "promissory note" and the name of your former partnership, "certificate of deposit" and the name of the bank, "bonds" and "IBM," but none of the rest of your investments.

## PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, Fla. Stat.]

In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted at any time during the disclosure period in an amount which exceeded:

- (1) your net worth (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth. You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability; if you are using the \$10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds \$10,000, such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exception: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:


— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

— You and your 50% business partner have a \$100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$25,000, and you owe \$5,000 on a credit card. Your total assets will be \$50,000 (half of a business worth \$50,000 plus \$25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$45,000. Since your 50% share of the \$100,000 business loan exceeds this net worth figure, you must list the bank.

## PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this disclosure are **only**: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

(CONTINUED on page 6) 

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the

disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions.)

## PENALTIES

*A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]*

*Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Section 112.3145, F.S.].*

## OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

**Form 1F — Final Statement of Financial Interests:** Required of *local officers, state officers, and specified state employees* within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

**Form 1X — Amended Statement of Financial Interests:** To be used by *local officers, state officers, and specified state employees* to correct mistakes on previously filed Form 1's. [Sec. 112.3145(9), Fla. Stat.]

**Form 2 — Quarterly Client Disclosure:** Required of *local officers, state officers, and specified state employees* to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

**Form 3A — Statement of Interest in Competitive Bid for Public Business:** Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

**Form 4A — Disclosure of Business Transaction, Relationship, or Interest:** Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

**Form 8A — Memorandum of Voting Conflict for State Officers:** Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special

private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers:** Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 9 — Quarterly Gift Disclosure:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

**Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

## AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864); and at the Commission's web site: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864).

# INSTRUCTIONS FOR COMPLETING FORM 1 STATEMENT OF FINANCIAL INTERESTS

## WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

**STATE OFFICERS** include the following positions for state officials:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of sole advisory bodies; but including judicial nominating commission members; Directors of the Florida Black Business Investment Board, Enterprise Florida, Scripps Florida Funding Corporation, Workforce Florida, and Space Florida; Members of the Florida Commission on Tourism, Florida Substance Abuse and Mental Health Corporation, and the Council on the Social Status of Black Men and Boys; and Governors and senior managers of Citizens Property Insurance Corporation.
- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

**LOCAL OFFICERS/EMPLOYEES** include the following positions for officers and employees of local government:

- 1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; an expressway authority or transportation authority established by general law; members of the Tampa Bay Commuter Rail Authority; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a board of adjustment; a planning or zoning board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.
- 3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

- 4) Persons holding any of these positions in local government: Mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$15,000 for the local governmental unit.

**SPECIFIED STATE EMPLOYEES** include the following positions for state employees:

- 1) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
- 2) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
- 3) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
- 4) Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
- 5) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
- 6) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.
- 7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

## INSTRUCTIONS FOR COMPLETING FORM 1:

### INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**NAME OF AGENCY:** This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."


**OFFICE OR POSITION HELD OR SOUGHT:** Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief." If you are a candidate for office or are a new employee or appointee, check the appropriate box.

**MAILING ADDRESS:** If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality**. Persons

listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

**DISCLOSURE PERIOD:** The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2006; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

**MANNER OF CALCULATING REPORTABLE INTERESTS:** As noted in this portion of the form, the Legislature has given filers the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4) 

## PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

exceeded five percent (5%) of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, or

exceeded \$2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if you are reporting based on percentage thresholds and if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the 5% threshold.

"Gross income" means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, social security, distributive share of partnership gross income, and alimony, but not child support.

Examples:

- If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, \$2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, \$2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, \$2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, \$2,500), rather than aggregating all of your investment income.
- If more than 5% of your gross income (or, alternatively, \$2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution. (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

## PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will **not** have anything to report **unless** :

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity; **and**

(3) You received more than \$1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income (an amount that was more than \$1,500) (or, alternatively, more than \$5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.
- You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.


## PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property's value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or 40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

(CONTINUED on page 5) 



Examples:

— You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but are not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).

— If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

## PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than:

(1) ten percent (10%) of your total assets (if you are using percentage thresholds), or

(2) \$10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:

— You own 50% of the stock of a small corporation that is worth \$100,000, according to generally accepted methods of valuing small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

— When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is \$100,000. You also have a certificate of deposit from a bank worth \$75,000 and an investment portfolio worth \$300,000, consisting of \$100,000 of IBM bonds and a variety of other investments worth between \$5,000 and \$50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is \$225,000. Since your total assets are worth \$700,000, you must list each intangible worth more than \$70,000. Therefore, you would list "promissory note" and the name of your former partnership, "certificate of deposit" and the name of the bank, "bonds" and "IBM," but none of the rest of your investments.

## PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, Fla. Stat.]

In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted at any time during the disclosure period in an amount which exceeded:

- (1) your net worth (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth. You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability; if you are using the \$10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds \$10,000, such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exception: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:


— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

— You and your 50% business partner have a \$100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$25,000, and you owe \$5,000 on a credit card. Your total assets will be \$50,000 (half of a business worth \$50,000 plus \$25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$45,000. Since your 50% share of the \$100,000 business loan exceeds this net worth figure, you must list the bank.

## PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this disclosure are **only**: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

(CONTINUED on page 6) 

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the

disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions.)

## PENALTIES

*A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]*

*Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Section 112.3145, F.S.].*

## OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

**Form 1F — Final Statement of Financial Interests:** Required of *local officers, state officers, and specified state employees* within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

**Form 1X — Amended Statement of Financial Interests:** To be used by *local officers, state officers, and specified state employees* to correct mistakes on previously filed Form 1's. [Sec. 112.3145(9), Fla. Stat.]

**Form 2 — Quarterly Client Disclosure:** Required of *local officers, state officers, and specified state employees* to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

**Form 3A — Statement of Interest in Competitive Bid for Public Business:** Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

**Form 4A — Disclosure of Business Transaction, Relationship, or Interest:** Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

**Form 8A — Memorandum of Voting Conflict for State Officers:** Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special

private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers:** Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 9 — Quarterly Gift Disclosure:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

**Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

## AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864); and at the Commission's web site: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864).



# FORM 2 QUARTERLY CLIENT DISCLOSURE

LAST NAME—FIRST NAME—MIDDLE NAME			NAME OF AGENCY		
MAILING ADDRESS			OFFICE HELD		
CITY		ZIP	<input type="checkbox"/> ELECTED CONSTITUTIONAL OFFICER <input type="checkbox"/> STATE OFFICER <input type="checkbox"/> LOCAL OFFICER		
FOR QUARTER ENDING (Check One) <input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER			YEAR		POSITION HELD
			<input type="checkbox"/> SPECIFIED STATE EMPLOYEE		

## DISCLOSURE OF CLIENTS REPRESENTED BEFORE AGENCIES [Required by Fla. Stat. § 112.3145(4)]

[NOTE: Under Art. II, §8(e), Fla. Const., and §112.313(9), Fla. Stat., members of the Legislature are prohibited from personally representing another person or entity for compensation before State agencies (other than judicial tribunals). However, members of the Legislature are required to list below any such appearances before State agencies made by any partner or associate of a professional firm of which the legislator is a member. Also, public officers and their firms are prohibited by §112.313(7), Fla. Stat., from representing clients before boards on which they serve. Note also that local government attorneys and their firms are prohibited by §112.313(16), Fla. Stat., from representing private clients before the local governments they serve.]

### 1. If you are a state officer, elected constitutional officer of state government, or specified employee—

Please list below the names of all clients who were represented for a fee or commission during the previous calendar quarter before any agency at the state level of government either by you or by any partner or associate of a professional firm of which you are a member and of which representation you have actual knowledge. Also list the name of the agencies before which such clients were represented.

### 2. If you are a local officer or elected constitutional officer of local government—

Please list below the names of all clients who were represented for a fee or commission during the previous calendar quarter before any agency within the political subdivision you serve either by you or by any partner or associate of a professional firm of which you are a member and of which representation you have actual knowledge. Also list the names of the agencies before which such clients were represented.

**NOTE:** "Representation" includes actual physical attendance on behalf of a client in an agency proceeding, letters written or documents filed on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client. "Representation" DOES NOT include appearances before any court, or Chief Judges of Compensation Claims or judges of compensation claims, representations on behalf of your agency in your official capacity, the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency, or a license or operation permit to engage in a profession, business or occupation, so long as the issuance or granting of such license, permit, or transfer, a variance, a special consideration, or a certificate of public convenience and necessity does not require substantial discretion. You are NOT required to disclose appearances in ministerial matters, i.e., where the person before whom you represent a client takes action in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgement or discretion as to the proprietary of the action taken. For example, filing a document with a Circuit Court Clerk is a ministerial matter since it requires no discretionary action by the Clerk.

NAME OF CLIENTS	NAME OF AGENCIES	CHECK IF REPRESENTED BY YOU
<input type="checkbox"/> CHECK IF CONTINUED ON SEPARATE SHEET		Signature

**NOTICE:** UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

### FILING INSTRUCTIONS

**Local officers:** This form, when completed and signed, should be filed with the Supervisor of Elections of the county in which you are principally employed or a resident.  
**State officers, elected constitutional officers, or specified state employees:** Please file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709.  
 It is due not later than the last day of the calendar quarter following the calendar quarter during which the representation was made. (Example: If a representation was made in March, the form disclosing it should be filed by June 30.) **This form need not be filed if no reportable representations were made during the quarter.**

**Mudd, James P.**

---

**From:** Mudd, James P.  
**Sent:** Thursday, August 02, 2007 3:16 PM  
**To:** Campbell, George G.; Collins, Donna Marie; Daltry, Wayne; Eckenrode, Pete; Hansen, Chris; Horner, Bill; Houck, Pam; Jones, Timothy; Lavender, James; Lis, Carol A.; Loveland, David; Myers, Steve; Newman, William; Ottolini, Roland; Pavese, Michael; Richardson, Nettie; Roberts, Rick; Sampson, Lindsey; Smith, Regina Y.; Sweigert, Rebecca H.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John; Zettel, Mary  
**Subject:** Upper Captiva and Buckingham proposed policies  
**Attachments:** Upper Captiva Lee Plan policies.doc; Buckingham Lee Plan policies.doc

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those polices by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

James Mudd, AICP  
Principal Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901-5500  
P.O. Box 398  
Fort Myers, FL 33902-0398

Phone: (239) 533-8180  
Fax: (239) 485-8319

**MEMORANDUM**  
FROM THE  
**OFFICE OF COUNTY ATTORNEY**

DATE: August 7, 2007

To: Jim Mudd, Principal Planner  
Planning Division

FROM:

  
Donna Marie Collins  
Assistant County Attorney

RE: **Upper Captiva Community Plan**  
**Draft dated July 7, 2007**  
**LU-05-11-2090**

Thank you for the opportunity to review of contents of the proposed Upper Captiva Community Plan. The scope of my review of the proposed plan was limited to the following three areas: 1) Legal; 2) Financial; and, 3) Internal Consistency within the Community Plan.

My observations and recommendations are set forth below:

1. Policy XX.1.1.

This policy requires at least one "duly noticed public informational meeting" on North Captiva for every requested rezoning, variance, or special exception. It is not clear what level of notice would be sufficient in the context of this policy. Must the notice be advertised in a newspaper? Would posting a notice of the meeting at the library or post office qualify as adequate notice? Does the panel envision mailed notice of the informational meeting to residents that may be affected by the proposal?

2. Policy XX.1.4.

The inclusion of the term "land use" in this policy is confusing. If the term "land use" refers to the "use" of the building, is it the intent of the drafters to vest non-conforming uses rather than to allow the LDC procedures governing non-conforming uses to prevail?

3. Policy XX.2.2.

This proposed policy requires the County to conduct a feasibility study and develop a maintenance plan for the Island pathway system. The development of a feasibility study and maintenance plan raises issues as to the funding source for this endeavor.

**FILE COPY**

Re: Upper Captiva Community Plan  
Draft dated July 7, 2007

4. Policy XX.2.3.

This proposed policy requires the County to provide enforcement for the ban on internal combustion powered vehicles on the roadways of North Captiva. The enforcement effort will require both personnel and financial resources of the County to implement. What are the proposed funding sources?

5. Policy XX.3.3.

This policy requires Lee County to enforce the prohibition on vehicular traffic on all beaches in North Captiva. This will require personnel and financial resources to implement. What are the proposed funding sources?

6. Policy XX.3.4.

This policy requires Lee County to implement a plan to stop the proliferation of exotic pests and vegetation. This effort will entail the use of the County's financial and personnel resources to implement without a specified funding source.

7. Policy XX.4.1.

There appears to be a spelling error in the first line of this paragraph. The third word of the policy should be "event" rather than "even." This policy requires the County to develop a rapid response plan to address chemical hazards to Safety Harbor. The development of the plan will require the County to utilize financial and personnel resources to implement.

8. Policy XX.5.1.

This policy requires the County to conduct a feasibility study on the longer-term development of an Island-wide potable water and wastewater treatment system. The required feasibility study will require Lee County to devote personnel and financial resources toward the development and implementation of the study. This policy also appears to anticipate funding assistance from the County for the development of the Island-wide potable water and wastewater treatment system without an identified funding source.

9. Policy XX.5.2.

This policy requires the County to conduct a feasibility study to reduce the cost of household garbage waste disposal. The policy also requires Lee County to develop a program for North Captiva in accordance with the results of the study. There will be costs associated

Re: Upper Captiva Community Plan  
Draft dated July 7, 2007

with the feasibility study and program development. What is the proposed funding source of this endeavor?

10. Policy XX.5.3.

This policy requires the County to participate in a study to facilitate the removal of yard and vegetative waste from the Island. The policy further requires the County to follow the study by developing or participating in the development of a program for this purpose. Both these items will require the County to expend personnel and financial resources to accomplish. The funding source has not been identified for this effort.

11. Policy XX.5.6.

This policy requires the County to "work with" the North Captiva Community to develop and enforce a construction and waste policy and procedures for North Captiva Island. The development of a construction/waste policy and enforcement of the policy will require the County to devote personnel and financial resources to accomplish this policy. The funding source has not been identified for this effort.

12. Policy XX.5.8.

This policy requires the County to survey drinking water wells and provide advice for remediation of substandard construction. This survey is to be made available to all concurrent and future property owners on the Island. The survey contemplated in this policy will require the County to devote financial and personnel resources toward this effort. What are the proposed funding sources?

13. Policy XX.6.1.

This policy contemplates that the County will require property or conservation easements over private lands in order to preserve, protect, and enhance open space, passive recreation areas, and beach access points. This policy raises issues as to funding the acquisition of property and conservation easements over private lands. Compliance with this policy will require both staff time and financial resources to implement without an identified funding source.

Re: Upper Captiva Community Plan  
Draft dated July 7, 2007

14. Policy XX.6.2.

This policy requires the County to development a feasibility study and funding plan for an "accessible community facility and library." What will be the funding source of this study and plan referenced in this policy?

15. Policy XX.7.5.

This policy requires the County to utilize "available resources" including the County's bed tax to provide educational and interpretive materials to renters, visitors, and residents of North Captiva. The policy also requires the County to coordinate the placement of signs and informational kiosks throughout the Island. It is not clear what these educational interpretive materials are designed to teach. Does it refer to the items in the previous policy (energy conservation, solid waste management, hazardous waste, surface water runoff, septic's maintenance, water conservation, xeriscaping, etc.)? It is not clear what the signs and informational kiosks are intended to address.

Once again, thank you for the opportunity to review the proposed plan amendments submitted by the North Captiva Planning Community. As you can see from my comments above, several of the proposed policies will increase the County's financial involvement above core level services without an identified funding source. I look forward to further submittals in connection with the proposed Lee Plan Policies affecting North Captiva.

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney  
Matt Noble, Principal Planner, Planning Division

Memorandum  
from the  
Division of County Lands

RECEIVED BY  
LEE COUNTY  
2008 JUN 23 AM 11:52

Date: June 20, 2008

Jim Mudd, Dept. of Community  
Development (DCD) &

From:

*Karen Forsyth*  
Karen Forsyth  
Director

To: Matt Noble, DCD

**SUBJECT:** Proposed North Captiva BoCC Sponsored Amendment to the Lee Plan  
CPA2007-00050

Gentlemen,

It has just been brought to my attention, the above referenced subject amendment will be an agenda item of the LPA Public Hearing scheduled for this coming Monday, June 23, 2008.

This proposed amendment was not provided to my office until yesterday afternoon. Upon my review of the document, I have to strongly object to Policy 25.5.1. The current staff recommended policy reads as follows, "Lee County will seek to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by acquiring property or conservation easements on private lands or vacant lots."

As you know, Lee County has a well established Conservation Lands buying program known as Conservation 20/20. This willing seller program has Board adopted polices and procedures. Funding is provided by adopted County wide milage for the protection of environmentally sensitive lands across the entire County. To date, almost 19,000 acres have been acquired. Furthermore, the Board typically adopts each year, through its Capital Improvement Plan, projects concerning beach renourishment and access. Oft times, citizens also create special taxing units to accomplish addressing these concerns. Recognizing these funding mechanisms are already in place with adequate staff to handle, it is my opinion, approval of this policy is not appropriate. I recommend the policy be struck in its entirety.

- cc. Mary Gibbs, DCD Director
- Paul O'Conner, Planning Director
- Mike Pavese, Public Works Administration
- Donna Marie Collins, Asst. Chief County Attorney, Land Use

File: North Cap  
Community Pla

**From:** Daniel Hrycyk [danielhrycyk@videotron.ca]  
**Sent:** Tuesday, June 17, 2008 10:37 AM  
**To:** O Connor, Paul S.  
**Cc:** David Tompkins  
**Subject:** Comments re. BoCC Amendments to LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

**Attachments:** Lee County Staff Report re. Community Plan.pdf  
 Dear Mr. O'Connor,

This is to provide feedback to the proposed changes made by "Lee County Planning Division" with regards to the North Captiva Community Plan (copy attached).

### **General Comments**

While seeming to support the Plan in general terms, the proposed changes unfortunately fall short of making necessary concrete commitments on several key issues that are crucial to residents of North Captiva Island (see more detailed comments below with respect to island access and waste disposal). I trust that I speak on behalf of all islanders when I state that it is proper, legitimate and reasonable to expect Lee County to provide us with essential services that other Lee County taxpayers enjoy and take for granted on a day-to-day basis.

### **Specific Comments**

**A) Island Access:** Comments made by Lee County staff describe transportation infrastructure as "recreational amenities". At the moment, the water taxi still leaves from, and islanders still have to pay to park their cars, at Pineland Marina (a private facility). I would respectfully submit that, contrary to comments made by Lee County staff, access/ingress/egress and emergency transportation (medical, hurricane evacuation) issues are not "recreational amenities": they are "essential amenities". What is the purpose of the Fishermans' Co-Op if islanders cannot use it? Currently, islanders are effectively subsidizing the general contractors who use the Co-Op. If islanders have to, as is suggested, pay "user fees" re. existing and future access facilities, then the following question begs to be asked: "What was the purpose of proceeding in the Fishermans' Co-Op direction in the first place?"

**B) Waste Disposal:** In its comments to Policies 25.4.4 through 25.4.8, Lee County indicates "*Significant funding would be required to implement policies 25.4.4 through 25.4.7*" and "*Solid Waste does not support those policies*". I hope you will agree with me that taxes paid by islanders already provide Lee County with significant funding. In addition, I am unsure as to what was meant by "*do not support those policies*"? (the comments by "Solid Waste" were not attached to the Lee County Planning Division's report).

**C) Policy 25.6.2 (community planning process):** Comments are made by Lee County staff that "*The level of involvement is unclear, but if that involvement is satisfied by notification staff does not object*". I believe that the most effective community plans are those that arise out of a collaborative process (i.e., a 2-way dialogue), as opposed to a 1-way dialogue created by simple "notification". I would hope that future interactions between Lee County and islanders are done on a collaborative, 2-way basis involving both parties.

Mr. O'Connor, I trust you will accordingly understand that, based on the above comments, I am not in a position to currently support the Community Plan with the proposed changes made by the "Lee County Planning Division". However, I would look forward to having the Community Plan incorporate some concrete commitments on the key issues of island access and waste disposal. This would result in the adoption of a truly meaningful and effective Community Plan for North Captiva Island supported by all



parties concerned.

Best Regards,  
Daniel Hrycyk  
4581 Oyster Shell Drive  
North Captiva, FL 33924

**From:** DanGorton@aol.com  
**Sent:** Thursday, June 19, 2008 3:01 PM  
**To:** O Connor, Paul S.  
**Subject:** CPA2007-00050  
Lee Planning Agency

Mr. Paul O'Conner

Re: North Captiva Amendment to the Lee Plan – CPA2007-00050

Dear Mr. O'Conner;

As a property owner on North Captiva Island, I have great concerns with the request to amend the Lee Comprehensive Plan relevant to North Captiva Island, as described in document CPA2007-00050 to be presented to the LPA on June 23, 2008 for a public hearing.

The outline of this plan at this point, is no more than an effort to restrict future development and add more rules to make our island consistent with that of a gated community.

This entire process is flawed and should not be recognized or passed as it is. The information for the amendment change has only been consistently made available to members of the UCCA (Upper Captiva Civic Association) by e-mail and personal communication. The UCCA is made up of approximately 150 members, or less than 30% of the property owners on North Captiva. A small percentage of these people have been instrumental in the process to develop the amendment. The other 450+ property owners have not been in the communication loop or development process of this proposed amendment.

Initially, Johnson Engineering was hired to conduct the study and develop the outline for the needs and future development of North Captiva but once their staff person quit there has been no communication relative to the plan until this notice for public hearing. There has not been due process or communication with the majority of island property owners since they are not paying members of the UCCA.

By reviewing the changes made to the document by County Staff, the issues that affect the island most will not be addressed by the plan - therefore there is no need to change the Lee County plan for North Captiva Island and add more rules and regulations than the State of Florida or Lee County already has in place. This is not a gated community, but more a rural environment and lifestyle. The Lee Comprehensive, along with in place zoning regulations and building regulations are quite adequate. The state DEP regulates the beaches and dunes, as well as residential and commercial lighting requirements for protection of wildlife. For some property owners it takes well over a year to obtain a building permit as it is.

The solutions and county assistance most needed by the island residents; Island accessibility, mainland parking areas, and removal of trash and garbage, has been struck out by the Lee Staff comments leaving the rest of the proposed amendments useless and redundant to the governing regulations already in place.

Passing this amendment will only cause more acrimony and dysfunction in this island community.

One serious issue is the way the UCCA operates; there is no formal process in how board members are elected. They are nominated by their peer board members. The Membership has no vote in electing their board. There is no input from non-members, who make up over 70% of the property ownership on the island. If an organization is to represent North Captiva, then it needs to do so for all residents of the island, not just its members; especially with the issues that should be contemplated in this document.

Sincerely,

Dan Gorton

4360 Sol Vista Ln.

North Captiva Island, FL

**From:** ctrapanese@aol.com  
**Sent:** Thursday, June 19, 2008 7:20 PM  
**To:** O Connor, Paul S.  
**Subject:** North Captiva Amendment to the Lee Plan

Lee Planning Agency

Mr. Paul O'Conner

Re: North Captiva Amendment to the Lee Plan

Dear Mr. O'Conner;

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Sincerely,

*Albert Trapanese*

Albert Trapanese

**From:** GARYJAYFISHER@aol.com

**Sent:** Monday, June 16, 2008 9:31 AM

**To:** O Connor, Paul S.

**Cc:** tomp3kins@embarqmail.com

**Subject:** UPPER CAPTIVA COMMUNITY PLAN

I would like to voice my support of the UPPER CAPTIVA COMMUNITY PLAN

It will create the foundation of a vehicle to address residents concerns within the overall County Plan

Thank You

Gary Fisher

---

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**From:** Thomas F. Levin [tom@ekisticsdesignstudio.com]

**Sent:** Wednesday, June 18, 2008 2:09 PM

**To:** O Connor, Paul S.

**Cc:** tomp3kins@embarqmail.com

**Subject:** Upper Captiva Plan

I am a homeowner on Upper Captiva. I will not be able to attend the workshop. I have reviewed the draft plan and have the following comments.

- (1) It is apparent that a lot of work went into this plan regarding identification and analysis of problems and issues. There is nothing wrong with much of the discussion in the plan document. It just doesn't go far enough in committing to strategies, solutions and most importantly – action.
- (2) Many of the features of the plan are in the current Lee County Plan, the rest are filled with words such as Lee County will “encourage”, support efforts to” and other rather noncommittal statements. It seems to be a “feel good” planning exercise that will have minimal benefit in the real world. If you had to list the specific actions that will happen (and that were not already mandated by County regulations or were going to happen anyway), I think you would be hard pressed to come up with much.
- (3) Ironically, the most critical issues to the island are lack of public services that reached most of rest of the County 50 years earlier – Access, Solid Waste and Public Safety. We understand why (because we choose to be on an island) yet we still pay some of the highest taxes in the County. If the County does not want to address these issues in a meaningful way, islanders could do it ourselves with 1/10 of the tax money Lee County receives from us. As it stands now, islanders do not use County utilities, rarely use County roads, must maintain our own roads, have no County park or library services and are infrequently patrolled by the Sheriff. We do not expect much our tax dollars to be spent to benefit the island, but just a small portion for some minimal services would be fair. Or give us a rebate and we will try to do it ourselves.
- (4) If I had to choose the one most important issue that could threaten the island (and to its taxable value) is access. We accept the fact that the water taxi services are privately run but we have no guarantee that there will always be an accessible dock on the island and one on the mainland with car parking. As an example, the villages on Out Islands in the Bahamas all have what they call a “Government Dock” which provides a transient dock for islanders and deliveries. Lee County continues to issue building permits on the island but if these were lots landlocked on the mainland this condition would be unacceptable as in most cases there needs to be minimum access provided.

John@Pugh.net; Winterberr@aol.com

**Subject:** LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

Dear Mr. Oconner:

Comments re. BoCC Amendments to LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

Realizing there are limitations on both man power and financial resources to enact the desires of all Lee County residents, there are certain essential services that must be provided. All Lee tax payers benefit from services provided whether they are used directly or not. Though we on the Barrier Islands do not need Hyacinth control, our tax dollars help to provide for this necessary project. Our unique needs fall in the same category.

Section: 25.2.1 Island Access: "Come to the Lee County Coast" is seen on television ads throughout the nation. And people come....by the thousands. Many to our island. That "IS" recreational in nature For those of us that live and/or work on the island it is not. We need reliable and dependable ingress and egress just as any other Lee resident expects to have from their homes.. Especially during emergency situations. For a county with one of the longest water fronts in the state, and one with many inhabited Bridgeless Barrier Islands, Lee county's marina access is woefully inadequate. Previous administrations allowed the continued growth without any provisions for the transportation of essential services. It is time this is addressed and with general revenue, not assessments or MTSU's.

Section 25.2.3 Enforcement... Staff wants to back away from enforcement of rules and regulations the citizens of Upper Captiva deem important. This is not acceptable. The county built a Sub station at Boca Grande.. We do not need nor do we want a permanent police presence on the island, but we DO need some "Regular Schedule" of law enforcement to be present. This is an essential service and at present is superficial at best. Many Private communities rely on county sheriff presence. We deserve the same.

Sections 25.4.4-25.4.8 Waste disposal. Wow...where to begin on this subject. Ten years have elapsed since we moved to the island, and there is still not a definitive solution to this ever present dilemma. Did no one in the management of Lee County ever consider with the issuance of building permits for the Barrier Island communities, that garbage disposal should be considered? The removal of garbage from our island is not an amenity it is a necessity.

The plan needs to be adopted but not with caveats from staff which belittle the effort. The residents have not ask for or demanded any unrealistic or unreasonable services. The items ask for are well intentioned and well within the scope of expected services.

Sincerely, Hart Kelley

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richard.d.brusca@wachoviasec.com; rkdemarco@verizon.net; Rockum@aol.com; roxhouse@sover.net; rpmayer1@aol.com; rpritt@ralaw.com; rrchristensen@comcast.net; rtaero@bellsouth.net; rustyandmarcia@msn.com; Ruthden@aol.com; sacousar@embarqmail.com; sandals08@hotmail.com; sandramwerner@aol.com; scottneitzel@aol.com; seagator@hissam.com; seashore2@verizon.net; seawatch1767@gmail.com; Sevans0@aol.com; SHarborclu@aol.com; SHCLUBADMNSTRTN1@aol.com; sholt@hfrlaw.com; slc\_@mac.com; SLHorsley@msn.com; slkime@earthlink.net; slods@msn.com; SmallridgeJD@aol.com; snb2267@embarqmail.com; steve.ward@fiserv.com; steve.hall@alumni.tufts.edu; Sticks3@aol.com; TAPDMD@aol.com; tdiehl@donet.com; temag@verizon.net; Terryjm@comcast.net; timhci1@aol.com; thetindals@roadrunner.com; tom@ekisticsdesignstudio.com; tpalazzo@aol.com; upcapaj2@aol.com; UpperCapFD@aol.com; VEGABUNCH@aol.com; vl564coral@yahoo.com; Vmanings@aol.com; vrbauman@comcast.net; wallschlaeger.2@osu.edu; wildeman@pipeline.com; will\_meek@mcgraw-hill.com; Winterberr@aol.com; WStjohn128@aol.com; youssoupov@aol.com; zekemcdonald@embarqmail.com; jvernon898@aol.com; towardadem@aol.com

**Subject:** Re: Community Plan Meeting

I concur wholeheartedly with the comments made by Bert Trapanese.

We have a very small group of people acting as if they represent the entire community, and clearly, that is not the case. There is no mandate from the majority of island residents, only a majority of UCCA members.

And the lot size issue is a biggie that I was not even aware of. Seems like this is a glaring omission that any good community plan should address. Why doesn't it?

Let's be honest. This is about few islanders who want to control the development rights of certain parcels on the island. And fear has been the driving force.

I doubt we will get a good community plan because that doesn't appear to be the primary goal. But we will end up with another layer of bureaucracy. Since all of the whining and helplessness we expressed after the hurricanes, the county's brilliant answer was to blow 16 million dollars on Fisherman's Co-Op, which so far has done little to "serve the needs" of out-islanders.

We should expect a special taxing district to be established very soon and a hefty property tax increase for that boondoggle.

Be careful what you ask for. And be careful who speak for.

The UCCA doesn't speak for me.

Sherry Lee, Licensed Real Estate Broker  
Coral Circle  
[slee0505@aol.com](mailto:slee0505@aol.com)

Sent: Thu, 19 Jun 2008 7:43 pm  
Subject: Re: Community Plan Meeting

Dear Dave,

I just was forwarded your email regarding the Lee County Commissioner meeting regarding the North Captiva Community Plan.

I realize a lot of time and effort has gone into the plan - but I was not aware that all the islanders, UCCA members and non-members, had voted and agreed to go forth with the plan as submitted to the County Staff for review.

The County Staff recommendations on the plan have essentially eliminated the plan for the the issues that made this a viable plan. All we are left with is another level of bureaucracy that does little to address the needs of the island residents; access, garbage, etc. The problem we face on North Captiva is that when it was originally developed not a lot of forethought went into the public community aspects of the island.

One area that strikes me as odd, is the paragraph 1.4.2 - that the development units are 1 unit per acre. There are very few 1 acre lots on North Captiva - so that means that anyone who has a regular sized lot, 1/4 acre or less, has to go before the president of the UCCA and then the County for a variance. Since most of our lots are 1/4 acre or less, our plan should outline a density of 4 units per acre. As a property owner, these are the types of things I would expect to see in the community plan.

But most importantly, I am concerned that there has not been an effort recently from the UCCA to solicit input from ALL Island residents/property owners with a vote, on such an important document before it being submitted to the county.

As a current and past member of UCCA, I have not been included in the communications relative to this critical and important decision being made for me and by fellow islanders, UCCA members or not, therefore I can not support your plea to the membership.

I am disappointed and would suggest that this issue be brought to ALL the island homeowners for a vote before going to the county commissioners. After all, we all are invested in this island and the future regarding our investment and homes - not just the UCCA active membership.

Most Respectfully,

Bert Trapanese

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**GOAL XX: NORTH CAPTIVA (Upper Captiva):** The North Captiva Community Plan seeks to preserve its character, scale, and way of life by guiding future land use; transportation and roads; conservation and coastal management; safety harbor; water and waste management; open space, recreation, and quality of life; and citizen participation and community education.

**Comment [sjb1]:** editorial note- either this is a proper noun and should be capitalized or it is an incomplete phrase

**Deleted:** and conserve the surrounding fragile environment, recreation and open space areas; its quality of life; and its enjoyment of the island's natural and cultural resources.

**OBJECTIVE XX.1: FUTURE LAND USE.** To preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure.

**POLICY XX.1.1:** The owner or agent for any rezoning, variance or special exception request must conduct at least one duly noticed public informational meeting on North Captiva where the owner or agent will provide a general overview of the project and answer questions from interested citizens.

**POLICY XX.1.2:** In order to maintain the traditional scale and historic patterns of development on North Captiva, new development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as adherence to the 1978 Coastal Construction Control Line, within existing and proposed neighborhoods on North Captiva, should be maintained.

**POLICY XX.1.3:** North Captiva island residents value the architectural diversity of its homes. Any style residence or commercial building is permitted and a variety of roof types and styles is encouraged, ~~except for flat roofs.~~

**Comment [meb2]:** This Policy now simply prohibits flat roofs. Panel may reconsider.

**POLICY XX.1.4:** Lawfully existing businesses, commercial buildings, residences, or other structures on North Captiva will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher density or intensity will require a review of parking impacts, setbacks, height, and uses as necessary.

**POLICY XX.1.5:** ~~Lee County~~ will support the North Captiva community in its efforts to further investigate the need for modified development regulations applicable to North Captiva, based upon the unique nature of the community, its status as a barrier island, the limited opportunities for supporting infrastructure, and the seasonal nature of the demand upon public facilities. The North Captiva community may propose, and the County will consider, future development regulations.

**Comment [meb3]:** Several comments expressed a desire to not describe Lee County as the responsible agent. Panel may consider revising the language referring to Lee County throughout these amendments.

**POLICY XX.1.6:** The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. Lee County will work with the North Captiva community to develop or maintain regulations on exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.

**OBJECTIVE XX.2 TRANSPORTATION AND ROADS.** To ensure that the character of North Captiva is retained while providing adequate transportation facilities for ingress, egress, and intra-island transportation consistent with property rights.

**POLICY XX.2.1:** Lee County will collaborate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of ingress and egress to North Captiva. Access should be both convenient and cost-effective for guests and residents. Any further costs to island residents must be minimized and subject to resident taxpayer approval.

**Comment [sjb4]:** Further than what? Also, is the BOCC really OK with a policy that says they can't impose any taxes without resident approval? Many of the following policies say we will do things that will cost money; that could be a conflict.

**POLICY XX.2.2:** Lee County will support North Captiva community in maintaining its pathway system by conducting a feasibility study and maintenance plan that includes, but is not limited to, placement, design, maintenance, and funding mechanisms.

**POLICY XX.2.3:** Except for emergency events, public purposes, and approved community needs, internal combustion powered vehicles are banned from all roads and pathways on North Captiva. Lee County will provide enforcement for this ban.

**POLICY XX.2.4:** The North Captiva community will collaborate with Lee County to develop, maintain, and enforce road and pathway safety standards.

**POLICY XX.2.5:** Lee County will continue to ensure viable hurricane evacuation and emergency communication options for the residents and stakeholders of North Captiva.

**OBJECTIVE XX.3: CONSERVATION AND COASTAL MANAGEMENT.** To preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine wildlife resources, and minimizing harm resulting from human impacts.

**Comment [sjb5]:** I think this comma should be deleted or replaced with "and"

**POLICY XX.3.1:** The North Captiva community will work with Lee County to support the efforts of the Federal and State authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process and will enforce these policies through implementation in the Land Development Code.

**POLICY XX.3.2:** The North Captiva community in collaboration with Lee County, will support the State of Florida's efforts to protect and preserve the distinct environmental communities on North Captiva to the greatest extent possible, including but not limited to:

- mangroves
- the beach dune system, beach dune vegetation, and beach dune wildlife
- coastal dunes, beaches, and coastal scrub vegetation
- beach dune wildlife, including shorebird nesting habitat and sea turtle habitat
- the marine habitat, including sea grass beds and fisheries

**POLICY XX.3.3:** Except for emergency events, public purposes, and human powered vehicles, vehicular traffic is banned from all beaches on North Captiva. Lee County will provide enforcement of the ban.

**POLICY XX.3.4:** Lee County will work in conjunction with the North Captiva community to implement a plan to stop the proliferation of exotic/nuisance pests and vegetation. This will include a plan to control raccoons, black rats, feral hogs, iguanas, and invasive, exotic vegetation as identified by the Exotic Pest Plant Council of Florida. This plan may include the use of incentives, disincentives, and regulations to accomplish this policy.

**OBJECTIVE XX.4: SAFETY HARBOR.** To protect the ecological integrity of Safety Harbor through policies and practices designed to minimize the negative impacts of use.

**POLICY XX.4.1:** In the even of a chemical, oil or fuel spill, Lee County will work with the appropriate agencies to minimize the impacts to Safety Harbor. This is to include a rapid response plan designed to address potential imminent hazards to Safety Harbor and an oil response plan to boom the mouth of the harbor.

**OBJECTIVE XX.5: WATER AND WASTE MANAGEMENT.** To ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island stakeholders, residents, and taxpayers.

**POLICY XX.5.1:** Lee County, in collaboration with the North Captiva community will conduct a feasibility study related to the long-term development of an island-wide potable water and island-wide wastewater treatment system. The feasibility study will include, but not limited to, costs estimates, new or innovative technologies, and funding assistance.

**POLICY XX.5.2:** Lee County, in collaboration with the North Captiva community, will conduct a study to reduce the cost of household garbage waste disposal. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County will follow this study by developing a program that best suits the North Captiva island needs.

**Deleted: ¶**  
**POLICY XX.3.4:** Lee county will provide financial and political(?) support for research on adverse impacts to the nearshore and estuarine waters surrounding North Captiva.¶

**Comment [meb6]:** Former Policy XX.3.4 Not needed (Barrier Islands Land Use Designation is sufficient)

**Comment [sjb7]:** the prior list entries are not vegetation so the use of "other" is incorrect; delete teh slash to be consistent with EPPCF terminology.

**Deleted: other**

**Deleted: /**

**Comment [sjb8]:** Seems like this should really be policy 3.5

**Comment [sjb9]:** Continuing from previous comment this should be policy 3.6, particularly because it is not an appropriate policy under the context of objective 4 as written. Specifically, an oil spill in Pine Island Sound is not a use of Safety Harbor.

**Comment [sjb10]:** I am not aware of any County agency willing or able to commit to this. Perhaps Public Safety is OK with this but they should respond specifically on their ability to complete this item. Some fire departments have resources to do this kind of thing, but if they can do it, can/should we commit to their actions in the County's comp plan?

**Deleted: and cost effective.**

**POLICY XX.5.3:** Lee County, in collaboration with the North Captiva community and the Upper Captiva Fire Protection and Rescue Service District will conduct a study to facilitate the removal of yard and vegetative waste. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County will follow this study by developing, or participating in the development of, a program that best suits the North Captiva island needs.

**POLICY XX.5.4:** Within one year from the adoption of this policy, Lee County will provide transporting of household garbage and trash at a level consistent with the average cost of garbage collection for mainland residents.

**POLICY XX.5.5:** Lee County will coordinate the efforts of the North Captiva community to develop a program focused on the safe disposal of toxic and/or hazardous household waste, such as batteries, mercury, fluorescent lights, and paint.

**POLICY XX.5.6:** Lee County will work with the North Captiva community to develop and enforce a construction waste policy and procedures for North Captiva island.

**POLICY XX.5.7:** In order to promote water conservation and better manage this important resource, the North Captiva community will develop standards for permit requests of new buildings. This may include requirements for conducting a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non-potable water sources, wherever practical.

**POLICY XX.5.8:** To protect the water aquifer utilized throughout North Captiva island, Lee County will offer to survey drinking water wells and provide advice for remediation for those found to be of substandard construction. The survey will be available to all current and future property owners.

**OBJECTIVE XX.6: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.**

Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities and the quality of life for residents, stakeholders and visitors to North Captiva. These efforts will seek to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time Lee County will be mindful to monitor demands on a limited infrastructure.

**POLICY XX.6.1:** Lee County will preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.

**Comment [sjb11]:** Should the community be developing permit standards or should this be Lee County?

**Comment [meb12]:** Nothing prohibits cisterns in LDC. There are regulations on anchoring, etc. for this type of construction, but nothing that prohibits cisterns in and of themselves. Panel may want to consider incorporating cistern feasibility with Policy XX.5.7.

**Comment [meb13]:** Objective XX.6 was re-written by a Panel member as discussed at 7/7 meeting.

**Deleted:** Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of North Captiva. These efforts will enhance the aesthetic qualities of North Captiva and benefit its residents while preserving the characteristics of its fragile barrier island system. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of North Captiva.

**POLICY XX.6.2:** Lee County will work with the North Captiva community to develop a feasibility study and funding plan for an accessible community facility and library for the purposes of meeting, recreation, and community education.

**POLICY XX.6.3.** The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships.

**Comment [meb14]:** This is the only additional language needed to take advantage of FL Communities Trust grant. Panel has not yet adopted.

**OBJECTIVE XX.7: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION.** To enhance the community character, sustain natural resources, and involve the public in decisions that affect them, educational and participation opportunities will be provided to residents and visitors.

**POLICY XX.7.1:** Lee County will work with the North Captiva community to establish an electronic Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, administrative variances, and changes to the Lee Plan and Land Development Code for any development on North Captiva, barrier islands, and the Pine Island Sound. The county's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY XX.7.2:** Lee County will involve the North Captiva community in planning processes that relate specifically to North Captiva, generally to barrier islands, generally to island ingress and egress, or any other changes that affect the island and its environment. At a minimum, involvement will include informational forums on North Captiva.

**POLICY XX.7.3:** Lee County will coordinate and communicate to the North Captiva island community any known changes that are or will be undertaken by any state, county, district, or regional district that will impact the island's ambiance, environment, safety, or other regulations.

**Comment [sjb15]:** how?

**POLICY XX.7.4:** Lee County will collaborate with the North Captiva island community to develop an understanding of natural resources by providing educational programs on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva at a location arranged by Lee County.

**POLICY XX.7.5:** Lee County will use available resources, such as the County bed tax, to provide educational and interpretive materials to short and long-term

renters, visitors, and residents of North Captiva. Lee County will coordinate placement of signs and informational kiosks with private landowners, businesses, and the State of Florida.

\*\*\*\*\*

Future Land Use Designation in Lee Plan [not to be included in North Captiva Community Plan, but Panel may request revision of Policy 1.4.2 as it appears in the Lee Plan].

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, excluding the provision of facilities for ingress, egress, and parks and recreation open space. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre).

**Comment [meb16]:** If you are to take advantage of the FL Communities Trust grant, there should be something in Policy 1.4.2 of the Lee Plan to state this direction.

**Deleted:** and as such can anticipate a continued level of public services below that of other land use categories

\*\*\*\*\*

Outstanding Issues for Panel Discussion

1. Appropriate language that will limit future tax increases for additional work as may be required by Lee County on North/Upper Captiva.
2. Surface water runoff / pesticides policy
3. Noise limits (already covered in Land Development Code; Banyan to bring existing limits to August meeting)
4. Coordination with all other agencies that affect island (e.g., DEP, Fire Districts, etc.)
5. Space and Light protection in development / redevelopment
6. Appropriate hurricane evacuation accommodations on the mainland

**From:** Pavese, Michael P.  
**Sent:** Tuesday, March 11, 2008 8:52 AM  
**To:** Mudd, James P.; Newman, William T.  
**Cc:** Sampson, Lindsey J.; Lavender, James H.; Howard, Keith  
**Subject:** RE: Upper Captiva plan amendment

Jim, I concur with the comments from the Solid Waste Division as they relate to the proposed Lee Plan policies for Upper Captiva. In addition to the policy #'s referenced by Mr. Newman, please include policy # XX.4.8 as one that creates concern for the Solid Waste Division. Mr. Newman inadvertently omitted this in his previous correspondence to you. If you have any questions you may contact me. Thank you.

Michael P. Pavese  
Principal Planner  
Department of Public Works Administration  
[pavesemp@leegov.com](mailto:pavesemp@leegov.com)  
Phone: (239) 533-8360  
Fax: (239) 485-8307

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**From:** Mudd, James P.  
**Sent:** Tuesday, March 04, 2008 7:01 AM  
**To:** Newman, William T.  
**Cc:** Sampson, Lindsey J.; Lavender, James H.; Howard, Keith; Pavese, Michael P.  
**Subject:** RE: Upper Captiva plan amendment

Thank you Lindsey. I have your original comments; I was asked to resend the plan by some who couldn't find my original request for comments. I appreciate your help. We'll be sending the Upper Captiva plan amendment to the LPA in April.

---

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**Sent:** Monday, March 03, 2008 4:24 PM  
**To:** Mudd, James P.  
**Cc:** Sampson, Lindsey J.; Lavender, James H.; Howard, Keith; Pavese, Michael P.  
**Subject:** RE: Upper Captiva plan amendment

Mr. Mudd:  
Lindsey Sampson and I submitted comments concerning the Upper Captiva Plan Amendment via e-mail on August 13, 2007 (See attached below). Our comments remain unchanged; however the policy #'s in the current draft that cause concern to the Solid Waste Division are XX 4.4 through XX 4.7. Please contact me if you have questions.

Dear Mr. Mudd,

Please see the notes from Bill Newman below. The Solid Waste Division cannot authorize or approve the items/sections noted. These actions would require approval from the BOCC. Additionally, significant funding would be required for the UC items and such funding would require BOCC approval.

The prohibitions listed in the Buckingham Plan would provide hardship to the County's efforts for storm debris clean-up and for solid waste management. I would not make a recommendation to the BOCC for these items.

Lindsey J. Sampson  
Lee County Solid Waste Division  
[sampsolj@leegov.com](mailto:sampsolj@leegov.com)  
Ph 239-338-3302

Fax 239-461-5871

---

**From:** Newman, William T.  
**Sent:** Monday, August 13, 2007 3:50 PM  
**To:** Sampson, Lindsey J.  
**Subject:** FW: Upper Captiva and Buckingham proposed policies

Lindsey:

There are some issues with both of these proposed policies that need your attention. Specifically, North Captiva Policy XX 5.2 through XX 5.6 which require studies to be performed for removal of garbage, recycling, yard waste, construction debris and HHW at a cost consistent with charges for mainland residents. Also, Buckingham Policy 17.3.6 will not allow debris staging sites in the community and Policy 17.3.8 will not allow additional resource recovery facilities.

Bill Newman  
 Operations Manager  
 Solid Waste Division  
 (239) 338-3302

---

**From:** Mudd, James P.  
**Sent:** Thursday, August 02, 2007 3:16 PM  
**To:** Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horner, Bill; Houck, Pamela E.; Jones, Timothy J.; Lavender, James H.; Lis, Carol A.; Loveland, David M.; Myers, Steve L.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Richardson, Nettie M.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** Upper Captiva and Buckingham proposed policies

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those policies by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

James Mudd, AICP  
 Principal Planner, Division of Planning  
 Lee County Department of Community Development  
 1500 Monroe Street  
 Fort Myers, FL 33901-5500  
 P.O. Box 398  
 Fort Myers, FL 33902-0398

Phone: (239) 533-8180  
 Fax: (239) 485-8319



**From:** Sampson, Lindsey J.  
**Sent:** Monday, August 13, 2007 4:48 PM  
**To:** Mudd, James P.  
**Cc:** Lavender, James H.; Howard, Keith; Newman, William T.  
**Subject:** FW: Upper Captiva and Buckingham proposed policies

**Attachments:** Upper Captiva Lee Plan policies.doc; Buckingham Lee Plan policies.doc  
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the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those polices by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

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Fort Myers, FL 33902-0398

Phone: (239) 533-8180  
Fax: (239) 485-8319

**From:** Wilson, John  
**Sent:** Wednesday, March 26, 2008 10:39 AM  
**To:** Boutelle, Stephen J.; Mudd, James P.  
**Cc:** Yarbrough, John H.; Manzo, Barbara D.; Pigott, Tamara W.  
**Subject:** RE: Upper Captiva plan amendment  
In regards to Steve's comments on XX3.5:

We still have an oil boom cache located at the Pine Island Fire Department Station in St. James City. The marine response unit known as the "Nimitz", however, has been taken out of service and that was the vehicle that would have been used to transport and lay the boom around a spill. At this time, the Coast Guard maybe better equipped to serve as a first response to an oil spill with the County serving as a secondary response with resources and support. The MERT, or Marine Emergency Response Team made up of marine based fire and law enforcement assets, could also be available to support first response by the Coast Guard.

John D. Wilson, Director  
Lee County Public Safety  
(239) 335-1600, Fax: (239) 335-1666  
Cell: (239) 229-1117  
[wilsonjd@leegov.com](mailto:wilsonjd@leegov.com)  
Mission: To provide help to those needing it, and the means by which to communicate that need.

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**From:** Boutelle, Stephen J.  
**Sent:** Tuesday, March 25, 2008 4:46 PM  
**To:** Mudd, James P.  
**Cc:** Yarbrough, John H.; Manzo, Barbara D.; Wilson, John; Pigott, Tamara W.  
**Subject:** RE: Upper Captiva plan amendment

Jim,

I hope this is not too late to be useful. Also, some of my comments are sticking my nose into the business of Parks, TDC and Public Safety, so I hope they correct me if I am inaccurate in any of my statements.

Goal XX. There is an inaccurate assumption that the county funds these types of activities in other locations.

XX.2.1 The County does not generally locate or provide boat ramps as transportation infrastructure. I believe they are and always have been exclusively recreational amenities until the acquisition of the Fishermen's Cooperative which assumed some commercial activities that would be paying their proportionate share. A user fee approach should continue to be applied to existing and future access facilities.

XX.3.2 Editorial note: it is confusing to refer to the "community" (residents) and the "communities" (resources) in the same policy when they are referring to such different things.

XX.3.5 In the event of a spill, the County will not likely be the primary responder or incident commander. We also do not have resources to boom any particular locations or provide a "rapid response". Additionally, decisions on what locations to protect must be made holistically in the threatened area and in recognition of the resources at risk as well as the booms, etc available at the time. I do not think we can or should make a blanket assumption that Safety Harbor will always be the most important thing to protect.

XX.4.3 We can provide existing data on wells that have been properly permitted; however, field inspection of an existing well is a fee based service.

XX.5.1 To my knowledge, the County does not have funding to acquire any beach access.

XX.6.4 The Natural Resources Division routinely accommodates requests for speakers on topics related to our job functions, but this is only at the request of some outside entity that initiates and plans the logistics for the event.

XX.6.5 There are legal restrictions on the use of bed tax revenues that should be reviewed. Additionally, the TDC typically recommends funding for project requests from other governmental or non-profit agencies, but does not implement these types of projects internally. As far as I know, the County does not have a program to install educational signs outside of our County park facilities.

Steve Boutelle  
Lee County - Natural Resources Division

Ph: 239-533-8128  
FX: 239-485-8408  
[www.lee-county.com](http://www.lee-county.com)

---

**From:** Mudd, James P.  
**Sent:** Friday, February 29, 2008 10:02 AM  
**To:** Gibbs, Mary ; O Connor, Paul S.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Cronyn, Edward; Roberts, Rickey G.; Derheimer, Suzanne; Sweigert, Rebecca H.; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; jpopalardo@sheriffleefl.org; Lehnert, Dawn; Wilson, John; Blackburn, Don R.  
**Subject:** Upper Captiva plan amendment

Attached is the draft Upper Captiva Community Plan. The plan includes a proposed Goal, and Objectives, and Polices for possible adoption into the Lee Plan. The proposed amendment to the Lee Plan begins on page 28 of the community plan. Please review the plan and send me your comments no later than Friday, March 15. We will be sending this amendment to the Local Planning Agency in April. I originally distributed this plan for comment in August, 2007 and received little comment, so your help is appreciated. Thanks.

James Mudd, AICP  
Principal Planner, Division of Planning  
Lee County Department of Community Development  
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**From:** Mudd, James P.  
**Sent:** Thursday, August 02, 2007 3:16 PM  
**To:** Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Horner, Bill; Houck, Pamela E.; Jones, Timothy J.; Lavender, James H.; Lis, Carol A.; Loveland, David M.; Myers, Steve L.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Richardson, Nettie M.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Sweigert, Rebecca H.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Yarbrough, John H.; Zettel, Mary S.  
**Subject:** Upper Captiva and Buckingham proposed policies

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take the time to review the draft policies and let me know what policies would be problematic for your department or division. I'm going to a community meeting on Upper Captiva on August 18 (yes, Saturday - you're welcome to join me) so I would like your comments on those policies by August 16 and comments on Buckingham policies by the end of the month. Thanks for your help.

James Mudd, AICP  
Principal Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901-5500  
P.O. Box 398  
Fort Myers, FL 33902-0398

Phone: (239) 533-8180  
Fax: (239) 485-8319

Bill Newman  
Operations Manager  
Solid Waste Division  
(239) 338-3302

---

**From:** Mudd, James P.

**Sent:** Friday, February 29, 2008 10:02 AM

**To:** Gibbs, Mary ; O Connor, Paul S.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Cronyn, Edward; Roberts, Rickey G.; Derheimer, Suzanne; Sweigert, Rebecca H.; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; jpoppalardo@sheriffleefl.org; Lehnert, Dawn; Wilson, John; Blackburn, Don R.

**Subject:** Upper Captiva plan amendment

Attached is the draft Upper Captiva Community Plan. The plan includes a proposed Goal, and Objectives, and Policies for possible adoption into the Lee Plan. The proposed amendment to the Lee Plan begins on page 28 of the community plan. Please review the plan and send me your comments no later than Friday, March 15. We will be sending this amendment to the Local Planning Agency in April. I originally distributed this plan for comment in August, 2007 and received little comment, so your help is appreciated. Thanks.

James Mudd, AICP  
Principal Planner, Division of Planning  
Lee County Department of Community Development  
1500 Monroe Street  
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P.O. Box 398  
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Phone: (239) 533-8180

Fax: (239) 485-8319

**GOAL XX: NORTH CAPTIVA (Upper Captiva):** The North Captiva Community Plan seeks to preserve its character, scale, and way of life by guiding future land use; transportation and roads; conservation and coastal management; safety harbor; water and waste management; open space, recreation, and quality of life; and citizen participation and community education.

**Comment [sjb1]:** editorial note: either this is a proper noun and should be capitalized or it is an incomplete phrase

**Deleted:** and conserve the surrounding fragile environment, recreation and open space areas; its quality of life; and its enjoyment of the island's natural and cultural resources.

**OBJECTIVE XX.1: FUTURE LAND USE.** To preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure.

**POLICY XX.1.1:** The owner or agent for any rezoning, variance or special exception request must conduct at least one duly noticed public informational meeting on North Captiva where the owner or agent will provide a general overview of the project and answer questions from interested citizens.

**POLICY XX.1.2:** In order to maintain the traditional scale and historic patterns of development on North Captiva, new development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as adherence to the 1978 Coastal Construction Control Line, within existing and proposed neighborhoods on North Captiva, should be maintained.

**POLICY XX.1.3:** North Captiva island residents value the architectural diversity of its homes. Any style residence or commercial building is permitted and a variety of roof types and styles is encouraged, except for flat roofs.

**Comment [meb2]:** This Policy now simply prohibits flat roofs. Panel may reconsider.

**POLICY XX.1.4:** Lawfully existing businesses, commercial buildings, residences, or other structures on North Captiva will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher density or intensity will require a review of parking impacts, setbacks, height, and uses as necessary.

**POLICY XX.1.5:** Lee County will support the North Captiva community in its efforts to further investigate the need for modified development regulations applicable to North Captiva, based upon the unique nature of the community, its status as a barrier island, the limited opportunities for supporting infrastructure, and the seasonal nature of the demand upon public facilities. The North Captiva community may propose, and the County will consider, future development regulations.

**Comment [meb3]:** Several comments expressed a desire to not describe Lee County as the responsible agent. Panel may consider revising the language referring to Lee County throughout these amendments.

**POLICY XX.1.6:** The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. Lee County will work with the North Captiva community to develop or maintain regulations on exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.



**OBJECTIVE XX.2 TRANSPORTATION AND ROADS.** To ensure that the character of North Captiva is retained while providing adequate transportation facilities for ingress, egress, and intra-island transportation consistent with property rights.

**POLICY XX.2.1:** Lee County will collaborate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of ingress and egress to North Captiva. Access should be both convenient and cost-effective for guests and residents. Any further costs to island residents must be minimized and subject to resident taxpayer approval.

**Comment [5]b4:** Further than what? Also, is the BOCC really OK with a policy that says they can't impose any taxes without resident approval? Many of the following policies say we will do things that will cost money, that could be a conflict.

**POLICY XX.2.2:** Lee County will support North Captiva community in maintaining its pathway system by conducting a feasibility study and maintenance plan that includes, but is not limited to, placement, design, maintenance, and funding mechanisms.

**POLICY XX.2.3:** Except for emergency events, public purposes, and approved community needs, internal combustion powered vehicles are banned from all roads and pathways on North Captiva. Lee County will provide enforcement for this ban.

**POLICY XX.2.4:** The North Captiva community will collaborate with Lee County to develop, maintain, and enforce road and pathway safety standards.

**POLICY XX.2.5:** Lee County will continue to ensure viable hurricane evacuation and emergency communication options for the residents and stakeholders of North Captiva.

**OBJECTIVE XX.3: CONSERVATION AND COASTAL MANAGEMENT.** To preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine wildlife resources, and minimizing harm resulting from human impacts.

**Comment [5]b5:** I think this comma should be deleted or replaced with "and"

**POLICY XX.3.1:** The North Captiva community will work with Lee County to support the efforts of the Federal and State authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process and will enforce these policies through implementation in the Land Development Code.

**POLICY XX.3.2:** The North Captiva community in collaboration with Lee County, will support the State of Florida's efforts to protect and preserve the distinct environmental communities on North Captiva to the greatest extent possible, including but not limited to:

- mangroves
- the beach dune system, beach dune vegetation, and beach dune wildlife
- coastal dunes, beaches, and coastal scrub vegetation
- beach dune wildlife, including shorebird nesting habitat and sea turtle habitat
- the marine habitat, including sea grass beds and fisheries

**POLICY XX.3.3:** Except for emergency events, public purposes, and human powered vehicles, vehicular traffic is banned from all beaches on North Captiva. Lee County will provide enforcement of the ban.

**POLICY XX.3.4:** Lee County will work in conjunction with the North Captiva community to implement a plan to stop the proliferation of exotic/nuisance pests and vegetation. This will include a plan to control raccoons, black rats, feral hogs, iguanas, and ~~invasive~~ exotic vegetation as identified by the Exotic Pest Plant Council of Florida. This plan may include the use of incentives, disincentives, and regulations to accomplish this policy.

**OBJECTIVE XX.4: SAFETY HARBOR.** To protect the ecological integrity of Safety Harbor through policies and practices designed to minimize the negative impacts of use.

**POLICY XX.4.1:** In the even of a chemical, oil or fuel spill, Lee County will work with the appropriate agencies to minimize the impacts to Safety Harbor. ~~This is to include a rapid response plan designed to address potential imminent hazards to Safety Harbor and an oil response plan to boom the mouth of the harbor.~~

**OBJECTIVE XX.5: WATER AND WASTE MANAGEMENT.** To ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island stakeholders, residents, and taxpayers.

**POLICY XX.5.1:** Lee County, in collaboration with the North Captiva community will conduct a feasibility study related to the long-term development of an island-wide potable water and island-wide wastewater treatment system. The feasibility study will include, but not limited to, costs estimates, new or innovative technologies, and funding assistance.

**POLICY XX.5.2:** Lee County, in collaboration with the North Captiva community, will conduct a study to reduce the cost of household garbage waste disposal. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County will follow this study by developing a program that best suits the North Captiva island needs.

**Deleted:** ¶  
**POLICY XX.3.4:** Lee county will provide financial and political(?) support for research on adverse impacts to the nearshore and estuarine waters surrounding North Captiva.¶

**Comment [meb6]:** Former Policy XX.3.4 Not needed (Barrier Islands Land Use Designation is sufficient)

**Comment [sjb7]:** the prior list entries are not vegetation so the use of "other" is incorrect delete teh slash to be consistent with EPPCF terminology

**Deleted:** other

**Deleted:** /

**Comment [sjb8]:** Seems like this should really be policy 3.5

**Comment [sjb9]:** Continuing from previous comment this should be policy 3.6, particularly because it is not an appropriate policy under the context of objective 4 as written. Specifically, an oil spill in Pine Island Sound is not a use of Safety Harbor.

**Comment [sjb10]:** I am not aware of any County being willing or able to commit to this. Perhaps Public Safety is OK with this but they should respond specifically on their ability to complete this item. Some fire departments have resources to do this kind of thing but they can do it can they commit to their actions in the County comp plan

**Deleted:** and cost effective.

**POLICY XX.5.3:** Lee County, in collaboration with the North Captiva community and the Upper Captiva Fire Protection and Rescue Service District will conduct a study to facilitate the removal of yard and vegetative waste. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County will follow this study by developing, or participating in the development of, a program that best suits the North Captiva island needs.

**POLICY XX.5.4:** Within one year from the adoption of this policy, Lee County will provide transporting of household garbage and trash at a level consistent with the average cost of garbage collection for mainland residents.

**POLICY XX.5.5:** Lee County will coordinate the efforts of the North Captiva community to develop a program focused on the safe disposal of toxic and/or hazardous household waste, such as batteries, mercury, fluorescent lights, and paint.

**POLICY XX.5.6:** Lee County will work with the North Captiva community to develop and enforce a construction waste policy and procedures for North Captiva island.

**POLICY XX.5.7:** In order to promote water conservation and better manage this important resource, the North Captiva community will develop standards for permit requests of new buildings. This may include requirements for conducting a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non-potable water sources, wherever practical.

**POLICY XX.5.8:** To protect the water aquifer utilized throughout North Captiva island, Lee County will offer to survey drinking water wells and provide advice for remediation for those found to be of substandard construction. The survey will be available to all current and future property owners.

**OBJECTIVE XX.6: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.**  
Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities and the quality of life for residents, stakeholders and visitors to North Captiva. These efforts will seek to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time Lee County will be mindful to monitor demands on a limited infrastructure.

**POLICY XX.6.1:** Lee County will preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.

**Comment [sjb11]:** Should the community be developing permit standards or should this be Lee County?

**Comment [meb12]:** Nothing prohibits cisterns in LDC. There are regulations on anchoring, etc. for this type of construction, but nothing that prohibits cisterns in and of themselves. Panel may want to consider incorporating cistern feasibility with Policy XX.5.1.

**Comment [meb13]:** Objective XX.6 was re-written by a Panel member as discussed at 7/7 meeting.

**Deleted:** Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of North Captiva. These efforts will enhance the aesthetic qualities of North Captiva and benefit its residents while preserving the characteristics of its fragile barrier island system. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of North Captiva.

**POLICY XX.6.2:** Lee County will work with the North Captiva community to develop a feasibility study and funding plan for an accessible community facility and library for the purposes of meeting, recreation, and community education.

**POLICY XX.6.3.** The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships.

**Comment [meb14]:** This is the only additional language needed to take advantage of FL Communities Trust grant. Panel has not yet adopted.

**OBJECTIVE XX.7: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION.** To enhance the community character, sustain natural resources, and involve the public in decisions that affect them, educational and participation opportunities will be provided to residents and visitors.

**POLICY XX.7.1:** Lee County will work with the North Captiva community to establish an electronic Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, administrative variances, and changes to the Lee Plan and Land Development Code for any development on North Captiva, barrier islands, and the Pine Island Sound. The county's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY XX.7.2:** Lee County will involve the North Captiva community in planning processes that relate specifically to North Captiva, generally to barrier islands, generally to island ingress and egress, or any other changes that affect the island and its environment. At a minimum, involvement will include informational forums on North Captiva.

**POLICY XX.7.3:** Lee County will coordinate and communicate to the North Captiva island community any known changes that are or will be undertaken by any state, county, district, or regional district that will impact the island's ambiance, environment, safety, or other regulations.

**Comment [sjb15]:** how?

**POLICY XX.7.4:** Lee County will collaborate with the North Captiva island community to develop an understanding of natural resources by providing educational programs on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva at a location arranged by Lee County.

**POLICY XX.7.5:** Lee County will use available resources, such as the County bed tax, to provide educational and interpretive materials to short and long-term

renters, visitors, and residents of North Captiva. Lee County will coordinate placement of signs and informational kiosks with private landowners, businesses, and the State of Florida.

\*\*\*\*\*

Future Land Use Designation in Lee Plan [not to be included in North Captiva Community Plan, but Panel may request revision of Policy 1.4.2 as it appears in the Lee Plan].

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, excluding the provision of facilities for ingress, egress, and parks and recreation open space. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre).

**Comment [meb16]:** If you are to take advantage of the FL Communities Trust grant, there should be something in Policy 1.4.2 of the Lee Plan to state this direction.

**Deleted:** and as such can anticipate a continued level of public services below that of other land use categories

\*\*\*\*\*

Outstanding Issues for Panel Discussion

1. Appropriate language that will limit future tax increases for additional work as may be required by Lee County on North/Upper Captiva.
2. Surface water runoff / pesticides policy
3. Noise limits (already covered in Land Development Code; Banyan to bring existing limits to August meeting)
4. Coordination with all other agencies that affect island (e.g., DEP, Fire Districts, etc.)
5. Space and Light protection in development / redevelopment
6. Appropriate hurricane evacuation accommodations on the mainland

**From:** Pavese, Michael P.

**Sent:** Wednesday, March 12, 2008 4:25 PM

**To:** Mudd, James P.

**Cc:** Lavender, James H.; Noble, Matthew A.

**Subject:** Lee Plan Amendment - Upper Captiva

Public Works staff has reviewed the proposed plan amendment referenced above. Staff is unable to support Policies XX.5.1 and XX.5.2 as drafted. If approved, these policies result in financial commitments for which funding has neither been approved by the BoCC nor may be available. Should you have any questions you may contact me.

Michael P. Pavese

Principal Planner

Department of Public Works Administration

[pavesemp@leegov.com](mailto:pavesemp@leegov.com)

Phone: (239) 533-8360

Fax: (239) 485-8307

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## MEMORANDUM

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**Date:** 10.04.2007  
**To:** Jim Mudd, AICP  
**From:** Mike Horsting, AICP *MH*  
**Subject:** Buckingham Community Plan

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RECEIVED  
OCT 05 2007  
COMMUNITY DEVELOPMENT

Lee County does not currently provide public transportation services to or within the North / Upper Captiva Planning Community Boundaries. Planning studies have not identified the need to extend service to this community anytime within the existing Lee County Transit Development Plan, which goes through 2015 and the Lee County Long Range Transportation Plan, which goes through 2030. We do not anticipate this to change with the proposed North / Upper Captiva Planning Community Plan Comprehensive Plan Amendment.

Please contact me if you have any questions at (239) 533-0333, or via e-mail at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

**Mudd, James P.**

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**From:** Mudd, James P.  
**Sent:** Friday, February 29, 2008 10:02 AM  
**To:** Gibbs, Mary ; O Connor, Paul S.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Cronyn, Edward; Roberts, Rickey G.; Derheimer, Suzanne; Sweigert, Rebecca H.; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; 'jpoppalardo@sheriffleefl.org'; Lehnert, Dawn; Wilson, John; Blackburn, Don R.  
**Subject:** Upper Captiva plan amendment  
**Attachments:** 20080229095535.pdf

Attached is the draft Upper Captiva Community Plan. The plan includes a proposed Goal, and Objectives, and Polices for possible adoption into the Lee Plan. The proposed amendment to the Lee Plan begins on page 28 of the community plan. Please review the plan and send me your comments no later than Friday, March 15. We will be sending this amendment to the Local Planning Agency in April. I originally distributed this plan for comment in August, 2007 and received little comment, so your help is appreciated. Thanks.

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Fort Myers, FL 33901-5500  
P.O. Box 398  
Fort Myers, FL 33902-0398

Phone: (239) 533-8180  
Fax: (239) 485-8319



**Hock, Donna**

---

**From:** Daniel Hrycyk [danielhrycyk@videotron.ca]  
**Sent:** Tuesday, June 17, 2008 10:37 AM  
**To:** O Connor, Paul S.  
**Cc:** David Tompkins  
**Subject:** Comments re. BoCC Amendments to LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA  
**Attachments:** Lee County Staff Report re. Community Plan.pdf

Dear Mr. O'Connor,

This is to provide feedback to the proposed changes made by "Lee County Planning Division" with regards to the North Captiva Community Plan (copy attached).

**General Comments**

While seeming to support the Plan in general terms, the proposed changes unfortunately fall short of making necessary concrete commitments on several key issues that are crucial to residents of North Captiva Island (see more detailed comments below with respect to island access and waste disposal). I trust that I speak on behalf of all islanders when I state that it is proper, legitimate and reasonable to expect Lee County to provide us with essential services that other Lee County taxpayers enjoy and take for granted on a day-to-day basis.

**Specific Comments**

A) Island Access: Comments made by Lee County staff describe transportation infrastructure as "recreational amenities". At the moment, the water taxi still leaves from, and islanders still have to pay to park their cars, at Pineland Marina (a private facility). I would respectfully submit that, contrary to comments made by Lee County staff, access/ingress/egress and emergency transportation (medical, hurricane evacuation) issues are not "recreational amenities": they are "essential amenities". What is the purpose of the Fishermans' Co-Op if islanders cannot use it? Currently, islanders are effectively subsidizing the general contractors who use the Co-Op. If islanders have to, as is suggested, pay "user fees" re. existing and future access facilities, then the following question begs to be asked: "What was the purpose of proceeding in the Fishermans' Co-Op direction in the first place?"

B) Waste Disposal: In its comments to Policies 25.4.4 through 25.4.8, Lee County indicates "*Significant funding would be required to implement policies 25.4.4 through 25.4.7*" and "*Solid Waste does not support those policies*". I hope you will agree with me that taxes paid by islanders already provide Lee County with significant funding. In addition, I am unsure as to what was meant by "*do not support those policies*"? (the comments by "Solid Waste" were not attached to the Lee County Planning Division's report).

C) Policy 25.6.2 (community planning process): Comments are made by Lee County staff that "*The level of involvement is unclear, but if that involvement is satisfied by notification staff does not object*". I believe that the most effective community plans are those that arise out of a collaborative process (i.e., a 2-way dialogue), as opposed to a 1-way dialogue created by simple "notification". I would hope that future interactions between Lee County and islanders are done on a collaborative, 2-way basis involving both parties.

Mr. O'Connor, I trust you will accordingly understand that, based on the above comments, I am not in a

position to currently support the Community Plan with the proposed changes made by the "Lee County Planning Division". However, I would look forward to having the Community Plan incorporate some concrete commitments on the key issues of island access and waste disposal. This would result in the adoption of a truly meaningful and effective Community Plan for North Captiva Island supported by all parties concerned.

Best Regards,  
Daniel Hrycyk  
4581 Oyster Shell Drive  
North Captiva, FL 33924

## Hock, Donna

---

**From:** Linda Deture [snooknook@earthlink.net]  
**Sent:** Tuesday, June 17, 2008 11:49 AM  
**To:** O Connor, Paul S.; apaldrian@att.net; RPritt@ralaw.com  
**Cc:** mbanyon@comcast.net; Linda Deture; babyannm@aol.com; CAROLYN CREAGH;  
tomp3kins@embarqmail.com; sacousar@embarqmail.com; Samuel Horsley;  
jefuller@msn.com; garyjayfisher@aol.com; EDWARD MCDONALD; Kristie  
Anders; rcraven@tridentmarketing.com  
**Subject:** Upper Captiva Community Plan

Dear Mr. O'Connor and LPA Committee,

I am writing to voice strong support for the Upper Captiva Community Plan to be presented at the June 23 LPA. Like many islanders, I am away for the summer and unable to attend.

Some comments follow that may give you some perspective in evaluating the plan. These are personal opinions, but I believe they are an accurate distillation of concerns of many island property owners that I have heard in my 3 years as president of the Upper Captiva Civic Association.

Foremost! The large majority of property owners would like the island to retain its' current character; we are here because we like the island as it is. The island's unique character attracts our visitors and renters and is a prized boating destination for county residents. In part this speaks to future development; most would like to see a strong position against variances that lead to greater density or which adversely impact the existing quality of life. We are concerned about the water quality of Pine Island Sound and the Gulf, which impacts critical sea grass and sea and bird life. The sustainability of our aquifer is of vital import.

Waste removal (garbage, recyclables, and vegetative debris): A plan to deal with recyclable items and vegetative debris would alleviate one of the island's big problems-dumping of trash onto vacant lots. Aside from being unsightly, the vegetative debris significantly increases our fire hazard.

Island access: Many residents and visitors rely on water taxi access.

Dedicated sites are needed on Pine Island and Upper Captiva to insure such access. And safe, secure, affordable parking adjacent to the access site is needed on Pine Island. The Fisherman's Coop purchase, while providing a needed site for garbage and construction transfer, failed to provide for resident/visitor transfer.

Security/law enforcement: Small children driving golf carts alone, cart and boat operation under the influence, trespass and occasional theft and violence are old problems. Response, when needed, comes from Pine Island or Captiva and takes time- sometimes too much time.

Road maintenance: Is currently managed by island volunteers and funded by donations. The problem is the same 175-200 folks ( out of 500+ property

owners) contribute; and there is no mechanism for those who are hardest on the roads, the heavy equipment operators, to pay a fair share. "Loan" of County expertise and equipment from time to time would also help; this occurred in limited fashion after "Charlie".

We sincerely appreciate the County's willingness to engage in this process and the staff's generous efforts in assisting us in formulating the proposed plan.

Thank you all- Fran DeTure

**Hock, Donna**

---

**From:** GARYJAYFISHER@aol.com  
**Sent:** Monday, June 16, 2008 9:31 AM  
**To:** O Connor, Paul S.  
**Cc:** tomp3kins@embarqmail.com  
**Subject:** UPPER CAPTIVA COMMUNITY PLAN

I would like to voice my support of the UPPER CAPTIVA COMMUNITY PLAN

It will create the foundation of a vehicle to address residents concerns within the overall County Plan

Thank You

Gary Fisher

---

Vote for your city's best dining and nightlife. [City's Best 2008](#).

**Hock, Donna**

---

**From:** apaldrian [peter@miprofessionals.com]  
**Sent:** Monday, June 16, 2008 10:31 AM  
**To:** O Connor, Paul S.  
**Subject:** Upper Captiva Community Panel

Yes I support the plan. My only concern is the Policy 25.4.4 and 25.4.5. Both are the most important to our island. The shall not be struck down.

A. Peter Aldrian

**Hock, Donna**

---

**From:** masails@aol.com  
**Sent:** Tuesday, June 17, 2008 6:18 PM  
**To:** O Connor, Paul S.  
**Subject:** community plan, North Captiva Island

To: Lee County Local Planning Professionals

Dear Paul O'Connor

Thank you for the opportunity to support the proposed Upper Captiva Community Panel plan for the island. I plan to attend the meeting, but I write better than I speak.

I live on the island full time and have taken part in most of the meetings to create and modify the plan. The document isn't perfect, but I think my neighbors understand and agree that we've made a good start toward preserving this unique place.

We're unifying on priorities. For example, I'm one who thinks that Lee County can help avoid inept, potentially harmful flaws in disposal of waste created on barrier islands. It may take innovative thinking more than money, but smart waste management serves all taxpayers.

Some UCCP goals are a call for enforcement. But, after years of *lassiez faire* it's crucial that islanders understand that standards exist (building codes? out here?) and that the County and the community will emphatically uphold them.

We hope the Agency can endorse this thoughtful plan. Give us a voice and goals we all understand, and we'll make the most of this opportunity to work with Lee County.

Sincerely,  
Marcia Andrews  
4591 Hodgepodge Ln  
North Captiva Island, FL

**From:** Daniel Hrycyk [danielhrycyk@videotron.ca]  
**Sent:** Tuesday, June 17, 2008 10:37 AM  
**To:** O Connor, Paul S.  
**Cc:** David Tompkins  
**Subject:** Comments re. BoCC Amendments to LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

**Attachments:** Lee County Staff Report re. Community Plan.pdf  
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While seeming to support the Plan in general terms, the proposed changes unfortunately fall short of making necessary concrete commitments on several key issues that are crucial to residents of North Captiva Island (see more detailed comments below with respect to island access and waste disposal). I trust that I speak on behalf of all islanders when I state that it is proper, legitimate and reasonable to expect Lee County to provide us with essential services that other Lee County taxpayers enjoy and take for granted on a day-to-day basis.

### **Specific Comments**

**A) Island Access:** Comments made by Lee County staff describe transportation infrastructure as "recreational amenities". At the moment, the water taxi still leaves from, and islanders still have to pay to park their cars, at Pineland Marina (a private facility). I would respectfully submit that, contrary to comments made by Lee County staff, access/ingress/egress and emergency transportation (medical, hurricane evacuation) issues are not "recreational amenities": they are "essential amenities". What is the purpose of the Fishermans' Co-Op if islanders cannot use it? Currently, islanders are effectively subsidizing the general contractors who use the Co-Op. If islanders have to, as is suggested, pay "user fees" re. existing and future access facilities, then the following question begs to be asked: "What was the purpose of proceeding in the Fishermans' Co-Op direction in the first place?"

**B) Waste Disposal:** In its comments to Policies 25.4.4 through 25.4.8, Lee County indicates "*Significant funding would be required to implement policies 25.4.4 through 25.4.7*" and "*Solid Waste does not support those policies*". I hope you will agree with me that taxes paid by islanders already provide Lee County with significant funding. In addition, I am unsure as to what was meant by "*do not support those policies*"? (the comments by "Solid Waste" were not attached to the Lee County Planning Division's report).

**C) Policy 25.6.2 (community planning process):** Comments are made by Lee County staff that "*The level of involvement is unclear, but if that involvement is satisfied by notification staff does not object*". I believe that the most effective community plans are those that arise out of a collaborative process (i.e., a 2-way dialogue), as opposed to a 1-way dialogue created by simple "notification". I would hope that future interactions between Lee County and islanders are done on a collaborative, 2-way basis involving both parties.

Mr. O'Connor, I trust you will accordingly understand that, based on the above comments, I am not in a position to currently support the Community Plan with the proposed changes made by the "Lee County Planning Division". However, I would look forward to having the Community Plan incorporate some concrete commitments on the key issues of island access and waste disposal. This would result in the adoption of a truly meaningful and effective Community Plan for North Captiva Island supported by all

parties concerned.

Best Regards,  
Daniel Hrycyk  
4581 Oyster Shell Drive  
North Captiva, FL 33924



**From:** DanGorton@aol.com  
**Sent:** Thursday, June 19, 2008 3:01 PM  
**To:** O Connor, Paul S.  
**Subject:** CPA2007-00050  
Lee Planning Agency

Mr. Paul O'Conner

Re: North Captiva Amendment to the Lee Plan – CPA2007-00050

Dear Mr. O'Conner;

As a property owner on North Captiva Island, I have great concerns with the request to amend the Lee Comprehensive Plan relevant to North Captiva Island, as described in document CPA2007-00050 to be presented to the LPA on June 23, 2008 for a public hearing.

The outline of this plan at this point, is no more than an effort to restrict future development and add more rules to make our island consistent with that of a gated community.

This entire process is flawed and should not be recognized or passed as it is. The information for the amendment change has only been consistently made available to members of the UCCA (Upper Captiva Civic Association) by e-mail and personal communication. The UCCA is made up of approximately 150 members, or less than 30% of the property owners on North Captiva. A small percentage of these people have been instrumental in the process to develop the amendment. The other 450+ property owners have not been in the communication loop or development process of this proposed amendment.

Initially, Johnson Engineering was hired to conduct the study and develop the outline for the needs and future development of North Captiva but once their staff person quit there has been no communication relative to the plan until this notice for public hearing. There has not been due process or communication with the majority of island property owners since they are not paying members of the UCCA.

By reviewing the changes made to the document by County Staff, the issues that affect the island most will not be addressed by the plan - therefore there is no need to change the Lee County plan for North Captiva Island and add more rules and regulations than the State of Florida or Lee County already has in place. This is not a gated community, but more a rural environment and lifestyle. The Lee Comprehensive, along with in place zoning regulations and building regulations are quite adequate. The state DEP regulates the beaches and dunes, as well as residential and commercial lighting requirements for protection of wildlife. For some property owners it takes well over a year to obtain a building permit as it is.

The solutions and county assistance most needed by the island residents; Island accessibility, mainland parking areas, and removal of trash and garbage, has been struck out by the Lee Staff comments leaving the rest of the proposed amendments useless and redundant to the governing regulations already in place.

Passing this amendment will only cause more acrimony and dysfunction in this island community.

One serious issue is the way the UCCA operates; there is no formal process in how board members are elected. They are nominated by their peer board members. The Membership has no vote in electing their board. There is no input from non-members, who make up over 70% of the property ownership on the island. If an organization is to represent North Captiva, then it needs to do so for all residents of the island, not just its members; especially with the issues that should be contemplated in this document.

Sincerely,

Dan Gorton

4360 Sol Vista Ln.

North Captiva Island, FL

239-980-5051

---

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**From:** ctrapanese@aol.com  
**Sent:** Thursday, June 19, 2008 7:20 PM  
**To:** O Connor, Paul S.  
**Subject:** North Captiva Amendment to the Lee Plan

Lee Planning Agency

Mr. Paul O'Conner

Re: North Captiva Amendment to the Lee Plan

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Sincerely,

*Albert Trapanese*

Albert Trapanese

4321 Sol Vista Dr  
North Captiva, FL 33924

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Re Community Plan Meeting.txt

From: vegabunch@aol.com  
Sent: Friday, June 20, 2008 12:46 PM  
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Re Community Plan Meeting.txt

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TOWANADEM@aol.com  
Subject: Re: Community Plan Meeting

seems like a referendum of all Upper Captiva owners (not only UCCA members) on the different issues (spelled out very clearly) should be the way.

-----Original Message-----

From: RAJTIRE@aol.com  
To: SLee0505@aol.com; CTRAPANESE@aol.com; tomp3kins@embarqmail.com  
Cc: DanGorton@aol.com; esliem@thebeachcombers.net; ACAMP@aol.com; AirLoans@aol.com;  
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JVernon898@aol.com; TOWANADEM@aol.com  
Sent: Fri, 20 Jun 2008 12:14:41 PM Eastern Daylight Time  
Subject: Re: Community Plan Meeting

I have been an owner for only one year. I am a business owner in Naples and Fort Myers. I deal with DEP and DOT on a regular basis. If you think they are on your side you are misled. Like a snare or a pit that they set and when you come on board with them you are trapped. BEWARE. They are not working in your best interest. I concur with Bert Trapanese and Sherry Lee. I am a member on UCCA but did not get to vote on this issue. I am new and would recommend that we work out our problems without incurring the wrath of the county. You might question my word wrath but you will not like what you are asking for. Call me and I can give anyone some horror stories dealing with the county. Rick Johnson of Rick Johnson Auto and Tire. Fair and Honest, Tell a Friend. 113 Kingfisher Drive.

In a message dated 6/20/2008 11:43:20 A.M. Eastern Daylight Time,  
Slee0505  
writes:  
I concur wholeheartedly with the comments made by Bert Trapanese.

We have a very small group of people acting as if they represent the entire community, and clearly, that is not the case. There is no mandate from the majority of island residents, only a majority of UCCA members.

And the lot size issue is a biggie that I was not even aware of. Seems like this is a glaring omission that any good community plan should address. Why doesn't it?

Re Community Plan Meeting.txt

Let's be honest.

This is about few islanders who want to control the development rights of certain parcels on the island. And fear has been the driving force.

I doubt we will get a good community plan because that doesn't appear to be the primary goal. But we will end up with another layer of bureaucracy. Since all of the whining and helplessness we expressed after the hurricanes, the county's brilliant answer was to blow 16 million dollars on Fisherman's Co-Op, which so far has done little to "serve the needs" of out-islanders.

We should expect a special taxing district to be established very soon and a hefty property tax increase for that boondoggle.

Be careful what you ask for. And be careful who speak for.

The UCCA doesn't speak for me.

Sherry Lee, Licensed Real Estate Broker

Coral Circle  
slee0505@aol.com

Sent:

Thu, 19 Jun 2008 7:43 pm

Subject: Re: Community Plan Meeting

Dear  
Dave,

I just was forwarded your email regarding the Lee County Commissioner meeting regarding the North Captiva Community Plan.

I realize a lot of time and effort has gone into the plan - but I was not aware that all the islanders, UCCA members and non-members, had voted and agreed to go forth with the plan as submitted to the County Staff for review.

The County Staff recommendations on the plan have essentially eliminated the plan for the the issues that made this a viable plan. All we are left with is another level of bureaucracy that does little to address the needs of the island residents; access, garbage, etc. The problem we face on North Captiva is that when it was originally developed not a lot of forethought went into the public community aspects of the island.

One area that strikes me as odd, is the paragraph 1.4.2 - that the development units are 1 unit per acre. There are very few 1 acre lots on North Captiva - so that means that anyone who has a regular sized lot, 1/4 acre or less, has to go before the president of the UCCA and then the County for a variance. Since most of our lots are 1/4 acre or less, our plan should outline a density of 4 units per acre. As a property owner, these are the types of things I would expect to see in the community plan.



Re Community Plan Meeting.txt

But most importantly, I am concerned that there has not been an effort recently from the UCCA to solicit input from ALL Island residents/property owners with a vote, on such an important document before it being submitted to the county.

As a current and past member of UCCA, I have not been included in the communications relative to this critical and important decision being made for me and by fellow islanders, UCCA members or not, therefore I can not support your plea to the membership.

I am disappointed and would suggest that this issue be brought to ALL the island homeowners for a vote before going to the county commissioners. After all, we all are invested in this island and the future regarding our investment and homes - not just the UCCA active membership.

Most  
Respectfully,

Bert Trapanese

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& more!

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**From:** GARYJAYFISHER@aol.com  
**Sent:** Monday, June 16, 2008 9:31 AM  
**To:** O Connor, Paul S.  
**Cc:** tomp3kins@embarqmail.com  
**Subject:** UPPER CAPTIVA COMMUNITY PLAN  
I would like to voice my support of the UPPER CAPTIVA COMMUNITY PLAN

It will create the foundation of a vehicle to address residents concerns within the overall County Plan

Thank You

Gary Fisher

---

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**From:** Thomas F. Levin [tom@ekisticsdesignstudio.com]

**Sent:** Wednesday, June 18, 2008 2:09 PM

**To:** O Connor, Paul S.

**Cc:** tomp3kins@embarqmail.com

**Subject:** Upper Captiva Plan

I am a homeowner on Upper Captiva. I will not be able to attend the workshop. I have reviewed the draft plan and have the following comments.

- (1) It is apparent that a lot of work went into this plan regarding identification and analysis of problems and issues. There is nothing wrong with much of the discussion in the plan document. It just doesn't go far enough in committing to strategies, solutions and most importantly – action.
- (2) Many of the features of the plan are in the current Lee County Plan, the rest are filled with words such as Lee County will “encourage”, support efforts to” and other rather noncommittal statements. It seems to be a “feel good” planning exercise that will have minimal benefit in the real world. If you had to list the specific actions that will happen (and that were not already mandated by County regulations or were going to happen anyway), I think you would be hard pressed to come up with much.
- (3) Ironically, the most critical issues to the island are lack of public services that reached most of rest of the County 50 years earlier – Access, Solid Waste and Public Safety. We understand why (because we choose to be on an island) yet we still pay some of the highest taxes in the County. If the County does not want to address these issues in a meaningful way, islanders could do it ourselves with 1/10 of the tax money Lee County receives from us. As it stands now, islanders do not use County utilities, rarely use County roads, must maintain our own roads, have no County park or library services and are infrequently patrolled by the Sheriff. We do not expect much our tax dollars to be spent to benefit the island, but just a small portion for some minimal services would be fair. Or give us a rebate and we will try to do it ourselves.
- (4) If I had to choose the one most important issue that could threaten the island (and to its taxable value) is access. We accept the fact that the water taxi services are privately run but we have no guarantee that there will always be an accessible dock on the island and one on the mainland with car parking. As an example, the villages on Out Islands in the Bahamas all have what they call a “Government Dock” which provides a transient dock for islanders and deliveries. Lee County continues to issue building permits on the island but if these were lots landlocked on the mainland this condition would be unacceptable as in most cases there needs to be minimum access provided.

community plan North Captiva Island.txt

From: masails@aol.com  
Sent: Tuesday, June 17, 2008 6:18 PM  
To: O Connor, Paul S.  
Subject: community plan, North Captiva Island

To: Lee County Local Planning Professionals

Dear Paul O'Connor

Thank you for the opportunity to support the proposed Upper Captiva Community Panel plan for the island. I plan to attend the meeting, but I write better than I speak.

I live on the island full time and have taken part in most of the meetings to create and modify the plan. The document isn't perfect, but I think my neighbors understand and agree that we've made a good start toward preserving this unique place.

We're unifying on priorities. For example, I'm one who thinks that Lee County can help avoid inept, potentially harmful flaws in disposal of waste created on barrier islands. It may take innovative thinking more than money, but smart waste management serves all taxpayers.

Some UCCP goals are a call for enforcement. But, after years of lassiez faire it's crucial that islanders understand that standards exist (building codes? out here?) and that the County and the community will emphatically uphold them.

We hope the Agency can endorse this thoughtful plan. Give us a voice and goals we all understand, and we'll make the most of this opportunity to work with Lee County.

Sincerely,  
Marcia Andrews  
4591 Hodgepodge Ln  
North Captiva Island, FL

**From:** islandhartjune@aol.com  
**Sent:** Tuesday, June 17, 2008 10:54 PM  
**To:** O Connor, Paul S.; Mudd, James P.; danielhrycyk@videotron.ca  
**Cc:** KBSirabian@aol.com; leftbank@charter.net; Lawscout@aol.com; gene@foehllaw.com; Hatch@alaska.net; MIMlotta@aol.com; mdsmrapp@alltel.net; MONTANADDS@aol.com; office@bonaventura.at; JanePugh@tampabay.rr.com; tdiehl@donet.com; AirLoans@aol.com; BabyAnnM@aol.com; barrycuda@comcast.net; byork@whiteoakpartners.biz; Caple1942@aol.com; coraogle@hotmail.com; dean.eisner@cox.com; debperk@cox.net; Djd7707@aol.com; DSHEPP@GILEAD.COM; eyeguy36@optonline.net; Redief@aol.com; richard.d.brusca@wachoviasec.com; bretzes@verizon.net; hagermanp@patmedia.net; homes@northcaptive.net; islander-realty@att.net; SHarborclu@aol.com; SmallridgeJD@aol.com; JBeiermeis@aol.com; jj46@optonline.net; jfox@foxandcompany.com; wildeman@pipeline.com; katielwalsh@hotmail.com; KandDVR@aol.com; KRiley2232@aol.com; linda@tapper.com; lynfeldman@msn.com; louissilverstein@msn.com; mbanyan@johnsoneng.com; mlm6@earthlink.net; Nealfeltingoff@aol.com; PELICANDO@aol.com; FEWDREAMS@aol.com; repa1@t-online.de; allenjkr@comcast.net; Billslocum1@comcast.net; sacousar@earthlink.net; seashore2@verizon.net; info@schoonerbeachhouse.com; slkime@earthlink.net; chuck@backwaterbay.com; danielhrycyk@videotron.ca; UpperCapFD@aol.com; JOtis12529@aol.com; ekdstudio@hotmail.com; ralphcusick@msn.com; gclark@garfieldclark.com; gary\_walker@att.net; Rockum@aol.com; hilley2@bellsouth.net; hewittjc@earthlink.net; Horst.eylerts@eds.com; ISLANDPILI@aol.com; TAPDMD@aol.com; janetcooksey@charter.net; jeffconnery@comcast.net; vrbauman@comcast.net; jpchipman@comcast.net; Brigitte@firstworldtravel.webmail.com; cajcmc@earthlink.net; c.bergin@verizon.net; lkhuber@wowway.com; martintrott@mac.com; dfh1945@yahoo.com; debskinner@comcast.net; Don@brooksandfreund.com; DTOOTH22@aim.com; paul.taylor@cox.net; Familyirvin@comcast.net; rf Freitag@ifmgrouppconsulting.com; rkdemarco@verizon.net; glna416@aol.com; rustyandmarcia@msn.com; HPHLP@aol.com; slc212@mac.com; Sticks3@aol.com; Terryjm@comcast.net; Vmanings@aol.com; WStjohn128@aol.com; kaystieger@adelphia.net; kpond@gwi.net; LBasch@aol.com; GHedman@earthlink.net; rpritt@ralaw.com; mhry52@yahoo.com; N777VK@aol.com; mmhudec@comcast.net; JaneM112@aol.com; temag@verizon.net; ajmrpm@earthlink.net; ACAMP@aol.com; barnacle4859@yahoo.com; Bracgarden@aim.com; bjohnston@meltingpot.com; bwilcox@hmsia.com; CAPTIVAGLF@EARTHLINK.NET; cravenatnorthcaptive@earthlink.net; cindy@north-captive.com; deane\_richardson@fitch.com; DKMayer@aol.com; drummond@megalink.net; eric@thepetersonfamily.com; Rauprofit@aol.com; Frenchdd1@aol.com; ric.miller6@worldnet.att.net; rchristensen@comcast.net; hkulin@comcast.net; HONDONCI@aol.com; SHCLUBADMNSTRTN1@aol.com; Jacnbilbyrnes@aol.com; snooknook@earthlink.net; jbalk@gsinet.net; jimbaier@jimbaier.com; wallschlaeger.2@osu.edu; will\_meek@mcgraw-hill.com; kanderson@sccf.org; LARIMORELE@aol.com; lesliem@thebeachcombers.net; Lindbergfla@aol.com; LTDIORIO@aol.com; MBEEBE@aol.com; MASails@aol.com; mladner@rcn.com; northcaptive@webtv.net; petergeisinger@web.de; pbertsche@cadevelopment.com; forbrug@yahoo.com; apaldrian@att.net; BernsP@aol.com; seagator@hissam.com; sholt@hfrlaw.com; i45love@earthlink.net; ccohen@umich.edu; davepugh@tampabay.rr.com; VEGABUNCH@aol.com; tomp3kins@earthlink.net; JohnTaft@aol.com; elsje.reiss@mac.com; zekemcdonald@earthlink.net; pogoplace@yahoo.com; GaryFisher@aol.com; Girls5dad1@aol.com; roxhouse@sover.net; Hietindals@adelphia.net; Sevans0@aol.com; Islandhartjune@aol.com; JANINELADURE@aol.com; jcobb5@tampabay.rr.com; jefuller@msn.com; Mudd, James P.; JVernon898@aol.com; bretzes@bellsouth.net; bud@northcaptive.com; cachristensen@comcast.net; llowe@adamsrobinson.com; catbird500@comcast.net; mariettaamit@bellsouth.net; dennis@afsi.net; Drjwbmd@aol.com; Doctree@aol.com; Ogleck@email.uc.edu; fdonnell@columbus.rr.com; rhipkens@yahoo.com; res@smallandeleganthotels.com; gjcowan@hotmail.com; Ruthden@aol.com; rtaero@bellsouth.net; slhorsley@msn.com; jays.mqc@att.net; steve.ward@fiserv.com; thetindals@adelphia.net;

John@Pugh.net; Winterberr@aol.com

**Subject:** LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

Dear Mr. Oconner:

Comments re. BoCC Amendments to LEE COUNTY COMPREHENSIVE PLAN CPA2007-00050 re. NORTH CAPTIVA

Realizing there are limitations on both man power and financial resources to enact the desires of all Lee County residents, there are certain essential services that must be provided. All Lee tax payers benefit from services provided wether they are used directly or not. Though we on the Barrier Islands do not need Hyacinth control, our ta x dollars help to provide for this necessary project. Our unique needs fall in the same category.

Section: 25.2.1 Island Access: "Come to the Lee County Coast" is seen on television ads throughout the nation. And people come....by the thousands. Many to our island. That "IS" recreational in nature For those of us that live and/or work on the island it is not. We need reliable and dependable ingress and egress just as any other Lee resident expects to have from their homes.. Especially during emergency situations. For a county with one of the longest water fronts in the state, and one with many inhabited Bridgeless Barrier Islands, Lee county's marina access is woefully inadequate. Prev ious administrations allowed the continued growth without any provis ions for the transportation of essential services. It is time this is addressed and with general revenue, not assessments or MTSU's.

Section 25.2.3 Enforcement... Staff wants to back away from enforcement of rules and regulations the citizens of Upper Captiva deem important. This is not acceptable. The county built a Sub station at Boca Grande.. We do not need nor do we want a permanent police presence on the island, but we DO need some "Regular Schedule" of law enforcement to be present. This is an essential service and at present is superficial at best. Many Private communties rely on county sheriff presence. We deserve the same.

Sections 25.4.4-25.4.8 Waste disposal. Wow...where to begin on this subject. Ten years have elapsed since we moved to the island, and there is still not a definitive solution to this ever present dilemma. Did no one in the management of Lee County ever consider with the issuance of building permits for the Barrier Island communities, that garbage disposal should be considered? The removal of garbage from our island is not an amenity it is a necessity.

The plan needs to be adopted but not with caveats from staff which belittle the effort. The residents have not ask for or demanded any unrealistic or unreasonable services. The items ask for are well intentioned and well within the scope of expected services.

Sincerely, Hart Kelley

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**From:** Sherry Lee [slee0505@aol.com]

**Sent:** Friday, June 20, 2008 11:43 AM

**To:** ctranese@aol.com; tomp3kins@embarqmail.com

**Cc:** dangorton@aol.com; esliem@thebeachcombers.net; ACAMP@aol.com; AirLoans@aol.com; ajmrpm@earthlink.net; alexisdru@msn.com; allenjkr@oh.rr.com; anoyce@comcast.net; apaldrian@att.net; awesome2693@aol.com; babyannm@aol.com; barrycuda@comcast.net; BernsP@aol.com; betsypearce1@yahoo.com; BillSlocum1@comcast.net; bjohnston@meltingpot.com; blevinsshari@yahoo.com; boatclub411@yahoo.com; bobbh@north-captiva.com; Bracgarden@aim.com; bretzes@verizon.net; Brigitte@firstworldtravel.webmail.com; bud@northcaptiva.com; bwilcox@hmsia.com; byork@midwestprivateequity.com; c.bergin@verizon.net; cachristensen@comcast.net; cajcmc@embarqmail.com; caple1942@aol.com; CAPTIVAGLF@embarqmail.com; catbird500@comcast.net; ccohen@umich.edu; cindy@north-captiva.com; cindytrott@mac.com; cjd7707@aol.com; cmukai@telus.net; connielong1@yahoo.com; coraogle@hotmail.com; cravenatnorthcaptiva@earthlink.net; curt@cakime.net; danielhrycyk@videotron.ca; davepugh@tampabay.rr.com; dean.eisner@cox.com; debperk@cox.net; debskinner@comcast.net; dennis@afsi.net; dfh1945@yahoo.com; Dj7707@aol.com; DKMayer@aol.com; Doctree@aol.com; Don@brooksandfreund.com; donandsuesyers@verizon.net; douglasshsd@embarqmail.com; Drjwbmd@aol.com; drummond@megalink.net; DSHEPP@GILEAD.COM; DTOOTH22@aim.com; editor313@hotmail.com; ekdstudio@hotmail.com; elsje.reiss@mac.com; eric@thepetersonfamily.com; eyeguy36@optonline.net; Familyirvin@comcast.net; farin1954@aol.com; fdonnell@columbus.rr.com; FEWDREAMS@aol.com; forbrug@yahoo.com; fred.hawkins@earthlink.net; Frenchdd1@aol.com; gary\_walker@att.net; garyjayfisher@aol.com; gclark@garfieldclark.com; gene@foehllaw.com; gerd@schulte-hillen.de; Girls5dad1@aol.com; glna416@aol.com; gparke@citybrewery.com; hagermanp@patmedia.net; Hatch@alaska.net; junehewitt@embarqmail.com; hilley2@bellsouth.net; hkulin@comcast.net; homes@northcaptiva.net; HONDONCI@aol.com; Horst.eylerts@eds.com; horst.eylerts@captivesdream.com; HPHLP@aol.com; i45love@embarqmail.com; info@schoonerbeachhouse.com; irene@schulte-hillen.de; islander-realty@att.net; islandhartjune@aol.com; ISLANDPILI@aol.com; islavistancaptiva@hotmail.com; jandbbyrnes@embarqmail.com; JaneM112@aol.com; janetcooksey@charter.net; JANINELADURE@aol.com; jays.mqc@att.net; jbalk@gsinet.net; jbeiermeis@optonline.net; jcobb5@tampabay.rr.com; jdrummond@maine.rr.com; jeffconnery@comcast.net; jefuller@msn.com; jfox@foxandcompany.com; jimbaier@jimbaier.com; jj46@optonline.net; Mudd, James P.; John@Pugh.net; JohnTaft@aol.com; joelhalberstadt@earthlink.net; joeterri1@comcast.net; jotis12529@aol.com; jpchipman@comcast.net; KandDVR@aol.com; kanders@sccf.org; katiwalsh@hotmail.com; kaystieger@verizon.net; KBSirabian@aol.com; kimberly.caswell@verizon.com; kpond@gwi.net; KRiley2232@aol.com; LARIMORELE@aol.com; Lawscout@aol.com; lbasch@aol.com; leftbank@charter.net; lesliem@thebeachcombers.net; lindbergfla@aol.com; lkhuber@wowway.com; llowe@adamsrobinson.com; louissilverstein@msn.com; lshardiman@hotmail.com; LTDIORIO@aol.com; lynfeldman@msn.com; madams@adamsrobinsin.com; mariettaamit@gmail.com; martintrott@mac.com; MASails@aol.com; mbakhtian@gmail.com; mbanyan@johnsoneng.com; MBEEBE@aol.com; mdsmrapp@alltel.net; mhry52@yahoo.com; MIMlotta@aol.com; mladner@rcn.com; marylloydmcdonald@gmail.com; mmaver@bellsouth.net; mmhudec@comcast.net; MONTANADDS@aol.com; msward@saic.com; N777VK@aol.com; Nealfeltingoff@aol.com; northcaptiva@webtv.net; office@bonaventura.at; Ogleck@email.uc.edu; panitinto@hotmail.com; paul.taylor@cox.net; pbertsche@cadevelopment.com; pelicando@aol.com; peregnns@gmail.com; peter@omegasea.com; petergeisinger@web.de; phalsten@gmail.com; phillip\_c\_foreman@yahoo.com; pogoplace@yahoo.com; ralphcusick@msn.com; RAJTIRES@aol.com; Rauprofit@aol.com; Redief@aol.com; repa1@t-online.de; res@smallandeleganthotels.com; rfreitag@ifmggroupconsulting.com; rhipkens@yahoo.com; ric.miller6@att.net; richardlewis5450@comcast.net; richardsondeane@gmail.com;

richard.d.brusca@wachoviasec.com; rkdemarco@verizon.net; Rockum@aol.com; roxhouse@sover.net; rpmayer1@aol.com; rpritt@ralaw.com; rrchristensen@comcast.net; rtaero@bellsouth.net; rustyandmarcia@msn.com; Ruthden@aol.com; sacousar@embarqmail.com; sandals08@hotmail.com; sandramwerner@aol.com; scottneitzel@aol.com; seagator@hissam.com; seashore2@verizon.net; seawatch1767@gmail.com; Sevans0@aol.com; SHarborclu@aol.com; SHCLUBADMNSTRTN1@aol.com; sholt@hflaw.com; slc\_@mac.com; SLHorsley@msn.com; slkime@earthlink.net; slods@msn.com; SmallridgeJD@aol.com; snb2267@embarqmail.com; steve.ward@fiserv.com; steve.hall@alumni.tufts.edu; Sticks3@aol.com; TAPDMD@aol.com; tdiehl@donet.com; temag@verizon.net; Terryjm@comcast.net; timhci1@aol.com; thetindals@roadrunner.com; tom@ekisticsdesignstudio.com; tpalazzo@aol.com; upcapaj2@aol.com; UpperCapFD@aol.com; VEGABUNCH@aol.com; v1564coral@yahoo.com; Vmanings@aol.com; vrbauman@comcast.net; wallschlaeger.2@osu.edu; wildeman@pipeline.com; will\_meek@mcgraw-hill.com; Winterberr@aol.com; WStjohn128@aol.com; youssoupov@aol.com; zekemcdonald@embarqmail.com; jvernon898@aol.com; towandadem@aol.com

**Subject:** Re: Community Plan Meeting

I concur wholeheartedly with the comments made by Bert Trapanese.

We have a very small group of people acting as if they represent the entire community, and clearly, that is not the case. There is no mandate from the majority of island residents, only a majority of UCCA members.

And the lot size issue is a biggie that I was not even aware of. Seems like this is a glaring omission that any good community plan should address. Why doesn't it?

Let's be honest. This is about few islanders who want to control the development rights of certain parcels on the island. And fear has been the driving force.

I doubt we will get a good community plan because that doesn't appear to be the primary goal. But we will end up with another layer of bureaucracy. Since all of the whining and helplessness we expressed after the hurricanes, the county's brilliant answer was to blow 16 million dollars on Fisherman's Co-Op, which so far has done little to "serve the needs" of out-islanders.

We should expect a special taxing district to be established very soon and a hefty property tax increase for that boondoggle.

Be careful what you ask for. And be careful who speak for.

The UCCA doesn't speak for me.

Sherry Lee, Licensed Real Estate Broker  
Coral Circle  
[slee0505@aol.com](mailto:slee0505@aol.com)

Sent: Thu, 19 Jun 2008 7:43 pm  
Subject: Re: Community Plan Meeting

Dear Dave,

I just was forwarded your email regarding the Lee County Commissioner meeting regarding the North Captiva Community Plan.



I realize a lot of time and effort has gone into the plan - but I was not aware that all the islanders, UCCA members and non-members, had voted and agreed to go forth with the plan as submitted to the County Staff for review.

The County Staff recommendations on the plan have essentially eliminated the plan for the issues that made this a viable plan. All we are left with is another level of bureaucracy that does little to address the needs of the island residents; access, garbage, etc. The problem we face on North Captiva is that when it was originally developed not a lot of forethought went into the public community aspects of the island.

One area that strikes me as odd, is the paragraph 1.4.2 - that the development units are 1 unit per acre. There are very few 1 acre lots on North Captiva - so that means that anyone who has a regular sized lot, 1/4 acre or less, has to go before the president of the UCCA and then the County for a variance. Since most of our lots are 1/4 acre or less, our plan should outline a density of 4 units per acre. As a property owner, these are the types of things I would expect to see in the community plan.

But most importantly, I am concerned that there has not been an effort recently from the UCCA to solicit input from ALL Island residents/property owners with a vote, on such an important document before it being submitted to the county.

As a current and past member of UCCA, I have not been included in the communications relative to this critical and important decision being made for me and by fellow islanders, UCCA members or not, therefore I can not support your plea to the membership.

I am disappointed and would suggest that this issue be brought to ALL the island homeowners for a vote before going to the county commissioners. After all, we all are invested in this island and the future regarding our investment and homes - not just the UCCA active membership.

Most Respectfully,

Bert Trapanese

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Upper Captiva Community Panel.txt

From: apaldrian [peter@miprofessionals.com]

Sent: Monday, June 16, 2008 10:31 AM

To: O Connor, Paul S.

Subject: Upper Captiva Community Panel

Yes I support the plan. My only concern is the Policy 25.4.4 and 25.4.5. Both are the most important to our island. They shall not be struck down.

A. Peter Aldrian

Upper Captiva Community Plan.txt

From: Linda Deture [snooknook@earthlink.net]  
Sent: Tuesday, June 17, 2008 11:49 AM  
To: O Connor, Paul S.; apaldrian@att.net; RPritt@ralaw.com  
Cc: mbanyon@comcast.net; Linda Deture; babyannm@aol.com; CAROLYN CREAGH;  
tomp3kins@embarqmail.com; sacousar@embarqmail.com; Samuel Horsley;  
jefuller@msn.com; garyjayfisher@aol.com; EDWARD MCDONALD; Kristie  
Anders; rcraven@tridentmarketing.com  
Subject: Upper Captiva Community Plan

Dear Mr. O'Connor and LPA Committee,

I am writing to voice strong support for the Upper Captiva Community Plan to be presented at the June 23 LPA. Like many islanders, I am away for the summer and unable to attend.

Some comments follow that may give you some perspective in evaluating the plan. These are personal opinions, but I believe they are an accurate distillation of concerns of many island property owners that I have heard in my 3 years as president of the Upper Captiva Civic Association.

Foremost! The large majority of property owners would like the island to retain its' current character; we are here because we like the island as it is. The island's unique character attracts our visitors and renters and is a prized boating destination for county residents. In part this speaks to future development; most would like to see a strong position against variances that lead to greater density or which adversely impact the existing quality of life. We are concerned about the water quality of Pine Island Sound and the Gulf, which impacts critical sea grass and sea and bird life. The sustainability of our aquifer is of vital import. Waste removal (garbage, recyclables, and vegetative debris): A plan to deal with recyclable items and vegetative debris would alleviate one of the island's big problems-dumping of trash onto vacant lots. Aside from being unsightly, the vegetative debris significantly increases our fire hazard.

Island access: Many residents and visitors rely on water taxi access. Dedicated sites are needed on Pine Island and Upper Captiva to insure such access. And safe, secure, affordable parking adjacent to the access site is needed on Pine Island. The Fisherman's Coop purchase, while providing a needed site for garbage and construction transfer, failed to provide for resident/visitor transfer.

Security/law enforcement: Small children driving golf carts alone, cart and boat operation under the influence, trespass and occasional theft and violence are old problems. Response, when needed, comes from Pine Island or Captiva and takes time-sometimes too much time.

Road maintenance: Is currently managed by island volunteers and funded by donations. The problem is the same 175-200 folks (out of 500+ property owners) contribute; and there is no mechanism for those who are hardest on the roads, the heavy equipment operators, to pay a fair share. "Loan" of County expertise and equipment from time to time would also help; this occurred in limited fashion after "Charlie".

We sincerely appreciate the County's willingness to engage in this process and the staff's generous efforts in assisting us in formulating the proposed plan.  
Thank you all- Fran DeTure





Lee County  
SOUTHWEST FLORIDA

INTEROFFICE MEMORANDUM  
FROM  
SOLID WASTE DIVISION  
Phone: (239) 533-8000 Fax: (239) 461-5871

RECEIVED  
JUL 11 2008

COMMUNITY DEVELOPMENT

Date: 7/8/2008

TO: Paul O'Connor, Director  
Planning Division

From: Lindsey J. Sampson, P.E.  
Director *LJS.*

**SUBJECT: Solid Waste Issues – Local Planning Agency (LPA) meeting June 23, 2008**

The Solid Waste Division is providing this memo as its recommendations regarding solid waste issues as they relate to the Planning Division's staff recommendations presented to the LPA on June 23, 2008. The Solid Waste Division agrees that all actions relating to solid waste management issues should be deleted from the "proposed" amendment to the Lee Plan as indicated on "Attachment A" to this memo. Specifically, sections to be deleted are 'Policies 25.4.4 through 25.4.8'.

It is understood that the North Captiva Community Planning Committee has concerns related to the arrangement and the cost of solid waste handling and disposal. Moreover, the Committee desires Lee County to perform a study of the Island's solid waste practices and provide suggestions/options for improvement. A detailed report can be performed without burdening the Lee Plan with potentially ambiguous policies that may conflict with existing solid waste policies applied county-wide.

The Solid Waste Division believes that the requested "study/report" should be performed expeditiously with personnel familiar with North Captiva's existing Solid Waste system. We have provided an outline of our work plan ("Attachment B" hereto) for such a study and the issuance of a report. We believe that a final draft report can be issued in about six months.

cc: J. Lavender, Public Works  
M. Gibbs, Community Development  
M. Noble, Planning  
B. Newman, Solid Waste  
M. Pavese, Public Works

POLICY 25.4.4: Lee County, in collaboration with the North Captiva community, will conduct a study to improve the efficiency and reduce the cost of household garbage waste disposal. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and a recycling program. Lee County and the North Captiva community will follow this study by developing a program that best suits the North Captiva island needs.

POLICY 25.4.5: Lee County, in collaboration with the North Captiva community and the North Captiva Fire Protection and Rescue Service District will conduct a study to facilitate the removal of yard and vegetative waste. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and/or a recycling program. Lee County and the North Captiva community will follow this study by developing, or participating in the development of, a program that best suits the North Captiva island needs.

POLICY 25.4.6: Within one year from the adoption of this policy, Lee County will provide consider the feasibility of transporting and disposal of household garbage and trash off North Captiva island at a service level consistent with other county residents at a reasonable cost.

POLICY 25.4.7: Lee County will coordinate cooperate with the efforts of the North Captiva community to develop a program focused on the safe disposal of toxic and/or hazardous household waste, such as batteries, mercury, fluorescent lights, and paint.

POLICY 25.4.8: Lee County will work with the The North Captiva community will seek to develop and enforce establish a construction waste policy and procedures for North Captiva island through land development regulations.

OBJECTIVE 25.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE. Lee County will seek to promote, protect, and enhance existing and potential open space, minimal recreational facilities and the quality of life for residents and visitors to North Captiva. These intent of these efforts will seek is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will be mindful to monitor consider the demands on a the island's limited infrastructure.

POLICY 25.5.1: Lee County will seek to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.

POLICY 25.5.2: Lee County will support the North Captiva community in its efforts to obtain an accessible community pursuit of a facility feasibility study and funding plan for an accessible community facility and library for the purposes of meeting, recreation, and community education.



Lee County Solid Waste Division's  
Proposed Review & Report  
Relating to Solid Waste Management On North Captiva Island

Background: The North Captiva Community has requested that Lee County review aspects of solid waste generation and management on North Captiva. The Community is interested in options that will provide an environmentally sound and economically reasonable solid waste management system that will serve the community.

Proposal: The Lee County Solid Waste Division will review and document existing solid waste management practices used by full-time and part-time residents of North Captiva. The Division's review will include information gathered from businesses and residents that are knowledgeable of solid waste generation, transportation and general handling systems on North Captiva. Special attention will be devoted to the variability of solid waste generation during the summer and winter seasons. To the extent available, the Division will document the current costs for collecting, transporting, and disposing/recycling the solid waste generated on North Captiva.

The Division will also review other systems/technologies used in the solid waste industry that may be applicable to the North Captiva community. Existing and alternate solid waste management systems will be included in a final report that will provide the community with options for an environmentally effective and economical solid waste management system.

Proposed Solid Waste Division Activities: Review and Document, at a minimum, the following items and compile into a final report.

- I. Generation
  - a. Summer Residential and Business
  - b. Winter Residential and Business
  - c. Construction and Demolition (C&D)
  - d. Horticulture and Special Waste
  
- II. Current Solid Waste Handling and Storage Practices
  - a. Residential (Full-Time Residents)
  - b. Businesses
  - c. Residential (Part-Time Residents Including Rentals)
  - d. Safety Harbor Properties
  - e. Recycling
  - f. C&D
  - g. Special Waste (White Goods, Bulky Goods, HCW)
  - h. On-Island Existing Property Use/Locations for SW Mgmt.
  
- III. Existing Cost Review
  - a. Residential
    - i. Collection / Handling / Storage

- ii. Transport (Water)
    - iii. Transport/Disposal (Mainland)
    - iv. Recycling
  - b. Business - Commercial
    - i. Handling/Storage
    - ii. Transport (Water)
    - iii. Transport/Disposal (Mainland)
    - iv. On-Island Disposal (w/ mainland ash disposal)
  - c. C&D
  - d. Special Waste
- IV. Information on Potential Alternative or Additional Technologies/Equipment
  - a. Handling / Storage Equipment
  - b. Recycling Handling and/or Storage Equipment
  - c. On-Island Incineration
  - d. On-Island Horticultural Processing
  - e. Water Transport Systems
- V. Final Report
  - a. Executive Summary
  - b. Compilation of Data and Review Information
  - c. Existing Economics
  - d. Options for North Captiva SW Mgmt. System
  - e. On-Island Property Needs
  - f. Estimated Costs for Changes / Additions to SW Mgmt. System



**Mudd, James P.**

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**From:** Thomas F. Levin [tom@ekisticsdesignstudio.com]  
**Sent:** Friday, July 18, 2008 12:26 PM  
**To:** 'Daniel Hrycyk'  
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**Subject:** RE: July 19th Community Plan Meeting

Regarding the one acre debate, I suspect that Lee County will find my language too detailed and specific, requiring them to actually weigh in with a global determination. They would rather sweep this under the rug and say this is not the place to address the issue. It's still worth bringing up and if nothing else they need to acknowledge this problem in the plan in some way to direct staff to deal come up with an island-wide solution.

Speaking of Lee County quirks, I find it amazing that they have been approving interior lots for construction all these years with no public or common access. This is akin to approving home construction on lots on the mainland with no legal access to a street with people having to drive over someone else's private property (without an easement) to get in and out. And if for some reason they don't approve your construction, you would never have figured that out by your tax assessment. I guess that's why they have sovereign immunity.

Though I am a laissez faire kind of person not expecting government to solve all my problems, I find that the exchange of tax money for public services is a contract of sorts that for islanders has been mostly a one way street. We don't need anything special just the basics: access, fire, police, solid waste, etc. ....or a lesser tax rate for the "reduced services plan"?

This community plan process at least has forced the County to acknowledge our existence and issues even if they are not yet willing to commit to help solve all of them. Some stronger wording where the plan gets wishy-washy on critical issues of island consensus would help while deletions would be better in cases where a provision would be useless, duplicative or counterproductive. I won't be there tomorrow so have fun.

P.S. Maybe if we get nowhere with Lee County, all the islands can get a better deal annexing into Charlotte County. That would raise some eyebrows!

---

**From:** Daniel Hrycyk [mailto:danielhrycyk@videotron.ca]

**Sent:** Friday, July 18, 2008 2:37 AM

**To:** Thomas F. Levin

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**Subject:** Re: July 19th Community Plan Meeting

Hi Thomas (and fellow islanders),

I agree that something certainly needs to be done *on a collective basis* with regards to this issue. The issue has to be removed from the "case-by-case" realm into a "realm of transparency" in which islanders will not be forced, at some point of time, to spend substantial amounts of time and money on an individual basis fighting city hall.

The key questions are therefore what to we do and when? The options are as follows:

1. Do not incorporate anything for now in this regard into the Community Plan process.
2. Incorporate some kind of general statement now in this regard into the Community Plan process (leaving specific details for a later date).
3. Incorporate all of the details regarding this issue now into the Community Plan process.

I am not an attorney (but perhaps should have some kind of "honorary degree" given that I spend far too much much time and money on legal matters!), but I believe it would be a major mistake to go with option #1 (i.e., do nothing) due to the reasons indicated in my first paragraph. Incorporating something (such as Thomas' suggestion below) would send a clear signal to Lee County that acquired rights will have to prevail with regards to the unrecorded subdivisions.\*

I firmly believe something has to be done now, but am unsure as to how far we should go to incorporate the issue into the Community Plan. Margaret, can you weigh in on the issue?

Regards,  
Dan Hrycyk

\*Silly questions: if building on lots of less than 1 acre is "illegal", then why did Lee County:

- (a) approve the plans I submitted in 2003 to build a house?
  - (b) issue me a Certificate of Occupancy once the house was completed?
  - (c) have no problems in cashing my annual checks regarding municipal taxes?
- If building a house on my property is "illegal", shouldn't Lee County have refused to issue me a building permit in the first place?

Thomas F. Levin wrote:

Why not state the circumstances IN OUR PLAN under which an MUD is to be granted on the island and incorporate it in our plan rather than change the Lee Plan? Some suggested language below.....

*Policy 1.4.2 of the Lee Plan mandates a minimum lot size of one acre. However, existing subdivisions and lots of record created before December 21, 1984 are exempt or grandfathered from this limitation. The history of Upper Captiva has included the creation of many unrecorded subdivisions that complicates determinations of whether a lot is buildable. Many lots have been sold and resold and many houses have been built that may or may not meet this requirement. Therefore, for the purposes of Minimum Use Determinations, it shall be interpreted that lots platted in unrecorded subdivisions on Upper Captiva Island prior to December 21, 1984 having specific and commonly accepted deed references to lot, block and/or unit numbers in named subdivisions shall be sufficient evidence of the intent of the original subdivider and purchaser that said lots were indeed created. Parcels meeting this requirement shall be considered to be legal nonconforming lots of record meeting the criteria for Minimum Use determination for one single family home per lot. In addition, any lot that has an existing home built on it shall also be considered meeting this criteria whether or not a prior determination was ever made. Subsequent combining of unrecorded lots under one deed does not invalidate the prior existence of said separate lots. The creation of new subdivisions shall continue to be subject to the provisions of Policy 1.4.2.*

This would accomplish a lot. In a worse case scenario, the County might want to review the subdivisions in question, tweak the wording suggested or us a map of subdivisions we are talking about instead. It should be incorporated in this community plan so it doesn't become a changing answer depending on when you apply or who you are dealing with at the County. Whatever the final solution is it should provide certainty as to property rights on the island.

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**From:** Daniel Hrycyk [mailto:danielhrycyk@videotron.ca]

**Sent:** Thursday, July 17, 2008 1:44 AM

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**Subject:** Re: July 19th Community Plan Meeting

"What a tangled web we weave!" Thomas, I would like to thank you for your well-informed comments. They are certainly an eye-opener. When I bought my "little piece of paradise" just a few years ago and had a house built, never in my wildest dreams did I realize the extent to which a Pandora's Box was being opened with regards to all kinds of complex legal and other issues (i.e., island access, trash disposal, etc.). This reflects the fact that, from the outset, the island was very poorly created from

municipal and civic points of view. Truly "a dog's breakfast"!

I am frankly astonished that the issues with regards to the 1-acre minimum lot size and Minimum Use Determination have not come up before. Silly question: with all of the various legal and real estate fees associated with the purchase of a property, was it not someone's responsibility (the seller?, the real estate agent?) to be informed of these issues and to disclose them to the purchaser?

It is precisely for these reasons that we have to now set things straight with the Community Plan. It is an opportunity to introduce some much-needed logic and "law & order" into the equation. The end result will be to provide much-needed clarity and confidence to buying and selling property on North Captiva Island (a very desirable objective in these troubled real estate times!). Sue-Ann, I would like to suggest that the lot size issues be clearly dealt with at the upcoming meeting on July 19.

Regards,  
Dan Hrycyk

Thomas F. Levin wrote:

I would like to comment on discussions concerning the acre lot requirement for barrier islands. Some residents are reacting as if the sky is falling while Margaret Banyon says "don't worry it doesn't affect platted lots". The issue is more complicated than either of these positions. I am an island owner that happens to be a Certified Planner familiar with these issues in other jurisdictions. The following is my understanding as clarified by Mikki Rozdolski of Lee County who handles Minimum Use Determinations. I have copied her on this email in case I misinterpreted anything.

- (1) All lots created after December 21, 1984 must be one acre. Its purpose was to minimize development of unbridged barrier islands. This plan provision never adequately addressed the developed nature of the north 1/2 of our island when it was enacted.
- (2) Legally platted lots created before this date are buildable even if they are smaller than an acre. However, KEEP IN MIND THAT VERY FEW LOTS AND SUBDIVISIONS ON THE ISLAND ARE OFFICIALLY PLATTED. Look at your deed. If there is not a reference to a plat book and page number accompanying the subdivision name or it is referenced as unrecorded (a real obvious clue), your subdivision was never recorded.
- (3) For unrecorded subdivisions, the County must make a Minimum Use Determination (MUD) to determine if you can build. If your lot was created by deed with a metes and bounds legal description prior to 12/21/84, you will most likely meet their review criteria.
- (4) For multiple unrecorded lots under one deed, there is a question as to what the minimum parcel size will be. If you bought lot 4, 5 and 6 Unit 1 in Jose's Hideaway, (an unrecorded subdivision) you may or may not be considered 3 lots under today's rules. The criteria seems to be that if your deed says lot 4 followed by a legal description, lot 5 then another legal description and lot 6 with yet another legal description, it is probable that the county will determine that you have three lots. Conversely if they are lumped into one metes and bounds description, even if there is an introductory reference to lots 4, 5 and 6, you may only have one buildable lot. According to Mikki, the County does not accept the recitation of numbered lots of an unrecorded subdivision to be enough evidence of separate parcels. If you can trace multiple lots back to prior deeds from separate persons, the fact that you combine them for tax purposes should not invalidate the ability to grandfather the lots. Again the big question is "were there separate legal descriptions on a recorded deed or collection of separate deeds issued prior to 12/21/84"? This may require a chain of title report.
- (5) For existing houses, It is possible that some building permits issued since 1984 were not properly issued or that there never was a Minimum Use Determination made. This may affect rebuilding after storms or making additions or could cloud title transfers. It is also possible that currently undeveloped lots, even if they are now owned as single lots, may have been historically divided from a parent parcel that had only one legal description on a deed for several unrecorded lots. If these lots were sold apart after 12/21/84 these lots may not qualify for a MUD. Staff denials of MUD's can be appealed to the Board.
- (6) Some people on the island would be happy if this meant that there would be fewer homes on the island, even if it was at the expense of their neighbor. In most cases, I don't think that would really happen. In all probability the rules could make it difficult and expensive for some lot owners and they will have to hire attorneys if the County tells them they can't build on their lot. I never got a clear yes or no on some of my hypothetical scenarios and was told by Lee County that they will review lots for MUDs on a case by case basis.

The most definitive thing I learned is there is nothing definitive. It would seem that a Community Plan would be a good place to clear up what can be done on private property taking into account the unique circumstances on our island. Whatever the determination is for property owners, it would be nice to know that the process is being fairly applied in a consistent manner.

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July 6, 2008

Dear Fellow Islanders:

We have been notified that on July 19<sup>th</sup>, there will be a meeting of the Upper Captiva Planning Committee regarding the final language of the Upper Captiva Plan currently under consideration for adoption by Lee County. While the language is of greatest concern, I am equally concerned with this: At some point, one group or body will emerge that is charged with implementing this plan, once it is adopted by Lee County. I feel that it is vital that such a group/committee be representative of the entire island.

I directed this question to Dr. Margaret Banyan, and she agreed that the concept of an implementation committee—one that is representative of all island interests—would be of value. Accordingly, **I would respectfully request that the discussion of such an implementation committee, and its makeup, be included in the July 19<sup>th</sup> Agenda.** I don't know what the protocol is for making up the Agenda, but, as a UCCA member, I would ask that this request be considered.

I thought it might be helpful to review how the Upper Captiva plan fits in with the Lee County plan. While it covers ground familiar to many, I believe it may be of value to review so that we can all be on the same page.

### 1. The Lee County Comprehensive Plan.

The Lee County Comprehensive Plan written over 20 years ago contains Land Use Designation Paragraph 1.4.2. This paragraph pertains to ALL of the barrier islands, not just Upper Captiva, and is the one the County uses the rationale for giving us reduced (or no) levels of service. Any changes to the language to this paragraph in the Lee County Plan, therefore, have financial and legal implications for ALL of the barrier islands, not just our own, from the County's perspective.

In other words, if we ask for solid waste removal in paragraph 1.4.2 of the Lee County Plan, **we will be asking for this service for ALL of the barrier islands, not just our own.** Likewise, if the UCPC asks to



rewrite the "one acre/unit" language *here*, it will be doing so on behalf of ALL of the barrier islands, not just Upper Captiva.

## **2. Becoming an Exception to the Lee County Comprehensive Plan**

No community can strike language from Lee County paragraph 1.4.2. , or rewrite it, without expecting a fierce battle from the Lee County Board of Commissioners and the state of Florida. Any changes made therein will apply to 13 barrier islands, and that price tag, even in a good economic climate, has been too high. Communities that have been successful in gaining services (Sanibel, Captiva, Boca Grande, etc.) have done so by forming their own Community Plans, which are made an EXCEPTION to Lee County Plan paragraph 1.4.2.

Upper Captiva can choose to lead the fight to change the Lee County Comprehensive Plan Paragraph 1.4.2. This will initiate a lengthy and extremely costly (especially in this economic climate) battle which Upper Captiva would be fighting—with its own resources and its own revenues—on behalf of ALL of the barrier islands.

## **3. Upper Captiva Community Plan**

Lee County Plan Paragraph 1.4.2 has been included as part of the Upper Captiva Community Plan with the following addition: "Except for services provided by other parts of this plan." That language, which has not been objected to by the County, ensures that the services called for in the Upper Captiva Plan are being asked for Upper Captiva alone. It is important to note the difference between making changes to Paragraph 1.4.2 within the Upper Captiva Plan (where it applies ONLY to Upper Captiva) as opposed to in the Lee County Plan (where it would have implications for ALL of the barrier islands). The one unit/per acre issue can be addressed here as well.

## **4. Process**

In order to be accepted, the Upper Captiva Community Plan goes through the following process:  
 In order to be accepted, the Upper Captiva Community Plan goes through the following process:  
 Hearing before the LPA (Lee Planning Agency), which makes recommendations to the Board of County Commissioners). This has been continued to August 2008.

Approval by the Lee County Board of Commissioners.

Approval by the Florida Department of Community Affairs

Adoption by the Lee County Board of Commissioners.

There are no legal votes taken or required on the Upper Captiva Community Plan. Each of the agencies above conducts public hearings and weighs the input of community members. There are no requirements for those who wish to give input other than being taxpayers on Upper Captiva Island. Finally, the Lee County Board of Commissioners is an elected body. The Lee Planning Agency is a citizen's advisory committee, appointed by the Board of Commissioners.

Again, what is clear that *some* agency or body is going to assume the lead to execute this plan when/if it is adopted by Lee County. To reiterate, I think it is vital that any committee or body that represents Upper Captiva going forward is a representative one—and this should be a matter of community discussion. I hope you agree. Hope to see you all on the 19<sup>th</sup>!

Karen Sirabian  
 4591 Seair Lane

P.S. I've tried to send this to what I hope is a comprehensive email list, but have had some trouble with that. Hope you'll forward to anyone I've missed!



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September 2, 2008

Mr. Ron Inge  
c/o Lee County Local Planning Agency  
P. O. Box 398  
Fort Myers, FL 33902

Re: North Captiva Community Plan

Dear Mr. Inge:

It was a pleasure appearing in front of the Lee County LPA on August 25<sup>th</sup>, on behalf of the North Captiva Community Planning Panel.

I was intrigued by your comment concerning the road/pathway issue to the effect that the islanders could resolve their own issues without the need for County assistance. I thought you also indicated that you had seen it done or been involved in a situation where this was accomplished.

While there is a statutory provision for reinstating expired deed restrictions, I am aware of no mechanism whereby owners of properties that are not already bound together by deed restrictions or by a mandatory property owners' association can lawfully adopt deed restrictions without the approval of all property owners.

It is, of course, impossible to obtain 100% consent of even a dozen property owners, let alone hundreds.

I have checked with our attorneys who do exclusively condominium property owner association work and have confirmed that they also know of no legal method to mandate cooperation of all parcel owners. That is why the only methodology available (except for Safety Harbor Club, of course) would be through a County-sponsored methodology such as an MSTU or MSBU.

Would you be willing to give me a call and discuss any other methodologies of which you are aware? This is probably the most important matter in the entire North Captiva Community Plan and it must be correctly presented, from a legal standpoint, to the Board of County Commissioners by the time of the transmittal hearing.

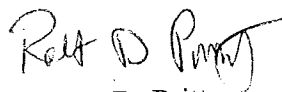
Mr. Ron Inge  
September 2, 2008  
Page 2

As an aside, I received photographs from my brother-in-law of the flooding on Sunday from Hurricane Gustav, which is being reported to have essentially missed Lee County except for Bonita. If you are interested, let me know and I'll send them. Otherwise, I'll just save them for the BOCC hearing.

By the way, Plan amendments are legislative. Otherwise, I would not have sent this communication. Thank you for your ongoing service to the community.

Very truly yours,

ROETZEL & ANDRESS, LPA



Robert D. Pritt

RDP/pb

cc: Donna Marie Collins, Asst. County Attorney  
Dr. Margaret Banyan (via e-mail) mbanyan@comcast.net  
North Captiva Community Planning Panel, att:Richard Craven, Chair (via e-mail)

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## Sheila Holland

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**From:** Noble, Matthew A. [NOBLEMA@leegov.com]  
**Sent:** Thursday, September 04, 2008 3:22 PM  
**To:** Sheila Holland  
**Cc:** Ciccarone, Michael; Rae Ann Boylan; Alicia Lewis  
**Subject:** RE: R & D Cattle Co.

Thank you!

---

**From:** Sheila Holland [mailto:sholland@M-DA.com]  
**Sent:** Thursday, September 04, 2008 3:20 PM  
**To:** Noble, Matthew A.  
**Cc:** Ciccarone, Michael; Rae Ann Boylan; Alicia Lewis  
**Subject:** RE: R & D Cattle Co.

Okay, I will bring four sets upstairs to the 2<sup>nd</sup> floor to you.

Thanks

Sheila Holland  
Planning Technician

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**From:** Noble, Matthew A. [mailto:NOBLEMA@leegov.com]  
**Sent:** Thursday, September 04, 2008 3:20 PM  
**To:** Ciccarone, Michael  
**Cc:** Sheila Holland; Rae Ann Boylan  
**Subject:** RE: R & D Cattle Co.

Yes, thank you...

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**From:** Ciccarone, Michael [mailto:Michael.Ciccarone@fowlerwhite.com]  
**Sent:** Thursday, September 04, 2008 3:04 PM  
**To:** Noble, Matthew A.  
**Cc:** Sheila Holland; Rae Ann Boylan  
**Subject:** FW: R & D Cattle Co.

Matt, are the attachments what you are looking for?

Michael J. Ciccarone  
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Fax: 239-334-3240  
E-mail address: [michael.ciccarone@fowlerwhite.com](mailto:michael.ciccarone@fowlerwhite.com)

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**From:** Sheila Holland [mailto:sholland@M-DA.com]  
**Sent:** Thursday, September 04, 2008 1:48 PM  
**To:** Ciccarone, Michael  
**Cc:** Rae Ann Boylan; Alicia Lewis; David W. Depew  
**Subject:** R & D Cattle Co.

Please advise,

Attached is the Northern Preserve Drawing I am planning on turning in to Matt Noble today as well as the revised environmental report dated 8/21/08. I have also attached a revised conservation land use area map with a revision date of 9/4/08, do you want me to turn that in also?

Thank you,

Sheila M. Holland

Planning Technician



2914 Cleveland Avenue | Fort Myers, FL 33901  
(239) 337-3993 | FAX: (239) 337-3994  
Toll Free: (866) 337-7341  
[www.morris-depew.com](http://www.morris-depew.com)  
L23900339

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Disclaimer under IRS Circular 230: Unless expressly stated otherwise in this transmission, nothing contained in this message is intended or written to be used, nor may it be relied upon or used, (1) by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code of 1986, as amended and/or (2) by any person to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed in this message.

If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, we will discuss the additional Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

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Confidentiality Disclaimer: This e-mail message and any attachments are private communication sent by a law firm, Fowler White Boggs Banker P.A., and may contain confidential, legally privileged information meant solely for the intended recipient. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is

Abbreviated Minutes  
North Captiva Community Panel  
March 17, 2007

Panel members in attendance were Richard Craven, Rick Fox, David Tompkins, Peter Aldrian and Kristie Anders. Attorney Bob Pritt and JEI's Margaret Banyan were also in attendance. Lee County Planner Jim Mudd was unable to attend.

Call to order by Chair Richard Craven at 1:05

Margaret Banyan of Johnson Engineering highlighted some of the findings of the community survey. Results are posted on [www.uppercaptivacivicassociation.org](http://www.uppercaptivacivicassociation.org).

At the last meeting each panel member was assigned a subcommittee:

Richard Craven-ingress and egress

Peter Aldrian-roads

Rick Fox- infrastructure including garbage, sewer and water

Dave Tompkins- architectural design and setbacks

Kristie Anders-environmental concerns

Fire Chief Richard Pepper was asked to chair a committee on public safety and emergency response.

The group of attendees clustered at tables for a brainstorming session with each of the subcommittee groups. Strategies and additional concerns were discussed in small group format in a round-robin manner.

The results of those discussions were collated and summarized in a separate document by Margaret Banyan. This document was distributed by email to the panel members and posted on the web site.

After this small group exercise the business of the panel began. Most residents departed at this time.

Margaret Banyan gave a project overview. This process will result in proposed changes to the Lee Plan specifically addressing strategies for North Captiva Island. Panel input from subcommittee meetings, with proposed strategies will be turned over to Johnson Engineering (JEI) for research and review.

It is hoped that Joe Poppalardo of the Lee County Sheriff's office will be in attendance at a meeting scheduled for May 19, 1 pm at Safety Harbor Club House. He has been researching regulated use of the right-of-ways aka North Captiva Roads. Captain Shevitski spoke to the UCCA in the fall, but since then Officer Poppalardo has looked into the issue of prescriptive rights and has been in contact with JEI.

There is a conflict in the state laws as the minimum age for golf cart drivers is 14, but the legal minimum age for driving carts on county roads is 16.

After a meeting of the panel May 19, 2007, JEI will bring back to the community a document for discussion and approval of proposed changes to the Lee Plan. A second survey utilizing emails and Survey Monkey will be given to interested islanders for comment. Some research will be to determine already existing language in the Lee Plan so as to avoid duplication.

June 8, JEI will provide a rough draft of proposed amendments.

The panel will convene on July 7, 2007, at the Safety Harbor Club House at 1 pm, to review their comments on the draft. A community wide meeting will take place on August 18, 1 pm at the Safety Harbor Club House.

The final document goes to county planning staff for their review by September 28.

In summary here are the upcoming meetings of the Upper Captiva Community Panel open to the public:

Community Planning Panel: May 19 (Saturday) at 1 pm Safety Harbor Club House  
Community Planning Panel: July 7 (Saturday) at 1pm Safety Harbor Club House  
Community Input Workshop: August 18 (Saturday) at 1pm Safety Harbor Club House.  
Community Planning Panel: September 15 (Saturday) at 1pm Safety Harbor Club House

Margaret Banyan requested that each of the sub committee chairs schedule 3 independent meetings with the committee focusing on the specific areas assigned to each member. The dates will be sent to Margaret for distribution to community members through the survey email list, the Road Commission email list and community posters.

Banyan requested that a report after each of the subcommittee meetings be sent to her. She would then distribute the findings to the public and post them on the web site. She emphasized that the sub committee work should focused on strategies to resolve concerns expressed by islanders such as disposal of vegetative debris, ingress/egress and beach access.

Attorney Robert Pritt will be reimbursed for his services thus far from the original \$5000 seed money given to UCCA by the County. It is not until the end of September that JEI expects payment for its services.

A full audio record of the meeting was by Peter Aldrian. As technology is available and deciphered, this audio record as well as the February meeting will be available on the web site [uppercaptivacivicassociation.org](http://uppercaptivacivicassociation.org).

The panel adjourned at 4:15.

Three additional documents are included:

Attendance

Small group round table summaries

Subcommittee meeting schedule

Susan Uhl  
Jane Pugh  
Ann Murphy  
Connie Long  
Kate Demarco  
John Fuller  
Marian Fuller  
Dick Lewis  
Vickie Lewis  
Sue Syers  
Linda Hrycyk  
Dan Hrycyk  
Ray Torres  
Louise McDonald  
Marion Hall  
Steve Hall  
Kathryn Miller  
Sue Ann Cousar  
Thomasin Shepp  
Fran Deture  
Arthur Mason  
Hart Kelly  
Steve Sward  
Marilyn Sward  
Zeke McDonald  
Ashlyn Sims



SMALL GROUP ROUNDTABLE MEETING NOTES  
Upper Captiva Planning Panel  
March 17, 2007; 1pm

**Roads**

*Considerations*

- Dune Access
- Docks
- Existing system work
- Signage and Design standards (with respect to roads)
- Soil cement
- Contractor

*Enforcement Issues*

- Speed limits on the roads
- Underage golf cart driving
- Gas powered vehicles

**Island Access**

*Strategies*

- Need for an owner shared access point—community ownership of Barnacle Phil's
- Automobile parking -- mainland
- Community Boat Ramp / North Captiva Dunes Lot
- Other canal lots / ferry dockage
- Commuter airline to Page Field

**Infrastructure**

*Waste management strategies*

- Recycling available island-wide
- Control battery / hazardous materials for aquifer / water quality / other environmental purposes
- Island wide incinerator \*\* (mentioned several times)
- Garbage disposal paid for by county

*Water supply / quality*

- Salt water intrusion a risk; drawing down our aquifer
- Mainland/other communities have an effect on aquifer
- Restrict swimming pools (? Not sure about the impact on supply)
- Desalinization
- Other comments
  - controlling density will control problems (require 2 lots to build rather than one).
  - water quality is responsibility of individual property owner

### *Waste water*

- Group septic / community water treatment / possible island-wide sewer plant
- ...some disagreement on this issue—some want wells & septic tanks to be kept 'as is'

### **Architectural Design Standards**

#### *Strategies*

- Height is a critical element
- No cube architecture
- Limit multi-lot building
- Restrict outside lighting / spots aimed at neighbors
- Enforce breakaway ground floor codes
- Create dis-incentives for duplexes
- Incentives for multiple lots / one building
- Evacuation provisions for 3<sup>rd</sup> level living space (fire escapes)
- Encourage native landscaping and relocation of viable vegetation instead of clearing
- Enforce codes
- Tax break on unbuildable lots

### **Environment**

#### *Strategies*

- Phased removal of pepper
- Mulching yard waste (or bury and burn)
- Restriction of camping on state land and open fires
- Encourage xeriscaping
- Restrict massive clearing (size of trees may be indicator to trigger action)
- Define & clarify beach pollution
- Rental agents take ownership of clearing up after renters
- Signage (e.g., Help Us Care for Our Island)
- Incentives for removal of exotic plants (need for education / brochures?)
- Dune walkovers and dune protection
- House calls for education (at point that it matters)
- Links to websites & UCCA newsletters
- List of suppliers that are environmentally sound/conscious

#### *Problems affecting environment*

- Clear cutting of lots
- Rats
- Lack of enforcement for existing codes \*\*
- Increased pollutants ==Sea grass dying off==Damage water quality and nutrients Urbanization of lots
- Raccoons impact on gopher tortoises
- Feral cats impact on wildlife
- Exotic vegetation (esp. Brazilian pepper & non indigenous plants)
- Septic tanks (impact on environment)

- Illegal dumping and abandoned carts, cars, boats
- Garbage on beach (broken bottles, litter, etc.)

### **Public Safety / Enforcement**

#### *Enforcing agencies*

- Code Enforcement (property, structures, dumping)
- Department of Protection (Fish and Wildlife) (beaches, state lands)
- Sheriff (jurisdiction outside state lands)
- Health Department (restaurants & wells)
- Fire Department (life and safety codes ??)

#### *Issues*

- Codes are adequate (enforce what is there already)
- Exterior means of ingress / egress for 2<sup>nd</sup> and 3<sup>rd</sup> levels of structure. Not now needed by state code (??). No longer are sprinklers needed on new structures. (Insurance rates will go up).
- Education (residents need to know what the codes are)
- Fire district: assist Lee County with rides to
- Open burning: UCFD is active enforcer
- LC Sheriff's office: Fire District responds as a courtesy (e.g., noise complaints)
- Golf cart safety and kids driving\*\*\* (important issue)

#### *Strategies*

- Designated burn area to get rid of yard debris (?) –unlikely that state lands will allow burning for this purpose, however it may be worth a try
- UCFD will try to set up burn area @ end of airstrip for yard debris (will take airstrip owner cooperation).
- Hurricanes—lack of knowledge is lack of information. UCFD will put on annual hurricane seminar again
- Get evacuation plan put on website (?)
- Fire break on state lands (UCFD wants a 30 foot fire break with reduced vegetation—state may be unwilling to cooperate)
- Advanced Life Support. Helicopter is available now. ALS requires big funding. E.g., medical direct, 300 hours of call time and training/year; upgraded equipment; all very expensive. UCFD already has provisions for intubating and defibrillating, and giving oxygen (heart attack victims must just get to the hospital).

#### *Other comments*

- Fire Protection Plan—now an ISO rating of 7; used to be a 9.

## **Subcommittee Meeting Schedule**

### **Environment and Open Space**

Subcommittee Chair: Kristie Anders

This sub group will include development of strategies for maintenance and enhancement of wildlife preservation, vegetation, beaches, mangroves and water quality.

April 2 (Monday) at 10 am: Safety Harbor Club House

April 7 (Saturday) at 10 am: Safety Harbor Club House

April 22 (Sunday) at 2:00 pm: Safety Harbor Club House

### **Infrastructure**

Subcommittee Chair: Rick Fox

This sub group will focus on strategies for addressing garbage disposal, construction waste, yard debris, fresh water, wastewater, and sewage concerns.

April 13 (Friday) at 11am: Safety Harbor Club House

May 4 (Friday) at 11am: Safety Harbor Club House

### **Island Access**

Subcommittee Chair: Richard Craven

This group will look at issues and vision to ensure island access, including boat docking, public docks, and automobile parking (on Pine Island).

April 12 (Thursday) at 4pm: Safety Harbor Club House

April 19 (Thursday) at 4pm: Safety Harbor Club House

### **Public Safety and Code Enforcement**

Chair: Richard Pepper

This committee will address the vision and alternatives for enforcement of codes, underage golf cart driving, and the desired partnership with the Lee County Sheriff's Office and the Division of Forestry.

4/7/07 (Saturday) at 11:00 AM: Fire Station

4/20/07 (Friday) at 2:00 PM: Fire Station

5/7/07 (Monday) at 2:00 PM: Fire Station

### **Design Standards**

Chair: Dave Tompkins

This sub committee will address architectural design standards, lighting, code enforcement and setbacks.

4/11/07 at 3pm Safety Harbor Club

5/2/07 at 3pm Safety Harbor Club

5/9/07 at 3pm Safety Harbor Club

### **Road Maintenance and Standards**

Chair: Peter Aldrian

This committee will discuss issues of road maintenance, funding, and vehicle operations.


4/13 at 3pm Safety Harbor Club

5/4 at 11 am Safety Harbor Club

interoffice  
MEMORANDUM

---

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner   
DCD/Planning

**Date:** May 24, 2007

**Subject:** Upper Captiva Civic Association check request

Attached are invoices totaling \$9,437.56 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **\$9,437.56** made payable to the Upper Captiva Civic Association and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902

# Invoice

Project Manager Margaret Banyan

May 15, 2007  
Project No: 20076761-000  
Invoice No: 1

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945  
United States

Project 20076761-000 Upper Captiva Community Plan

**Professional Services through April 29, 2007**

Phase	01	Data Collection & Site Analysis	
<b>Fee</b>			
Total Fee		6,000.00	
Percent Complete	70.00	Total Earned	4,200.00
		Previous Fee Billing	0.00
		Current Fee Billing	4,200.00
		<b>Total Fee</b>	<b>4,200.00</b>
		<b>Total this Phase</b>	<b>\$4,200.00</b>

Phase	02	Workshop Preparation & Facilitation	
<b>Fee</b>			
Total Fee		4,000.00	
Percent Complete	90.00	Total Earned	3,600.00
		Previous Fee Billing	0.00
		Current Fee Billing	3,600.00
		<b>Total Fee</b>	<b>3,600.00</b>
		<b>Total this Phase</b>	<b>\$3,600.00</b>

Phase	03	Data Review & Analysis	
<b>Fee</b>			
Total Fee		6,500.00	
Percent Complete	15.00	Total Earned	975.00
		Previous Fee Billing	0.00
		Current Fee Billing	975.00
		<b>Total Fee</b>	<b>975.00</b>
		<b>Total this Phase</b>	<b>\$975.00</b>

**PLEASE SEND COPY OF  
INVOICE OR REFERENCE  
OUR FULL PROJECT NUMBER  
ON YOUR PAYMENTS.**

Phase	05	General Consulting & Meeting Participation	
-------	----	--	--

**Fee**

Total Fee	6,000.00		
Percent Complete	50.00	Total Earned	3,000.00
		Previous Fee Billing	0.00
		Current Fee Billing	3,000.00
		<b>Total Fee</b>	<b>3,000.00</b>
		<b>Total this Phase</b>	<b><del>\$3,000.00</del></b>

---

Phase REIM Reimbursables

**Reimbursable Expenses**

Miscellaneous Expense			
2/28/07 Survey Monkey Website	Community Survey Through Website	21.95	
		21.95	21.95
<b>Total Reimbursables</b>			
		<b>Total this Phase</b>	<b>\$21.95</b>

**Retainage**

Current Retainage	2,359.39 (20.00% of 11,796.95)	-2,359.39
Retainage-To-Date	2,359.39 (Limit 6,300.00)	

**Total this Invoice**


**\$9,437.56**

*OK Thompson*  
5.22.07

interoffice  
MEMORANDUM

---

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner   
DCD/Planning

**Date:** October 24, 2007

**Subject:** Upper Captiva check request

Attached is a copy of an invoice for \$14,799.98 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **\$14,799.98** made payable to the Upper Captiva Civic Association, Inc., and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.



# Statement

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
239.334.0046 Fax 239.334.3661

October 9, 2007  
Project No: 20076761-000

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project: 20076761-000 Upper Captiva Community Plan

## Outstanding Invoices

Number	Date	Invoiced	Balance Due	Days Outstanding
2	8/13/07	14,854.28	11,883.42	57.00
3	9/25/07	3,645.70	2,916.56	14.00
<b>Statement Totals</b>		<b>18,499.98</b>	<b>14,799.98</b>	

Current	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	Over 150 Days
2,916.56	11,883.42				

*Average Days* 35.50

OK 10.15.07  
Franklin

interoffice  
MEMORANDUM

FWD. TO  
CONTRACTS

To: Denise Stanton  
Internal Services/Fiscal Pool

From: Jim Mudd, AICP, Principal Planner *JMU*  
DCD/Planning

Date: January 23, 2008

Subject: Upper Captiva check request

The Upper Captiva planning panel is requesting payment for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for \$15,926.48, made payable to the <sup>Upper Captiva</sup> Community Planning Panel, Inc. And mail to Karen Wildeman, P.O. Box 3038, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

342283

Line 1 \$15,926.48

*Denise Stanton*

1/30/08

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
Ph: 239.334.0046 Fax: 239.334.3661  
Project Manager Tessa LeSage

# Invoice

December 13, 2007  
Project No: 20076761-000  
Invoice No: 5

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project 20076761-000 Upper Captiva Community Plan

Professional Services through December 2, 2007

Phase	REIM	Reimbursables		
<b>Reimbursable Expenses</b>				
Public Records				
11/1/07	American Express	Internet Copies	10.98	
			10.98	10.98
		<b>Total Reimbursables</b>		
			<b>Total this Phase</b>	<b>\$10.98</b>

<b>Retainage</b>				
Current Retainage		2.20 (20.00% of 10.98)		-2.20
Prior Retainage		6,165.68		
Retainage-To-Date		6,167.88 (Limit 6,300.00)		
			<b>Total this Invoice</b>	<b>\$8.78</b>

**Outstanding Invoices**

Number	Date	Balance	Retainage	Now Due
4	11/26/07	531.44	-106.29	425.15
<b>Total</b>		<b>531.44</b>	<b>-106.29</b>	<b>425.15</b>

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
Ph: 239.334.0046 Fax: 239.334.3661  
Project Manager Tessa LeSage

# Invoice

November 26, 2007  
Project No: 20076761-000  
Invoice No: 4

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project 20076761-000 Upper Captiva Community Plan  
Professional Services through October 28, 2007

Phase	REIM	Reimbursables		
<b>Reimbursable Expenses</b>				
Postage & Shipping			531.44	
10/4/07 Community Notifications			531.44	531.44
<b>Total Reimbursables</b>				
			<b>Total this Phase</b>	<b>\$531.44</b>

<b>Retainage</b>				
Current Retainage	106.29	(20.00% of 531.44)		-106.29
Prior Retainage	6,059.39			
Retainage-To-Date	6,165.68	(Limit 6,300.00)		
			<b>Total this Invoice</b>	<b>\$425.15</b>

**Outstanding Invoices**

Number	Date	Balance	Retainage	Now Due
2	8/13/07	14,854.28	-2,970.86	11,883.42
3	9/25/07	3,645.70	-729.14	2,916.56
<b>Total</b>		<b>18,499.98</b>	<b>-3,700.00</b>	<b>14,799.98</b>

# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

REMIT TO ADDRESS:  
 222 S. MAIN STREET  
 AKRON, OHIO 44308-2098  
 (330) 376-2700  
 FAX (330) 376-4577  
 ramail@ralaw.com

FEDERAL TAX ID #34-1245415

UPPER CAPTIVA CIVIC ASSOCIATION, INC.  
 C/O RICHARD CRAVEN, CHAIR  
 P.O. BOX 423  
 PINELAND, FL 33945

Invoice: 727099  
 Client/Matter: 113403.0002  
 September 18, 2007

For Professional Services Rendered  
 For The Period Through August 31, 2007

**Total Due This Invoice     \$ 1,126.50**

Re: COMMUNITY PLANNING PANEL

*OK  
 Thompson  
 28 SEP 07*

Date	Initials	Description
08/14/07	RDP	Respond to e-mail inquiries from M.Banyan re: road issues and drafts for next meeting. E-mails to R. Craven.
08/16/07	RDP	Receive and respond to e-mails re: meeting issues.
08/18/07	RDP	Trip to Pine Island (no charge for time), attend and advise at community planning panel meeting.
08/20/07	DW	Conference with R. Pritt regarding research into ownership of roadways within Upper Captiva.
08/22/07	DW	Phone call to M. Banyon regarding issues pertaining to ownership of roadways.
08/23/07	DW	Phone conferences with M. Banyon of Johnson Engineering regarding roadway ownership issues. Phone conferences with Jeff Urban (Urban Land Surveyors) regarding the same. Email Memorandum to R. Pritt regarding the same.
08/29/07	RDP	E-mails re: setting up meeting with M. Banyan and county staff re: report. Review potential issue re: roads.
08/30/07	RDP	Follow up with M. Banyan re: meeting with county.

Professional Services

\$ 1,126.50

### TIMEKEEPER SUMMARY

Timekeeper	Hours	Rate	Amount
Robert D. Pritt	5.10	175.00	892.50
Daniel Weidenbruch	1.20	195.00	234.00

**"THIS IS A CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION"**

# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

Invoice: 727099  
September 18, 2007  
Page 2

113403.0002  
COMMUNITY PLANNING PANEL

---

Timekeeper	Hours	Rate	Amount
Totals	6.30		1,126.50

Invoice Total \$ 1,126.50

PLEASE INCLUDE INVOICE NUMBER WITH REMITTANCE  
PLEASE REMIT PAYMENT UPON RECEIPT



A LEGAL PROFESSIONAL ASSOCIATION

REMIT TO ADDRESS:  
222 S. MAIN STREET  
AKRON, OHIO 44308-2098  
(330) 376-2700  
FAX (330) 376-4577  
ramail@ralaw.com

FEDERAL TAX ID #34-1245415

**REMITTANCE PAGE**  
For Professional Services Rendered

UPPER CAPTIVA CIVIC ASSOCIATION, INC.  
C/O RICHARD CRAVEN, CHAIR  
P.O. BOX 423  
PINELAND, FL 33945

PLEASE INDICATE INVOICE  
NUMBER ON REMITTANCE  
Invoice: 727099  
Client/Matter: 113403.0002  
Billing Atty: RDP  
September 18, 2007

Invoice Total

\$ 1,126.50

Remit To Address:  
222 S. Main Street  
Akron, OH 44308-2098

Wire/ACH Instructions:  
Chase Bank  
50 S. Main Street  
Akron, OH 44308  
ACH Routing Number 044000037  
Wire Routing Number 021000021  
Account Number 872113898  
Swift Code CHASUS33

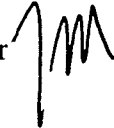
interoffice  
MEMORANDUM

**FWD. TO  
CONTRACTS**

**DEPT.  
SKIP**

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner  
DCD/Planning



**Date:** October 24, 2007

**Subject:** Upper Captiva check request

Attached is a copy of an invoice for \$14,799.98 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for \$14,799.98 made payable to the Upper Captiva Civic Association, Inc., and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

PLEASE SIGN FROM C 3867  
342283  
Line 1 \$14,799.98  
Denise Stanton  
10/24/07



# Statement

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
239.334.0046 Fax 239.334.3661

October 9, 2007  
Project No: 20076761-000

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project: 20076761-000 Upper Captiva Community Plan

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	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	Over 150 Days
<b>Current</b>					
2,916.56	11,883.42				

*Average Days*                      *35.50*

OK 10.15.07  
Dumplings

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 5/29/07

Check No.- 548625

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
PROJECT20076761000	5/24/07	UPPER CAPTIVA COMMUNITY PLAN	\$9,437.56		\$9,437.56

MAIL  
5/29/07

\*\*\*\*\*\$9,437.56

\*\*\*\*\*\$9,437.56

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
JACKSONVILLE, FL

63-568/631

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
5/29/07	548625	*****\$9,437.56

VOID AFTER 8 MONTHS

*Nine thousand four hundred thirty seven and 56/100 Dollars*

PAY TO THE ORDER OF UPPER CAPTIVA CIVIC ASSOCIATION INC  
PO BOX 423  
PINELAND, FL 33945



*[Signature]*  
Charlie Jellen

DEP  
SKIP INVOICE

DEPT  
SKIP

RETURN CHECK TO  
FISCAL POOL

DATE: 5/24/2007

INVOICE: \_\_\_\_\_

RETURN CHECK TO  
FISCAL POOL

VENDOR: UPPER CAPTIVA CIVIC ASSOCIATION

ADDRESS # 342283

CNT.# CT# 3867

P.O. # \_\_\_\_\_

ACCOUNT# LB5150715500.508309.05

BRANCH/PLANT \_\_\_\_\_

AMOUNT: \$9,437.56

FOR: WORK COMPLETED ON UPPER CAPTIVA COMMUNITY PLAN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REQUESTING DEPT: DCD/PLANNING

548625  
5/15/07

REQUESTED BY: \_\_\_\_\_  
COMMUNITY DEVELOPMENT/PUBLIC WOR  
INTERNAL SERVICES - FISCAL POOL  
1500 MONROE STREET - 4TH FLOOR  
FORT MYERS, FL 33901  
PHONE: 479-8533 - FAX 479-8105

*W. L. ...*  
5/24/07

interoffice  
MEMORANDUM

---

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner *JM*  
DCD/Planning

**Date:** May 24, 2007

**Subject:** Upper Captiva Civic Association check request

Attached are invoices totaling \$9,437.56 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **\$9,437.56** made payable to the Upper Captiva Civic Association and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

342283

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902

# Invoice

Project Manager Margaret Banyan

May 15, 2007  
Project No: 20076761-000  
Invoice No: 1

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945  
United States

Project 20076761-000 Upper Captiva Community Plan

**Professional Services through April 29, 2007**

Phase 01 Data Collection & Site Analysis

**Fee**

Total Fee	6,000.00		
Percent Complete	70.00	Total Earned	4,200.00
		Previous Fee Billing	0.00
		Current Fee Billing	4,200.00
		<b>Total Fee</b>	<b>4,200.00</b>
		<b>Total this Phase</b>	<b>\$4,200.00</b>

Phase 02 Workshop Preparation & Facilitation

**Fee**

Total Fee	4,000.00		
Percent Complete	90.00	Total Earned	3,600.00
		Previous Fee Billing	0.00
		Current Fee Billing	3,600.00
		<b>Total Fee</b>	<b>3,600.00</b>
		<b>Total this Phase</b>	<b>\$3,600.00</b>

Phase 03 Data Review & Analysis

**Fee**

Total Fee	6,500.00		
Percent Complete	15.00	Total Earned	975.00
		Previous Fee Billing	0.00
		Current Fee Billing	975.00
		<b>Total Fee</b>	<b>975.00</b>
		<b>Total this Phase</b>	<b>\$975.00</b>

**PLEASE SEND COPY OF  
INVOICE OR REFERENCE  
OUR FULL PROJECT NUMBER  
ON YOUR PAYMENTS.**

Phase 05 General Consulting & Meeting Participation

<b>Fee</b>			
Total Fee	6,000.00		
Percent Complete	50.00	Total Earned	3,000.00
		Previous Fee Billing	0.00
		Current Fee Billing	3,000.00
		<b>Total Fee</b>	<b>3,000.00</b>
		<b>Total this Phase</b>	<b>\$3,000.00</b>

---

Phase	REIM	Reimbursables		
<b>Reimbursable Expenses</b>				
Miscellaneous Expense				
2/28/07 Survey Monkey Website		Community Survey Through Website	21.95	
			21.95	21.95
		<b>Total Reimbursables</b>		
			<b>Total this Phase</b>	<b>\$21.95</b>

<b>Retainage</b>			
Current Retainage	2,359.39	(20.00% of 11,796.95)	-2,359.39
Retainage-To-Date	2,359.39	(Limit 6,300.00)	
		<b>Total this Invoice</b>	<b>\$9,437.56</b>

*OK Tompkins*  
5.22.07



LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 1/30/07

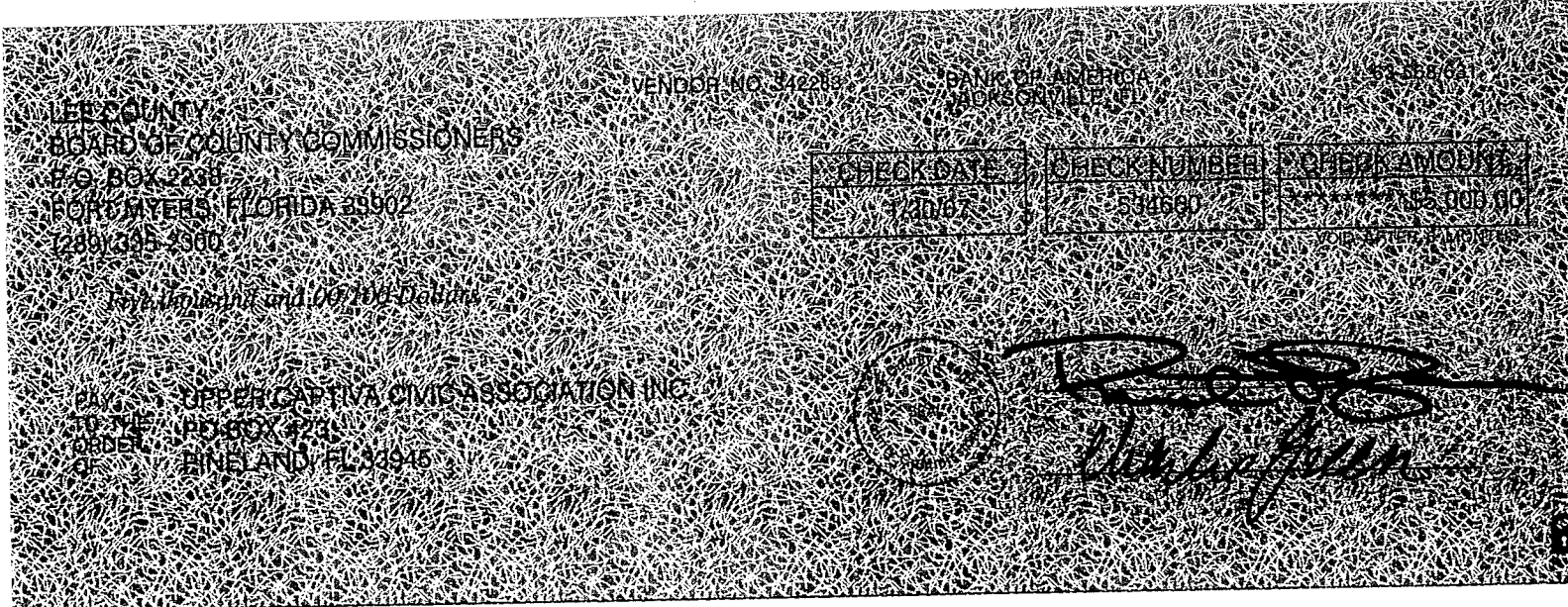
Check No.- 534660

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
J040701902	1/17/07	SEED MONEY	\$5,000.00		\$5,000.00

MAIL  
1/31/07

\*\*\*\*\*\$5,000.00

\*\*\*\*\*\$5,000.00



LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
CHECK NUMBER

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
1/30/07	534660	\$5,000.00

UPPER CAPTIVA CIVIC ASSOCIATION INC  
P.O. BOX 2238  
PINELAND, FL 33946

*[Signature]*  
*[Circular Stamp]*



interoffice  
MEMORANDUM

DEPT.  
SKIP

DEPT.  
SKIP

To: Denise Stanton  
Internal Services/Fiscal Pool

From: Jim Mudd, AICP, Principal Planner  
DCD/Planning *JM*

Date: January 17, 2007

Subject: Upper Captiva Civic Association check request

RETURN CHECK TO  
FISCAL POOL

Denise, please request a check for \$5,000.00 made payable to the Upper Captiva Civic Association. The account number for Sector Planning awards is: LB5150715500.508309.06

This request is for "seed" money as stipulated in Paragraph 3 on page 2 of 8 of the Community Planning Agreement. Please send me a copy of the check for our records. Thanks.


RETURN CHECK TO  
FISCAL POOL

PLEASE PAY, FROM \_\_\_\_\_  
342283  
LB5150715500.508309.06  
\$ 500.00  
Denise Stanton  
1/17/07

interoffice  
MEMORANDUM

---

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner   
DCD/Planning

**Date:** January 17, 2007

**Subject:** Upper Captiva Civic Association check request

Denise, please request a check for **\$5,000.00** made payable to the Upper Captiva Civic Association.  
The account number for Sector Planning awards is: LB5150715500.508309.06

This request is for "seed" money as stipulated in Paragraph 3 on page 2 of 8 of the Community Planning Agreement. Please send me a copy of the check for our records. Thanks.

# BLUESHEET DOCUMENT CONFIRMATION

FROM  
THE DIVISION OF PUBLIC RESOURCES

RECEIVED  
NOV 08 2006

COMMUNITY DEVELOPMENT

DATE: 11-6-06

TO: Paul O Conner  
Planning

FROM: \_\_\_\_\_  
Georgia Sekulski, Admin Assistant

Meeting Date 10-24-06 Blue Sheet# 20061323 Item# A4A

Subject: Agreement / Upper Captiva Assoc.

THE ABOVE-REFERENCED DOCUMENT(S) IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

- \_\_\_\_\_ There are blank spaces that need to be filled in.
- \_\_\_\_\_ Attachment or Exhibit referred to in document is not attached.
- \_\_\_\_\_ Please obtain the signature(s) of the second party to this document and RETURN ONE ORIGINAL TO MINUTES.
- \_\_\_\_\_  This document is now fully executed and the Minutes Department has an ORIGINAL or COPY for their records. As the originator of this document, it is being returned to you so that your office may provide copies or prepare transmittal letters to individuals involved with this subject matter.
- \_\_\_\_\_  Original(s) Attached
- \_\_\_\_\_  Copy(s) Attached
- \_\_\_\_\_ Other

COMMUNITY PLANNING AGREEMENT  
BETWEEN LEE COUNTY AND UPPER CAPTIVA CIVIC ASSOCIATION, INC.

RECITALS

- A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.
- B. The residents of the Upper Captiva community have expressed a desire to prepare a community plan to propose goals, objectives, and policies applicable to the Upper Captiva community that may ultimately be incorporated into the Lee Plan.
- C. The Upper Captiva Community Panel is a sub organization of the Upper Captiva Civic Association, Inc.
- D. The Upper Captiva Community Panel has approached the County requesting planning funds to be used for expenditures incurred to prepare and submit a community plan for the Upper Captiva community.
- E. The Upper Captiva Civic Association, Inc., through its community planning panel, is responsible for preparing and submitting to Lee County a community plan for the Upper Captiva community.
- F. Lee County Administrative Code 13-3 requires communities who seek planning funds from the County to enter into a contract to govern the disbursement and use of public money on the community planning effort.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the preparation of a community plan for a geographical area known as Upper Captiva (aka North Captiva).

The geographic area has been illustrated in Exhibit A hereto.

2. Deliverables. The Upper Captiva Planning Panel (the "Panel") is responsible for the preparation of a community plan, including suggested goals, objectives, and policies applicable to the area described in paragraph 1 above. The intent of the parties is that the County may ultimately incorporate the proposed goals, objectives, and policies into the Lee County Comprehensive Land Use Plan. The parties agree that the draft community plan

will include data and analysis to support recommended goals, policies, and objectives for consideration by Lee County Planning Division staff. See Exhibit B for detailed description of deliverables.

3. Eligibility for Public Funds. The parties agree that Lee County will provide the Panel with up to \$46,000 in planning funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of a community plan. \$5,000 will be provided up-front as seed money. The remainder of the funding will be provided when proper documentation of expenditures is provided to the County as specified in paragraph 8. Total disbursements from the County will not exceed \$46,000.

4. Applicability of Lee County Administrative Code. The parties agree that the community planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC." Lee County Administrative Code 13-3 is attached hereto as Exhibit C.

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the community planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Upper Captiva community planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.
2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.
3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.
4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of

information gathering, information sharing, and the exploration of common concerns. Subcommittee meetings are also required to be publicly noticed. Common concerns explored by the subcommittees must be presented to the full community panel during a properly noticed public meeting consistent with Section 5 of Lee County Administrative Code 13-3.

5. The Panel must maintain minutes of its meetings in accordance with Section 5, Lee County Administrative Code 13-3.

B. Public Records

All records created in connection with the community planning effort must be retained by the Panel for three years following the date of submission of a completed comprehensive plan amendment application. The records will be considered public records as defined by Chapter 119, Florida Statutes.

6. Record Keeping. The Panel must retain all financial, supporting documentation, and other records necessary to document the community planning effort and expenditures during the term of this agreement. If any litigation, claim, negotiation, audit, or other action involving the records are initiated prior to the expiration of a three-year period, the records must be retained for an additional one year after the final resolution of the action and final resolution of all issues that arise from the action.

7. Assurance, certification, and compliance. The Panel agrees that:

- A. It will comply with Chapter 760, Florida Statutes, and Lee County Ordinance 00-18 that prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability, or marital status.
- B. Products or materials purchased with public funds will be procured in accordance with the provisions of 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.
- C. It will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.

- D. It will notify Lee County of any significant change in the organization of the Panel.

8. Disbursement of Public Funds.

- A. Lee County will disburse \$5,000 of seed money followed by the remainder of the funding, not to exceed a total of \$46,000, to the Upper Capiva Civic Association, Inc. during the term of this agreement, subject to the provisions pertaining to return of funds and suspension and termination of the agreement. (See paragraph 11.) The Panel agrees to spend the public funds only on items set forth in the scope of work and schedule of deliverables set forth in the document attached as Exhibit B. With the exception of \$5,000 of seed money, the County will disburse money upon the receipt and approval of a completed payment request report. Disbursements may be made in installments based on the completion of items contemplated in the deliverables. The payment request report must include documents to support the expenditures. If the Panel fails to submit a payment request report, disbursements will be delayed until the receipt of a report. The County reserves the right to approve or disapprove payment requests.

Copies of supporting documentation must be attached to the payment request report. The County may require additional supporting documentation before agreeing to disburse money.

- B. Unsupported/unallowable costs. The County has the option to defer payment to the Panel during the period of a County audit or monitoring due to questionable items. If, as a result of the audit or monitoring, unallowable or unsupported costs are found, no further disbursements will be made until the full amount of overpayment is remitted to Lee County or the County accepts a repayment agreement.

9. Audits, Monitoring, and Records.

- A. Monitoring. The Panel agrees to permit County employees to inspect records, papers, and documents to be assured of satisfactory performance with the terms and conditions of this agreement. The monitoring is a limited scope of review and does not relieve the Panel of its obligation to manage

the public monies disbursed by the County in accordance with Lee County Administrative Code 13-3 and sound management practices.

Following this monitoring, the County may deliver to the Panel a written report regarding the status of compliance with the terms and conditions of the agreement. The panel must rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the County with a reasonable and acceptable justification for not correcting the noted shortcomings. The Panel's failure to correct or justify the deficiencies within the time specified by the County may result in the withholding of future disbursements or termination of the agreement.

B. Audit and Inspections. The Panel will make all records and items included on financial statements available for audit or inspection purposes during normal business hours and as often as County deems necessary. The Clerk of Courts internal audit division and Lee County have the right of timely and unrestricted access to books, documents, papers, and other records of the panel that are pertinent to the agreement in order to make audits, examinations, excerpts, transcripts, and copies of those documents.

10. Risk Management. The Panel will defend, hold harmless, and indemnify the County from and against all liability, loss, claims, damages, costs, attorneys fees, and expenses that the County may sustain, incur, or be required to pay either by reason of the loss of or improper use of money disbursed or to be disbursed hereunder including, but not limited to, fraud, embezzlement, or dishonesty on the part of any person represented or employed by the Panel, or by reason of the intentional or negligent act of the Panel or its agents, representatives, or employees.

11. Suspension/Termination. The County reserves the right to suspend the disbursement of money for failure to comply with this agreement. The County may cancel this agreement by giving 24 hours written notice to the Panel by certified mail following a determination by the Board of County Commissioners that the cancellation is in the best interest of the people of Lee County. Neither party will have further obligations under this agreement as of the date of cancellation unless specified otherwise in the termination notice. The Panel may cancel this agreement by giving 72 hours prior written notice to the County by certified mail. The County's obligation to make further disbursements under this agreement will cease as of the effective date of termination.



12. Reports.

- A. The Panel agrees to prepare a report outlining the progress of the Upper Captiva community planning effort and deliver the report to the County with each request for disbursement of funds.
- B. A closeout report is due 60 days after the termination of the agreement or upon the submission of a completed community plan in the form of a comprehensive plan amendment application.
- C. If the required reports are not sent to the County or not completed in a manner acceptable to the County, the County may withhold further disbursements until the reports are completed.

13. Duration of agreement. Parties agree that the Panel will deliver a proposed community plan for consideration by the Lee County Planning Division no later than September 2007 unless this agreement is terminated beforehand as specified in Paragraph 11.

14. Notice. The parties agree all notices provided under or pursuant to this agreement will be in writing either by hand delivery or first class certified mail, return receipt requested, to the representative identified below and at the address set forth below. The name and address of the County representative is: Paul O'Connor, Director, Planning Division, Department of Community Development, 1500 Monroe Street, P. O. Box 398, Fort Myers, Florida 33902-0398. The name and address of the representative of the Upper Captiva Civic Association, Inc., responsible for the administration of this agreement is: Karen Wildeman, P.O. Box 3038, Pineland Florida 33945. In the event different representatives or addresses are designated by either party after the execution of this agreement, notice of the new information will be provided in accordance with this section.

15. Applicable Law. This agreement will be construed under the laws of the State of Florida and the venue for any actions arising out of this agreement will lie in Lee County.

In witness thereof, Lee County and the Upper Captiva Civic Association, Inc., have executed this agreement:

Attest: Clerk of Court

Lee County

By: *Maria Pierce*  
Deputy Clerk

By: *[Signature]*  
Chairman  
Board of County Commissioners

Date: 10-31-06

APPROVED AS TO FORM:

*[Signature]*  
Donna Marie Collins  
Assistant County Attorney

Approved by BOCC on  
10/24/06, A4(A)

Upper Captiva Civic Association, Inc., A  
Florida Not-for-Profit Corporation

By: Karen Wildeman  
Karen Wildeman, Vice President  
*Vice President  
UCCA*

Date: October 26, 2006

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of OCT.  
(date)

2006, by Karen Wildeman, Vice President of the Upper Captiva Civic Association, Inc.,

a Florida Not-for-Profit corporation, on behalf of the corporation. She is personally known

to me or has produced \_\_\_\_\_ as identification.  
(type of identification)



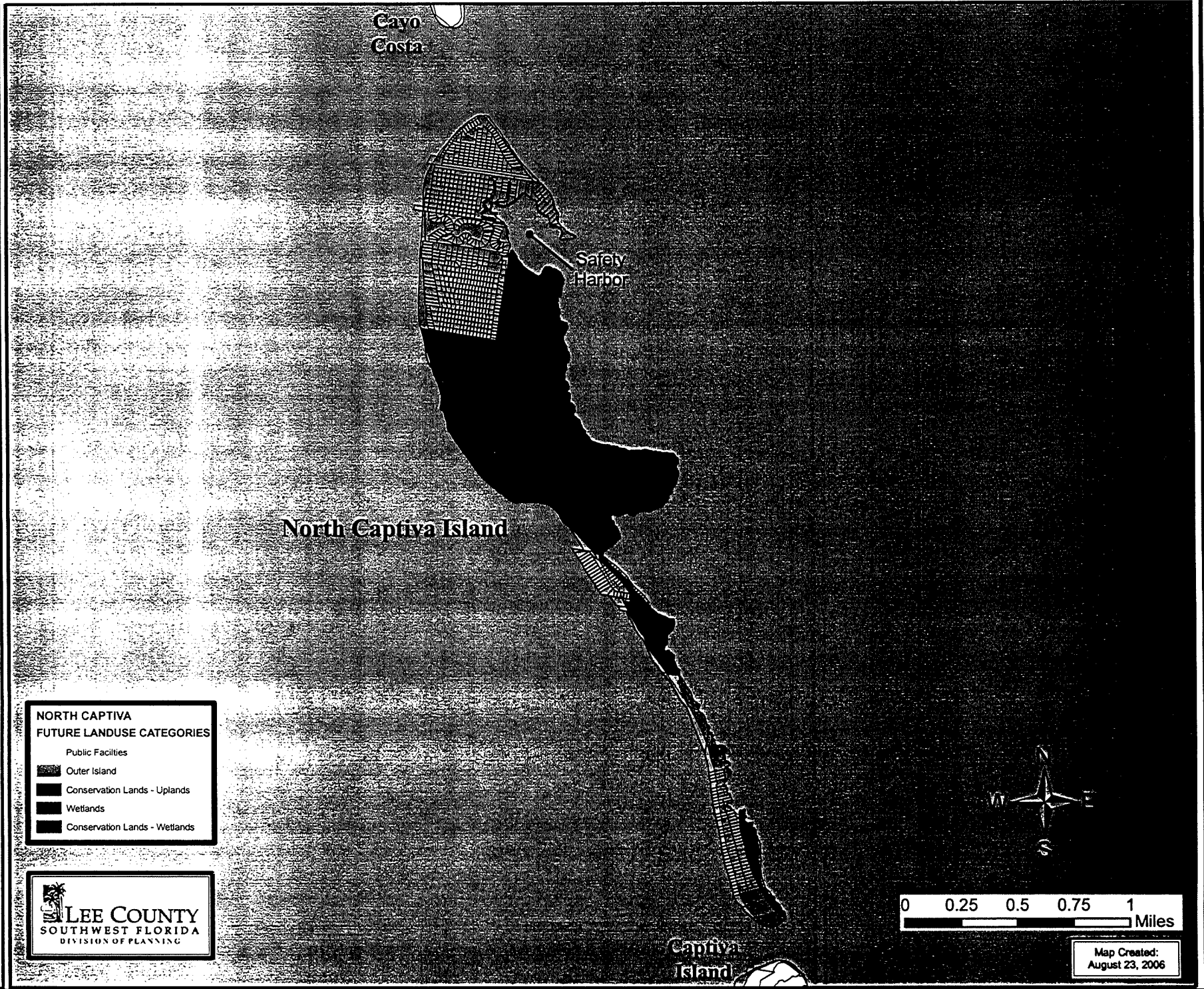
Cheryl Bredin  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed, or stamped)  
(Title or Rank)  
(Serial Number, if any)

Exhibits:

- A: Map of Geographic Area subject to the Community Planning effort
- B: Deliverables - Prepared by Upper Captiva Community Panel

# North Captiva Island Planning Area



# Exhibit B

## COMMUNITY PLANNING PROPOSAL for UPPER CAPTIVA COMMUNITY PANEL

The following information is provided in support of an application to initiate a Community Panel and for Seed Money to initiate a community plan for the island of North (Upper) Captiva. One or more representatives of the proposed Panel have met with the District Commissioner on 2 occasions and with the Lee County Planning staff and assistant county attorney on 1 occasion prior to filing this application.

A. The proposed name of the Community Panel will be the Upper Captiva Community Panel. The initial Community Panel will consist of the following individuals:

A. Peter Aldrian  
311 Spanish Gold Lane  
Upper Captiva, FL 33924

Mailing Address  
P.O. Box 613  
Pineland, FL 33945

Kristie Anders – Vice Chair  
4550 Schooner Drive  
Upper Captiva, FL 33924

*kanders@sccf.org*

Mailing Address:  
P.O. Box 978  
Sanibel, FL 33957

Richard Craven – Chair  
4591 Oyster Shell Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 396  
Pineland, FL 33945

Rick Fox  
3722 Yucatan Parkway  
Cape Coral, FL 33993

Mailing Address  
c/o Safety Harbor Club  
P.O. Box 2276  
Pineland, FL 33945

David Tompkins – Secretary/Treasurer  
4591 Hodgepodge Lane  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 609  
Pineland, FL 33945

No current budget has been prepared for the Panel at this time. However, it is expected that the Panel's budget will not exceed the maximum permitted for community planning provided by Lee County. The Panel is currently a committee of the Upper Captiva Civic Association. The Civic Association has been funding the cost of exploring the viability of forming the Panel and obtaining financial assistance for the Planning Effort.

B. Copies of Form 1 "Statement of Financial Interests" for each community panel member and for myself are attached as Composite Exhibit "B".

C. Lee County Community Development staff has committed to provide a county map of North Captiva (Upper Captiva), which is intended to be covered under this proposed plan.

D. The main issues the planning effort intends to address are:

- Transportation (Traffic) Element and Public Safety
  - Island Access (Island has no bridge to mainland)
    - Air
    - Boat
  - Nature of and Use of System of Pathways (Island lacks public roads)
  - Pathway Usage & Maintenance
  - Canal Usage & Maintenance
  - Noise-Limitation of Use of gasoline-powered personal vehicles on the island. (Historical ban in jeopardy)
  - Underage golf cart drivers.
  - Speed limits and reckless operation of carts.
  - Code enforcement and specifically illegal dumping.
  - Law Enforcement
  - Disaster Planning
    - Hurricanes & Tropical Storms
    - Evacuation and return
    - Funding for future storm contingencies to avoid delay in obtaining help for post hurricane needs.
    - Garbage, trash, and construction debris removal.
    - Fires, especially wildfires

## Capital Improvements Element

### Potential Needs-Public Facilities

- Fire Station/Emergency Services-Station Expansion
- Community Center
- Library Facility
- Public Docks/Canoe Launch
- Public Restrooms
- Utilities & Communication Facilities

## Intergovernmental Coordination Element

- Coordination of garbage & solid waste with other islands & county

## Future Land Use Element

- Uses, density & development standards
- Design standards
- Building Standards
- Open space and state parkland

## Wastewater, Solid Waste, Drainage, Potable Water Element

- Review of existing systems
- Illegal dumping
- Surface Water Management
- Solid Waste (see above)

## Conservation Element

- State Parkland coordination
- Beaches and Beach Access
- Funding for beach renourishment
- Maintenance of marine and estuarine habitat.
- Maintenance of wetland and other environmentally significant habitat.
- Mosquito Control
- Wildlife and Vegetation

## Housing Element

- Workforce Housing

The resources for addressing these issues will be the requested Seed Money and a future Planning Fund grant from Lee County. It is hoped that the State of Florida will participate also, due to the large portion of the island that is covered by state lands.

E. The preliminary timetable is as follows:

- The target date for submitting a complete draft of implementing regulations to Lee County is 9 months after approval of the planning grant.
- The final date for submitting these regulations is 1 year after approval.

- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted
- All work under this planning grant is anticipated to be completed within 2 years after approval of the planning grant

F. Meetings will be duly noticed and held approximately monthly at the Upper Captiva Fire Station. All members of the public are invited to attend and participate.

G. The estimated full cost of the planning effort is \$50,000.00.

H. This panel projects that 95% of the projected costs will be provided through County funds. \$2,500 has already been provided by Upper Captiva Civic Association.

I. The creation of the Upper Captiva Community Panel is a tangible demonstration of the motivation and ability of those involved to initiate a complex public planning project and bring it to completion while encouraging public input.

Favorable consideration by the County of this Community Planning Proposal would be greatly appreciated.

Submitted by: Richard Craven, Chair  
Upper Captiva Community Panel

Through: Robert D. Pritt, Esq.  
Roetzel & Andress  
2320 First Street  
Fort Myers, FL 33901  
239.338.4214

495173.113403.0002



UPPER CAPTIVA COMMUNITY PANEL

BUDGET-IN CONJUNCTION WITH REQUEST FOR SEED MONEY

Please consider the following tentative budget for the community planning process for the Upper Captiva Community Panel. This is submitted in connection with the Panel's request for seed money for the community planning process submitted on March 29, 2006. Planning staff has requested that the proposed budget be submitted. This should be attached to the Community Planning Proposal.

The Panel has not issued RFPs for Planning services yet, without having seed money for the project. However, if approved for seed money, the Panel will advertise for Proposals.

Budget items:

Expected Services	Estimated Cost
<b>A. Planning Consultant-</b>	
1. Meetings with panel, identify Scope of Services and needs as identified in previous surveys, UCCA meeting minutes, meetings with County staff and input from Island residents.	
2. Identify relevant current Lee Plan elements; identify which Goals, Objectives and Policies can be addressed by planning process and which cannot.	
3. Identify and consider planning challenges resulting from unique island circumstances including those set out in Paragraph D. of Proposal.	
4. Obtain data and analysis to address issues identified in Paragraph D. of Proposal and as identified in the Community Planning Process, including inventory of Governmental services provided and those not provided.	
5. Draft proposed changes to Lee Plan to implement Panel's recommendations.	
6. Work with County staff in implementing changes resulting from Community Planning process.	
7. Follow up on implementation of plan amendments and other proposals resulting from Planning process.	
	Total Planning \$30,000.00
<b>B. Legal Consultant</b>	
1. Consultations with staff; drafting Proposal; Drafting and/	

or reviewing draft RFP for Planning Consultant;  
setting up legal aspects of Panel; notices. \$4,500.00

2. Title reviews; obtain & analyze data for determination  
of nature of pathways, air and water facilities  
and governmental facilities. \$1,500.00

3. Attendance and legal advice at some meetings  
(some via phone).

4. Review drafts of Proposed Plan changes and advise.

5. Provide legal advice to Panel and Planning  
Consultant regarding legal parameters.

6. Work with County Attorney's Office on issues  
needing legal assistance up to adoption hearings.  
Appear at LPA and BOCC hearings if and as  
needed.

Total 3-6

\$7,500.00

Total Legal \$13,500.00\*

#### C. Miscellaneous Out-of-Pocket Expenses

1. Notices-Surveys-Mailings, Miscellaneous Total Misc. \$ 2,500.00

Total Budget \$ 46,000.00

\*Portions of this amount may not be necessary, depending upon the extent of assistance that can be provided by County legal staff, by the County's database, or by the Planning Consultant's database. Portions may need to be allocated to Planning Consultant.

Note: Upper Captiva Civic Association has already paid \$2,500.00 toward planning process and additional sums for notices of meetings.

Jim: Yes, we are asking for \$5000.00 as seed money. Thanks for moving quickly on this. We would like to be able to send out RFPs and get planning consultant on board as quickly as possible, so as to start the process while people are here. Bob

1. Robert D.Pritt  
Board Certified City, County & Local Government Lawyer  
Roetzel & Andress, L.P.A.  
850 Park Shore Dr. Third Floor  
Naples, FL 34103  
239.649.2714

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-3
TITLE: Administrative Procedures Governing Community Planning Efforts Receiving Financial Support from the BOCC	ADOPTED: 6/26/01
	AMENDED: 6/28/05
	ORIGINATING DEPARTMENT: Department of Community Development

**Purpose/Scope:** To provide procedures and criteria for community planning effort and to establish the minimum acceptable criteria for community plans in order to be eligible for public financial support.

**Policy/Procedure:** The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions of how their community should develop. The intent of a community plan is to propose goals, objectives, and policies applicable to a specific area of the County that may ultimately be incorporated into the Lee Plan. Upon completion of a community planning effort the information gathered and the common concerns identified will be considered for a formal amendment to the Lee Plan.

The following procedures are established by the Board of County Commissioners to assure public confidence in the grass root planning effort when public funds are provided to encourage the development of community plans by the residents of a community:

**Section 1. Definitions:**

- 1.1. "Community Panel" means the collection of community residents who volunteer to act as the group responsible for coordinating and overseeing the community planning effort. The Community Panel is encouraged to represent a wide variety of the community, including citizens, local business people, landowners, developers, and civic leaders. The Community Panel initiating a community planning effort must be a legal entity, either already existing or established expressly for the purpose of conducting the planning effort. The Community Panel may also be a committee or subset of a legal entity. If the Community Panel receives public funds from the Board of County Commissioners, they will be responsible for the financial accountability of the public funds granted for use in the community planning effort. The Community Panel is not an advisory body to the Board of County Commissioners. Their planning product is a compilation of the common concerns of the community containing suggested amendments to the Lee Plan and/or the Land Development Code to address those concerns.
- 1.2. "Planning Funds" means a grant that will be used for certain expenditures incurred by the Community Panel in the preparation of and the submission of: (a) a community plan, (b) land development regulations to implement a community plan, or (c) update a previously adopted community plan.
- 1.3. "Seed Money" means an initial grant of public money, authorized by the Board of County Commissioners, to be used to: (a) initiate a community plan, (b) pursue the development of land development regulations to implement a community plan, or (c) update a community plan. Seed money will be disbursed only after the Community Panel has entered into a written grant agreement

with the County describing the scope of the community plan and the limitations on the use of the grant.

**Section 2. Initiation of a Community Planning Effort:**

- 2.1. Residents wishing to serve as a Community Panel that is eligible to receive financial support from the County, must have at least one preliminary meeting with Planning Division staff to discuss the proposed community planning effort.
- 2.2. Following initial discussion with the Planning Division, the Community Panel must develop a written Community Planning Proposal that must contain, at a minimum:
  - a. The proposed name of the Community Panel including a list of the people who will act as the initial Community Panel, and information regarding its organization and composition, including, if applicable, a copy of its current budget and a list of its board of directors. (The membership of the Community Panel may be increased thereafter);
  - b. Copies of completed Form 1 "Statement of Financial Interests" for the previous year and, when applicable: Form 2 "Quarterly Client Disclosure" for the previous four quarters from those people wishing to act as the Community Panel and from any consultants that have been retained by the Community Panel to assist in the community planning effort;
  - c. A preliminary boundary description or a map of the area of the unincorporated County that the plan intends to cover;
  - d. An overview of the main issues that the planning effort intends to address and the expected resources needed to address the issues;
  - e. A preliminary timetable for the planning effort including target dates for project milestones such as completion of a visioning effort, completion of the data and analysis, workshops and public meetings, compilation of a draft study, and study completion date;
  - f. A description of the methods and procedures to be used to foster the maximum amount of public participation in the planning process;
  - g. A good faith estimate of the expected full cost of the planning effort;
  - h. A statement indicating the percentage of the projected costs that will be provided through the County funds; and,
  - i. A tangible demonstration that the planning effort will operated in a financially sound manner.
- 2.3. Planning staff will review and comment on the Community Planning Proposal to determine if it is sufficient for presentation to the Board of County Commissioners. Planning staff may require additional information, clarifications, or revisions to assure that the minimum requirements of this code have been met. Planning Staff will make a recommendation as to whether a Community Planning Proposal is sufficient to proceed before the Board of County Commissioners.

### **Section 3. Obtaining Seed Money and Planning Funding:**

- 3.1 Once a Community Planning Proposal is determined by Planning staff to be sufficient, staff will initiate a blue sheet to bring the proposal, which includes a proposed grant agreement requesting the use of public funds, to a Public Hearing at a regularly scheduled Board of County Commissioner meeting. The grant agreement will set forth the terms and conditions that must be fulfilled prior to obtaining the Planning Funds and the seed money, if included in the request.
- 3.2 At the Public Hearing the Board of County Commissioners will solicit input from members of the community and the public in general.
- 3.3 Following public comment, the Board of County Commissioners will consider by motion whether to enter into the contract with the Community Panel.

### **Section 4. Seed Money, Planning Funds and Additional Grant Funding Assistance:**

- 4.1 The Board of County Commissioners may initially authorize a grant of up to \$5,000 ("seed money"), to facilitate a community planning effort. No money will be disbursed by the Board until the required grant agreement is approved. The "seed money" will be disbursed pursuant to the written grant agreement between the County and the Community Panel. All disbursements of "seed money" will be deducted from the maximum amount of funds for which the Community Panel may be eligible.
- 4.2 Subsequent disbursements of public money for Planning Funds will be available in accordance with the terms and conditions of the grant agreement. The County grant will be based on the size and scope of the planning effort and the Community Panel's ability to complete the effort.
- 4.3 Each Community Panel may be eligible to receive a grant of up to \$50,000 for the development of a community plan and up to an additional \$50,000 for the preparation of land development regulations necessary to implement the community plan. The maximum amount of funds disbursed for each phase of the planning effort may not exceed \$50,000.
- 4.4 Community Panels may update community plans and the land development regulations necessary to implement the plan after five years. The County may authorize a grant of up to \$50,000 to defray the cost of the update.
- 4.5 All grants of public funds must be used solely for the creation of, or update to, the community plan and the preparation of land development regulations necessary to implement the plan. Acceptable uses of these public funds will include: payment of professional consulting services; advertising of public meetings/workshops; and copying of draft and final documents. Public funds may not be used for the rental of office space, purchase of supplies such as computers and software, or phone service. Before receiving any funds, the Community Panel must document how the funds will be utilized to the Lee County Department of Community Development, Planning Division.
- 4.6 The County will have unrestricted access to all records of the Community Panel pertaining to the community planning effort. The County may conduct audits of the financial records of the Community Panel. Before disbursing a grant of Planning Funds, the County must independently ensure that the proposed expenditure is in accordance with the regulatory requirements set forth in this Code and may enlist the Clerk of the Courts to perform an audit of the Community Panel. The head of the Community Panel must attest that the entity has complied with the provisions of the grant agreement and this Code.

- 4.7. County Planning Staff will assist the Community Panel in identifying additional funding sources to support the community planning efforts such as state or philanthropic grants.

**Section 5. Public Participation:**

- 5.1. The Community Planning effort is subject to the Florida laws on Open Government. Therefore, there must be an adequate opportunity for public participation in the community planning effort, the Community Panel must encourage and allow the participation of residents, property owners, the school district, and other interested parties. In order to effectuate this purpose, reasonable notice of all meetings pertaining to the community planning effort must be provided to the public. All meetings of the Community Panel must be open to the public.
- 5.2. Proper notification of meetings of the full Community Panel will include the posting of the meeting date and time in several public places including, but not limited to local libraries, post offices, banks, supermarkets, chambers of commerce, civic associations, and community recreation areas. In addition, these public meetings must be noticed in a local paper that is published daily or weekly. All posted and published notices must provide the date, time, and location of the public meeting. In lieu of a display advertisement, the notice could take the form of an article in a similar publication that provides the date, time, and location of the public meeting.
- 5.3. The Community Panel must maintain both recorded and written minutes of all of its full meetings. All records of the Community Panel pertaining to the community planning effort will be deemed public records and open for personal inspection by any person.
- 5.4. The Community Panel may establish sub-committees consisting of members of the Community Panel and/or other community members for the purpose of information gathering, information sharing, and the exploration of common concerns. The sub-committee meetings are required to be publicly noticed and recorded. The common concerns explored by the sub-committees must be presented to the full Community Panel at an informational sharing session during a properly noticed public meeting as outlined in section 5.2 above.

**Section 6. Minimum Community Plan Requirements.**

- 6.1. The Community Panel's suggested additions or revisions to the Lee Plan must be based on sufficient data and analysis to support the proposed amendments. Original data collection by the Community Panel to support the vision and unique character of a community is encouraged but not required.
- 6.2. Where data augmentation, updates, or special studies or surveys are deemed necessary by the Community Panel, appropriate methodologies must be clearly described or referenced and must meet professionally accepted standards for those methodologies.
- 6.3. The Community Panel's suggested additions or revisions to the Lee Plan must be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections must be those provided by the Planning Division, or can be generated by the Community Panel. If the local Community Panel chooses to base its community plan on its own projections, a detailed description of the rationale for this choice must be included in the Plan.
- 6.4. If a community plan includes suggested new Capital Expenditures or mandates County actions that will require additional or new public expenditure, the community plan must identify the funding source to achieve these expenditures.

for the time periods through the date of submittal of the Community Panel's suggested additions or revisions to the Lee Plan.

**Section 8. Community Plan Amendment Review Process:**

- 8.1 Following submittal of suggested amendments to the Lee Plan, Planning Division staff will conduct a complete evaluation and analysis of the proposal.
- 8.2 Lee County will consider comprehensive plan amendments suggested in community plans as part of the regular yearly amendment process. Those amendments will be reviewed, evaluated and considered in the same manner as any other proposed Lee Plan amendment. This review will follow the procedures and public notification required by Florida Statutes section 163.3187 and Lee County Administrative Code 13-6: Annual Plan Amendment Procedure to the Lee Plan.
- 8.3 The Board of County Commissioners reserves the right to adopt, not adopt or modify any and all of the community plan's suggestions.



COMMUNITY PLANNING AGREEMENT  
BETWEEN LEE COUNTY AND UPPER CAPTIVA CIVIC ASSOCIATION, INC.

RECITALS

- A. The Board of County Commissioners recognizes that unincorporated Lee County consists of many diverse communities with various visions on how their community should develop.
- B. The residents of the Upper Captiva community have expressed a desire to prepare a community plan to propose goals, objectives, and policies applicable to the Upper Captiva community that may ultimately be incorporated into the Lee Plan.
- C. The Upper Captiva Community Panel is a sub organization of the Upper Captiva Civic Association, Inc.
- D. The Upper Captiva Community Panel has approached the County requesting planning funds to be used for expenditures incurred to prepare and submit a community plan for the Upper Captiva community.
- E. The Upper Captiva Civic Association, Inc., through its community planning panel, is responsible for preparing and submitting to Lee County a community plan for the Upper Captiva community.
- F. Lee County Administrative Code 13-3 requires communities who seek planning funds from the County to enter into a contract to govern the disbursement and use of public money on the community planning effort.

NOW, THEREFORE, THE PARTIES HERETO AGREE as follows:

1. Geographic Area. This agreement pertains to the preparation of a community plan for a geographical area known as Upper Captiva (aka North Captiva).

The geographic area has been illustrated in Exhibit A hereto.

2. Deliverables. The Upper Captiva Planning Panel (the "Panel") is responsible for the preparation of a community plan, including suggested goals, objectives, and policies applicable to the area described in paragraph 1 above. The intent of the parties is that the County may ultimately incorporate the proposed goals, objectives, and policies into the Lee County Comprehensive Land Use Plan. The parties agree that the draft community plan

**COPY**

will include data and analysis to support recommended goals, policies, and objectives for consideration by Lee County Planning Division staff. See Exhibit B for detailed description of deliverables.

3. Eligibility for Public Funds. The parties agree that Lee County will provide the Panel with up to \$46,000 in planning funds that will be used solely for expenditures incurred by the Panel in the preparation and submission of a community plan. \$5,000 will be provided up-front as seed money. The remainder of the funding will be provided when proper documentation of expenditures is provided to the County as specified in paragraph 8. Total disbursements from the County will not exceed \$46,000.

4. Applicability of Lee County Administrative Code. The parties agree that the community planning effort will be governed by the regulations set forth in Lee County Administrative Code 13-3 entitled "Administrative Procedures Governing Community Planning Efforts Receiving Financial Support From the BOCC." Lee County Administrative Code 13-3 is attached hereto as Exhibit C.

5. Applicability of Florida's Public Records and Open Meetings Laws.

A. Open Government

1. The parties agree that the community planning effort is subject to Florida laws on Open Government. Accordingly, all meetings of the Panel and its subcommittees will be open to the public. Moreover, the Panel will provide an adequate opportunity for public participation in the Upper Captiva community planning effort. In addition, the Panel will encourage and allow the participation of residents, property owners, the school district, and other interested parties at all meetings and workshops on the community planning effort.
2. The Panel will provide reasonable notice of all meetings pertaining to the community planning effort.
3. Notification of meetings and workshops will include the posting of meeting date, time, and location of the meeting/workshop in accordance with Section 5, Lee County Administrative Code 13-3.
4. The parties agree that subcommittees consisting of members of the Panel and other community members may meet for the purpose of

interoffice  
MEMORANDUM

DEPT.  
SKIP

DEPT.  
SKIP

To: Denise Starston  
Internal Services/Fiscal Pool

From: Jim Mudd, AICP, Principal Planner  
DCD/Planning *JM*

Date: January 17, 2007

Subject: Upper Captiva Civic Association check request

RETURN CHECK TO  
FISCAL POOL

Denise, please request a check for \$5,000.00 made payable to the Upper Captiva Civic Association. The account number for Sector Planning awards is: LB5150715500.508309.06

This request is for "seed" money as stipulated in Paragraph 3 on page 2 of 8 of the Community Planning Agreement. Please send me a copy of the check for our records. Thanks.

RETURN CHECK TO  
FISCAL POOL

RELEASE PAY. FROM \_\_\_\_\_  
342283  
LB5150715500.508309.06  
\$ 5000.00  
Denise Starston

1/17/07

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 1/30/07

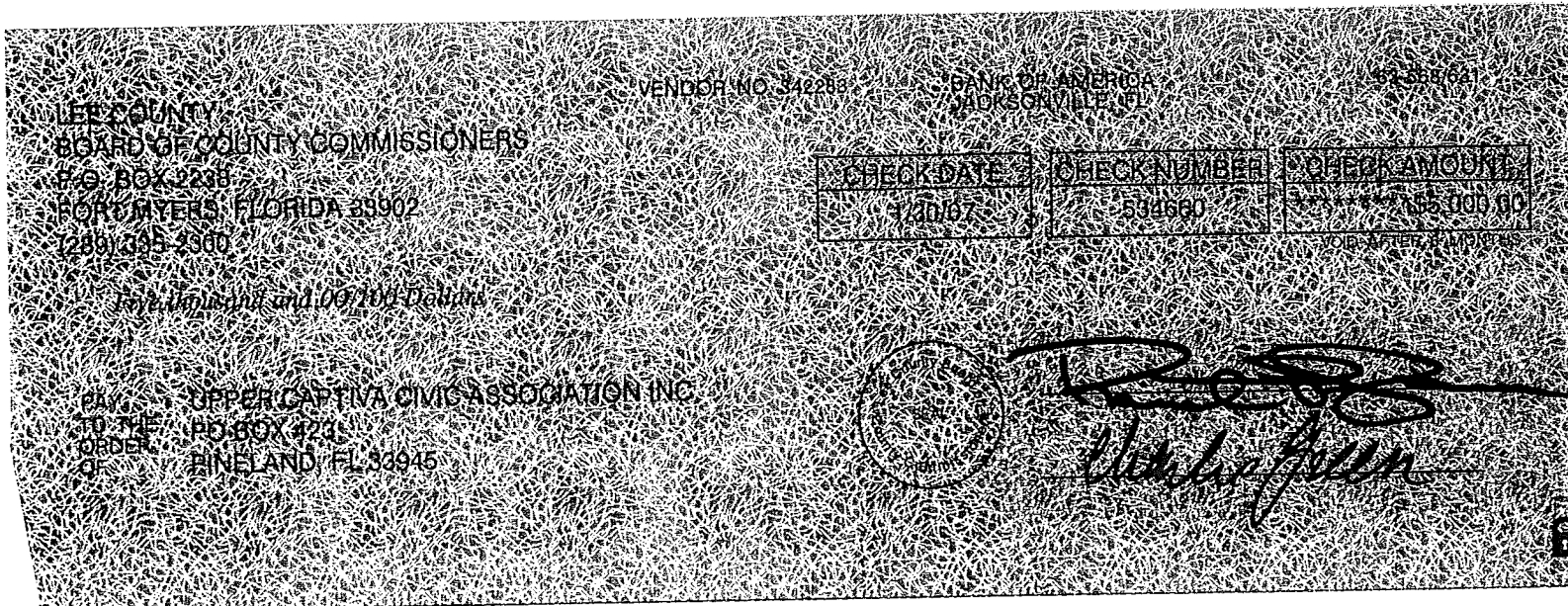
Check No.- 534660

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
J040701902	1/17/07	SEED MONEY	\$5,000.00		\$5,000.00

MAIL  
1/31/07

\*\*\*\*\*\$5,000.00

\*\*\*\*\*\$5,000.00



LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
JACKSONVILLE, FL

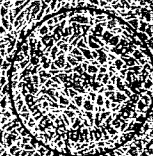
534660

CHECK DATE 1/30/07	CHECK NUMBER 534660	CHECK AMOUNT \$5,000.00
-----------------------	------------------------	----------------------------

VOID AFTER 31 DAYS

*Five Minutes and 100 Yds. Distance*

PAY TO THE ORDER OF  
UPPER CAPTIVA CIVIC ASSOCIATION INC  
PO BOX 424  
PINELAND FL 33945



*[Handwritten Signature]*

⑈0000534660⑈ ⑆063105683⑆ 002000019716⑈

DEPT  
SKIP INVOICE

RETURN CHECK TO  
FISCAL POOL  
DEPT  
SKIP

DATE: 5/24/2007

INVOICE: \_\_\_\_\_

RETURN CHECK TO  
FISCAL POOL

VENDOR: UPPER CAPTIVA CIVIC ASSOCIATION

ADDRESS # 342283

CNT.# CT# 3867

P.O. # \_\_\_\_\_

ACCOUNT# LB5150715500.508309.05

BRANCH/PLANT \_\_\_\_\_

AMOUNT: \$9,437.56

FOR: WORK COMPLETED ON UPPER CAPTIVA COMMUNITY PLAN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REQUESTING DEPT: DCD/PLANNING

548625  
5/29/07

REQUESTED BY: \_\_\_\_\_

COMMUNITY DEVELOPMENT/PUBLIC WORK  
INTERNAL SERVICES - FISCAL POOL  
1500 MONROE STREET - 4TH FLOOR  
FORT MYERS, FL 33901  
PHONE: 479-8533 - FAX 479-8105

*W. L. ...*  
5/24/07

interoffice  
MEMORANDUM

---

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner *JM*  
DCD/Planning

**Date:** May 24, 2007

**Subject:** Upper Captiva Civic Association check request.

Attached are invoices totaling \$9,437.56 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **\$9,437.56** made payable to the Upper Captiva Civic Association and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

342283

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902

# Invoice

Project Manager Margaret Banyan

May 15, 2007  
Project No: 20076761-000  
Invoice No: 1

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945  
United States

Project 20076761-000 Upper Captiva Community Plan

**Professional Services through April 29, 2007**

Phase	01	Data Collection & Site Analysis		
Fee				
Total Fee		6,000.00		
Percent Complete		70.00	Total Earned	4,200.00
			Previous Fee Billing	0.00
			Current Fee Billing	4,200.00
			<b>Total Fee</b>	<b>4,200.00</b>
			<b>Total this Phase</b>	<b>\$4,200.00</b>

Phase	02	Workshop Preparation & Facilitation		
Fee				
Total Fee		4,000.00		
Percent Complete		90.00	Total Earned	3,600.00
			Previous Fee Billing	0.00
			Current Fee Billing	3,600.00
			<b>Total Fee</b>	<b>3,600.00</b>
			<b>Total this Phase</b>	<b>\$3,600.00</b>

Phase	03	Data Review & Analysis		
Fee				
Total Fee		6,500.00		
Percent Complete		15.00	Total Earned	975.00
			Previous Fee Billing	0.00
			Current Fee Billing	975.00
			<b>Total Fee</b>	<b>975.00</b>
			<b>Total this Phase</b>	<b>\$975.00</b>

**PLEASE SEND COPY OF  
INVOICE OR REFERENCE  
OUR FULL PROJECT NUMBER  
ON YOUR PAYMENTS.**

Phase	05	General Consulting & Meeting Participation		
-------	----	--	--	--

**Fee**

Total Fee	6,000.00		
Percent Complete	50.00	Total Earned	3,000.00
		Previous Fee Billing	0.00
		Current Fee Billing	3,000.00
		<b>Total Fee</b>	<b>3,000.00</b>
		<b>Total this Phase</b>	<b>\$3,000.00</b>

---

Phase REIM Reimbursables

**Reimbursable Expenses**

Miscellaneous Expense			
2/28/07 Survey Monkey Website	Community Survey Through Website	21.95	
		21.95	21.95
<b>Total Reimbursables</b>			
		<b>Total this Phase</b>	<b>\$21.95</b>

**Retainage**

Current Retainage	2,359.39 (20.00% of 11,796.95)	-2,359.39
Retainage-To-Date	2,359.39 (Limit 6,300.00)	

**Total this Invoice** **\$9,437.56**

*OK Tompkins*  
5.22.07



JOURNAL ENTRY

BATCH TYPE: G  
 DOC TYPE: Y7  
 AA  
 G/L DATE: 05/11/07  
Transaction Date

BATCH # 352145

PREPARED BY: DENISE STANTON

ACCOUNTANT APPROVAL:

POSTING APPROVAL:

Explanation: CHARGED WRONG ACCT

ACCOUNT NUMBER	DEBIT AMOUNT	CREDIT AMOUNT	SUB-LEDGER	S/L TYPE	REMARKS
LB5150715500.508309.06		5,000.00			
LB5150715500.508309.05	5,000.00				
	5,000.00	5,000.00	BATCH AMT:		0.00

TOTAL LINE ITEMS: 2.00

Charged Historic Preservation <sup>.06</sup> w error s/b  
 Sector Planning .05

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 5/29/07

Check No.- 548625

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
PROJECT20076761000	5/24/07	UPPER CAPTIVA COMMUNITY PLAN	\$9,437.56		\$9,437.56

MAIL  
5/29/07

\*\*\*\*\*\$9,437.56

\*\*\*\*\*\$9,437.56

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
JACKSONVILLE, FL

63-568/631

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
5/29/07	548625	*****\$9,437.56

VOID AFTER 6 MONTHS

Nine thousand four hundred thirty seven and 56/100 Dollars

PAY TO THE ORDER OF  
UPPER CAPTIVA CIVIC ASSOCIATION INC  
PO BOX 423  
PINELAND, FL 33945



*[Handwritten Signature]*  
Charles J. Green

**Statement**

Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
239.334.0046 Fax 239.334.3661

October 9, 2007  
Project No: 20076761-000

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project: 20076761-000 Upper Captiva Community Plan

**Outstanding Invoices**

Number	Date	Invoiced	Balance Due	Days Outstanding
2	8/13/07	14,854.28	11,883.42	57.00
3	9/25/07	3,645.70	2,916.56	14.00
<b>Statement Totals</b>		<b>18,499.98</b>	<b>14,799.98</b>	

	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	Over 150 Days
<b>Current</b>					
2,916.56	11,883.42				
<i>Average Days</i>	35.50				

*OK 10.15.07  
Tomkins*

interoffice  
MEMORANDUM

**FWD. TO  
CONTRACTS**

**DEPT.  
SKIP**

**To:** Denise Stanton  
Internal Services/Fiscal Pool

**From:** Jim Mudd, AICP, Principal Planner  
DCD/Planning



**Date:** October 24, 2007

**Subject:** Upper Captiva check request

Attached is a copy of an invoice for \$14,799.98 for work completed on the Upper Captiva Community Plan. The account number for Sector Planning awards is: LB5150715500.508309.05

Please request a check for **\$14,799.98** made payable to the Upper Captiva Civic Association, Inc., and mail to Fran DeTure, Upper Captiva Civic Association, P.O. Box 423, Pineland, FL 33945. Also, please send a copy of the check to my attention for our files. Thanks for your help.

PLEASE PRINT FROM C 3867  
COPY # 342283  
AMOUNT Line 1 \$14,799.98  
DATE 10/24/07  
BY Denise Stanton  
10/24/07



REMIT TO ADDRESS:  
222 S. MAIN STREET  
AKRON, OHIO 44308-2098  
(330) 376-2700  
FAX (330) 376-4577  
ramail@ralaw.com

FEDERAL TAX ID #34-1245415

**REMITTANCE PAGE**  
For Professional Services Rendered

UPPER CAPTIVA CIVIC ASSOCIATION, INC.  
C/O RICHARD CRAVEN, CHAIR  
P.O. BOX 423  
PINELAND, FL 33945

PLEASE INDICATE INVOICE  
NUMBER ON REMITTANCE  
Invoice: 727099  
Client/Matter: 113403.0002  
Billing Atty: RDP  
September 18, 2007

Invoice Total

\$ 1,126.50

Remit To Address:  
222 S. Main Street  
Akron, OH 44308-2098

Wire/ACH Instructions:  
Chase Bank  
50 S. Main Street  
Akron, OH 44308  
ACH Routing Number 044000037  
Wire Routing Number 021000021  
Account Number 872113898  
Swift Code CHASUS33

**ROETZEL & ADDRESS**  
A LEGAL PROFESSIONAL ASSOCIATION

REMIT TO ADDRESS:  
222 S. MAIN STREET  
AKRON, OHIO 44308-2098  
(330) 376-2700  
FAX (330) 376-4577  
ramail@ralaw.com

FEDERAL TAX ID #34-1245415

UPPER CAPTIVA CIVIC ASSOCIATION, INC.  
C/O RICHARD CRAVEN, CHAIR  
P.O. BOX 423  
PINELAND, FL 33945

Invoice: 727099  
Client/Matter: 113403.0002  
September 18, 2007

**Total Due This Invoice      \$ 1,126.50**

For Professional Services Rendered  
For The Period Through August 31, 2007

Re: COMMUNITY PLANNING PANEL

*OK  
Dumbkins  
28 SEP 07*

Date	Initials	Description
08/14/07	RDP	Respond to e-mail inquiries from M.Banyan re: road issues and drafts for next meeting. E-mails to R. Craven.
08/16/07	RDP	Receive and respond to e-mails re: meeting issues.
08/18/07	RDP	Trip to Pine Island (no charge for time), attend and advise at community planning panel meeting.
08/20/07	DW	Conference with R. Pritt regarding research into ownership of roadways within Upper Captiva.
08/22/07	DW	Phone call to M. Banyan regarding issues pertaining to ownership of roadways.
08/23/07	DW	Phone conferences with M. Banyan of Johnson Engineering regarding roadway ownership issues. Phone conferences with Jeff Urban (Urban Land Surveyors) regarding the same. Email Memorandum to R. Pritt regarding the same.
08/29/07	RDP	E-mails re: setting up meeting with M. Banyan and county staff re: report. Review potential issue re: roads.
08/30/07	RDP	Follow up with M. Banyan re: meeting with county.

Professional Services

\$ 1,126.50 ✓

**TIMEKEEPER SUMMARY**

Timekeeper	Hours	Rate	Amount
Robert D. Pritt	5.10	175.00	892.50
Daniel Weidenbruch	1.20	195.00	234.00

**"THIS IS A CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION"**

# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

113403.0002  
COMMUNITY PLANNING PANEL

Invoice: 727099  
September 18, 2007  
Page 2

---

Timekeeper	Hours	Rate	Amount
Totals	6.30		1,126.50

Invoice Total

\$ 1,126.50

PLEASE INCLUDE INVOICE NUMBER WITH REMITTANCE  
PLEASE REMIT PAYMENT UPON RECEIPT







Johnson Engineering, Inc.  
P.O. Box 2112  
Fort Myers, FL 33902  
Ph: 239.334.0046 Fax: 239.334.3661  
Project Manager Tessa LeSage

# Invoice

November 26, 2007  
Project No: 20076761-000  
Invoice No: 4

Fran DeTure  
Upper Captiva Civic Association  
P.O. Box 423  
Pineland, FL 33945

Project 20076761-000 Upper Captiva Community Plan  
Professional Services through October 28, 2007

Phase	REIM	Reimbursables		
<b>Reimbursable Expenses</b>				
Postage & Shipping				
10/4/07 Community Notifications			531.44	
		<b>Total Reimbursables</b>	531.44	531.44
			<b>Total this Phase</b>	<b>\$531.44</b>

<b>Retainage</b>				
Current Retainage		106.29 (20.00% of 531.44)		-106.29
Prior Retainage		6,059.39		
Retainage-To-Date		6,165.68 (Limit 6,300.00)		
			<b>Total this Invoice</b>	<b>\$425.15</b>

**Outstanding Invoices**

Number	Date	Balance	Retainage	Now Due
2	8/13/07	14,854.28	-2,970.86	11,883.42
3	9/25/07	3,645.70	-729.14	2,916.56
<b>Total</b>		<b>18,499.98</b>	<b>-3,700.00</b>	<b>14,799.98</b>

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 5/29/07

Check No.- 548625

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
PROJECT20076761000	5/24/07	UPPER CAPTIVA COMMUNITY PLAN	\$9,437.56		\$9,437.56

\*\*\*\*\*\$9,437.56

\*\*\*\*\*\$9,437.56

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
JACKSONVILLE, FL

63-568/631

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
5/29/07	548625	*****\$9,437.56

VOID AFTER 6 MONTHS

*Nine thousand four hundred thirty seven and 56/100 Dollars*

PAY  
TO THE  
ORDER  
OF

UPPER CAPTIVA CIVIC ASSOCIATION INC  
PO BOX 423  
PINELAND, FL 33945



A handwritten signature in black ink, appearing to read "Charlie Green", is written over a horizontal line.

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

Vendor No.- 342283  
Check Date - 1/30/07

Check No.- **534660**

INVOICE NUMBER	INV. DATE	DESCRIPTION	INV. AMOUNT	DISCOUNT	NET AMOUNT
J040701902	1/17/07	SEED MONEY	\$5,000.00		\$5,000.00

\*\*\*\*\*\$5,000.00

\*\*\*\*\*\$5,000.00

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 2238  
FORT MYERS, FLORIDA 33902  
(239) 335-2300

VENDOR NO. 342283

BANK OF AMERICA  
JACKSONVILLE, FL

63-588/631

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
1/30/07	534660	*****\$5,000.00

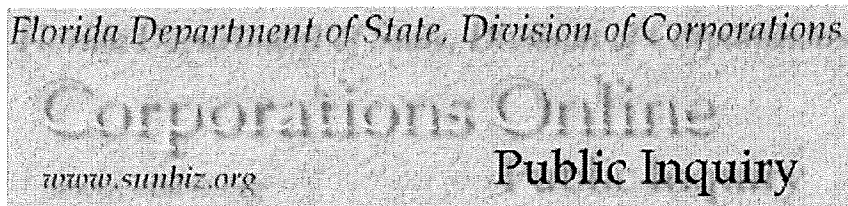
VOID AFTER 8 MONTHS

*Five thousand and 00/100 Dollars*

PAY TO THE ORDER OF UPPER CAPTIVA CIVIC ASSOCIATION INC  
PO BOX 423  
PINELAND, FL 33945



*[Handwritten Signature]*



**Florida Non Profit**

**UPPER CAPTIVA CIVIC ASSOCIATION, INC.**

**PRINCIPAL ADDRESS**

P O BOX 423  
 PINELAND FL 33945 US  
 Changed 05/20/1997

**MAILING ADDRESS**

P O BOX 423  
 PINELAND FL 33945 US  
 Changed 05/20/1997

**Document Number**  
 N92000001032

**FEI Number**  
 650392810

**Date Filed**  
 12/31/1992

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Registered Agent**

Name & Address
DONNELLY, RICHARD R 13490 ROBERTS RD POB 254 PINELAND FL 33945
Name Changed: 05/10/1999
Address Changed: 05/10/1999

**Officer/Director Detail**

Name & Address	Title
REED, RUSS 833 MONTICELLO CT CAPE CORAL FL 33904	DT
DETURE, FRANCIS 8161 MAIN STREET BOKEELIA FL 33922	DP
WILDEMAN, KAREN	

4420 HARBOR BANS DR. CAPTIVA FL 33924	DV
MIKLAVCIC, BARBARA 4610 SEAIR LN. CAPTIVA FL 33924	DS
OTIS, MAXINE 4550 ORO PESOS LANE CAPTIVA FL 33924	D
TOMPKINS, DAVID 4591 HOLDE PODGE LN CAPTIVA FL 33924	D

### Annual Reports

Report Year	Filed Date
2004	07/09/2004
2005	02/23/2005
2006	02/02/2006

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events  
No Name History Information

### Document Images

Listed below are the images available for this filing.

<a href="#">02/02/2006 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/23/2005 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">07/09/2004 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">02/20/2003 -- COR - ANN REP/UNIFORM BUS REP</a>
<a href="#">07/10/2002 -- COR - ANN REP/UNIFORM BUS REP</a>
<a href="#">05/03/2001 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">05/10/2000 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">05/10/1999 -- ANNUAL REPORT</a>
<a href="#">04/15/1998 -- ANNUAL REPORT</a>
<a href="#">05/20/1997 -- ANNUAL REPORT</a>
<a href="#">02/09/1996 -- 1996 ANNUAL REPORT</a>

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**



2320 FIRST STREET  
SUITE 1000  
FORT MYERS, FL 33901  
239.649.2714 DIRECT  
239.337-3850 MAIN  
239.337-0970 FAX  
rpritt@ralaw.com

March 23, 2006

James Mudd, AICP  
Principal Planner  
Lee County Community Development  
Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398

Re: Community Planning Proposal For Upper Captiva Community Panel

Dear Jim:

As discussed at our previous meeting, enclosed is a Community Planning Proposal for the Upper Captiva Community Panel. We would appreciate it if you would review the Proposal for sufficiency, and if you deem it is sufficient, please forward it to the Board of County Commissioners for consideration.

Please contact me at 649-2714 if you have any questions or would like to discuss the Proposal.

Very truly yours,

ROETZEL & ADDRESS, LPA

*S/ Robert D. Pritt*

Robert D. Pritt  
Board Certified City, County & Local  
Government Law

RDP/cl  
enclosures

cc: Donna Marie Collins, Lee County Attorney's Office

495233.113403.0002

UPPER CAPTIVA COMMUNITY PANEL

BUDGET-IN CONJUNCTION WITH REQUEST FOR SEED MONEY

Please consider the following tentative budget for the community planning process for the Upper Captiva Community Panel. This is submitted in connection with the Panel's request for seed money for the community planning process submitted on March 29, 2006. Planning staff has requested that the proposed budget be submitted. This should be attached to the Community Planning Proposal.

The Panel has not issued RFPs for Planning services yet, without having seed money for the project. However, if approved for seed money, the Panel will advertise for Proposals.

Budget items:

Expected Services	Estimated Cost
A. Planning Consultant-	
1. Meetings with panel, identify Scope of Services and needs as identified in previous surveys, UCCA meeting minutes, meetings with County staff and input from Island residents.	
2. Identify relevant current Lee Plan elements; identify which Goals, Objectives and Policies can be addressed by planning process and which cannot.	
3. Identify and consider planning challenges resulting from unique island circumstances including those set out in Paragraph D. of Proposal.	
4. Obtain data and analysis to address issues identified in Paragraph D. of Proposal and as identified in the Community Planning Process, including inventory of Governmental services provided and those not provided.	
5. Draft proposed changes to Lee Plan to implement Panel's recommendations.	
6. Work with County staff in implementing changes resulting from Community Planning process.	
7. Follow up on implementation of plan amendments and other proposals resulting from Planning process.	
Total Planning	\$30,000.00
B. Legal Consultant	
1. Consultations with staff; drafting Proposal; Drafting and/	



	or reviewing draft RFP for Planning Consultant; setting up legal aspects of Panel; notices.	\$4,500.00
2.	Title reviews; obtain & analyze data for determination of nature of pathways, air and water facilities and governmental facilities.	\$1,500.00
3.	Attendance and legal advice at some meetings (some via phone).	
4.	Review drafts of Proposed Plan changes and advise.	
5.	Provide legal advice to Panel and Planning Consultant regarding legal parameters.	
6.	Work with County Attorney's Office on issues needing legal assistance up to adoption hearings. Appear at LPA and BOCC hearings if and as needed.	
	Total 3-6	<u>\$7,500.00</u>
		Total Legal    \$13,500.00*

C. Miscellaneous Out-of-Pocket Expenses

1. Notices-Surveys-Mailings, Miscellaneous	Total Misc.	<u>\$ 2,500.00</u>
	Total Budget	<u><b>\$ 46,000.00</b></u>

\*Portions of this amount may not be necessary, depending upon the extent of assistance that can be provided by County legal staff, by the County's database, or by the Planning Consultant's database. Portions may need to be allocated to Planning Consultant.

Note: Upper Captiva Civic Association has already paid \$2,500.00 toward planning process and additional sums for notices of meetings.

**COMMUNITY PLANNING PROPOSAL**  
**for**  
**UPPER CAPTIVA COMMUNITY PANEL**

The following information is provided in support of an application to initiate a Community Panel and for Seed Money to initiate a community plan for the island of North (Upper) Captiva. One or more representatives of the proposed Panel have met with the District Commissioner on 2 occasions and with the Lee County Planning staff and assistant county attorney on 1 occasion prior to filing this application.

A. The proposed name of the Community Panel will be the Upper Captiva Community Panel. The initial Community Panel will consist of the following individuals:

A. Peter Aldrian  
311 Spanish Gold Lane  
Upper Captiva, FL 33924

Mailing Address  
P.O. Box 613  
Pineland, FL 33945

Kristie Anders – Vice Chair  
4550 Schooner Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 978  
Sanibel, FL 33957

Richard Craven – Chair  
4591 Oyster Shell Drive  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 396  
Pineland, FL 33945

Rick Fox  
3722 Yucatan Parkway  
Cape Coral, FL 33993

Mailing Address  
c/o Safety Harbor Club  
P.O. Box 2276  
Pineland, FL 33945

David Tompkins – Secretary/Treasurer  
4591 Hodgepodge Lane  
Upper Captiva, FL 33924

Mailing Address:  
P.O. Box 609  
Pineland, FL 33945

No current budget has been prepared for the Panel at this time. However, it is expected that the Panel's budget will not exceed the maximum permitted for community planning provided by Lee County. The Panel is currently a committee of the Upper Captiva Civic Association. The Civic Association has been funding the cost of exploring the viability of forming the Panel and obtaining financial assistance for the Planning Effort.

B. Copies of Form 1 "Statement of Financial Interests" for each community panel member and for myself are attached as Composite Exhibit "B".

C. Lee County Community Development staff has committed to provide a county map of North Captiva (Upper Captiva), which is intended to be covered under this proposed plan.

D. The main issues the planning effort intends to address are:

- Transportation (Traffic) Element and Public Safety
  - Island Access (Island has no bridge to mainland)
    - Air
    - Boat
  - Nature of and Use of System of Pathways (Island lacks public roads)
  - Pathway Usage & Maintenance
  - Canal Usage & Maintenance
  - Noise-Limitation of Use of gasoline-powered personal vehicles on the island. (Historical ban in jeopardy)
  - Underage golf cart drivers.
  - Speed limits and reckless operation of carts.
  - Code enforcement and specifically illegal dumping.
  - Law Enforcement
  - Disaster Planning
    - Hurricanes & Tropical Storms
    - Evacuation and return
    - Funding for future storm contingencies to avoid delay in obtaining help for post hurricane needs.
    - Garbage, trash, and construction debris removal.
    - Fires, especially wildfires

Capital Improvements Element

Potential Needs-Public Facilities

- Fire Station/Emergency Services-Station Expansion
- Community Center
- Library Facility
- Public Docks/Canoe Launch
- Public Restrooms
- Utilities & Communication Facilities

Intergovernmental Coordination Element

- Coordination of garbage & solid waste with other islands & county

Future Land Use Element

- Uses, density & development standards
- Design standards
- Building Standards
- Open space and state parkland

Wastewater, Solid Waste, Drainage, Potable Water Element

- Review of existing systems
- Illegal dumping
- Surface Water Management
- Solid Waste (see above)

Conservation Element

- State Parkland coordination
- Beaches and Beach Access
- Funding for beach renourishment
- Maintenance of marine and estuarine habitat.
- Maintenance of wetland and other environmentally significant habitat.
- Mosquito Control
- Wildlife and Vegetation

Housing Element

- Workforce Housing

The resources for addressing these issues will be the requested Seed Money and a future Planning Fund grant from Lee County. It is hoped that the State of Florida will participate also, due to the large portion of the island that is covered by state lands.

E. The preliminary timetable is as follows:

- The target date for submitting a complete draft of implementing regulations to Lee County is 9 months after approval of the planning grant.
- The final date for submitting these regulations is 1 year after approval.

- After submission of the draft language, the community panel will assist with potential revisions during the county's normal review processes until the LDC amendments are formally adopted
- All work under this planning grant is anticipated to be completed within 2 years after approval of the planning grant

F. Meetings will be duly noticed and held approximately monthly at the Upper Captiva Fire Station. All members of the public are invited to attend and participate.

G. The estimated full cost of the planning effort is \$50,000.00.

H. This panel projects that 95% of the projected costs will be provided through County funds. \$2,500 has already been provided by Upper Captiva Civic Association.

I. The creation of the Upper Captiva Community Panel is a tangible demonstration of the motivation and ability of those involved to initiate a complex public planning project and bring it to completion while encouraging public input.

Favorable consideration by the County of this Community Planning Proposal would be greatly appreciated.

Submitted by: Richard Craven, Chair  
Upper Captiva Community Panel

Through: Robert D. Pritt, Esq.  
Roetzel & Andress  
2320 First Street  
Fort Myers, FL 33901  
239.338.4214

495173.113403.0002

## **Upper Captiva Civic Association Bylaws**

January '93, Amended August '94, October '96, Revised December '00, Amended December '04

### **1 NAME**

The name of the Association shall be the Upper Captiva Civic Association, Inc., referred to in these bylaws as the UCCA and the Association.

### **2 MISSION**

- 2.1 To provide a forum in which to address common concerns
- 2.2 To establish goals that enhance the quality of island life
- 2.3 To communicate regularly with island owners
- 2.4 To serve as a conduit to county and state government

### **3 MEMBERSHIP**

- 3.1 Membership in the UCCA shall be open to all persons who are interested in the Association and the affairs of the island. They must be at least 18 years old.
- 3.2 Membership may be obtained upon payment of annual dues and shall be based on one membership per household. Any member within the household may vote.

### **4 DIRECTORS**

There shall be a Board of Directors comprised of nine persons elected from among the UCCA membership. Board members must be property owners of Upper Captiva Island and/or persons whose legal address is on island. Officers are elected by the Board from among its nine members.

- 4.1 The Board of Directors shall have full power to determine all rules and regulations and to conduct the business of the UCCA. The sole exception is changing or amending these bylaws, which must be done by a vote of the membership
- 4.2 The Board of Directors shall be authorized to manage the monetary affairs of the association within the framework of the annual budget. The budget shall be drawn up and approved by the Board every January, and reported to the membership in a timely manner.
- 4.3 The property and equipment of the UCCA shall be managed at all times by the Board.
- 4.4 The Board of Directors shall hold a meeting shortly before the four yearly general membership meetings unless otherwise decided by the Board. Special meetings of the Board may be called at any time by the President or any two directors. There must be a quorum of a majority of Directors present to conduct business or make any decisions for the Association. Any member may attend a Board of Directors meeting.

### **5 ELECTION OF DIRECTORS**

- 5.1 There shall be nine members of the Board of Directors. Any member who is a property owner or whose legal residence is on island may stand for election to the Board. Three directors shall be voted to office annually to serve three-year terms, the resulting staggered terms to assure continuity on the Board.
- 5.2 Directors are elected by majority vote of members present at the December meeting. The nominating committee, appointed each year by the President, shall present the slate of candidates.
- 5.3 In the event of the resignation, removal or death of a board member or members, the remaining directors shall appoint a successor(s) to the unexpired term(s). If the missing director(s) was an officer the Board shall elect a successor(s) to the unexpired term(s), except in the case of President when the Vice President shall assume those duties.
- 5.4 Cause for removal of a director shall include but not be limited to any action that brings discredit to the membership

and/or nonattendance at three (3) consecutive meetings without just cause.

## 6 OFFICERS

Officers of the UCCA shall be President, Vice President and Secretary/Treasurer. The first duty of the new Board of Directors in January is to elect its officers from among the nine board members.

6.1 The president shall preside over all meetings, appoint members to committees and represent the UCCA in dealings with other entities and organizations unless a substitute is designated.

6.2 The Vice President shall assume the duties of the President should the latter be absent, incapacitated or otherwise vacate the office.

6.3 The Secretary shall record all proceedings of board meetings and general membership meetings. He/she shall also attend to and communicate to the Board all correspondence to or from the UCCA.

6.4 The Treasurer shall administrate and advise the Board of all financial matters of the Association. He/she shall open checking and/or savings accounts in any FDIC member bank in Lee County, deposit monies and pay bills, and render a financial status report to the membership at all general meetings.

6.5 No UCCA officer shall have authority to bind the Association without written approval of the majority of the Board

## 7 MEETINGS

General membership meetings shall be held four times per year, with additional meetings called, if needed, by the the Board of Directors. Business at all meetings is to be conducted according to *Roberts Rules of Order (Revised)*.

## 8 BYLAWS and AMENDMENTS

The Bylaws shall be the instrument of rules and conduct followed by the Board of Directors, the officers and the members of the UCCA. Changes and amendments to the Bylaws must be approved by the membership by mail ballot. A two-thirds majority of the responding membership shall be required to affect changes.

## 9 SPECIAL RULES

9.1 The UCCA as a whole shall not endorse any candidate for political office, nor permit the Association's name to be used as an endorsement.

9.2 The UCCA membership list shall not be used for any commercial purpose outside the business of the Association itself.

## 10 AMENDMENTS

10.1 Vehicles: The only means of transportation within the planned island deemed for development ie: all surveyed lots, shall be battery operated golf carts or a similar mechanism. Vehicles for personal use or for recreation shall not be powered by an internal combustion engine. They are prohibited on this planned development, known as Upper Captiva Island.

# North Captiva Island Planning Area

Cayo  
Costa



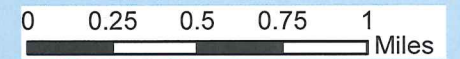
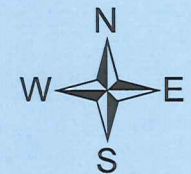
Safety  
Harbor

North Captiva Island

Captiva  
Island

## NORTH CAPTIVA FUTURE LANDUSE CATEGORIES

- Public Facilities
- Outer Island
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands

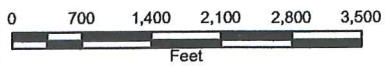


Map Created:  
August 23, 2006

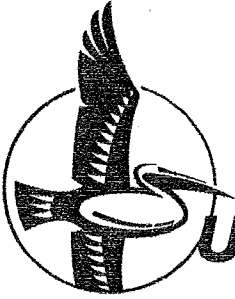




### Upper Captiva Island



Copy Tim made  
to set up mtg.  
Dir. M. Gibbs  
11/4/05



Upper Captiva Civic Association Inc. Box 423, Pineland, Florida 33945 941/418-4877

## Upper Captiva Civic Association

Bob Janes, Lee County Commissioner  
Box 398  
Ft. Myers FL 33902

RECEIVED  
NOV - 4 2005

1 November 2005

COMMUNITY DEVELOPMENT

Dear Commissioner Janes::

At its membership meeting October 30, 2005, the Upper Captiva Civic Association voted unanimously to request that the County begin the Community Planning Process under Administrative Code Section 13-3. The UCCA community planning committee would like to have the required meeting with the staff to begin the process.

We understand that the County may provide funding assistance and request that funds be set aside for the Upper Captiva Community Planning process.

Sincerely,

Richard Craven, President

CC: Mary Gibbs, Lee County Community Development Director  
Paul O'Connor, Lee County Planning Director

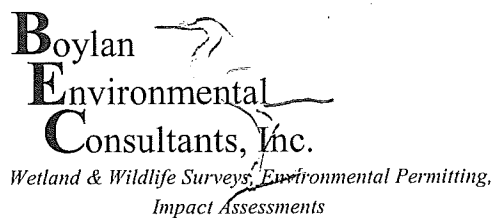
E-M: UCCA Board of Directors  
UCCA Island Governance Committee  
Robert Pritt, atty.

---

**CPA2007-00050**  
**R & D CATTLE PROPERTY**

---

**COMPREHENSIVE PLAN AMENDMENT APPLICATION ANSWERS**



11000 Metro Parkway, Suite 4  
Fort Myers, Florida, 33966  
Phone:(239) 418-0671 Fax:(239) 418-0672

**August 7, 2008**  
**Revised August 21, 2008**

---

## C. ENVIRONMENTAL IMPACTS

### 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCFCS).

Please see the attached FLUCFCS map (exhibit C1) and FLUCFCS aerial (exhibit C2) for community locations. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation, 1985). The site was inspected and the mapping superimposed on 2007 digital aerial photographs. Acreages were approximated using AutoCAD (2008 version).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

#### **190 Other Open Lands (approximately 0.74 acres)**

This upland community had been previously cleared and was dominated by Bahia grass (*Paspalum notatum*). This area was mowed and maintained.

#### **211 Improved Pasture (approximately 23.24 acres)**

This area had been cleared for cattle grazing and was dominated by bare ground with scattered ceaser weed (*Urena lobata*), wild balsm apple (*Momordica charantia*), sumac saplings (*Rhus sp.*), crabs eye vine (*Abrus precatorius*), Florida sandspur (*Cenchrus echinatus*), thistle (*Cirsium sp.*), dog fennel (*Eupatorium sp.*), silk reed (*neyraudia reynaudiana*) and various sedges (*Cyperus sp.*). This area will be seeded and utilized for pasture.

#### **411E1 Pine Flatwoods w/ Exotics (<25%) (approximately 1.07 acres)**

This upland community was dominated by slash pine (*Pinus elliottii*) with a saw palmetto (*Serenoa repens*) under-story. Scattered throughout the community were live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), brazilian pepper (*Schinus terebinthifolius*) (approximately 15% coverage), beauty berry (*Callicarpa americana*), sumac (*Rhus sp.*), rusty lyonia (*Lyonia ferruginea*), penny royal (*Piloglephis rigida*), smilax (*smilax sp.*), grape vine (*Vitis rotundifolia*) and ceaser weed (*Urena lobata*).

#### **4119E4 Disturbed Pine Flatwoods w/ Exotics (>75%) (approximately 0.10 acres)**

This upland community was dominated by slash pine (*Pinus elliottii*) with brazilian pepper (*Schinus terebinthifolius*) (approximately 80% coverage). The under-story contained saw palmetto (*Serenoa repens*), beauty berry

(*Callicarpa americana*), sumac (*Rhus sp.*), rusty lyonia (*Lyonia ferruginea*), smilax (*smilax sp.*), grape vine (*Vitis rotundifolia*), silk reed (*neyraudia reynaudiana*) and ceaser weed (*Urena lobata*).

**414E1 Pine – Mesic Oak w/ Exotics (<25%) (approximately 1.01 acres)**

This upland community contained a canopy dominated by a mixture of slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), cabbage palms (*Sabal palmetto*), and live oak (*Quercus virginiana*). The under-story was dominated by saw palmetto (*Serenoa repens*). Gall berry (*Ilex glabra*), wax myrtle (*Myrica cerifera*), smilax (*smilax sp.*), grapevine (*Vitis rotundifolia*), and poison ivy (*Toxicodendron radicans*) were scattered throughout.

**421E2 Xeric Oak w/ Exotics (25-50%) (approximately 0.96 acres)**

This upland community contained a variety of oaks including live oak (*Quercus virginiana*) and sand live oak (*Quercus virginiana var. geminata*). Scattered slash pines (*Pinus elliottii*), and scattered cabbage palms (*Sabal palmetto*) were also observed. The under-story contained Brazilian pepper (*Schinus terebinthifolius*) (approximately 30% coverage) and saw palmetto (*Serenoa repens*).

**425E1 Temperate Hammock w/ Exotics (<25%) (approximately 3.03 acres)**

This forested community's canopy was dominated by laurel oaks (*Quercus laurifolia*), water oaks (*Quercus nigra*), live oaks (*Quercus virginiana*), and cabbage palm (*Sabal palmetto*). Slash pine (*Pinus elliottii*) was scattered throughout the canopy. Mid-story species included dahoon holly (*Ilex cassine*), sweet bay (*Magnolia virginiana*), Brazilian pepper (*Schinus terebinthifolius*), beauty berry (*Callicarpa americana*), poison ivy (*Toxicodendron radicans*), and wild coffee (*Psychotria nervosa*). Widely scattered throughout this community were cabbage palm saplings (*Sabal palmetto*) and saw palmetto (*Serenoa repens*).

**428 Cabbage Palm Hammock (approximately 0.12 acres)**

This forested community was dominated by cabbage palms (*Sabal palmetto*). The under-story contained beauty berry (*Callicarpa americana*), wax myrtle (*Myrica cerifera*), and wild coffee (*Psychotria nervosa*). Typically this community type occurred as a transitional area between uplands and wetlands.

**428H Hydric Cabbage Palm Hammock (approximately 0.18 acres)**

This wetland community was dominated by cabbage palm (*Sabal palmetto*) with a swamp fern (*Blechnum serrulatum*) under-story. This community contained signs of hydrology including adventitious rooting, staining and lichen lines.



**CPA2007-00050 R & D CATTLE  
COMP PLAN AMMENDMENT**

**510 Streams and Waterways (approximately 2.54 acres)**

This community consisted of two streams that vertically bisected the property. The westernmost stream had been recently maintained and was relatively free of vegetation. The eastern stream contained Brazilian pepper (*Schinus terebinthifolius*) and scattered Carolina willow (*Salix caroliniana*).

**615E1 Stream and Lake Swamps w/ exotics (<25%) (approximately 3.49 acres)**

This wetland community consisted of a wide variety of hardwood species that are typically found in overflow or floodplain areas. The canopy was dominated by mixture of bald cypress (*Taxodium distichum*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*) and sweet bay (*Magnolia virginiana*). The under-story contained beauty berry (*Callicarpa americana*), wax myrtle (*Myrica cerifera*), wild coffee (*Psychotria nervosa*), salt bush (*Baccharis sp.*), shield fern (*Dryopteris ludoviciana*), leather fern (*Acrostichum sp.*) and swamp fern (*Blechnum serrulatum*).

**630E3 Wetland Forested Mixed w/ Exotics (50-75%) (approximately 1.19 acres)**

This wetland community was dominated by a combination of Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolius*) (approximately 70% coverage), cabbage palm (*Sabal palmetto*) and Red Maple (*Acer rubrum*). The under-story contained wax myrtle (*Myrica cerifera*) and swamp fern (*Blechnum serrulatum*).

**FLUCFCS LEGEND**

<b>FLUCFCS Code</b>	<b>Community Description</b>	<b>Acres</b>	<b>%</b>
190	Other Open Lands	0.74 Ac.±	1.96%
211	Improved Pasture	23.24 Ac.±	61.69%
411 E1	Pine Flatwoods w/ Exotics (<25%)	1.07 Ac.±	2.84%
4119 E4	Disturbed Pine Flatwoods w/ Exotics (>75%)	0.10 Ac.±	0.27%
414 E1	Pine - Mesic Oak w/ Exotics (<25%)	1.01 Ac.±	2.68%
421 E2	Xeric Oak w/ Exotics (25-50%)	0.96 Ac.±	2.55%
425 E1	Temperate Hammock w/ Exotics (<25%)	3.03 Ac.±	8.04%
428	Cabbage Palm Hammock	0.12 Ac.±	0.32%
428H	Hydric Cabbage Palm Hammock	0.18 Ac.±	0.48%
510	Streams and Waterways	2.54 Ac.±	6.74%
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	3.49 Ac.±	9.26%
630 E3	Wetland Forested Mixed w/ Exotics (50-75%)	1.19 Ac.±	3.16%
<b>TOTAL</b>		<b>37.67 Ac.±</b>	<b>100.00%</b>

**2. A map and description of the soils found on the property (identify the source of the information).**

Boca Fine Sand (13)

Boca soils are moderately deep, moderately permeable and poorly drained. These soils are found in sloughs, flatwoods and depressional areas. The uppermost soil layer is fine gray sand about 3 inches thick. The next layer is approximately 6 inches thick and consists of fine light gray sand that contains thick roots. From 9 to 14 inches the soil consists of light gray fine sand with medium and coarse roots. The next soil layer (14-25 inches deep) is very pale brown single grained fine sand. Limestone can be found anywhere from 25 to 40 inches in depth. The Boca soil series is nationally listed as a hydric soil however the soil is not locally considered to be a hydric soil.

Wabasso Sand, Limestone Substratum (42)

This is a deep, poorly drained soil that is slowly permeable. Slopes are smooth to slightly convex and range from 0 to 1 percent. Typically, the surface layer is dark gray sand about 6 inches thick. The subsurface layer is light brownish gray sand to a depth of 17 inches. From 17 to 24 inches the soil is light gray sand with few distinct dark grayish brown strains. The subsoil is about 38 inches thick. The upper 4 inches is dark brown sand with few iron concretions. The next 8 inches is brownish yellow sandy clay loam with light brownish gray, light gray and reddish brown mottles. The lower 26 inches is light gray sandy clay loam with pale olive and olive mottles and stains along root channels. Below that is light gray, fine, sandy loam with olive mottles extending to a depth of 80 inches or more. Under natural conditions the water table is less than 10 inches below the surface for more than 6 months. In dry periods the water table recedes to 40 inches or more below the surface. Natural vegetation consists of saw palmetto, South Florida slash pine, pineland threeawn, cabbage palm, and bluestem.

Copeland Sandy Loam, Depressional (45)

Copeland Series soils are “moderately deep, very poorly drained, moderately permeable soils that form in moderately thick beds of marine sediment over limestone.” These depressional soils are smooth to concave with slopes ranging from 0 to 1 percent. The

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first 8 inches consist of a weak fine granular structure very dark gray sandy loam with light gray streaks. From 8 to 20 inches the soil is a very dark gray sandy loam with light gray streaks and is a “moderate medium subangular blocky structure”. The next 8 inches consist of a light brownish gray sandy clay loam with calcium carbonate. From 28 inches onward the soil is “fractured limestone bedrock”. Under natural conditions the water table is above the surface for 3 to 6 months out of the year and is 10 to 40 inches below the surface for the remainder of the year. This soil is considered to be a hydric soil.

Please see the attached soil map (exhibit C3) for soil locations on the property. All information was achieved from the NRCS Hydric Soils of Florida Handbook (2000).

**3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).**

Please see the attached topography map.

**4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.**

The site contains five wetlands. The wetlands include; hydric cabbage palm, streamland lake swamps, and wetland forested mixed. For the wetland locations please see the attached FLUCFCS map (communities 428H, 615E1 and 630E3).

The majority of the upland areas are highly disturbed in nature. This site does not contain any rare and unique upland communities.

The property was mapped by SFWMD in 1995 in the lower coast surficial recharge area.

**5. A table of plant communities by FLUCFCS with potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCFCS and the species status (same as FLUCFCS map).**

**Protected Animals by Status**

<b>FLUCFCS</b>	<b>SPECIES</b>	<b>USFWS</b>	<b>FFWCC</b>
<b>190</b>	Burrowing Owl <i>(Athene cunicularia floridana)</i>		<b>SSC</b>
	Eastern Indigo Snake <i>(Drymarchon corais couperi)</i>	<b>T</b>	<b>T</b>



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<b>FLUCFCS</b>	<b>SPECIES</b>	<b>USFWS</b>	<b>FFWCC</b>
<b>190 cont.</b>	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
<b>211</b>	Burrowing Owl ( <i>Athene cunicularia floridana</i> )		<b>SSC</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
<b>411</b>	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	<b>T</b>	<b>T</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
	Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )		<b>T</b>
	Red Cockaded Woodpecker ( <i>Picoides borealis</i> )	<b>E</b>	<b>SSC</b>
	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )		<b>T</b>
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		<b>T</b>
<b>414</b>	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	<b>T</b>	<b>T</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
	Southeastern American Kestrel ( <i>Falco sparverius paulus</i> )		<b>T</b>
	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )		<b>T</b>
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		<b>T</b>
<b>421</b>	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	<b>T</b>	<b>T</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>

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<b>FLUCFCS</b>	<b>SPECIES</b>	<b>USFWS</b>	<b>FFWCC</b>
<b>421</b>	Florida Scrub Jay ( <i>Aphelocoma coerulescens</i> )	<b>T</b>	<b>T</b>
<b>425</b>	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	<b>T</b>	<b>T</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		<b>T</b>
<b>428</b>	Eastern Indigo Snake ( <i>Drymarchon corais couperi</i> )	<b>T</b>	<b>T</b>
	Gopher Tortoise ( <i>Gopherus polyphemus</i> )		<b>T</b>
	Gopher Frog ( <i>Rana capito</i> )		<b>SSC</b>
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		<b>T</b>
	Audubon's Crested Caracara ( <i>Polyborus plancus audubonii</i> )	<b>T</b>	<b>T</b>
<b>428H</b>	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		<b>T</b>
	Audubon's Crested Caracara ( <i>Polyborus plancus audubonii</i> )	<b>T</b>	<b>T</b>
<b>510</b>	American Alligator ( <i>Alligator mississippiensis</i> )	<b>T</b>	<b>SSC</b>
	Roseate Spoonbill ( <i>Platalea ajaja</i> )		<b>SSC</b>
	Limpkin ( <i>Aramus guarauna</i> )		<b>SSC</b>
	Little Blue Heron ( <i>Egretta caerulea</i> )		<b>SSC</b>
	Reddish Egret ( <i>Egretta rufescens</i> )		<b>SSC</b>
	Snowy Egret ( <i>Egretta thula</i> )		<b>SSC</b>
	Tricolored Heron ( <i>Egretta tricolor</i> )		<b>SSC</b>
	Everglades Mink ( <i>Mustela vison evergladensis</i> )		<b>T</b>
<b>615</b>	American Alligator ( <i>Alligator mississippiensis</i> )	<b>T</b>	<b>SSC</b>
	Roseate Spoonbill ( <i>Platalea ajaja</i> )		<b>SSC</b>

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FLUCFCS	SPECIES	USFWS	FFWCC
615 cont.	Limpkin ( <i>Aramus guarauna</i> )		SSC
	Little Blue Heron ( <i>Egretta caerulea</i> )		SSC
	Reddish Egret ( <i>Egretta rufescens</i> )		SSC
	Snowy Egret ( <i>Egretta thula</i> )	T	T
	Tri Colored Heron ( <i>Egretta tricolor</i> )		T
	Everglades Mink ( <i>Mustela vison evergladensis</i> )		T
630	Little Blue Heron ( <i>Egretta caerulea</i> )		SSC
	Snowy Egret ( <i>Egretta thula</i> )		SSC
	Tricolored Heron ( <i>Egretta tricolor</i> )		SSC
	Peregrine Falcon ( <i>Falco peregrinus tundrius</i> )		E
	Everglades Mink ( <i>Mustela vison evergladensis</i> )		T
	Big Cypress Fox Squirrel ( <i>Sciurus niger avicennia</i> )		SSC
	American Alligator ( <i>Alligator mississippiensis</i> )	T	SSC
	Limpkin ( <i>Aramus guarauna</i> )		SSC
	Wood Stork ( <i>Mycteria Americana</i> )	E	E
	Florida Black Bear ( <i>Ursus americanus floridanus</i> )		T

FFWCC-Florida Fish and Wildlife Conservation Commission

USFWS-U.S. Fish and Wildlife Service

T- Threatened

E-Endangered

SSC-Species of Special Concern

Audubon's Crested Caracara

Audubon's Crested Caracara (*Polyborus plancus audubonii*) is a large raptor with a crest, naked face, heavy bill, elongated neck, and unusually long legs. This non-migratory species occurs in Florida as well as the southwestern U.S. and Central America. Only the Florida population, which is isolated from the remainder of the subspecies in the southwestern U.S. and Central America, is listed under the

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Endangered Species Act. Typically most Caracara's inhabit the prairie area of south central Florida. Caracara could utilize the cabbage palms on the property for nesting. Caracara's have not been observed on the property.

Big Cypress Fox Squirrel

The Big Cypress Fox Squirrel (*Sciurus niger avicennia*) is larger than the gray squirrel with an average length of ten to fifteen inches, not including the tail, which can be up to fourteen inches in length. The fur coat is highly variable, including shades of reddish orange, black, and occasionally tans, with white nose, front toes and ear tips. The primary habitats utilized by the Big Cypress Fox Squirrel include; open pine flatwoods, cypress strands, broad-leaf evergreen hammocks, mangroves, and oak forests. These squirrels feed on cypress balls, pine seed and occasionally cabbage palm and saw palmetto berries. It would be possible for the fox squirrel to utilize the forested portions of the property. Big cypress fox squirrels have not been observed on the property.

Burrowing Owl

The Burrowing owl (*Athene cunicularia floridana*) is a small pint sized bird. That lives in open herbaceous areas. Burrowing owls have a brown with white back and a white with brown chest. They have a white chin patch, yellow beak and most have yellow eyes. Burrowing owls use burrows year round for roosting and for nesting from February to August. Burrowing owls mainly eat insects however they will also eat snakes and rodents. Burrowing owls may be found utilizing the open land and pasture areas on the property. No burrowing owls have been observed.

Eastern indigo snake

The eastern indigo snake (*Drymarchon corais*) is a non-poisonous glossy blue to black snake. It is the largest native snake in the United States and can get up to nine feet long. This snake is often found in well drained scrub and sandhill habitats and is commonly considered to be associated with gopher tortoise burrows. While unlikely due to the disturbed nature of the site, the eastern indigo snake may be found in the some of the upland communities on the property.

Everglades Mink

The everglades mink (*Mustela vison evergladensis*) is a small mammal with a slender, dark brown body up to 2 feet, short legs, and a bushy tail. The mink is slightly similar in appearance to a river otter. The everglades mink occupies shallow freshwater marshes and primarily feeds on crayfish, fish, and small mammals. The everglades mink may utilize the onsite streams and wetland areas. Everglades Minks have not been observed on the property.

Florida Black Bear

The Florida Black Bear (*Ursus americanus floridanus*) is a subspecies of the American Black Bear. These bears are black with a brown muzzle and some have a white spot on there chest. Black Bear habitat includes pine flatwoods,

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hardwood hammocks, upland sand pine, and scrub oak. A male black bears home range is approximately 66 square miles.

Florida Scrub Jay

The Florida Scrub Jay (*Aphelocoma coerulescens*) is a small bird with a pale blue head, nape and wings. They have a pale gray belly and back with a white chest and throat. Scrub jays look similar to other jays but do not have a crest, tail feathers or white tipped wings. Scrub jays are found in scrub areas including oak and flatwoods. They live in families and maintain a territory of 5 to 50 acres (on average of 25 acres). Scrub Jays have not been observed on the property.

Limpkin

The limpkin (*Aramus guarauna*) is a large brown wading bird with white spots. Limpkins look superficially like an ibis. They have a piercing cry kree-ow, kra-ow. This bird is found in freshwater marshes, along the edges of ponds, and lakes, and in wooded swamps along rivers. Its preferred food source is the apple snail however it will also eat mussels, insects, crustaceans, worms, frogs, lizards, and other types of snails. Limpkins could potentially utilize the streams and wetland areas for foraging.

Little Blue Heron

The little blue heron (*Egretta caerulea*) is a medium sized slender heron whose appearance changes dramatically with age. First year herons are pure white while the adult herons appear slate blue. The little blue heron's diet includes small fish, amphibians, and aquatic invertebrates. Little blues occupy swamps, estuaries, rivers, ponds, and lakes and could potentially utilize the streams and wetland areas for foraging.

Red Cockaded Woodpecker

The red cockaded woodpecker (*Picoides borealis*) is a small, non-migratory, cavity nesting woodpecker. RCW's have a black and white ladder pattern on their back and wings. The belly and breast are white. They have a black cap, white patch on the cheek and a black bill. Males can be identified by a small red tuft behind the eye which is often difficult to see. RCW's live in family groups of two to five individuals and build their cavities in mature pine trees. Due to the limited quantity of mature pine trees on the property it is unlikely that RCW's would utilize the property. Cavity trees and/or RCW's were not observed on the property.

Reddish egret

The reddish egret (*Egretta rufescens*) is a large, slender egret with long legs and a long neck. There are two different distinct color patterns to this bird. The white morph is all white, while the dark morph individuals have a rust colored head and neck feathers, and slate gray body feathers. This wading bird is found primarily in coastal tidal flats, salt marshes, and lagoons. Reddish egrets utilize salt water

areas almost exclusively and typically inhabit coastal areas. Their diet consists of small fish. Because of this it is unlikely that this bird would inhabit the property.

#### Roseate Spoonbill

The Roseate Spoonbill (*Platalea ajaja*) is a pink and white bird with a bare head. Its bill is grey to green; spoon shaped, and flattened out like a spatula. It is the only spoonbill species that lives in the western hemisphere. These birds primarily diet on small fish however crustaceans, insects, and aquatic plants may also be consumed. The roseate spoonbill primarily occupies estuaries, rivers, ponds, and marshes however it may utilize the streams and wetlands for foraging.

#### Southeastern American Kestrel

The Southeastern American Kestrel (*Falco sparverius paulus*) is the smallest member of the falcon family. It is approximately the size of a blue jay. The southeastern American kestrel is a reddish brown bird. Males have slate blue wings, a buff underside and small black spots on the lower abdomen. Females have brown streaks on their chest and black bands on their tails. Kestrels typically nest in cavities excavated by woodpeckers in dead trees. Due to the limited amount of pine areas on the property it is unlikely that the southeastern American kestrel would utilize this site.

#### Snowy Egret

The snowy egret (*Egretta thula*) is a small sized white heron with a black bill, black legs, and yellow feet. Snowy egrets typically eat fish, crabs, amphibians, and insects. Snowy egrets occupy salt marshes, swamps, ponds, shores, tidal flats, rice fields, and shallow coastal bays. Snowy Egrets could potentially utilize the streams and wetlands for foraging.

#### Tri-colored Heron

The Tricolored heron (*Egretta tricolor*) is a medium sized heron with a dark, slate gray head and upper body. They have a purplish chest and a white strip running down the front of their neck that creates their tricolor. Their diet consists of small fish, crustaceans, reptiles, amphibians, insects, snails, and other invertebrates. Tricolored Herons prefer saltwater and brackish water habitats however it forages in both freshwater and saltwater areas. Tricolored Herons can be found in salt and freshwater mudflats, marshes, swamps, and meadows. Tricolored herons could potentially utilize the streams and wetlands on the property for foraging.

#### Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is a large reptile that averages 25 cm long and 9 lbs in weight. Gopher tortoises dig burrows that extend down to the water table. A gopher tortoise burrow has a half moon shaped entry and typically contains a large sandy area outside of the burrow entrance called an apron. Their burrow creates a home for 401 species of animals. For this reason gopher tortoises are considered to be a keystone species. Gopher tortoises can be commonly found in dry scrub areas, including scrub oak, dry prairies, pine

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flatwoods, and coastal dune ecosystems. Tortoises are primarily herbivorous; however, they will eat insects for protein and the bones of dead animals for calcium. Gopher tortoises could potentially utilize the pine flatwoods, oak communities and pasture portion of the property.

Gopher frog

The gopher frog (*Rana capito*) is a stout bodied cream to brown or black frog with irregular spots on its back and sides. The Florida subspecies (*Rana capito aesopus*) also features a white to cream spotted chin, and a white belly. These frogs are commonly found in moist meadows, prairies, woodlands, and pine scrub areas. Gopher frogs are dependent upon wetlands and ponds for breeding and are typically found in gopher tortoise burrows within 2,000 meters of a wetland or pond. The gopher frog utilizes gopher tortoise burrows as a home and is often associated with gopher tortoise burrows. Since the gopher frog is associated with gopher tortoise burrows the gopher frog could potentially be found in the pine flatwoods, oak communities and pasture portion of the property.

**Protected Plants by status**

<b>FLUCFCS COMMUNITIES</b>	<b>SPECIES</b>	<b>USFWS</b>	<b>FDA</b>
<b>411E1, 414E1, 421E2, 4255E1, 428, 428H, 615E1 &amp; 630E3</b>	Twisted and banded air plant <i>Tillandsia flexuosa</i>		<b>E</b>
	Fuzzy-wuzzzy air plant <i>Tillandsia pruinosa</i>		<b>E</b>
	Giant wild pine <i>Tillandsia utriculata</i>		<b>E</b>

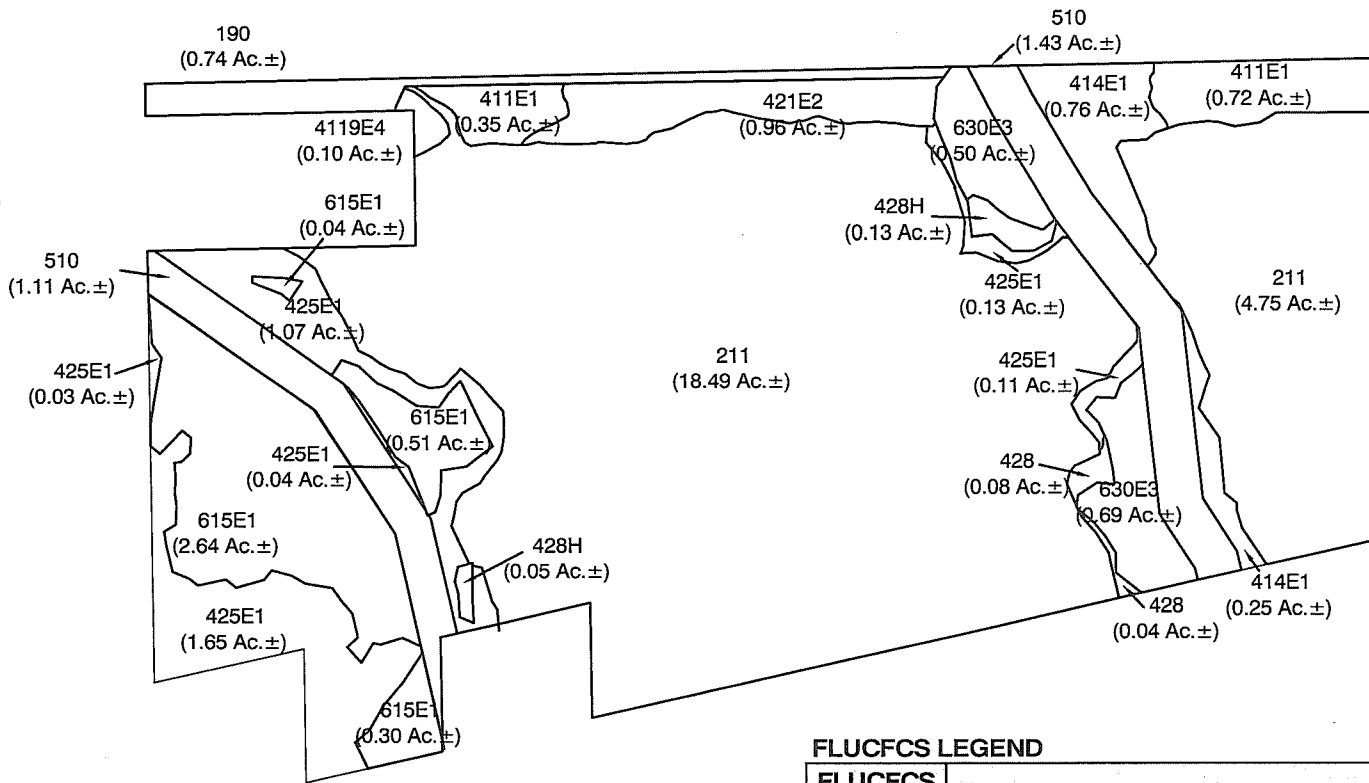
Listed Air Plants (*Tillandsia* spp.)

Several of the listed air plants are relatively common, but have recently been listed as a result of a weevil, which poses a potential future threat to its populations. It is likely that air plants do occur on the property, but in low numbers if they are present. Because the air plants typically cling to trees any of the forested communities on the property have the potential to contain these species.

Because of the disturbed nature of the on-site vegetation communities, the development of the site would not have any appreciable impact on listed wildlife or plant resources. There are no pristine vegetation communities on the property. Nearly 70 percent of the property has been disturbed by clearing events. Any development will likely have storm water management ponds that will satisfy wading bird usage on the property. Due to the absence or low potential of the property to support listed plant and animal species, measures to mitigate impacts to these species would be unnecessary. If any rare plants are found they can be relocated.



Scale: 1" = 300'



**NOTES:**

FLUCFCS lines were estimated and based on aerial photographs. The FLUCFCS boundaries are approximate.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight dates from 8/22/07 to 11/11/07.

Property boundary was obtained from the Starnes Surveying, Inc.

**FLUCFCS LEGEND**

FLUCFCS Code	Community Description	Acres	%
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414 E1	Pine - Mesic Oak w/ Exotics (<25%)	1.01 Ac.±	2.68%
421 E2	Xeric Oak w/ Exotics (25-50%)	0.96 Ac.±	2.55%
425 E1	Temperate Hammock w/ Exotics (<25%)	3.03 Ac.±	8.04%
428	Cabbage Palm Hammock	0.12 Ac.±	0.32%
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<b>TOTAL</b>		<b>37.67 Ac.±</b>	<b>100.00%</b>

**Boylan Environmental Consultants, Inc.**  
 Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments  
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671

Drawn By:	Date:	Category:
A.M.L.	7/31/08	Aerial
Job Number:		Scale:
2005-208		1" = 300'
S/T/R		County:
27/43S/26E		Lee

**R & D Cattle/ CPA2007-00050**

**FLUCFCS MAP**

Revisions	Date:	Page
		Exhibit
		<b>CI</b>

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X:\BEO\CPA Projects\R & D Cattle\comp plan amendment\comp plan set 8.21.08 recover.dwg Tab: FLUCFCS Aerial Aug 21, 2008 - 12:39pm Plotted by: alicia



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428H	Hydric Cabbage Palm Hammock	0.18 Ac.±	0.48%
510	Streams and Waterways	2.54 Ac.±	6.74%
615 E1	Stream and Lake Swamps w/ Exotics (<25%)	3.49 Ac.±	9.26%
630 E3	Wetland Forested Mixed w/ Exotics (50-75%)	1.19 Ac.±	3.16%
<b>TOTAL</b>		<b>37.67 Ac.±</b>	<b>100.00%</b>

Drawn By:	Date:	Category:
A.M.L.	7/31/08	Aerial
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

**R & D Cattle/ CPA2007-00050**

**FLUCFCS AERIAL MAP**

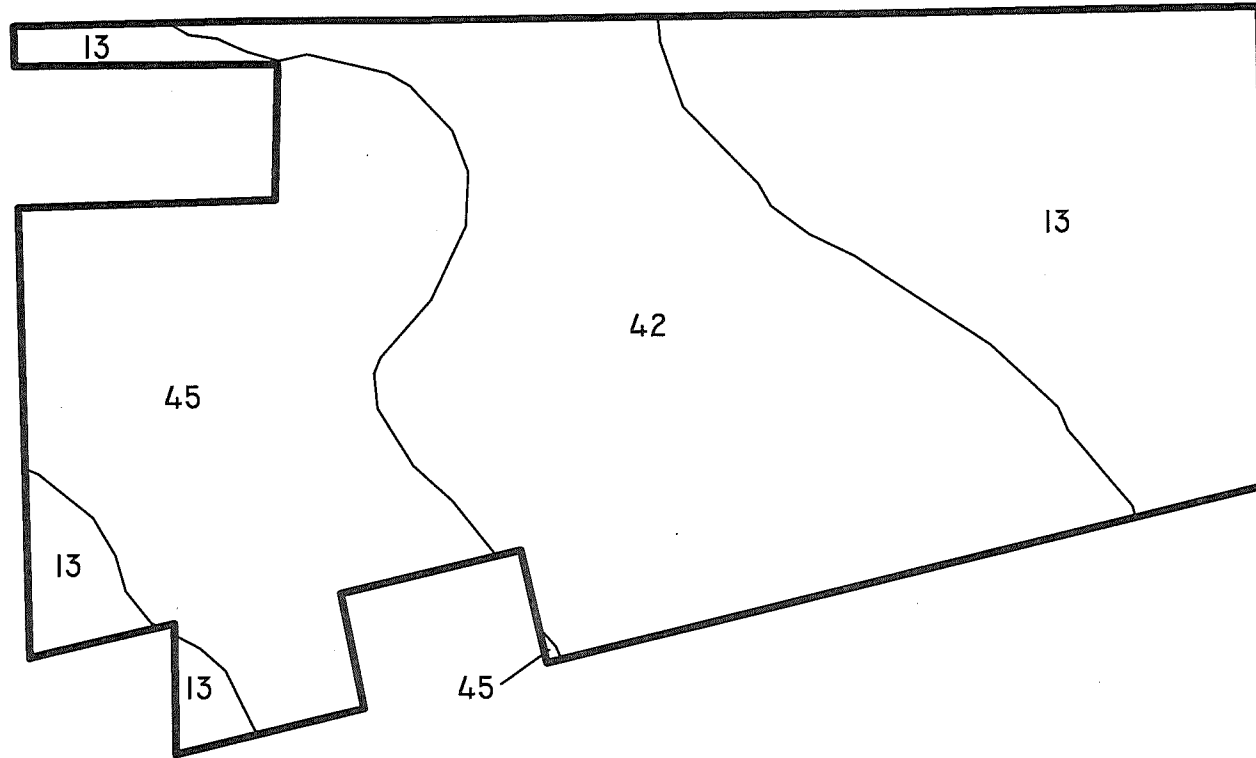
Revisions	Date:	Page
		Exhibit
		<b>C2</b>

**Boylan Environmental Consultants, Inc.**  
*Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments*  
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671





Scale: 1" = 300'



Soils Legend		
Soil No	Description	Status
13	Boca Fine Sand	Non-Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric
45	Copeland Sandy Loam, Depressional	Hydric

Notes:

Soils were acquired from the FGDL and are from the NRCS Soils Maps.

X:\BEC\Q-R Projects\R & D Cattle\2008\NRCS Soils Map.dwg Tab: 8.5 x 11 Aug 21, 2008 - 1:44pm Plotted by: alicia

**Boylan Environmental Consultants, Inc.**  
*Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments*  
 11000 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (239) 418-0671

Drawn By:	Date:	Category
B.K.M.	7/31/08	Soils
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

**R & D Cattle**  
NRCS Soils Map

Revisions	Date:	Page
		Exhibit
		C3



0 200'  
SCALE: 1" = 200'

AG-2  
AGRICULTURAL / VACANT  
FLUM: SUBURBAN

AG-2  
VACANT  
FLUM: RURAL

50'

AG-2  
CHURCH  
FLUM: SUBURBAN

100' NATIVE BUFFER

100' NATIVE BUFFER

6' FDOT DRAINAGE DITCH

50'

AG-2  
AGRICULTURAL  
FLUM: RURAL

AG-2  
RESIDENTIAL / VACANT  
FLUM: SUBURBAN

SOUTH OLGA DR

CR  
COMMERCIAL  
FLUM: SUBURBAN

CN-2  
VACANT  
FLUM: SUBURBAN

C-1A  
VACANT  
FLUM: SUBURBAN

15' TYPE "D" BUFFER

15' TYPE "D" BUFFER

PALM BEACH BLVD

RIVER HALL PKWY

CPD  
VACANT  
FLUM: RURAL

AG-2  
RESIDENTIAL / VACANT  
FLUM: RURAL

RPD  
RESIDENTIAL/VACANT  
FLUM: SUBURBAN

NORTHERN PRESERVE PLAN

Fort Myers  
Tallahassee  
Gainesville  
2914 Cleveland Avenue  
Fort Myers, Florida 33901  
P: 941/337-9800 ext. 2004  
Toll free: 800-537-7941

**MORRIS**  
**DEPEW**  
ENGINEERS • PLANNERS • SURVEYORS

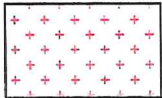
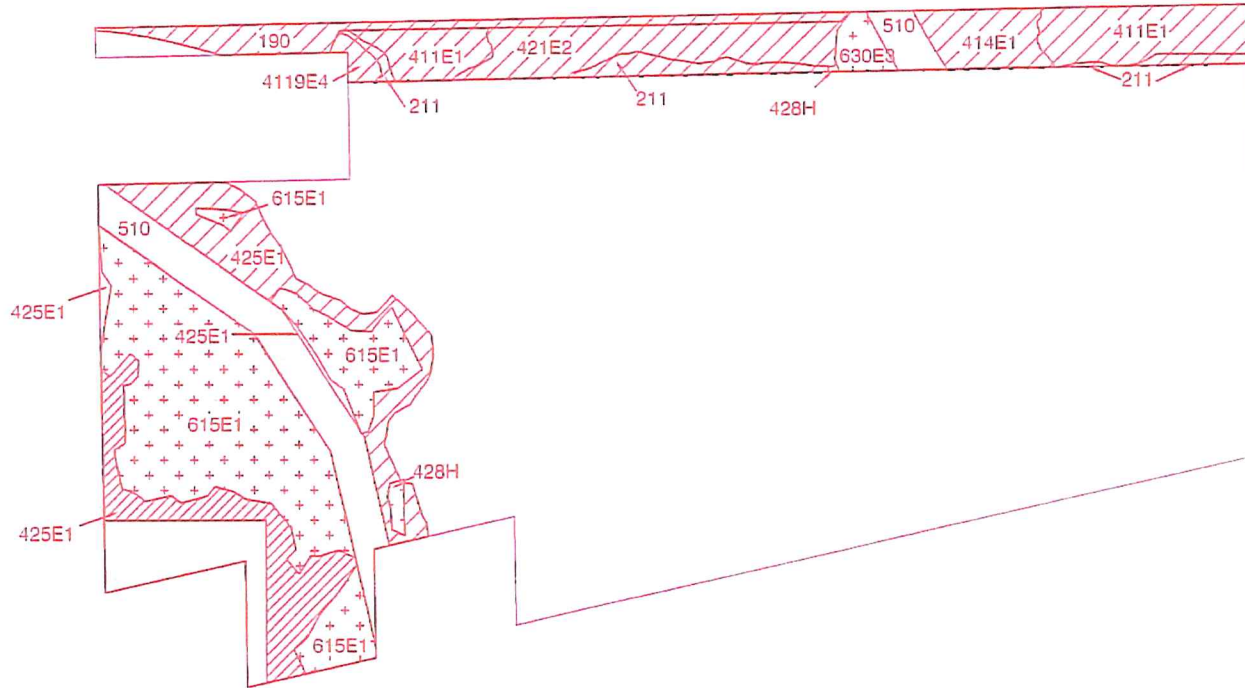
MSA PROJECT:  
07029  
CHECKED BY: DWD  
DESIGNED BY: AN  
DATE:  
9/04/08  
SHEET:

R & D CATTLE CO.  
Section 27, T-43-S, R-3&E, Lee County, Florida

C:\Documents and Settings\aholland\Temporary Internet Files\Content.I58\XU\XU70\comp plan set D 4.08.dwg Plot Date: 04/20/09 12:39PM Plotted by: aholland



Scale: 1" = 300'



WETLAND CONSERVATION LANDS - 3.72 AC.



UPLAND CONSERVATION LANDS - 5.29 AC.

**NOTES:**

Wetland lines were surveyed by Starnes Surveying, Inc.. The wetlands have not been verified by the SFWMD.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Property boundary was obtained from Starnes Surveying, Inc.

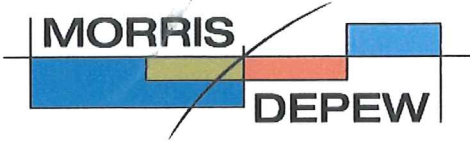


Drawn By:	Date:	Category
A.M.L.	8/21/08	Aerial
Job Number		Scale:
2005-208		1" = 300'
S/T/R		County
27/43S/26E		Lee

## R & D Cattle

### CONSERVATION LAND USE AREA

Revisions	Date:	Page
AML 9.4.08		
		Exhibit



**MORRIS-DEPEW ASSOCIATES, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS  
 LANDSCAPE ARCHITECTS  
 2914 Cleveland Avenue • Fort Myers, FL 33901  
 (239) 337-3993 Office • (239) 337-3994 Fax  
 #LC26000330

**LETTER OF TRANSMITTAL**

<b>TO:</b> Lee County Community Development 1500 Monroe Street Fort Myers, FL 33901	
<b>DATE:</b> August 29, 2008	<b>MDA PROJECT NO.:</b> 07029.p3
<b>ATTENTION:</b> Mr. Matt Noble	
<b>RE:</b> CPA2007-00050, R & D Cattle Company - Supplemental Application Materials	

We are sending you  Attached  Under separate cover VIA Hand Delivery the following items:

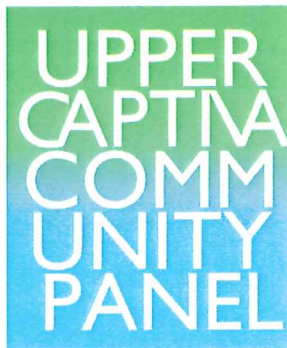
Copies	Date	No.	Description
4	9/4/08		Northern Preserve Plan
4	8/21/08		Revised environmental report
4	9/4/08		Conservation Land Use Area

These are transmitted as checked below:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input type="checkbox"/> For your use            | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested            | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints        |
| <input type="checkbox"/> For review and comment  |   | <input type="checkbox"/> _____                                |
| <input type="checkbox"/> For bids due _____      |   | <input type="checkbox"/> Prints returned after loan to M-DA   |

<b>REMARKS:</b> Sketch and legals for conservation areas will be submitted at a later date. Please contact me as soon as possible if there is anything else that you require or if you have any questions.
Thank you.
Sheila Holland

**COPY TO:** M, Ciccarone, Ralph Bond and File      **SIGNED:** \_\_\_\_\_  
 \_\_\_\_\_  
 DWD/smh      David W. Depew, PhD, AICP President



North Captiva Community Plan

September 2007

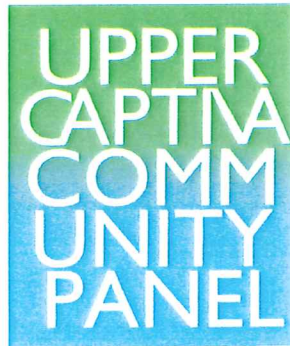
RECEIVED

SEP 26 2007

COMMUNITY DEVELOPMENT

CPA 2007-00050

# North / Upper Captiva Community Plan



## Upper Captiva Planning Panel

Richard Craven  
Kristie Anders  
Dave Tompkins  
Rick Fox  
Peter Aldrian

## Consultants

Robert Pritt, Roetzel & Andress, L.P.A.  
Margaret E. Banyan, Johnson Engineering, Inc.

September 2007

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Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D \_\_\_\_\_ REC'D BY: \_\_\_\_\_

APPLICATION FEE \_\_\_\_\_ TIDEMARK NO: \_\_\_\_\_

THE FOLLOWING VERIFIED:

Zoning [ ] Commissioner District [ ]

Designation on FLUM [ ]

(To be completed by Planning Staff)

Plan Amendment Cycle: [ ] Normal [ ] Small Scale [ ] DRI [ ] Emergency

Request No: \_\_\_\_\_

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

9/25/07 DATE Kristel Andrews SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

**Kristie Anders, Upper Captiva Community Panel**

APPLICANT

**4550 Schooner Drive**

ADDRESS

**Upper Captiva**

**FL**

**33924**

CITY

STATE

ZIP

**239- 472- 9750**

**N/A**

TELEPHONE NUMBER

FAX NUMBER

**Margaret Banyan, Ph.D., Johnson Engineering**

AGENT\*

**PO Box 1550**

ADDRESS

**Fort Myers**

**FL**

**33902**

CITY

STATE

ZIP

**239-461-2450**

**239-334-3361**

TELEPHONE NUMBER

FAX NUMBER

OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 21)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Adoption of the North / Upper Captiva Community Plan into the Lee County  
Comprehensive Plan.

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

1. Site Address: Please see Section 6

2. STRAP(s): Please see Section 6

B. Property Information

Total Acreage of Property: Please see Section 6

Total Acreage included in Request: Please see Section 6

Area of each Existing Future Land Use Category: N/A

Total Uplands: N/A

Total Wetlands: N/A

Current Zoning: N/A

Current Future Land Use Designation: N/A

Existing Land Use: N/A

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

D. Proposed change for the Subject Property:

N/A

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density N/A

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density N/A

Commercial intensity N/A

Industrial intensity N/A

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes. **Please see Section 3.**
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **N/A**
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes. **N/A**
4. Map and describe existing zoning of the subject property and surrounding properties. **N/A**
5. The legal description(s) for the property subject to the requested change. **N/A**
6. A copy of the deed(s) for the property subject to the requested change. **N/A**
7. An aerial map showing the subject property and surrounding properties. **N/A**
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. **Please see Section 1.**

**B. Public Facilities Impacts N/A**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

**1. Traffic Circulation Analysis**

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

**Long Range – 20-year Horizon: N/A**

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon: **N/A**

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
- Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

- 2. Provide an existing and future conditions analysis for: **N/A**
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following: **N/A**

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

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

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

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

C. Environmental Impacts **N/A**

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

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



D. Impacts on Historic Resources N/A

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

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

E. Internal Consistency with the Lee Plan N/A

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective. **No additional Goals and objectives are affected.**
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments N/A

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, Kristie Anders, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application. (PLEASE contact applicant before entering property).

*Kristie Anders*  
Signature of owner or owner-authorized agent

9/25/07  
Date

Kristie Anders  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 25<sup>th</sup> day of September 2007, by Kristie Anders who is personally known to me or who has produced FL Lic# A536-577-54-723-0 as identification.

(SEAL)  Theresa B. Alexander  
Commission #DD329521  
Expires: Jul 31, 2008  
Bonded Thru  
Atlantic Bonding Co., Inc.

*Theresa Alexander*  
Signature of notary public

Theresa Alexander  
Printed name of notary public

## ***Panel Member and Consultant Contact Information***

A. Peter Aldrian  
311 Spanish Gold Lane  
Upper Captiva, Florida 33924

Mailing Address  
P.O. Box 613  
Pineland, Florida 33945

Kristie Anders, Vice-Chair  
4550 Schooner Drive  
Upper Captiva, Florida 33924

Mailing Address  
P.O. Box 978  
Sanibel, Florida 33957

Richard Craven, Chair  
4591 Oyster Shell Drive  
Upper Captiva, Florida 33924

Mailing Address  
P.O. Box 396  
Pineland, FL 33945

Rick Fox  
3722 Yucatan Parkway  
Cape Coral, Florida 33993

Mailing Address  
c/o Safety Harbor Club  
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Pineland, Florida 33945

David Tompkins  
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Upper Captiva 33924

Mailing Address:  
P.O. Box 609  
Pineland, Florida 33945

**Consultant**  
Margaret Banyan, Ph.D  
Johnson Engineering  
P.O. Box 1550  
Fort Myers, Florida 33902

# Planning Narrative

## ***Planning History and Background***

The North / Upper Captiva Community Plan is the product of the Upper Captiva Planning Panel (UCPP), a committee of the Upper Captiva Civic Association (UCCA). UCCA is a not for profit membership-based organization, founded in November 1992. The mission of UCCA is to:

- Provide a forum in which to address common concerns
- Establish goals that enhance the quality of island life
- Communicate regularly with island owners
- Serve as a link with local and state government <sup>1</sup>

The UCPP and the planning effort were formed in the attempt to carefully study the challenges and opportunities associated with a barrier island community.

This community plan was funded by the Department of Community Development in Lee County, Florida. Lee County allocates community planning funds through its Administrative Code 13-3, which outlines a process by which communities are able to request up to \$50,000 for the purpose of planning. The UCPP requested and was funded \$46,000 in October 2006. The Community Planning Agreement requires, as a deliverable, a community plan that includes data and analysis to support recommended amendments to the Lee Plan. As a result, the purpose of this plan is twofold: 1) provide a document that guides decision makers and 2) provide a document that fulfills the requirements of the Community Planning Agreement between the UCCA and Lee County.

The North Captiva Community Plan aims to guide the future growth, character and quality of life on North Captiva. The means to accomplish this is through adoption of guiding principles into the Lee Plan and ultimately provision of specific development regulations into the Lee County Land Development Code. These regulations will provide direction on land use and infrastructure decisions, thereby ensuring that future development remains consistent with the stated vision of the community and that approved development is encouraged to strive toward these goals.

## ***North / Upper Captiva Physical and Community Characteristics***

### **Physical Characteristics**

North / Upper Captiva (also known as Upper Captiva) is a bridgeless barrier island located in Southwest Florida in the Gulf of Mexico. The island is approximately 3.7 miles long and about ½ mile wide, comprising about 700± acres. North / Upper Captiva was previously connected to Captiva Island, until a 1921 hurricane carved out Redfish Pass, permanently separating the two islands.

---

<sup>1</sup> Upper Captiva Civic Association. 2006. "Upper Captiva Civic Association Mission Statement," *2006 Upper Captiva Civic Association 2006 Island Directory*.



Approximately 60% of the island is a state-owned bird sanctuary bought in 1975 under the State of Florida's Environmentally Endangered Land program.<sup>2</sup>

## Community Characteristics

North / Upper Captiva has approximately 600 buildable lots and 852 lots recognized by the Lee County Property Appraiser.<sup>3</sup> Currently there are approximately 300 homes and 14 other buildings consisting of club houses, offices, restaurants and a bird observation tower. The island also has a private airstrip jointly owned by 36 members. The airstrip is licensed as private and restricted to members and their guests; however, it is available to any pilot experiencing an emergency.<sup>4</sup>

The majority of the island's structures are single-family homes. Other housing on the island is distinguished by affiliation with Safety Harbor Club or the North Captiva Island Club. The Safety Harbor Club is a development of single-family homes and townhouses in which owners are members of its homeowners association. There are also 41 Safety Harbor Club members who live outside its boundaries. These are known as "C" members. The North Captiva Island Club encompasses no housing, but manages a portfolio of single-family homes as rentals.

## Population Demographics

The year-round population estimate for North / Upper Captiva is approximately 70 residents. The U.S. Census estimates that approximately 517 people resided in census tract 801 in 2000. This tract covers Upper Captiva, Captiva, and the northern tip of Sanibel Island.

## Island Name

The island has been known both as North Captiva and Upper Captiva. When asked in the planning survey, 52.7% of respondents considered North Captiva to be the correct name for the island. 33.1% considered it to be Upper Captiva and 14.2% had no preference. A resident reported that several official maps, agencies, newspapers, and other entities call the island North Captiva.<sup>5</sup> The Upper Captiva Planning Panel made the decision to primarily use the title North Captiva in its Lee Plan Amendments, but also recognized the legitimacy of the "Upper Captiva" moniker. This document refers to the island as "North / Upper Captiva".

## Governance

Currently, North / Upper Captiva is part of unincorporated Lee County, meaning that it is governed by the Board of County Commissioners for Lee County. The Upper Captiva Fire District is the only other formal governing body with a popularly elected commission.

North / Upper Captiva is currently classified as an outer island in the Lee Plan Future Land Use Map. As an outer island community, the Lee Plan states:

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<sup>2</sup> Ibid.

<sup>3</sup> Lee County Property Appraiser. 2007. The Lee County Property Appraiser's information is derived from the Property Appraiser GIS parcels layer for Upper Captiva. This layer counts does not count completely submerged lots, but does include those that are partially submerged. Not all lots are necessarily buildable. For example, some lots are currently seaward of the Coastal Construction Control Lines.

<sup>4</sup> Ibid.Op. Cit. *Civic Association Directory*.

<sup>5</sup> Marcia Andrews. 2007. *Personal Communication, Upper Captiva Planning Panel meeting*. August 18, 2007.

**POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)<sup>6</sup>

## **Tensions and Planning**

Underlying this plan and the process of development are some fundamental values that create tensions in the planning process. These are:

- The rights to develop private property versus the rights of existing development and wildlife
- The need for public funding and support versus an individualistic spirit
- The nature of the island as a public resource or as privately held property

## ***Planning Elements***

The content of this plan was developed over the course of an eight-month period. Data were collected using the methods outlined in Appendix 2 at the conclusion of this document. The planning elements that appear below are based on the conclusions of the data collection, public participation and community planning panel decisions.

### **1. Public Safety and Code Enforcement**

Public safety and code enforcement encompass several important issues. The broad issue related to the planning process is the physical isolation of North Captiva as a bridgeless barrier island and their placement in the Outer Island land use category. North Captiva's isolation provides barriers to access, potentially resulting in lower levels of code enforcement, law enforcement and assistance in catastrophic events.

#### **Code Enforcement**

Under the broad rubric of code enforcement are issues of identifying code problems, identifying the proper jurisdiction for addressing violations and the need for active enforcement. The community generally agreed that the codes in place are appropriate and adequate to maintain a high quality living environment. One barrier to enforcing codes is the lack of legal addresses posted on houses, which creates a barrier to identifying code violations. Another barrier may be the island's remote location that may impede code enforcement presence during weekend, evening and other off-hours. Given that the community is a barrier island and that code enforcement is complaint-based, the community recognizes the need for citizens to be proactive. The issues related to codes involve a need to facilitate community-wide understanding of code violations and encourage consistent enforcement.

#### **Fire Safety and Fire Safety Codes**

Underbrush and yard debris are problematic for the fire danger they present on the island. The removal of underbrush requires considerable efforts to either burn or haul the materials. While

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<sup>6</sup> Lee County Department of Community Development. 2005. *The Lee Plan 2005 Codification*. Fort Myers, FL: Lee County Government.



potentially difficult, there is an opportunity to use the state lands for burning yard and vegetative debris. Concurrently, accessing those lands may be problematic due to a lack of inter-governmental agreement and coordination in this state land area.

Fire safety for people living in island's structures presents an additional problem for the island. Section 34-2174 of the Lee County Land Development Code states,

“In addition to compliance with all applicable building codes (including Fire and Life Safety codes), any building with two or more stories or levels must provide an exterior stairway from the uppermost levels (including “widow’s walks” or observation decks) to the ground OR a one-hour fire rated interior means of egress from the uppermost levels (including “widow’s walks” or observation decks) to the ground.”<sup>7</sup>

The community supports Section 34-2174, as a regulatory means of protecting life and property.

## **Public Safety Issues**

Several other issues are important for North / Upper Captiva residents in the arena of public safety. These are listed and discussed below.

### **Golf carts and golf cart driving**

Due to the uniquely sensitive habitat of the island and its packed sand pathways, the island community has determined that electric golf carts and bicycles are appropriate means of travel on North / Upper Captiva. For the purposes of general commuting and travel on its pathways, the community prohibits the use of gas-powered vehicles. The prohibition does not include airplanes, emergency vehicles, community maintenance vehicles and other heavy equipment used for construction.

In addition to vehicle type, golf cart operation presents a challenge for the island. Islanders report that underage golf cart driving is a major issue. Out of 144 of respondents 106 (73.6%) indicated that enforcement of golf cart rules (under age drivers, speeding, theft, etc.) was a priority issue that needed attention. Of those respondents, 31% rated it as a top priority. Another survey question showed that considering all law enforcement issues, 43.2% agreed that under-age golf cart driving was a concern. Representatives from the Lee County Sheriff's Office<sup>8</sup> reported that the Lee County Sheriff's Office has the authority to enforce under age golf cart driving and other “rules of the road” LCSO uses the standards as provided by Florida Statute 316.212 regulating golf cart driving on state, county and local roads. Because the roads are open to travel through easements, they are treated by the LCSO as publicly enforceable. Florida statute limits operation of golf carts to drivers 14 years old or older. The LCSO is working on developing an ordinance to raise the age requirement of golf cart operation to 16 years.

### **General law enforcement**

The North / Upper Captiva community is under the jurisdiction of the LCSO who provide all law enforcement services. North / Upper Captiva is in the Gulf (Island Coastal) District of LCSO which has 19 staff members serving the islands of Sanibel, Captiva, Pine Island, Boca Grande and the surrounding waters. The district also has responsibility for some mainland Lee County patrols in the

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<sup>7</sup> Lee County, FL. 2007. *Lee County Land Development Code*. Lee County Board of County Commissioners. Adopted May 29, 2007.

<sup>8</sup> Lt. Joe Poppalardo reported at the May 19, 2007 meeting of the Upper Captiva Planning Panel.



northwestern corner of the county<sup>9</sup>. 58.1% of survey respondents considered property security to be a concern, followed by under age golf cart driving (43.2%), crime (34.5%), none or no concerns (26.4%), personal safety (23.7%), and boating/fishing (16.9%). This indicates that property security, under age golf cart driving and crime are important issues to the community in terms of enforcement.

There are several limitations to providing regular or daily law enforcement on North / Upper Captiva island. First, LCSO Barrier Island district provides services to several barrier islands, causing its resources to be distributed amongst the islands. Second, island access limits the ability of LCSO to easily get on and off the island. Finally, a lack of housing for LCSO officers to access during weekends and on holidays limits the ability to provide constant enforcement. The UCPP expressed the need for holiday and high season enforcement on the island. The UCPP agreed to assist in identifying housing opportunities to accommodate increased LCSO enforcement activity on the island. Possible housing may be located at the Upper Captiva Fire Station in the event that the fire station undergoes renovations and expansion.

### **Public Safety and Code Enforcement Recommendations**

- Educate community members about code regulations and mechanisms for violation of code.
- Encourage Lee County Code Enforcement presence on the island.
- Support regulations for widow walks and exterior ladders (Section 34-2174 of the Lee County Land Development Code) as a means of protecting life and property.
- Identify housing options for periodic law enforcement personnel presence.
- Support the Lee County Sheriff's Office in raising the golf cart operator lower age limit from 14 to 16 years old.

## **2. Island Access**

North / Upper Captiva is a bridgeless barrier island accessible only by boat, water taxi or aircraft.<sup>10</sup> This makes the availability of docking and parking facilities important both on and off the island. Access to dock space on and off the island is not guaranteed or is increasingly expensive for residents and visitors. When survey respondents were asked about the means of transport used to access the island, 45.3% of respondents use their own boat, 42.6% use the scheduled water taxi and 12.2% use an aircraft, charter boat or other means. As nearly 88% of residents are dependent in some way on water transport, affordable docking facilities play an important part of the life of the community.

### **Docking Facilities on Pine Island**

There are currently three feasible docking locations available for public use on or with access to the mainland. Pineland Marina is located at 13921 Waterfront Drive in Pineland, FL. The marina offers rackominiums and dockominiums for boat storage. Over the past couple of years, Pineland Marina has rapidly raised its fees for boat storage, docking, and parking. Relationships between residents and visitors to North / Upper Captiva and Pineland Marina are strained, causing islanders to seek other facilities. At least one major provider of water transportation to the island reports difficulty in operating their business out of this facility due to high parking fees and poor customer relations. In a settlement agreement with Pineland Marina, Lee County negotiated an easement for public access.

<sup>9</sup> Lee County Sheriff's Office. 2007. Website retrieved 8/20/07 from <http://www.sheriffleefl.org/about/default.aspx?x=61>.

<sup>10</sup> Some owners use air travel as a means for island access. The private airstrip on the island is available for members only, while the public airstrip facilities at Page Field are accessible to the public. Facilities for aircraft take off and landing appears to currently be sufficient, based on the survey and community meeting discussions.



The easement, “is a right granted to the County on behalf of the public” whose purpose is to, “permit members of the general public to travel across the Marina Property and avail themselves of boat launching and parking facilities (a “boat ramp”) existing on the Marina Property.” The agreement allows Pineland Marina to set and charge the public a fee for its use. It also requires Pineland Marina to provide at least 25 parking spaces for members of the general public to park car/boat trailer combinations. The agreement set an expiration date of November 2017, or 20 years after the agreement was recorded. The loss of public access to a boat / docking ramp and public parking in 2017 will ultimately put more pressure on the minimal public access facilities currently available.”<sup>11</sup>

The second facility for docking on the mainland is through Fisherman’s Coop. Fisherman’s Coop was bought by Lee County in February 2006 for \$16 million and renamed the Pine Island Commercial Marina (PICM). PICM is located at 6001 Maria Drive in St. James City, Florida. PICM is limited to commercial use only during weekdays and is open to recreational boaters on Saturdays, Sundays, and Lee County recognized holidays. Currently, PICM is not a feasible means of ingress and egress for residents of North / Upper Captiva for several reasons. The PICM does not have adequate parking for users of the water taxi or residents who store cars for mainland use. PICM has traditionally been used by the garbage barge serving North / Upper Captiva and Useppa island, where garbage is stored for transport. The lack of parking at PICM makes it less attractive for residential ingress and egress.

The third access point is at Four Winds Marina. Four Winds is located at the northern end of Pine Island in Bokeelia. The site is in relatively close proximity by boat to Cayo Costa, Boca Grande Pass, Charlotte Harbor and Pine Island Sound. The marina has a ship’s store, offers wet and dry boat storage, provides boat rentals, operates cruises and fishing expeditions, offers condo rentals, and has a restaurant. Travel from Four Winds Marina to the North / Upper Captiva island is not as efficient as either Pineland Marina or PICM.

Among the three access points for ingress and egress, PICM would be most appropriate if additional parking facilities are constructed. First, water taxi and charter boat operations require immediately available long and short-term vehicle parking, for the conduct of business and service the residents and visitors of North/Upper Captiva Island. The facilities at Four Winds Marina and Pineland Marina do not satisfy these needs in the short or long term. Second, construction and solid waste transfer through PICM can be compatible with transportation. Finally, the shortest distance across Pine Island Sound, thus offering the minimum environmental impact of island transit, is between PICM and North/Upper Captiva Island. Although private initiatives may be underway to provide sufficient public parking facilities and boat access, there remains a need to make water taxi and charter boat operation feasible at PICM through mitigation or other means.

Docking facilities for transport to North / Upper Captiva has implications for resident access, the North / Upper Captiva housing rentals, the North / Upper Captiva real estate market, and costs for disposing of solid waste. While the public provision of docking facilities benefits residents of North / Upper Captiva, these facilities are also for the enjoyment of the residents of Lee County. The public provision of docking facilities should, therefore, be more equally distributed amongst county residents, especially considering the very low impact of North / Upper Captiva residents on other county services (e.g., roads, libraries, public schools, etc.).

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<sup>11</sup> Lee County, FL. Case No. 95-816CA LGJ; Mediation No. CM9708236 (Nov 25, 1997).

## Facilities on North / Upper Captiva

In addition to the need for a feasible access point on Pine Island, similar facilities on North / Upper Captiva are important for many of the reasons stated above. Docking facilities, golf cart parking and community facilities are needed on the island. The UCPP recognized a need to identify docking facilities on the island for homeowners and guests. Several property owners expressed a concern that the lack of guaranteed docking facilities may create barriers to home mortgage loans. These facilities should be accessible without membership to the Safety Harbor Club or to the North Captiva Island Club. There is general agreement among the UCPP and community members that these docking facilities should be funded and managed by island interests.<sup>12</sup> Some reports identified the UCCA purchase of docking facilities for property owner and guest use as a means for securing permanent access.

## Recommendations

- Request that Lee County research and develop means for the provision of and funding for island access on the mainland in a way that does not adversely impact island residents and island taxpayers.
- Support the UCCA in developing cooperative agreements or other mechanisms for resident and taxpayer docking on North / Upper Captiva island.

## 3. Roads and Road Maintenance

### Road Maintenance

Road and pathway maintenance is the product of the voluntary donations and voluntary labor of the Upper Captiva Road Commission. The central problem related to roads on North / Upper Captiva is road maintenance. The status of North / Upper Captiva roads as public or private roads has been an item of considerable disagreement and discussion. Many lots on North / Upper Captiva refer to road easements, which allow access between individual lots. There is general agreement that roads are maintained in common for residential and guest use. The issues related to road maintenance are as follows:

- Road maintenance is currently accomplished through the voluntary donations and voluntary labor from property owners. Not all property owners contribute to the maintenance, which unfairly burdens payers.
- There is some level of disagreement as to the techniques and engineering related to maintenance.
- The proper management of roads is related to fire safety and traffic (golf cart) safety. This indicates a need for collaboration between the road maintenance committee and the fire district.

### Road Safety

In addition to the maintenance of roads on the island, there are also safety and signage concerns expressed by community members. Road safety is related to enforcement. The community finds that proper enforcement of speeding and underage golf cart driving would address many of the road safety issues. In addition, the installation of speed signage establishing a speed limit will address many of the road safety issues. There are, however, certain limitations on the placement of signage on

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<sup>12</sup> Upper Captiva Planning Panel. 2007. *UCPP August 18 Meeting* [sound recording].



easements on private property. All signage on private property would require background research to ensure appropriate placement. In addition, further research regarding a safe speed limit and other safety provisions on the roads will be important to improving safety.

## Road and Road Safety Recommendations

- Establish the foundation for funding mechanisms that more fairly allocate road maintenance fees amongst property owners.
- Retain engineering or road maintenance consultant to provide advice for road maintenance.
- Empower road maintenance committee to cut down roadside brush given Upper Captiva Fire District guidance and approval.
- Establish a speed limit for Upper Captiva roads.
- Establish other safety provisions for roads, including signage for speed, corners, etc.

## 4. Infrastructure

The North / Upper Captiva community has developed with few urban-type services. As lots on the island are increasingly built out and resources on and off of the island are strained, there is a growing need to address issues of infrastructure. Three central concerns dominate the infrastructure needs on the island: solid waste disposal, potable water, and wastewater.

### Solid Waste Disposal

There are several types of solid waste disposal that are important to consider. These include household garbage, construction debris, hazardous waste and storm debris.

- Household garbage and Construction Debris. Household garbage and construction debris are hauled off the island by a private hauler to Fisherman's Cooperative (PICM) where the county takes responsibility for the garbage to be hauled to a solid waste disposal facility. Lee County levies a MSTU tax on garbage disposal for transport to the solid waste disposal facility. Members of Safety Harbor Club dispose of the majority of their solid waste in an incinerator operated by the Safety Harbor Club.
- Hazardous waste. Currently there are no means to dispose of hazardous waste on the island. Specifically, there is a need to properly dispose of batteries, mercury, fluorescent lights and paint.
- Recycling. Currently there are no means to engage in a recycling program. The North / Upper Captiva community would be in favor of, and participate in a recycling program in which recycled materials are in fact recycled when taken off-island.

### Potable Water

The majority of the island homes receive their potable water from wells drilled into the Mid-Hawthorne aquifer.<sup>13</sup> Overused aquifers in Southwest Florida have, "shown the largest declines in water levels...and large cones of depression have formed in many of the aquifers in this region. During 1974-98, water levels in parts of the mid-Hawthorn and sandstone aquifers, as well as the lower Hawthorn producing zone declined by about 1 ft/yr on average (Prinos and Overton, 2000).<sup>14</sup>

<sup>13</sup> Korf, Scott. 2007. *Personal communication*. Email to Kristie Anders. May 9, 2007.

<sup>14</sup> Prinos, Scott T., Lietz, A.C., and Irvin, R.B. 2004. *Design of a Real-Time Ground-Water Level Monitoring Network and Portrayal of Hydrologic Data in Southern Florida*. Website retrieved 9/4/07 from: [http://www.sflorida.er.usgs.gov/ddn\\_data/project/Water\\_use\\_precip.html](http://www.sflorida.er.usgs.gov/ddn_data/project/Water_use_precip.html).

The threats to water supply as a result of overuse are loss of pumpage, aquifer compaction and saltwater contamination.<sup>15</sup> Though the South Florida Water Management District estimates that water supply in the Mid-Hawthorn is likely adequate until 2025, there will be an increased need to identify alternative water sources.<sup>16</sup> This depends, however, on proper well construction.<sup>17</sup> Recent evidence of flaws in the system include reports that a well-drilling company operating on North / Upper Captiva poorly constructed and did not permit potable water wells. For example, improper or non-existent linings in wells may cause aquifer intrusion, where salinity levels from one aquifer may impact another. The North / Upper Captiva community believes that addressing potable water quality and supply is an important goal for the future. The means, best practices, and funding mechanisms for improving potable water require additional research.

## Sewer Treatment

Except for the homes located in Safety Harbor Club, the majority of the island's homes treat sewage through septic tanks. Currently, given the level of development, the location and functioning of these septic tanks are not problematic. However, as the island is increasingly built-out and more septic tanks are added, there is an increased risk of intrusion into the aquifers and potable water supplies. In addition with the increased risk of rising sea levels, septic tanks will begin to fail. The North / Upper Captiva community believes that addressing sewage and waste water is an important goal for the future. The means, best practices, and funding mechanisms for improving waste water treatment require additional research.

## Infrastructure Recommendations

- Recognize a long term goal of establishing a potable water system through research into funding mechanisms and best available technologies.
- Recognize a long term goal of establishing waste water treatment facilities or options through research into funding mechanisms and best available technologies.
- Establish a recycling program.
- Establish better means and lower costs for solid waste disposal.
- Establish better means of collection for hazardous waste.
- Conduct a survey of drinking water wells to provide advice for well remediation.

## 5. Environment

Many residents express a deep commitment to the environmental aspects of North / Upper Captiva island. For example, a visioning session held on 2/17/07 revealed that out of 6 groups, all expressed a concern for protection or preservation of the natural environment. When asked in the March 2007 survey about the environment, 90.3% of respondents agreed or strongly agreed that "Environmental protection is a high priority for the island." In addition, respondents noted coastal and estuary habitat protection, beach pollution, protection of listed species, and removal of invasive plants as being high priority items. During the environmental subcommittee hearings, it became clear that environmental

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<sup>15</sup> Ibid.

<sup>16</sup> Mulliken, John. 2006. *Status of Water Supply Updates*. Website retrieved 9/4/07 from: [https://my.sfwmd.gov/pls/portal/docs/PAGE/PG\\_GRP\\_SFWMD\\_WRAC/PORTLET\\_WRAC\\_ARCHIVE\\_REPORTS/DOCS/TAB772049/WRACMTG060806-STATUS%20OF%20WATER%20SUPPLY%20PLAN%20UPDATES.PDF](https://my.sfwmd.gov/pls/portal/docs/PAGE/PG_GRP_SFWMD_WRAC/PORTLET_WRAC_ARCHIVE_REPORTS/DOCS/TAB772049/WRACMTG060806-STATUS%20OF%20WATER%20SUPPLY%20PLAN%20UPDATES.PDF). Fort Myers, FL: South Florida Water Management District Water Resources Advisory Committee.

<sup>17</sup> Korf, S. Op. Cit.



concerns were complex and multifaceted. Environmental protection requires residents to collectively confront the nature of the land in which they live. Some argue that the island should be protected as a natural resource, while others view their property as a monetary investment. Both perspectives are legitimate and valued within the community.

## Environment Recommendations

- Collaborate with governmental agencies (federal, state, and local) in protection and enforcement of rules that govern natural resources.
- Request the adoption of policies that will build the capacity to request grants from the State of Florida for conservation land purchases.
- Establish and maintain distinct environmental communities including, but not limited to:
  - Mangroves
  - the beach dune system, beach dune vegetation and beach dune wildlife
  - coastal dunes, beaches, and coastal scrub vegetation,
  - beach dune wildlife habitat, including shorebird and sea turtle nesting
  - marine habitat, including sea grass beds and fisheries
- Minimize human impacts on wildlife and the natural environment
- Work to eradicate exotic vegetation and animals through incentives, disincentives or regulations
- Establish a plan for protecting Safety Harbor in the event of a spill or other similarly hazardous event.

## 6. Architectural / Development Standards

The residential and commercial diversity of architecture and development on North / Upper Captiva island is broad and does not place restrictions on style. As many planning documents reflect certain design standards, the planning survey questioned owners regarding controls over design and set-backs. 85.2% strongly agreed or agreed that design and set-backs should be controlled. Survey respondents were also asked whether height and size should be controlled, to which 88.6% strongly agreed or agreed. The architectural subcommittee meetings revealed through discussion, however that there is a value in maintaining architectural diversity in that it preserves the independent spirit of residents.

There was some limited discussion regarding limitations on commercial development that generally followed a similar line of thought, which was that commercial development should be varied in style, but should at least meet county code. The central issue having to do with architectural and development standards is related to adherence to existing land development code. Islanders were very concerned with supporting the county in enforcing existing regulations.

Currently, height restrictions and setbacks are established through county code. These are as follows:

### Height limitations

Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

- (a) *Special areas.*

(1) *Upper Captiva Island*. The height of a structure may not exceed 35 feet above grade (base flood elevation). The provisions of section 34-2174(a)<sup>18</sup> do not apply to Upper Captiva Island. No variance or deviation from the 35-foot height restriction may be granted.<sup>19</sup>

## Property Development Regulations

### Set Backs

Several existing Lee County codes are in place for the island that govern the size of lots and setbacks that should be used. These effectively limit the size of individual residences possible on a lot. Table 1 (below, p. 10) describes the existing codes for residential development.

**Table 1: Lee County Land Development Code Property Development Regulations<sup>20</sup>**

<b>Single Family Detached</b>	<b>RS-1<sup>21</sup></b>	<b>RM-2</b>
Lot Area (sq. ft.)	7,500	6,500-3,000
Lot Width (feet)	75	65
Lot Depth (feet)	100	100
Street Setbacks (feet)	Varies <sup>22</sup>	Varies <sup>23</sup>
Side Yard Setbacks(feet)	7.5	7-20
Rear Yard Setbacks (feet)	20	20
Water Body Setbacks (Gulf of Mexico) (feet)	50	50
Water Body Setbacks (Other) (feet)	25	25
Maximum Height	35	35
Maximum lot coverage	40 %	45 %

RS-1 and RM-2 comprise the majority of residential land use zonings on Upper Captiva<sup>24</sup>

### Buffer Requirements

In addition to the property development regulations, the Table 2 and Table 3 describe the county’s Land Development Code regulating the types of buffers needed for the majority of use on the island.

<sup>18</sup> The provisions of 34-2174(a) state, “(a) Subject to conditions set forth in section 34-2175, any building or structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided every required street, side, and rear setback is increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation.”

<sup>19</sup> Lee County, FL. 2007. *Lee County Land Development Code*. Lee County Board of County Commissioners. Adopted May 29, 2007.

<sup>20</sup> Op. Cit. *Lee County Land Development Code*. Sec. 34-695.

<sup>21</sup> Lee County Land Development Code defines RS and RM districts as follows. RS districts are defined as, “Sec. 34-691 (c) *RS residential single-family districts*. The purpose and intent of the RS residential single-family district is to provide opportunities for the suitable location of detached, conventionally built single-family dwelling units and for facilitation of the proper development and protection of the subsequent use and enjoyment thereof.” RM is defined as, “Sec. 34-711. Purpose and intent. (a) The purpose of the RM multiple-family districts is to designate suitable locations for residential occupancy of various types of conventional residential buildings for projects which are not already approved planned unit developments or which fall below the criteria for residential planned developments, and for facilitating the proper development and protecting the subsequent use and enjoyment thereof.”

<sup>22</sup> Variable according to the functional classification of the street or road. See LDC Sec. 34-695.

<sup>23</sup> Ibid.

<sup>24</sup> Lee County, FL. Lee County Property Appraiser.

**Table 2: Buffer Requirements<sup>25</sup>**

<b>Existing Uses</b>				
<b>Proposed Use</b>	Single Family	Multifamily Residential	Public Active Recreational Park	Public Preserve Lands for Conservation or Passive Recreation
Single Family	None	B	B	F (must be 100% native)
Multiple Family	B	None	B	F (must be 100% native)

<sup>25</sup> Op. Cit. *Lee County Land Development Code*. Sec. 10-416 (d)(3).



## Types of Buffers

Table 3 describes the types of buffers required within the categories as identified in Table 2.

**Table 3: Buffer Types**

Buffer Types (per 100 linear feet) <sup>26</sup>	B	F
Minimum feet in width	15	30
Minimum number of trees	5	10
Minimum number of shrubs	Hedge (1)	Hedge (2)
Wall required	No	No

(1) Planted in double rows and maintained at 36-inches high

(2) Planted at 48- inches in double rows and maintained at 60-inches high

Other land development code restrictions constrain the design of commercial buildings, these can be accessed at [www.municode.com](http://www.municode.com).

## Other Development Considerations

Additional concerns were expressed in subcommittee meetings concerning the impacts of new development on existing residents and wildlife. There was a concern to minimize these neighboring impacts. Specifically noise and light pollution were revealed as being of concern. Light pollution, light trespass, and noise limitations are addressed in the land development code.

## Architectural Recommendations

- Support the enforcement of existing Lee County land development codes, especially with respect to residential development, including setbacks, height limitations, Coastal Construction controls lines, and land uses.
- Support existing code to limit light trespass, light pollution, and noise pollution.
- Require that Lee County grant no variances to existing land development code with respect to these limitations.
- Require variances, special exceptions, or rezoning requests to be preceded by a public meeting and be held on North / Upper Captiva.

## 7. Hurricane Planning

The need to maintain a hurricane plan accompanied by community education, viable hurricane evacuation routes, and emergency communication options was reported through the community survey and in discussions in the community. The need for community education was evidenced by the survey that reported that 62.1% of respondents disagreed or strongly disagreed that “Upper Captiva has an adequate hurricane response plan (including provisions for evacuation, return, and storm debris clean up).” While there is a hurricane plan, it appeared that community members were not aware of the plan. As a result, through the planning process, the community approved a website and the consultant for the planning process uploaded the current hurricane plan. In addition, to community education, the community supports hurricane planning efforts by the county that address evacuation and improve communications in the event that the island is cut off from traditional communication tools (e.g., land-line phones or radios).

## Hurricane Planning Recommendations

- Establish a communication system for operation during and after hurricanes.

<sup>26</sup> Op. Cit. *Lee County Land Development Code*. Sec. 10-416(d)(4).

- Promote existing hurricane evacuation plan.
- Work with Lee County to establish and publicize hurricane evacuation routes off the island.

## 8. Open Space and Community Facilities

### Open Space

The northern-most tip of North / Upper Captiva island consists primarily of residential lots with the southernmost portion consisting of state lands. This configuration has reserved much of the island’s open space within a naturalized setting with few possibilities for open space within the residential area. Some property owners have developed native gardens and other open space opportunities on undeveloped lots on a volunteer basis, thereby maintaining a sense of space. When asked, 73.5% of survey respondents strongly agreed or agreed that there are sufficient green spaces for public use. In addition, 68.6% of respondents agreed that the state lands and trails are adequate for public use. Finally, the survey asked respondents to consider what additional kinds of green space might be necessary. 41.6% of respondents stated that preservation lots would be most preferred, within which 31% would like to see additional trails.

One means for providing open space is to document a goal of preserving, protecting, and enhancing passive recreation areas. This designation will allow the island to take advantage of public and private grants.

### Community Facilities

In addition to open space requirements, the discussion of a community center that would accommodate public meetings and other public services was a continuing discussion topic. The initial community survey indicates that the majority of respondents do not prefer additional public facilities. When asked about the availability of the following items respondents indicated the following:

**Table 4: Community Survey Results**

	Too Few	Too Many	About Right
Public restrooms	28.4%	5.4%	66.2%
Community Center	31.8%	3.4%	64.9%
Library	38.5%	3.4%	58.1%

These results indicate that there are sufficient facilities, despite that none of these facilities exist on the island. That the discussion related to providing these facilities continued indicates that there remains a conflict over the public versus private nature of the island. The Lee Plan Amendment survey revealed some support for community facility spaces, however, this support is weaker than support for other kinds of development. One aspect to the lack of support for community facilities is related to diverse understandings of the term. Whereas UCPP members understand facility as meaning beach walk-over’s or additions to the fire station, others may mean new ‘bricks and mortar’ construction. The UCPP viewed the goal of establishing library and community center facilities as beneficial. Their logic indicated that it gives the community flexibility in taking advantage of grant funding allocated to libraries, community facilities or beach wildlife and habitat protection.



## Open Space and Community Facility Recommendations

- Establish goals related to providing passive parks and recreational opportunities to include in the Lee Plan.
- Identify funding and grant opportunities for co-located public services (e.g., fire station and community center).

## 9. Public Involvement and Education

Quite a bit of concern was expressed in the initial survey regarding citizen participation and education designed for residents and visitors on the island. Several discussions in planning meetings related to the damage done, for example, by visitors to the roads, beaches and private property. Other discussions demonstrated frustration over the lack of knowledge regarding codes, hurricane plans and the community's natural resources. The result of these discussions were that community education would help to educate residents and visitors as to the importance of collaborating to take care of the North / Upper Captiva island's resources.

In addition to the need for community education, an equally important need for communication between island and mainland interests was evident. For example, residents of the island were interested in ways in which Lee County and other jurisdiction could communicate to islanders those issues that most affect the island. These communication devices include such things as an electric document clearing house or involvement in public meetings on the island. Other communication / involvement methods, such as community natural resource education and educational materials are consistent with the goals of the community for education.

## Public Involvement and Education Recommendations

- Establish an electronic document clearinghouse for North / Upper Captiva relevant documents.
- Develop and deliver natural resource education programs and forums targeted toward visitors, guests and residents.
- Establish a means of communication between North / Upper Captiva and other jurisdictions.
- Involve the North / Upper Captiva in decisions that affect the island and its environment.

## 10. Taxes and Taxation

North / Upper Captiva is designated as an Outer Island in the Lee Plan Future Land Use map. As noted earlier, the Outer Island category is, "...not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories."<sup>27</sup> At the same time that the island receives relatively few services, the taxable values are approximately \$282,792,180.00 for the 879 parcels in the Upper Captiva Fire District.<sup>28</sup> 50 properties receive a homestead exemption, comprising 5.6% of the island's properties.<sup>29</sup> Where other areas in the county receive direct benefits (road maintenance, access to schools or access to libraries) from taxes, many residents of North / Upper Captiva receive

<sup>27</sup> Lee County. 2005. Lee Plan. Adopted 2005 by the Lee County Board of County Commissioners.

<sup>28</sup> The number of parcels includes those for which there is no value assigned and may include submerged lands or other non-taxable lots.

<sup>29</sup> Lee County Property Appraiser. 2007. *Lee County Parcel Data*. Retrieved 8/20/07. Lee County Property Appraiser, Lee County, Florida.

very few benefits. The community does not disagree with their responsibility to pay a 'fair share' of taxes consistent with other property owners in the county, but do disagree with the great disparity of services that are granted to other county residents and cannot effectively be accessed by North / Upper Captiva residents and property owners.

### **Taxes and Taxation Recommendations**

- Work with Lee County to receive assistance from existing county funding sources, for collaboratively identified projects and services.

### ***Conclusions***

The data and analysis presented form the basis for this plan and the proposed Lee Plan Amendments that follow. The broad community support for the Lee Plan Amendments proposed are documented in Appendix E of this document.



## Lee Plan Amendments

**GOAL XX: NORTH CAPTIVA (Upper Captiva):** The North Captiva Community seeks to preserve its character, scale, fragile environment, and way of life by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education. It is anticipated that funding for each goal, objective, or policy contained in Goal XX will be derived from the same funding sources as those provided for similar county governmental activities.

**OBJECTIVE XX.1: FUTURE LAND USE.** Preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure.

**POLICY XX.1.1:** The owner or agent for any rezoning, variance or special exception request must conduct at least one duly noticed public informational meeting on North Captiva where the owner or agent will provide a general overview of the project and answer questions from interested citizens.

**POLICY XX.1.2:** In order to maintain the traditional scale and historic patterns of development on North Captiva, the owner or agent of new development or redevelopment will recognize that he or she should maintain traditional setbacks, particularly front and side yard setbacks, as well as adherence to the 1978 Coastal Construction Control Line, within existing and proposed neighborhoods on North Captiva.

**POLICY XX.1.3:** Lee County will support the North Captiva community in its efforts to further investigate modification of development regulations applicable to North Captiva, based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities.

**POLICY XX.1.4:** The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. Lee County will work with the North Captiva community to develop or maintain regulations on exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.

**OBJECTIVE XX.2 TRANSPORTATION AND PATHWAYS.** Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights.

**POLICY XX.2.1:** Lee County will collaborate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of providing access to North Captiva from Pine Island and the mainland. Access should be both

convenient and cost-effective for residents and their guests. Any further costs to island residents must be minimized and subject to resident taxpayer approval.

**POLICY XX.2.2:** Lee County will collaborate with the North Captiva community in maintaining its pathway system by conducting a feasibility study and maintenance plan that includes, but is not limited to, placement, design, maintenance, and funding mechanisms.

**POLICY XX.2.3:** Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. Lee County will provide enforcement for this ban.

**POLICY XX.2.4:** The North Captiva community will collaborate with Lee County to develop, maintain, and enforce pathway safety standards.

**OBJECTIVE XX.3: CONSERVATION AND COASTAL MANAGEMENT.** Preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity.

**POLICY XX.3.1:** The North Captiva community will work with Lee County to support the efforts of the Federal and State authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process and will enforce these policies through implementation in the Land Development Code.

**POLICY XX.3.2:** The North Captiva community in collaboration with Lee County, will support the State of Florida's efforts to protect and preserve the distinct environmental communities on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These communities include but are not limited to:

- mangroves
- the beach dune system, beach dune vegetation, and beach dune wildlife
- coastal dunes, beaches, and coastal scrub vegetation
- beach dune wildlife, including shorebird nesting habitat and sea turtle habitat
- the marine habitat, including sea grass beds and fisheries

**POLICY XX.3.3:** Except for emergency events, public purposes, and human powered vehicles, vehicular traffic is banned from all beaches on North Captiva. Lee County will provide enforcement of the ban.

**POLICY XX.3.4:** Lee County will work in conjunction with the North Captiva community to implement a plan to stop the proliferation of exotic vegetation and nuisance pests. This will include a plan to control raccoons, black rats, feral hogs, iguanas, and other nuisance pests. The plan will also include the control of exotic vegetation as identified by the Exotic Pest Plant Council of Florida. This plan may include the use of incentives, disincentives, and regulations to accomplish this policy.



**POLICY 3.5:** To protect the ecological integrity of Safety Harbor, policies and practices will be established to minimize the negative impacts of use. In the event of a chemical, oil or fuel spill, Lee County will work with the appropriate agencies to minimize the impacts to Safety Harbor. This is to include a rapid response plan designed to address potential imminent hazards to Safety Harbor and an oil response plan to boom the mouth of the harbor.

**OBJECTIVE XX.4: WATER AND WASTE MANAGEMENT.** Ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island residents and island taxpayers.

**POLICY XX.4.1:** Lee County, in collaboration with the North Captiva community will conduct a feasibility study of cisterns and other water conservation systems, the long-term development of an island-wide potable water system, and the development of an island-wide wastewater treatment system. The feasibility study will include, but not limited to, costs estimates, new or innovative technologies, and funding assistance.

**POLICY XX.4.2:** Lee County, in collaboration with the North Captiva community, will conduct a potable water hydrology study to support potable water planning.

**POLICY XX.4.3:** To protect the water aquifer utilized throughout North Captiva island, Lee County will offer to survey water wells and provide advice for remediation for those found to be of substandard construction. The survey will be available to all current and future property owners.

**POLICY XX.4.4:** Lee County, in collaboration with the North Captiva community, will conduct a study to improve the efficiency and reduce the cost of household garbage waste disposal. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and a recycling program. Lee County and the North Captiva community will follow this study by developing a program that best suits the North Captiva island needs.

**POLICY XX.4.5:** Lee County, in collaboration with the North Captiva community and the Upper Captiva Fire Protection and Rescue Service District will conduct a study to facilitate the removal of yard and vegetative waste. This feasibility study, at a minimum will include cost estimates, new or innovative technologies, ecological impacts, funding availability, and advantages and disadvantages presented by incineration and /or a recycling program. Lee County and the North Captiva community will follow this study by developing, or participating in the development of, a program that best suits the North Captiva island needs.

**POLICY XX.4.6:** Within one year from the adoption of this policy, Lee County will provide transporting and disposal of household garbage and trash off North Captiva island at a service level consistent with other county residents at a reasonable cost.

**POLICY XX.4.7:** Lee County will coordinate the efforts of the North Captiva community to develop a program focused on the safe disposal of toxic and/or hazardous household waste, such as batteries, mercury, fluorescent lights, and paint.