

Dave, Richard, Rick, Kristie.

April 2008
minutes

135 pm

Aldrian excused

Craven opened intro Jim Mudd

here for review to county staff comments.

→ attend Fran, Marcia, Steven's, Arthur, Gretchen
Joanne Beirne, etc. Rosanne Loesch, John Loesch, Richard Pepper.

LPA May Local Planning Agency

Margaret despite staff comments push LPA + BOCC
explain Jim's role

report transmitted to DCA

strategy to Goal XX eliminate last sentence.
motion passed

concern expressed about fire line but put
back on track.

go to BOCC about fuel build up

MINUTES

A minimum of 10 days notice ^{MUST} given to
UCCA president

got rid of strike through and comments.
change language of XX.1.2 to that
of Captiva 13.1.1

BOCC will transmit to DCA

emphasize attending BOCC

May be on consent agenda

instead of administrative agenda.

Recommend contacting individual Commissioners

XX.2.1. Any costs to island residents must be minimized

leave Boutelles comments in there.

Clearly private roads.

*16 million Fisherman Coop.

discussion on policy xx.2.2

private vs public roads

MSTU for ourselves?

level load of costs and whether county has way
of maintain

Keep possibilities open so word ends of
collaboration "Lee County will collaborate with
NC community in maintaining its pathway."

Keep xx.2.3 as is for dialog

will leave in

xx.2.4 pathway clearance 20x13

wildland urban interface req 12x12 is need.

burden falls on property owner. Statement
adopt "fire and safety standards"

xx.3.3 Lee County will encourage enforcement

xx.3.4 leave in as is

xx.3.5 ask Steve about oil spills

natural resources of Wilson. localize

liability.

xx.4.1 Lee City will support ← change

xx.4.2

see attached

xx 5.2

April 2007

APRIL
MAY MTG
CHANGES
panel, public
Jim

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.~~ *motion passes.*

The last sentence is not necessary and may raise concerns. The Natural Resources Division commented that there is an inaccurate assumption that the county funds these types of activities in other locations.

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 ^{North} within the Upper Captiva community must conduct ^{minimum 10 days UCCA president written notice.} 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. 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. *email, public notice, mail Karen Hutchinson*

? just UCCA

Remove comment

The reference to "at least one duly noticed meeting" is ambiguous. Also, it is not clear what constitutes a "duly noticed" meeting. Would posting a notice of the meeting be adequate notice, or would it have to be advertised in a newspaper? Staff recommends using similar language to that for Estero, Caloosahatchee Shores, and Captiva.

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~~

April Mtg

~~Construction Control Line, within existing and proposed neighborhoods on North Captiva.~~

Need to reword. See Captiva language.

~~*Policy 13.I.II: Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met:*~~

where the hardship cannot be corrected by other means allowed in the ordinances,

where strict compliance of the regulations allows the property owner no reasonable use of the property,

Where 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,

Where the applicant did not cause the need for the variance, and

Where the variance is not contrary to the spirit of the ordinance.

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.

Is this a problem? Is the intent to change our lighting regulations or is there an enforcement issue?

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.~~

What is meant by minimizing costs and what is meant by taxpayer approval? 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.

~~**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.~~

This policy is ambiguous. Who will conduct the feasibility study and maintenance plan? Who will pay for this study and maintenance plan? The development of a feasibility study and maintenance plan raises issues as to the funding source for this endeavor.

~~**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.~~

This policy requires the County to provide enforcement for the ban on internal combustion powered vehicles on the roadways of Upper Captiva. The enforcement effort will require both personnel and financial resources of the County to implement. What are the proposed funding sources? Would County staff or the Sheriff's office enforce this policy? storage of flammables

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

~~*Who will develop these standards?*~~

fire and

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~~

*May be Code
not plan*

~~Captiva community organizations in the planning process and will enforce these policies through implementation in the Land Development Code.~~

This policy is not clear. Are new Land Development Code regulations needed? If so, who will write them?

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 resources on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These communities resources include but are not limited to:

OK

- 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

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.

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.~~

encourage

X

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

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.

Does a plan exist? Are we to write a plan? Who will do this? Who will fund this?

~~**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.~~

Who will write the policies to minimize the negative impacts of use in Safety Harbor? Who will write the rapid response plan? This policy is not clear.

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. We should not make the assumption that Safety Harbor will always be the most important thing to protect.

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.

Lee County will support
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.

See Boca Grande Policy 22.1.6

In order to promote water conservation and better manage this important resource, The Boca Grande community will develop standards for permit requests of new buildings to conduct 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 source, wherever practicable

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.~~

There is no time frame and no funding sources identified.

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.~~

Is this beyond what is already required? If so, who pays? We can provide existing data on wells that have been properly permitted; however, field inspection of an existing well is a fee based service.

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.

health safety welfare .

Significant funding would be required to implement these policies and would require BoCC approval. Solid Waste does not support these policies.

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.

The Solid Waste Division has concerns over this policy.

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.~~

The County does not have identified funding to acquire any beach access.

obtain
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.~~ ^{Support} *in its efforts*

It is unlikely that Lee County will be providing a community facility or library on Upper Captiva Island.

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.

The County does not have any standards for, and does not maintain neighborhood, or "pocket" parks.

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.

Upon request

~~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.~~

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.

~~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.~~

These policies would require significant staff resources and public funding. No programs are established and no funding sources have been identified.

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.

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

will encourage Jo

~~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.~~

Policies placed in the Lee Plan will not affect the Sheriff's operation.

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).

This change to Policy 1.4.2 implies that Upper Captiva is to be provided services that are not available to the other outer islands in Lee County. Is this the intent, or should the County be providing additional services for all of the outer islands? OK