

**BOOK 3**

**CPA2007-50**

LEE COUNTY ORDINANCE NO. 09-09  
(North Captiva Community Plan)  
(CPA2007-50)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2007-50 (PERTAINING TO THE NORTH CAPTIVA COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and the Lee County Administrative Code on June 23, 2008, and August 25, 2008; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 22, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2007-50 pertaining to the North Captiva Community Planning effort to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 22, 2008 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on January 16, 2009; and,

WHEREAS, at a public hearing on February 25, 2009, the Board moved to adopt the proposed amendment to the Lee Plan adopting the North Captiva Community Plan as more particularly set forth herein.

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

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code 13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2007-50 North Captiva Community Plan Ordinance."**

## SECTION TWO: ADOPTION OF LEE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on February 25, 2009, known as CPA2007-50. CPA2007-50 amends the Plan to incorporate the recommendations of the North Captiva Community Planning effort by establishing new Goal, Objectives, and Policies specific to North Captiva as set forth below.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for 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. Except for those services as provided 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).

**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 days written notice of the public meeting must be given. 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 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 land development regulations;
- (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:** By the end of 2013, 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 25.1.4:** The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. By the end of 2013, 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 to the greatest extent possible.

**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 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.

**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 and safety.

**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.

**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 25.3.1:** The North Captiva community will work with Lee County to support the efforts of the Federal, State and County authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process.

**POLICY 25.3.2:** The North Captiva community and Lee County will support the State of Florida and Lee County'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:** It is the intent of the North Captiva community that, except for emergency events, public purposes, and human powered vehicles, vehicular traffic be banned from all beaches on North Captiva.

**POLICY 25.3.4:** The North Captiva community and Lee County will cooperate to stop the proliferation of invasive exotic vegetation and nuisance pests as identified by the Exotic Pest and Plant Council of Florida incentives, disincentives and regulations may be developed 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:** The North Captiva community 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 be limited to, costs estimates, new or innovative technologies, grant funding assistance and other funding opportunities.

**POLICY 25.4.2:** The North Captiva community may conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** Lee County Solid Waste Division will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

**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. The intent of these efforts is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will consider the demands on the island's limited infrastructure.

**POLICY 25.5.1:** The North Captiva community and Lee County 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.

**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.

**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 enhance 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, island ingress and egress, and other changes that may affect the island and its environment.

**POLICY 25.6.3:** Through the Document Clearinghouse Lee County will provide notice to the North Captiva island community of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by Lee County that will impact the island.

**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 Captiva by providing for a law enforcement presence on North Captiva island.

**POLICY 25.7.1:** 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 Captiva. The North 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 for hurricanes and other emergencies as well as emergency communication options for the residents and other affected persons.

### **SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

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

### **SECTION FOUR: GEOGRAPHIC APPLICABILITY**

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

### **SECTION FIVE: SEVERABILITY**

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

### **SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR**

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

## SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioner Janes. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 25th day of February 2009.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Ray Judah, Chairman

DATE: 2/25/09

Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office

State of Florida  
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of March, A.D. 2009

CHARLIE GREEN, CLERK

By: Marcia Wilson  
Deputy Clerk

**CPA2007-50  
NORTH CAPTIVA  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Adoption Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**February 25, 2009**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2007-00050**

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**Text Amendment**

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**Map Amendment**

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: August 14, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**a. SPONSOR:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**b. APPLICANT**

NORTH CAPTIVA COMMUNITY PLANNING PANEL

**2. REQUEST:**

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the North Captiva Community Planning effort. Establish a new Goal, Objectives, and Policies specific to North Captiva. Amend Map 1, Page 2 of 6, Special Treatment Areas to indicate that a new Goal specific to the North Captiva Community has been adopted. Amend Policy 1.4.2.

**THE BOARD OF COUNTY COMMISSIONERS VOTED TO TRANSMIT THE FOLLOWING LANGUAGE TO THE DEPARTMENT OF COMMUNITY AFFAIRS:**

**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.

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**The following Goal, Objectives, and Policies were submitted by the North Captiva Community Planning Panel. Staff's recommended language for transmittal is shown in Part I B of this report.**

**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.

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**POLICY 25.1.3:** The North Captiva community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code 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 and the North Captiva community will adopt and maintain 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 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 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:

- 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, and
- the marine habitat, including sea grass beds and fisheries

**POLICY 25.3.3:** It is the intent of the North Captiva community that, except for emergency events, public purposes, and human powered vehicles, vehicular traffic be banned from all beaches on North Captiva.

**POLICY 25.3.4:** The North Captiva community and Lee County will cooperate to stop the proliferation of exotic vegetation and nuisance pests.

**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:** The North Captiva community and Lee County will cooperate to 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:** The North Captiva community and Lee County will cooperate to conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** Lee County will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

**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. The intent of these efforts is to enrich

the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will consider the demands on the island's limited infrastructure.

**POLICY 25.5.1:** The North Captiva community and Lee County 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.

**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.

**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 enhance 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, island ingress and egress, and other changes that may affect the island and its environment.

**POLICY 25.6.3:** Through the Document Clearinghouse Lee County will provide notice to the North Captiva island community of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by Lee County that will impact the island.

**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 Captiva by providing for a law enforcement presence on North Captiva island.

**POLICY 25.7.1:** 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 Captiva. The North 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 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).

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment incorporating the staff revisions to the language as shown below:

**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 days written notice of the public meeting must be given . 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 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:** 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 25.1.4:** 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.

**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 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.

**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.

**POLICY 25.3.2:** 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:

- 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:** It is the intent of the North Captiva community that, except for emergency events, public purposes, and human powered vehicles, vehicular traffic be banned from all beaches on North Captiva.

**POLICY 25.3.4:** The North Captiva community and Lee County will cooperate to stop the proliferation of exotic vegetation and nuisance pests.

**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:** The North Captiva community 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 grant funding assistance and other funding opportunities.

**POLICY 25.4.2:** The North Captiva community may conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** Lee County Solid Waste Division will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented

to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

**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. The intent of these efforts is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will consider the demands on the island's limited infrastructure.

**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 enhance 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, island ingress and egress, and other changes that may affect the island and its environment.

**POLICY 25.6.3:** Through the Document Clearinghouse Lee County will provide notice to the North Captiva island community of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by Lee County that will impact the island.

**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 Captiva by providing for a law enforcement presence on North Captiva island.

**POLICY 25.7.1:** 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 Captiva. The North 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 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).

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The North Captiva Community Plan is the result of over a year long effort of the North Captiva Community Planning Panel.
- The Planning Panel hired a consultant, Johnson Engineering, to assist them with the development of the plan.
- The North Captiva Community Plan was funded with \$46,000 of community planning funds provided by the Board of County Commissioners.
- North Captiva is a bridgeless, barrier island with limited access. Access is provided by boat at Safety Harbor, and at private docks, and an airstrip is located at the north end of the island.
- Much of the land on North Captiva is owned by the State of Florida Department of Environmental Protection and is part of the Cayo Costa State Reserve.
- With the exception of Safety Harbor Club, most of the north end of the island has been subdivided into small lots in unrecorded subdivisions with access provided by pathways located on easements described by meets and bounds description on deeds.
- A small number of privately owned lots exist on the south end of the island.

- Infrastructure on the island is very limited, electricity and telephone service are available to the island, but water and sewer are primarily provided from wells and septic systems.
- North Captiva has a unique combination of State owned reserve land, private lots, limited infrastructure, and limited access.
- North Captiva is located in the Outer Island Future Land Use category, and as such can anticipate a continued level of public services below that of other land use categories.
- This amendment will add a new Goal, and subsequent Objectives, and Policies to the Lee Plan.

### **C. BACKGROUND INFORMATION**

The North Captiva Community Plan was undertaken by the North Captiva Community Planning Panel with the assistance of their planning consultant and County Staff. The Board of County Commissioners provided \$46,000 in funding in October, 2006 to help finance the planning effort.

The community planning effort concentrated on nine elements: Public Safety and Code Enforcement; Island Access; Roads and Road Maintenance; Infrastructure; Environment; Architectural/Development Standards; Hurricane Planning; Open space and community Facilities; and Public Involvement and Education.

The North Captiva community plan was submitted to the County in September of 2007. The planning effort included numerous meeting of the Community Planning Panel and the public on Upper Captiva over the course of more than a year, including meetings that were held after the community plan was submitted to the County.

## **PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS**

### **A. STAFF DISCUSSION**

This new Goal for North Captiva is intended to express the communities desire to protect the existing character of the community and to maintain the existing character of North Captiva. This new Goal, and Objectives, and Policies are shown as submitted by the applicant followed by staff comments and if revised by staff, the revisions are shown in strike-through/double-underline below the staff comment:

**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.

*Staff has no objection to this Goal or Objective.*

**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 days written notice of the public meeting must be given to the officers of the Upper 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 Upper 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.

*This policy is similar to policies in the Lee Plan for Estero, Captiva, Caloosahatchee Shores, Palm Beach Boulevard and Boca Grande. However, the County has not, and does not want to identify organizations.*

*Staff recommends transmittal of Policy 25.1.1 as follows:*

**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 days written notice of the public meeting must be given ~~to the officers of the Upper 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 Upper 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.

*This policy is virtually the same as Policy 13.1.11 of the Lee Plan for Captiva. Staff has no objection.*

**POLICY 25.1.3:** The North Captiva community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code 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.

*It would be the responsibility of the North Captiva community to initiate and complete this work. A date for completion of this work should be included. Staff recommends transmitting Policy 25.1.3 as follows:*

**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 or policies for Lee County to review and consider, amend or establish as Land Development Code 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 and the North Captiva community will adopt and maintain 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.

*Outdoor Lighting Standards were adopted in 2003, are regulated by Chapter 34-625 of the Land Development Code, and apply County-wide. If the North Captiva community would like to develop and propose different standards for Upper Captiva, staff has no objection, however, a date for completion of this work should be included.*

*Staff recommends transmittal of Policy 25.1.4 as follows:*

**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 and the~~ By the end of 2010, ~~the~~ North Captiva community will ~~develop~~ adopt and maintain 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.

**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.

*Staff has no objection to Objective 25.2.*

**POLICY 25.2.1:** Lee County will 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.

*The County does not generally locate or provide boat ramps as transportation infrastructure. They are and always have been exclusively recreational amenities until the acquisition of the Fisherman'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.*

*Staff recommends removing "from Pine Island and the mainland" as boaters requiring access to North Captiva may come from other areas. The last two sentences are subjective, and Parks and Natural Resources staff recommends striking those sentences. Staff recommends transmittal of Policy 25.2.1 revised as follows:*

**POLICY 25.2.1:** Lee County will 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.

*The cart paths on North Captiva are located primarily on easements located on privately owned lots and are not rights-of-way. As such they are the responsibility of the North Captiva community to maintain. Staff **does not recommend** transmittal of Policy 25.2.2.*

**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.



*This 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. No funding sources have been identified and enforcement would likely have to be provided by the Lee County Sheriff's office.*

*Staff does not recommend transmittal of Policy 25.2.3.*

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

*The cart paths on North Captiva are located on privately owned lots and are the responsibility of the North Captiva community to maintain. We have Fire safety standards adopted in LDC Chapter 6, and they are applicable to North Captiva.*

*Staff does not recommend transmittal of Policy 25.2.4.*

**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.

*Staff has no objection to Objective 25.3.*

**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.

*The Land Development Code is a regulatory document, and is not the place to provide policy support for Federal and State actions. Staff recommends transmitting Policy 25.3.1 as follows:*

**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 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:

- 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

*Staff has no objection to Policy 25.3.2.*

**POLICY 25.3.3:** It is the intent of the North Captiva community that, except for emergency events, public purposes, and human powered vehicles, vehicular traffic be banned from all beaches on North Captiva.

*Policy 25.3.3 expresses the community's desire to restrict vehicular traffic on all beaches to emergency events, public purposes, and human powered vehicles. The policy does not ban those vehicles. Staff has no objection to Policy 25.3.3.*

**POLICY 25.3.4:** The North Captiva community and Lee County will cooperate to stop the proliferation of exotic vegetation and nuisance pests.

*This policy is very similar to Policy 22.4.12 of the Lee Plan specific to Boca Grande. Policy 22.4.12 states "Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island by January 2006". Staff has no objection to Policy 25.3.4.*

**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.

*Staff has no objection to Policy 25.4.*

**POLICY 25.4.1:** The North Captiva community and Lee County will cooperate to 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 25.4.1 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. Staff recommends transmittal of Policy 25.4.1 as follows:*

**POLICY 25.4.1:** The North Captiva community and Lee County will cooperate 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, grant funding assistance and other funding opportunities.

**POLICY 25.4.2:** The North Captiva community and Lee County will cooperate to conduct a potable water hydrology study to support potable water planning.

*Policy 25.4.2 requires the County to participate in a potable water hydrology study. This policy appears to anticipate County funding and staff resources without an identified funding source. Staff recommends transmittal of Policy 25.4.2 as follows:*

**POLICY 25.4.2:** The North Captiva community and Lee County will cooperate to may conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** Lee County will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

*County staff, including representatives from the Lee County Solid Waste Division, attended a meeting on North Captiva island on Saturday, July 19 and agreed that this language was an acceptable compromise to several policies that staff objected to in the planning panel's original language. Staff recommends that the Solid Waste Division be referenced and recommends transmittal of Policy 25.4.3 as follows:*

**POLICY 25.4.3:** Lee County Solid Waste Division will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

**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. The intent of these efforts is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will consider the demands on the island's limited infrastructure.

*Staff has no objection to Objective 25.5.*

**POLICY 25.5.1:** The North Captiva community and Lee County 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.

*Policy 25.5.1 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. Maintenance of scattered open space and recreation areas is also a concern.*

*Staff does not recommend transmittal of Policy 25.5.1.*

**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.

*No funding source has been identified for obtaining a community facility and library on North Captiva.*

*Staff does not recommend transmittal of Policy 25.5.2.*

**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.

*Staff has no objection to Policy 25.5.3.*

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

*Staff has no objection to Objective 25.6.*

**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 25.6.1 is similar to policies in the Lee Plan for Estero, Captiva, Caloosahatchee Shores, Palm Beach Boulevard, and Boca Grand. Staff has no objection to Policy 25.6.1.*

**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, island ingress and egress, and other changes that may affect the island and its environment.

*The level of involvement is unclear, but if that involvement is satisfied by notification, meetings and open dialogue staff has no objection to Policy 25.6.2.*

**POLICY 25.6.3:** Through the Document Clearinghouse Lee County will provide notice to the North Captiva island community of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by Lee County that will impact the island.

*Staff has no objection to Policy 25.6.3. It has not yet been determined where the clearing house would be located.*

**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.

*The Natural Resources Division routinely accommodates requests for speakers on topics related to their job functions, but this is only at the request of some outside entity that initiates and plans the logistics for the event. Staff has no objection to Policy 25.6.4.*

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

*Staff has no objection to Objective 25.7.*

**POLICY 25.7.1:** 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 Captiva. The North Captiva community will work to identify housing and other resources as necessary in support of enforcement activities.

*Staff has no objection to Policy 25.7.1.*

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

*Staff has no objection to Policy 25.7.2.*

**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 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 has no objection to this revision to Policy 1.4.2.*

## **B. STAFF RECOMMENDED REVISIONS**

In summary, staff is recommending revisions to the following policies that were submitted by the applicant. Staff's revisions are shown in strike through/double underline format.

**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 days written notice of the public meeting must be given ~~to the officers of the Upper 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 Upper 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 25.1.3:** ~~By the end of 2010, The North Captiva community will draft and submit Land Development Code regulations applicable to North Captiva or policies for Lee County to review and consider, amend or establish as Land Development Code 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 and the~~ By the end of 2010, The North Captiva community will develop adopt and maintain 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 25.2.1:** Lee County will 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.~~

**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 25.4.1:** ~~The North Captiva community and Lee County will cooperate 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, grant funding assistance and other funding opportunities.

**POLICY 25.4.2:** ~~The North Captiva community and Lee County will cooperate to~~ may conduct a potable water hydrology study to support potable water planning.

**POLICY 25.4.3:** Lee County Solid Waste Division will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system.

**POLICY 25.5.1:** ~~The North Captiva community and Lee County 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.~~

**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.~~

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: August 25, 2008

#### **A. LOCAL PLANNING AGENCY REVIEW**

The North Captiva Community Plan had been introduced to the LPA on May 19, 2008 and the LPA instructed staff at that time to work with the community to make refinements to the Goal, Objectives, and Policies. Staff reviewed the staff report with the LPA and explained their recommendation. Following the staff presentation, the LPA opened the meeting for public comment. One LPA member appreciated the changes that were made to the amendment language from the first time the LPA reviewed this item. He noted that these changes reflect the County's willingness to work with the community to address some of their issues.

Several members of the public, the planning consultant that drafted the community plan and the attorney representing the North Captiva Community Planning Panel spoke to the LPA. They supported the LPA recommending transmittal of the amendment as they submitted it to staff, without most of staff's recommended changes. There were a lot of comments and discussion about the County's involvement with the roads (paths) located on North Captiva. There was also discussion about the dates for completion for two of the Policies.

One member of the LPA expressed concern with references in the document that say Lee County will collaborate or cooperate because this may imply funding. Although the County could help in some ways, he did not want to put a burden on the County for private properties. Another LPA member agreed that she would like to see the County be supportive where technical experience or something else along those lines is needed, but not necessarily financial commitments.

Another LPA member stated the County had tremendous resources and, where appropriate, it should be available for collaborative types of efforts that occur without getting involved in the homeowner's business.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

##### **1. RECOMMENDATION: Recommend that the Board of County Commissioners transmit CPA 2007-00050 with the following changes:**

- a. **POLICY 25.1.3:** By the end of 2013~~0~~, 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.



- b. **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 2013~~0~~, 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.
- c. **POLICY 25.2.4:** The North Captiva community will collaborate with Lee County to develop, maintain, and enforce pathways and to develop, fire, safety standards for the pathways.
- d. **POLICY 25.3.4:** The North Captiva community and Lee County will cooperate to stop the proliferation of invasive exotic vegetation and nuisance pests.
- e. **POLICY 25.5.1:** The North Captiva community and Lee County 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. This policy does not imply that the County will provide funding.
- f. **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. This policy does not imply that the County will provide funding.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. **VOTE:**

NOEL ANDRESS	AYE
LES COCHRAN	AYE
RONALD INGE	AYE
JAQUE RIPPE	AYE
CARLETON RYFFEL	ABSENT
RAE ANN WESSEL	AYE
LELAND TAYLOR	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: October 22, 2008

**A. BOARD REVIEW:**

Following a presentation by staff, the planning consultant for the North Captiva Community Planning Panel and two planning panel members spoke in favor of the amendment with changes. The Board agreed to those changes.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

Motion to transmit CPA 2007-00050 as recommended by staff with the following changes:

Change the year in Policy 25.1.3 and 25.1.4 from 2010 to 1013 and add the words to the greatest extent possible to the end of the policy.

Change Policy 25.2.2 to read "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".

Change Policy 25.2.3 to read "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".

Add the words "and Lee County's" after the State of Florida in Policy 25.3.2.

In Policy 25.3.4 add the word "invasive" in front of exotic vegetation and add the following to the end of the policy: "as identified by the Exotic Pest and Plant Council of Florida. Incentives, disincentives, and regulations may be developed to accomplish this policy".

Add "safety" to Policy 25.2.2.

Insert "and County" to Policy 25.3.1.

Add "other emergencies" to Policy 25.7.2.

Remove "This policy does not imply that the County will provide funding" from Policies 25.5.1 and 25.5.2.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

**C. VOTE:**

<b>A. BRIAN BIGELOW</b>	<b>AYE</b>
<b>TAMMARA HALL</b>	<b>AYE</b>
<b>ROBERT P. JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>FRANKLIN B. MANN</b>	<b>AYE</b>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The DCA ORC Report contained the following objection:

*A proposed amendment to the Future Land Use Element to establish the North Captiva Community Plan by adding a vision statement, new goal, 7 objectives, and associated policies, and amend Map 1, page 2 of 6 (Special Treatment Areas) to identify the plan area. The amendment also revises Future Land Use Element Policy 1.4.2, which is the description of the currently adopted "Outer Islands" FLUM designation that already encompasses most of subject area. The Department raises the following objection to proposed Amendment 2007-50:*

*Objection: The supporting material states that the amendment establishes a new Vision Statement for the North Captiva Community; however, the proposed amendment does not include the proposed text of the Vision Statement.*

*Rules 9J-5.006(3), F.A.C.; and Section 163.3177(6)(a), F.S.*

*Recommendation: Revise the amendment to include a vision statement for the North Captiva Community.*

**B. STAFF RESPONSE**

The inadvertent reference to the Vision Statement has been removed. This amendment does not include a new Vision Statement for North Fort Myers. The Lee Plan Vision Statement for Captiva includes the major islands of Captiva Island, Upper (North) Captiva Island, Cayo Costa Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands.

**C. STAFF RECOMMENDATION**

Staff believes DCA's objection has been adequately addressed and recommend the Board adopt CPA2007-50 North Captiva.

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: February 25, 2009

**A. BOARD REVIEW:** After a brief presentation by staff and public comment in support of the amendment by the planning consultant for the Community Planning Panel and a resident of North Captiva the Board approved this item without further discussion.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** With the exception of removing the reference to the Vision Statement the Board voted to adopt this amendment as previously transmitted to DCA.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.




**C. VOTE:**

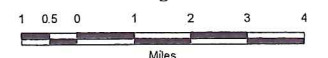
<b>A. BRIAN BIGELOW</b>	<b>AYE</b>
<b>TAMMARA HALL</b>	<b>AYE</b>
<b>ROBERT P. JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>FRANKLIN B. MANN</b>	<b>AYE</b>



# PROPOSED SPECIAL TREATMENT AREAS MAP

## Legend

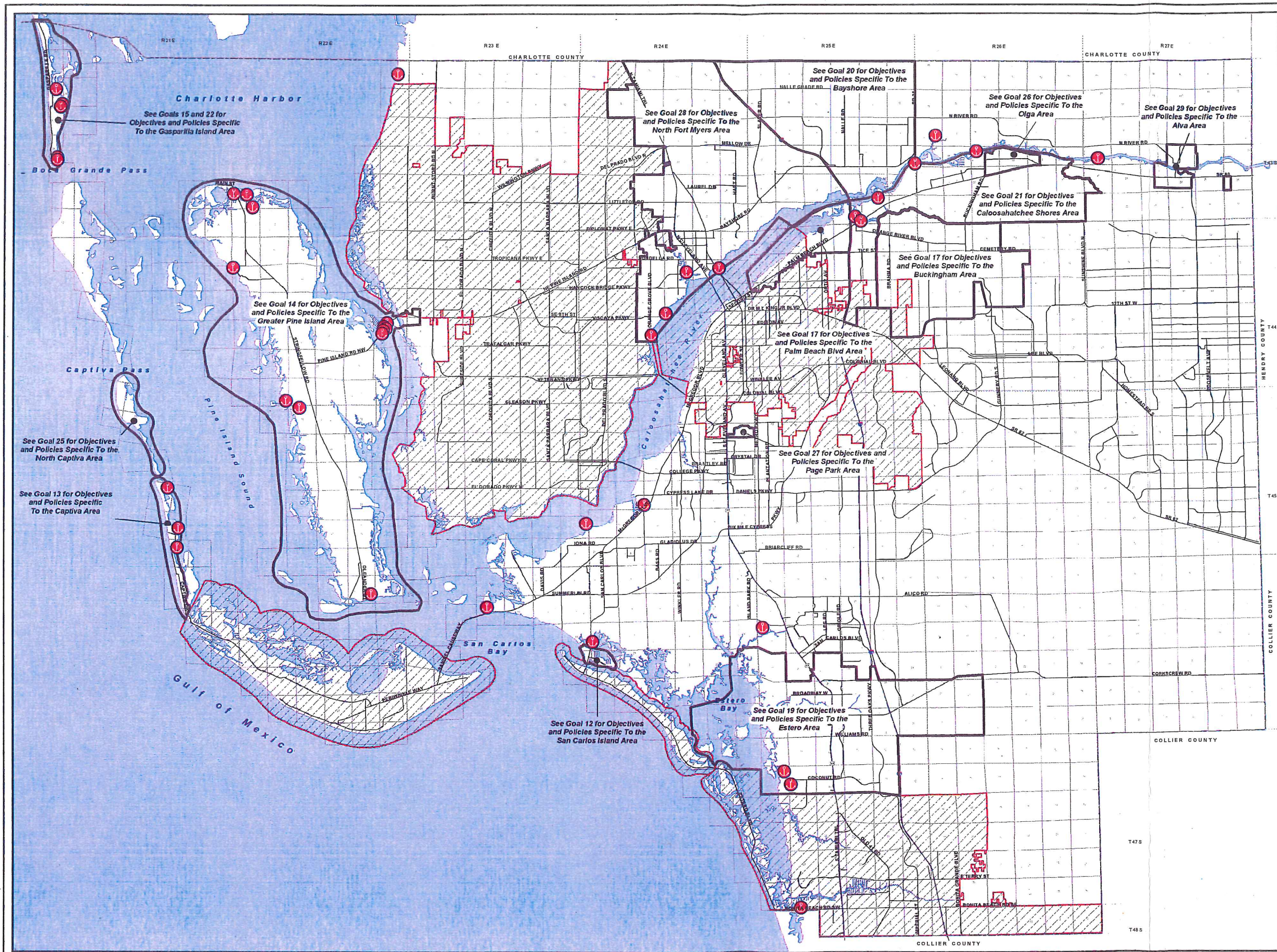
-  Water Dependent Overlay
-  Community Planning Areas
-  City Limits



Map Generated: January, 2009  
City Limits current to date of map generation

Last Amended: August 13, 2007  
Amended by Ordinance No.  
02-02, 03-01, 03-02, 03-04, 03-21, 07-09

**Proposed**  
**Lee Plan Map 1**  
**Page 2 of 6**





**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  
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  
Ph 239-338-3302  
Fax 239-461-5871

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**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

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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



**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)

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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

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  
Fort Myers, FL 33901-5500  
P.O. Box 398  
Fort Myers, FL 33902-0398

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

**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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**From:** Newman, William T.

**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

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**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

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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  
Fort Myers, FL 33901-5500  
P.O. Box 398  
Fort Myers, FL 33902-0398

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 [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 ten slash to be consistent with EPPCP 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 [meh12]:** 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 [meh13]:** 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].

**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.

**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).

**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

**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 develop 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

2008 JUN 23 AM 11:56  
RECEIVED BY  
LEE CO. ATTORNEY

Date: June 20, 2008

To: Jim Mudd, Dept. of Community  
Development (DCD) &  
Matt Noble, DCD

From:   
Karen Forsyth  
Director

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 policies 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: NorthCap  
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'Connor

Re: North Captiva Amendment to the Lee Plan

Dear Mr. O'Connor;

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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@wachoviassec.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@hfirlaw.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@alummi.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; jvernnon898@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 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, the 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:** 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

---

**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.

---

**From:** Newman, William T.  
**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

# North / Upper Captiva Community Plan



**RECEIVED**

SEP 26 2007

COMMUNITY DEVELOPMENT

## 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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**APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D

9/26/07

REC'D BY:

Cum

APPLICATION FEE

0

TIDEMARK NO:

CPA 2007-00050

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

Kristen 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***

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Upper Captiva, Florida 33924

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**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.

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<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 the 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

<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

<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

<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

<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>

Single Family Detached	RS-1 <sup>21</sup>	RM-2
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>Proposed Use</b>	<b>Existing Uses</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.



**POLICY XX.4.8:** Lee County will work with the North Captiva community to develop and enforce a construction waste policy and procedures for North Captiva island.

**OBJECTIVE XX.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 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.5.1:** 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.

**POLICY XX.5.2:** 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.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 XX.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION.** Enhance the community character, sustain natural resources, and involve the public in decisions that affect them, by providing educational and participation opportunities.

**POLICY XX.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 XX.6.2:** 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.

**POLICY XX.6.3:** Through the Document Clearinghouse 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.

**POLICY XX.6.4:** 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, green building, 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.6.5:** 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.

**OBJECTIVE XX.7: PUBLIC SAFETY.** Preserve the character of North / Upper Captiva by providing for a law enforcement presence on North / Upper Captiva.

**POLICY XX.7.1:** The Lee County Sheriff's Office will 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 XX.7.2:** Lee County will continue to ensure viable hurricane evacuation and emergency communication options for the residents and other affected persons.

#### Future Land Use Designation in 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. Except for those services as provided by 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).



## Data Collection Methods and Public Participation

Several methods were used to collect data in preparation of this plan and amendments. These included data and document(s) research, interviews, surveys and meetings.

### Community and Subcommittee Meetings

The Upper Captiva Planning Panel collected information from community members over a series of community meetings in which participants identified the main issues facing the North / Upper Captiva community. Community meetings were publicly advertised through a series of email lists and public notices posted in the community (copies of meeting notices appear in Appendix C).

The issues identified in earlier meetings were researched and developed through a series of subcommittee meetings. Subcommittees focused on the following:

#### *Community Meetings*

All community meetings were held on Saturdays in an effort to reach the maximum number of owners and stakeholders. The approach to public participation on North / Upper Captiva required organizers to utilize web-based tools as much as possible, as a large majority of owners are not full time residents. The community meetings were well attended, given the seasonal nature of the island residents. Meetings were held on January 28, February 17, March 17, May 19, July 7, August 18, and September 15.

#### *Subcommittee Meetings*

Much of the month of April 2007 was taken up with subcommittee meetings whose charge was to work through unique problems in small groups. The subcommittees were charged with developing preliminary policies that were needed to address the community needs as identified in the May 2007 Upper Captiva Community Survey (see results, Appendix E). These issues were brought forward in the May 2007 community planning meeting where citizens gave comments and feedback on the issues. Descriptions and notice of these meetings is provided in Appendix C of this document. The six subcommittees met on the dates noted below.

#### Environment Subcommittee

Meetings: April 2, April 7, April 22

#### Infrastructure Subcommittee

Meetings: April 13, May 4

#### Island Access

April 12 and April 19

#### Public Safety and Code Enforcement

April 7, April 20, May 7

#### Architectural and Building Design Standards

Meetings: April 11, May 2, May 9

Roads Subcommittee  
Meetings: April 22nd and May 20th

### Website

As noted above, web-based tools were an important aspect of the public participation and data collection process(es) associated with this plan. The Upper Captiva Planning Panel commissioned a website at [www.uppercaptivacivicassociation.org](http://www.uppercaptivacivicassociation.org) with the aliases of [www.uppercaptivacivic.org](http://www.uppercaptivacivic.org), and [www.uppercaptivacivic.com](http://www.uppercaptivacivic.com). All meeting notes, subcommittee descriptions, subcommittee meeting notes, revisions to plan amendments, survey links, survey results and contact information was placed on the web site. The website also added a blog whereby community residents could chat regarding plan amendments and the planning process.

### Interviews

Interview with experts and stakeholders were also conducted to further understand challenges, existing policies and issues in the community.

- Lee County Sheriff's Office Coastal Island Division
- Lee County Community Development
- Lee County Solid Waste
- Lee County Code Enforcement
- Brian Brillhart
- Island Girl Water Taxi representatives
- Johnson Engineering Water Resources
- Community members and residents
- Visitors to the island

### Surveys

Two surveys were conducted within the community. Each survey was designed to collect unique information from the community. The first was to identify the scope of problems and issues; the second was to identify support (or lack of support) for proposed amendments.

- April / May 2007 Upper Captiva Community Survey. Letters were mailed to all property owners in the North / Upper Captiva planning area inviting them to participate in an on-line survey. Participants were asked to visit the survey site at [www.surveymonkey.com](http://www.surveymonkey.com) directly to access the survey. Those who did not have access were asked to contact Margaret Banyan at Johnson Engineering to have a copy of the survey mailed. The JEI consultant entered paper surveys, analyzed all results and presented survey findings. As of May 2007 survey had 148 respondents. The results from the May 2007 survey appears in Appendix E.
- August/September 2007 Lee Plan Amendment Survey. Letters were mailed to all property owners in the North / Upper Captiva planning area inviting them to participate in a second on-line survey. This survey posted the Lee Plan Amendments as drafted by the Upper Captiva Planning Panel and asked participants to give feedback on specific areas of the plan that they favored. In order to take part, participants visited the [www.uppercaptivacivic.org](http://www.uppercaptivacivic.org) website to access the survey link. Those who did not have access were mailed a copy of the survey. Consultant entered paper surveys, analyzed all results and presented survey findings. 93 respondents provided feedback. The results from the August were posted online and the survey results appear in Appendix F of this document.



## Public Notice(s)

### COMMUNITY PANEL WORKSHOP MEETING SCHEDULE

These workshops are a critical part of North Captiva developing a community plan. It is very important that everyone attend one session of each committee and have your voice heard. If you don't participate someone will decide for you.



#### ENVIRONMENT & OPEN SPACE Chair: Kristie Anders

This committee will focus on strategies for maintaining and improving environmental concerns for North Captiva Island. Topics such as wildlife preservation, vegetation and improvement water quality as it pertains to the estuary and Gulf. There will be a brief slide program before these three sessions about native wildlife and plants.

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

#### ISLAND INFRASTRUCTURE Chair: Rick Fox

This committee will focus on strategies for addressing garbage disposal, construction waste, yard debris, fresh water, wastewater, and sewage concerns.

April 13 (Friday) at 11 am: Safety Harbor Club House

May 4 (Friday) at 11 am: Safety Harbor Club House

#### ISLAND ACCESS Chair: Richard Craven

This committee will look at issues and vision to ensure island access, including boat docking, public docks (both sides of the Sound), and automobile parking on Pine Island.

April 12 (Thursday) at 4 pm: Safety Harbor Club House

April 19 (Thursday) at PM: Safety Harbor Club House

#### PUBLIC SAFETY & CODE ENFORCEMENT Chair: Richard Pepper

This committee will address the vision and alternatives for enforcement of codes, under-age 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

#### ARCHITECTURAL & BUILDING DESIGN STANDARDS Chair: David Tompkins

The focus for this committee is to discuss potential architectural and building design standards for Upper/North Captiva. These include building height limitations, codes and building appearance standards.

4/11 at 3pm Safety Harbor Club

5/2 at 3pm Safety Harbor Club

5/9 at 3pm Safety Harbor Club

#### ROAD MAINTENANCE & STANDARDS Chair: Peter Aldrian

This committee will discuss the issues of road maintenance, public vs. private funding, cart and vehicle operations and long range road strategies to support island growth.

4/13 at 3 pm Safety Harbor Club

5/4 at 11 am Safety Harbor Club







**UpperCaptiva  
CivicAssociation**

### Community Panel Meetings

Saturday May 19 at 1 pm	Safety Harbor Club House
Saturday July 7 at 1 pm	Safety Harbor Club House
Saturday August 18 at 1 pm	Safety Harbor Club House
Saturday September 15 at 1 pm	Safety Harbor Club House



#### Environment and Open Space Sub Committee Meetings

Saturday April 7 at 10 am	Safety Harbor Club House
Sunday April 22 at 2 pm	Safety Harbor Club House

#### Roads Sub Committee Meetings

Sunday April 22 at 1 pm	311 Spanish Gold Lane
Sunday May 20 at 1 pm	311 Spanish Gold Lane

#### Island Access Sub Committee Meetings

Thursday April 12 at 4 pm	Safety Harbor Club House
Thursday April 19 at 4 am	Safety Harbor Club House

#### Infrastructure Sub Committee Meetings

Friday April 13 at 11 am	Safety Harbor Club House
Friday May 4 at 11 am	Safety Harbor Club House

#### Public Safety and Code Enforcement Sub Committee Meetings

Saturday April 7 at 11 am	Fire Station
Friday April 20 at 2 pm	Fire Station
Monday May 7 at 2 pm	Fire Station

#### Architectural and Building Design Standards Sub Committee Meetings

Wednesday April 11 at 3 pm	Safety Harbor Club House
Wednesday May 2 at 3 pm	Safety Harbor Club House
Wednesday May 9 at 3 pm	Safety Harbor Club House

## ***Meeting Attendance and Participation***

### January 28 Meeting Attendance

Committee Members: Dave Tompkins, Rick Fox, Peter Aldrian, Richard Craven, and Kristie Anders

Guests: Margaret Banyan of Johnson Engineering and Jim Mudd Planning Lee County

Public: as indicated on sign in sheet

Cora Ogle, Jim Ogle, Fran Deture, Louise McDonald, Maxine Otis, Deane Richardson, Ashlyn Sims, Thomasin Shepp, David Shepp, Joann Beiermeister, John Fuller, Marian Fuller, Barbara Miklavcic, Arthur Mason

### February 17, 2007 Meeting Attendance

Members of the public- Mark & Becky Kahler, Marcia Andrews, Louis McDonald, William Powell, Ralph & Kate DeMarco, Maxine Otis, Richard Pepper, Howard Kuhlin, Peter Yang, John & Marian Fuller, Tom Levin, Josiah Drummond, Cora Ogle, Arthur Mason, Zeke McDonald, Horst & Kirsten Eylerts, Garfield Clark, Sarah & Mike Rapp, Bob Maynard and others that did not sign in.

### March 17, 2007 Meeting Attendance

Community Roundtables. No guest sheet was prepared.

April 2007 No meeting held (Subcommittee Meetings)

June 2007 No meeting held

5/19/07 SIGN IN SHEET

Richard Garsen  
John Leeseh  
Kristie Anders  
Jane Rugh  
Howard Kulen  
Hanno Kulen  
John Beemsterla pres. SHC.  
Jesse & Serena Madonna  
BERT TRAPANESE  
DAAN GORTON  
Tina Tompkins  
Karen Siqbian  
KATE DEMARCO  
Nick & Ashlyn  
Fire Chief Pepper  
Joe Papalardo  
Rick Fox  
Hart Kelly

July 2007 Meeting Attendance

<sup>no e-mail</sup>  
Rosanne & John Loesch  
POB 3006  
PINELAND, FL 33945  
(own lot 14 Safety Harbor)

SIGN IN Sheet

July 7 2007

Name

Alynn Smith  
Dane Tompkins  
Marcia Andrews  
Amanda & Joel Halberstadt  
Bill Hater  
GARFIELD CLARK  
Kristie Anders  
Rick Fox  
GARY WALKER  
HART KELLEY  
MARIAN AND JOHN FULLER  
Karen Brusca  
KATE, DEMARCO  
Richard Coenen  
Gordon Biggar  
Ron Scrimmon  
John & Rosanne Loesch #14  
Gretchen Falk (email gretchenfalk@yahoo.com)  
Kathy & Julie Monahan  
Mark Mille  
Kari Bretz



# SIGN IN

8-18-07

## Community Panel

- 1 Richard Cora ven
- 2 Cheryl BREDIN
- 3 Betty Pence
- 4 Sue Ann Conner
- 5 Karen Sirob
- 6 Peter Adrian
- 7 HART & JUNE KELLEY
- 8 Roseanne & John Louch
- 9 Marcia Andrews
- 10 Chuck Prazik
- 11 AJ LaVallie
- 12 JOHN + MARIAN FULLER
- 13 Roy Simmons
- 14 Ed McPherson
- 15 Daniel Hughes
- 16 Jane Pugh
- 17 ~~John & Susan~~
- 18 Richard & Peggy Schmitt
- 19 Brigitte & Christopher Clark
- 20 Robert D. Pant
- 21 ~~Alvin~~
- 22 William Borelli

September 15 Meeting Attendance

Sign In 9/15/07

GARFIELD CLARK  
Jim

Jim Ogle  
Debra Mackenzie  
Cora K. Ogle  
KATE DEMARCO  
Vickie Lewis

DICK LEWIS  
Cheryl Bredin  
Ron Simmons  
Richard Schmidt  
Richard Craven

Richard Kitz  
Robt D. Pratt - Legal Counsel  
David Tompkins  
Marcia Andrews

## ***Survey Invitation(s)***



Upper Captiva Civic Association Inc. Box 423, Pineland, FL 33945

## Upper Captiva Civic Association

2/12/2007

Dear Owner:

In order to plan for the future needs of Upper Captiva, the Upper Captiva Civic Association and members of the Upper Captiva community have organized a Planning Panel. With your input, the Planning Panel will identify island-wide issues. It is a critical step towards resolving common community concerns.

### The Planning Process

The Upper Captiva Planning Panel received funding from the Board of County Commissioners of Lee County to create a community plan that will eventually be adopted as part of the Lee County Comprehensive Plan. This plan will identify goals, objectives, and policies that will guide the island's future.

We have hired Johnson Engineering as our consultant who will collect information and draft the community plan documents. The community plan must be submitted to Lee County government by September 2007.

### What We Need

Because this plan will affect all homeowners, residents, investors, businesses, and other stakeholders, the Civic Association needs your input. Please fill out the Upper Captiva Civic Association survey located at the following web address: <http://www.surveymonkey.com/s.asp?u=218923286433>. In order to meet our deadline, it is important for you to fill out the survey no later than February 28, 2007.

If you do not have access to the internet, or would prefer to fill the survey out by hand, please contact Margaret Banyan at 239-461-2450 or [mbanyan@johnsoneng.com](mailto:mbanyan@johnsoneng.com) for a paper copy.

In addition, the Planning Panel would like your input at meetings. There are two upcoming meetings scheduled: 2/17 at 11:30 am at the Upper Captiva Fire House and 3/17 (location and time will be announced). If you have questions about the survey, the planning process, or involvement opportunities, please contact any one of our Panel members listed below.

Sincerely,

Upper Captiva Planning Panel

Richard Craven, Chair 239-395-3154  
Kristie Anders, Vice Chair 239-472-9750  
David Tompkins, 239-395-0499  
Peter Aldrian, 239-292-4849  
Rick Fox, 239-472-1019



7/30/2007



Dear Owner:

The Upper Captiva Planning Panel has been working on developing a community plan and amendments to the Lee Plan. The purpose of the plan will be to identify goals, objectives, and policies that will guide the island's future.

After numerous subcommittee and full panel meetings, the Planning Panel has developed draft amendments to the Lee Plan. At this point, we need your input, recommendations, or comments on that draft.

Please go to the Upper Captiva Planning Panel website at: [www.uppercaptivacivic.org](http://www.uppercaptivacivic.org) to view the draft document and give us feedback through a link to the Survey Monkey website.

In order for the Planning Panel to make fully informed decisions, the deadline for comments is no later than August 16, 2007 at midnight.

Consistent with the earlier survey process, if you do not have access to the internet, or would prefer to fill the survey out by hand, please contact Tammy Peacock 239-461-3339 or [tpeacock@johnsoneng.com](mailto:tpeacock@johnsoneng.com) for a paper copy that can be faxed or mailed back.

The Planning Panel will meet to discuss community feedback and revisions on August 18 at 1pm at the Safety Harbor Club. Please join us if you are available.

Sincerely,

Upper Captiva Planning Panel

Richard Craven, Chair  
Kristie Anders, Vice Chair  
David Tompkins  
Peter Aldrian  
Rick Fox

## Upper Captiva Community Survey Results

Q1. Do you own  
answer options

	Response Percent	Response Count
1 lot	68.90%	102
2 lots	21.00%	31
3+ lots	10.10%	15
answered question		148
skipped question		0

Q2. Is your Upper Captiva property primarily a  
answer options

	Response Percent	Response Count
full-time residence	16.90%	25
seasonal residence	28.40%	42
rental or investment property	19.60%	29
potentially buildable lot	23.70%	35
Other (please specify)	11.50%	17
answered question		148
skipped question		0

Q3. What means of transportation do you use to get to Upper Captiva?

answer options	Response Percent	Response Count
your own boat	45.30%	67
scheduled water taxi	42.60%	63
charter boat	5.40%	8
aircraft	5.40%	8
other	1.40%	2
answered question		148
skipped question		0

Q4. Are you a member of (select all that apply)

answer options	Response Percent	Response Count
Safety Harbor Club	27.70%	41
North Captiva Island Club	35.80%	53
Airstrip	6.10%	9
Upper Captiva Civic Association	50.00%	74
other	4.70%	7
none of the above	18.90%	28
answered question		148
skipped question		0

Q5. Are you a registered Island Voter?

answer options	Response Percent	Response Count
Yes	27.70%	41
No	72.30%	107
answered question		148
skipped question		0

Q6. Which do you consider to be the correct name for our island?

answer options	Response Percent	Response Count
North Captiva Island	52.70%	78
Upper Captiva Island	33.10%	49
Neither or no preference	14.20%	21
	answered question	148
	skipped question	0

Q7. Of the following items, do you think the availability is too few, too many, or about right?

answer options	Too Few	Too Many	About Right	Response Count
Public Dining	91	0	57	148
Grocery/Retail Stores	98	1	49	148
Public Access to Island	38	18	92	148
Public Restrooms	42	8	98	148
Community Center	47	5	96	148
Library	57	5	86	148
			answered question	148
			skipped question	0

Q8. Please number 1 through 5 the following issues in order of your priority as to which needs the most attention (1 is highest priority)

answer options	Response Percent	Response Count
excessive noise from neighbors	53.50%	77
excessive light from neighbors	55.60%	80
enforcement of golf cart rules (under-age drivers, speeding, theft, etc.)	73.60%	106
trash/ garbage removal	85.40%	123
road maintenance	81.90%	118
height restrictions on structures	68.80%	99
communication (cell phone signal strength, cable TV, high-speed internet service)	63.20%	91
fire protection	66.70%	96
security (sheriff or police)	66.70%	96
adequate water sources	66.00%	95
formalization of transit rights to pass through various island subdivisions	63.20%	91
need for affordable parking facilities for island residents and guests	80.60%	116
need for additional grocery or other retail stores	66.70%	96
need for public docking facilities	68.80%	99
pest control (rodents, insects, pests)	65.30%	94
	answered question	144
	skipped question	4

Q9. Buildings on Upper Captiva should be limited to certain standards to control design and set-backs.

answer options	Response Percent	Response Count
Strongly Agree	51.40%	76
Agree	33.80%	50
Disagree	7.40%	11
Strongly Disagree	7.40%	11
	answered question	148
	skipped question	0

Q10. Buildings on Upper Captiva should be limited to certain standards to control height and size.

answer options	Response Percent	Response Count
Strongly Agree	54.10%	80
Agree	34.50%	51
Disagree	4.10%	6
Strongly Disagree	7.40%	11
	answered question	148
	skipped question	0

Q11. I am concerned about code enforcement.

answer options	Response Percent	Response Count
Strongly Agree	32.40%	48
Agree	46.00%	68
Disagree	16.90%	25
Strongly Disagree	4.70%	7
	answered question	148
	skipped question	0

Q12. I am concerned about a lack of law enforcement on Upper Captiva primarily as it applies to (check all that apply)

answer options	Response Percent	Response Count
Personal Safety	23.70%	35
Property Security	58.10%	86
Crime	34.50%	51
Under-age golf cart driving	43.20%	64
Boating/Fishing	16.90%	25
None	26.40%	39
	answered question	148
	skipped question	0

Q13. Maintenance of the roads should be a county responsibility.

answer options	Response Percent	Response Count
Strongly Agree	35.10%	52
Agree	30.40%	45
Disagree	21.00%	31
Strongly Disagree	13.50%	20
	answered question	148
	skipped question	0



Q14. Maintenance of the canals should be a county responsibility.

answer options	Response Percent	Response Count
Strongly Agree	35.80%	53
Agree	40.50%	60
Disagree	15.50%	23
Strongly Disagree	8.10%	12
	answered question	148
	skipped question	0

Q15. I would be willing to give up private ownership of the roads in order to ensure county funding and maintenance.

answer options	Response Percent	Response Count
Strongly Agree	17.60%	26
Agree	32.40%	48
Disagree	22.30%	33
Strongly Disagree	27.70%	41
	answered question	148
	skipped question	0

Q16. What concerns you most about the island beaches? (rank order; 1 is highest priority)

answer options	Response Percent	Response Count
Accessibility	83.90%	120
Erosion	92.30%	132
Clearing of Trees in sensitive areas	88.10%	126
Disturbance of Coastal beach/Dune areas	93.00%	133
other	27.30%	39
	answered question	143
	skipped question	5

Q17. Which issues below deserve the most funding? (rank order 1 is highest priority)

answer options	Response Percent	Response Count
Law Enforcement (providing additional patrol)	83.30%	120
Road Maintenance	91.70%	132
Garbage and Construction Debris Removal	96.50%	139
Mainland Dockage	81.30%	117
Pine Island Parking	88.90%	128
Environmental Protection	87.50%	126
Library	66.00%	95
Other	18.10%	26
	answered question	144
	skipped question	4



Q18. The amount I pay in taxes is proportionate to the amount of county services I receive.

answer options	Response Percent	Response Count
Strongly Agree	4.70%	7
Agree	2.70%	4
Disagree	17.60%	26
Strongly Disagree	75.00%	111
	answered question	148
	skipped question	0

Q19. Upper Captiva has an adequate hurricane response plan (including provisions for evacuation, return, and storm debris clean up).

answer options	Response Percent	Response Count
Strongly Agree	6.10%	9
Agree	31.80%	47
Disagree	43.20%	64
Strongly Disagree	18.90%	28
	answered question	148
	skipped question	0

Q20. Upper Captiva has an adequate wild fire plan (including provisions for evacuation, return, and clean up).

answer options	Response Percent	Response Count
Strongly Agree	3.40%	5
Agree	41.90%	62
Disagree	47.30%	70
Strongly Disagree	7.40%	11
	answered question	148
	skipped question	0

Q22. Which partnerships do you think are most important to the success of the island?

answer options	Response Percent	Response Count
Lee County Sherriff	47.60%	68
State Department of Forestry	18.20%	26
Lee County	81.80%	117
State Fish and Wildlife Conservation Commission/Marine Patrol	39.90%	57
Florida Department of Environmental Protection (ex., Florida State Parks)	60.80%	87
Other (please specify)	6.30%	9
	answered question	143
	skipped question	5

Q24. Which island access issue needs the most attention? (rank order)

answer options	Response Percent	Response Count
Automobile parking on mainland	97.10%	132
Boat docking on mainland	88.20%	120
Boat docking on island	85.30%	116
Air and airstrip access	75.00%	102
	answered question	136
	skipped question	12

Q25. Environmental protection is a high priority for the island.

answer options	Response Percent	Response Count
Strongly Agree	46.90%	67
Agree	43.40%	62
Disagree	6.30%	9
Strongly Disagree	3.50%	5
	answered question	143
	skipped question	5

Q26. Rank the most critical environmental issues for Upper Captiva (rank order).

answer options	Response Percent	Response Count
Beach pollution/ clean up	94.20%	131
Beach nourishment	87.10%	121
Protection of listed and endangered species (ex., Gopher tortoise)	93.50%	130
Non-native plant removal	92.10%	128
Wildlife preservation	90.70%	126
Coastal and estuary habitat protection	95.00%	132
	answered question	139
	skipped question	9

Q27. I would be willing to support incentives and/ or restrictions that ensure use of native plants for landscaping.

answer options	Response Percent	Response Count
Strongly Agree	32.20%	46
Agree	47.60%	68
Disagree	14.70%	21
Strongly Disagree	5.60%	8
	answered question	143
	skipped question	5

Q28. I would be willing to support incentives and/ or restrictions to ensure the use of solar technology for energy.

answer options	Response Percent	Response Count
Strongly Agree	19.60%	28
Agree	42.00%	60
Disagree	26.60%	38
Strongly Disagree	11.90%	17
	answered question	143
	skipped question	5

Q29. I would be willing to support incentives and/ or restrictions that ensure use of cisterns for water collection.

answer options	Response Percent	Response Count
Strongly Agree	15.40%	22
Agree	44.80%	64
Disagree	26.60%	38
Strongly Disagree	13.30%	19
	answered question	143
	skipped question	5

Q31. There are sufficient green spaces on the island for public use.

answer options	Response Percent	Response Count
Strongly Agree	24.50%	35
Agree	49.00%	70
Disagree	19.60%	28
Strongly Disagree	7.00%	10
	answered question	143
	skipped question	5

Q32. State lands and trails are adequate for public use.

answer options	Response Percent	Response Count
Strongly Agree	16.10%	23
Agree	52.50%	75
Disagree	29.40%	42
Strongly Disagree	2.10%	3
	answered question	143
	skipped question	5

Q33. If I were to create more green space it would be of the following type

answer options	Response Percent	Response Count
Parks	7.80%	11
Beaches	19.70%	28
Trails	31.00%	44
Preservation lots	41.60%	59
	answered question	142
	skipped question	6

Q34. Who do you think should be responsible for enforcing the prohibition on gas-powered vehicles?

answer options	Response Percent	Response Count
County	52.50%	75
Residents	15.40%	22
Construction Managers	11.20%	16
Home Owners	18.20%	26
Others	2.80%	4
	answered question	143
	skipped question	5

Q35. I would be willing to give up ownership over the roads in order to enforce prohibition on gas-powered vehicles.

answer options	Response Percent	Response Count
Strongly Agree	14.70%	21
Agree	32.90%	47
Disagree	30.80%	44
Strongly Disagree	21.70%	31
	answered question	143
	skipped question	5

Q36. I would like to see waste management on the island addressed by

answer options	Making it a county responsibility	Identifying new options for resolution	Addressed by property owner	Other	Response Count
Storm debris	106	22	14	1	143
Household Garbage	79	30	30	4	143
Construction Debris	28	31	70	14	143
Litter & Illegal Dumping	85	37	18	3	143
Hazardous Waste	108	20	11	4	143
				answered question	143
				skipped question	5

Q38. I would like to see a solution to the following water management issues addressed in the

answer options	Next 5 years	5-10 years	10+ years	Never/not a problem	Response Count
Preserving fresh water supply	91	20	9	23	143
Use of septic tanks	62	30	19	32	143
Improve potable water quality	73	29	12	29	143
				answered question	143
				skipped question	5

Q39. Surface water management is a problem on the island.

answer options	Response Percent	Response Count
Strongly Agree	9.80%	14
Agree	31.50%	45
Disagree	51.80%	74
Strongly Disagree	7.00%	10
	answered question	143
	skipped question	5



Q40. I would be willing to pay additional fees to ensure answer options	Yes	No	Response Count
Access to island by boat	48	95	143
Sewage treatment/ waste water management/ fresh water	57	86	143
Additional green spaces/ trails or recreation areas	45	98	143
Increased police presence	42	101	143
Road maintenance	70	73	143



## North Captiva Lee Plan Amendment Survey

### Q1. GOAL XX:

answer options	Response Percent	Response Count
I support this Goal as stated	69.30%	61
I support this Goal with changes	22.70%	20
I do not support this Goal	8.00%	7
Comments		22
answered question		88
skipped question		5

### Q2. OBJECTIVE XX.1 AND XX.1 POLICIES

answer options	Response Percent	Response Count
I support Objective XX.1 and Policies	62.50%	50
I support Objective XX.1 and Policies with revisions	25.00%	20
I do not support Objective XX.1 and Policies	12.50%	10
answered question		80
skipped question		13

### Q3. OBJECTIVE XX.2 AND POLICIES

answer options	Response Percent	Response Count
I support Objective XX.2 and Policies	59.80%	49
I support Objective XX.2 and Policies with revisions	31.70%	26
I do not support Objective XX.2 and Policies	8.50%	7
answered question		82
skipped question		11

### Q4. OBJECTIVE XX.3: AND XX.3 POLICIES

answer options	Response Percent	Response Count
I support Objective XX.3 and Policies	76.30%	61
I support Objective XX.3 and Policies with revisions	17.50%	14
I do not support Objective XX.3 and Policies	6.30%	5
answered question		80
skipped question		13

### Q5. OBJECTIVE XX.4: AND XX.4 POLICIES

answer options	Response Percent	Response Count
I support Objective XX.4 and Policies	86.10%	68
I support Objective XX.4 and Policies with revisions	10.10%	8
I do not support Objective XX.4 and Policies	3.80%	3
answered question		79
skipped question		14

**Q6. OBJECTIVE XX.5 AND XX.5 POLICIES**

answer options

I support Objective XX.5 and Policies

I support Objective XX.5 and Policies with  
revisions

I do not support Objective XX.5 and Policies

Response Percent

66.30%

28.80%

5.00%

answered question

skipped question

Response Count

53

23

4

80

13

**Q7. OBJECTIVE XX.6: AND XX.6 POLICIES**

answer options

I support Objective XX.6 and Policies

I support Objective XX.6 and Policies with  
revisions

I do not support Objective XX.6 and Policies

Response Percent

58.80%

23.80%

17.50%

answered question

skipped question

Response Count

47

19

14

80

13

**Q8. OBJECTIVE XX.7 and XX.7 POLICIES**

answer options

I support Objective XX.7 and Policies

I support Objective XX.7 and Policies with  
revisions

I do not support Objective XX.7 and Policies

Response Percent

73.40%

16.50%

10.10%

answered question

skipped question

Response Count

58

13

8

79

14

**Q9. Revision would state the following:**

answer options

I support the above revision to Policy 1.4.2 as  
aboveI support the above revision to Policy 1.4.2 with  
changes

I do not support the above revision to Policy 1.4.2

Response Percent

58.40%

26.00%

15.60%

Other (please specify)

answered question

skipped question

Response Count

45

20

12

25

77

16

## **Service Letters**



September 25, 2007

Mr. Fredrick Gaske, Director  
Florida Division of Historical Resources  
Florida Department of State Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, FL 32399

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Gaske:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Wednesday September 26, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

Jim Mudd  
Lee County Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner



September 25, 2007

Mr. Terry Kelly  
Emergency Management Coordinator  
Lee County Emergency Management  
2665 Ortiz Ave  
Fort Myers, FL 33905

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Kelly:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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1500 Monroe Street  
Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.



Margaret Banyan, Ph.D  
Community Planner





September 25, 2007

Mr. Wayne Gale, Director  
Lee County Mosquito Control District  
15191 Homestead Road  
Lehigh Acres, FL 33971

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Gale:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner



September 25, 2007

Mr. Derek C.S. Burr, AICP, Long Range Planner  
Lee County School District  
Planning, Growth and School Capacity Department  
3308 Canal Street  
Fort Myers, FL 33916

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Burr:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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1500 Monroe Street  
Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner



September 25, 2007

Mr. Lindsey Sampson, Director  
Lee County Solid Waste Department  
10500 Buckingham Road  
Fort Myers, FL 33905

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Sampson:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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1500 Monroe Street  
Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner





September 25, 2007

Captain Mike Clifton  
Commander of Facilities and Project Development  
Lee County Sheriff's Office  
14750 Six Mile Cypress Parkway  
Fort Myers, FL 33912

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Captain Clifton:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner



September 25, 2007

Mr. Mike Horsting, AICP  
Transit Planner  
Lee County Transit Division  
6035 Landing View Road  
Fort Myers, FL 33907

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Mr. Horsting:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

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1500 Monroe Street  
Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner





September 25, 2007

Chief Richard H. Pepper  
Upper Captiva Fire District  
P.O. Box 322  
Pineland, FL 33945

**Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment**

Dear Chief Pepper:

We are in the process of preparing an application for a Comprehensive Plan Amendment for the Upper Captiva Community. The community has drafted text amendments to the Lee County Comprehensive Plan that creates a plan for the Upper Captiva Community.

The Comprehensive Plan Amendment application requires that we provide letters for the various providers of service to this area establishing the adequacy/provision of existing and proposed support facilities to this site. Johnson Engineering will file this application on Wednesday September 26, 2007 after which Jim Mudd, County Planner, will receive comments. Please provide comments regarding this plan amendment to:

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Lee County Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

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Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D  
Community Planner

# Community Planning Boundary Map

