

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 with the aliases of www.uppercaptivacivic.org, and 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 Brilhart
- Island Girl Water Taxi representatives
- Johnson Engineering Water Resources
- Community members and residents
- Visitors to the island

Surveys

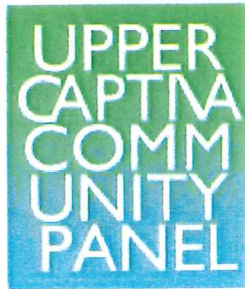
Two surveys were conducted within the community. Each survey was designed to collect unique information from the community. The first was to identify the scope of problems and issues; the second was to identify support (or lack of support) for proposed amendments.

- 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 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 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

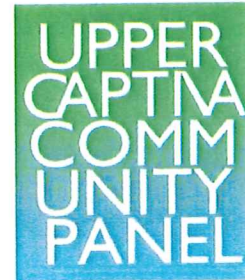




**UpperCaptiva
CivicAssociation**

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

May 2007 Meeting Attendance

5/19/07 SIGN IN SHEET

Richard Garsen
John Lersch
Kristie Anders


JLB

Jane Rugh
Howard Kulen
Hanne Kulen

John Beemsterla pres. SHC.
Russ & Seena McGinnis

BERT TRAPANESE

DAAN GOLTON

Paul Tompkins

Raven Siraglian

KATE DEMARCO

Eck & Ashlynn

Fire Chief Pepper

Joe Popalardo

Rick Fox

Hart Kelly

July 2007 Meeting Attendance

no e-mail
Rosanne & John Loesch
POB 3006
PINELAND, FL. 33945
(own lot 14 SAFETY HARBOR)

SIGN IN Sheet

July 7 2007

Name

Arlynn Sims
Dane Tompkins
Marcelo Andrews
Amanda & Jack Halberstadt
Bill Hater
GARFIELD CLARK
Kristie Anders.
Rick Fox
GARY WALKER
HART KELLEY
MARIAN AND JOHN FULLER
Kalen Brusca
KATE DEMARCO
Richard Coover
Gordon Biggar
Ron Sammons
John & Rosanne Loesch #14
Stetchen Falk (email gutchen-falk@yahoo.com)
Rafaelia Monach
Mark Miller
Nari Bretz

SIGN IN

8-18-07

Community Panel

- 1 Richard Coven
- 2 Cheryl BREDIN
- 3 Betty Pearce
- 4 Sue Ann Connor
- 5 Karen Sirobian
- 6 Peter Adrian
- 7 HANT & JUNE KELLEY
- 8 Rosanne & John Loeckh
- 9 Marcia Andrews
- 10 Chuck Brazik
- 11 AJ LeVallie
- 12 JOHN + MARIAN FULLER
- 13 Ross Sammons
- 14 J McPherson
- 15 Daniel Shryack
- 16 Jane Pugh
- 17 ~~Pat & Lynn + Joann~~
- 18 Richard Peggy Schmidt
- 19 Brigitte + Christian (Kra)
- 20 Robert O Pratt
- 21 Marion Gieseking
- 22 WILLIAM POWELL

September 15 Meeting Attendance

Sign In 9/15/07

GARFIELD CHARK
JM

Jens Ogle
Roberta McKernan
Cora K. Ogle
KATE DEMARCO
Vickie Lewis

Dick Lewis

Cheryl Bredin
Ron Simmons
Richard Schmidt
Richard Craven

Richard Kitz
Robert 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 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 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 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

I support this Goal as stated

I support this Goal with changes

I do not support this Goal

Response Percent

69.30%

22.70%

8.00%

Response Count

61

20

7

Comments

22

answered question

88

skipped question

5

Q2. OBJECTIVE XX.1 AND XX.1 POLICIES

answer options

I support Objective XX.1 and Policies

I support Objective XX.1 and Policies with revisions

I do not support Objective XX.1 and Policies

Response Percent

62.50%

25.00%

12.50%

Response Count

50

20

10

answered question

80

skipped question

13

Q3. OBJECTIVE XX.2 AND POLICIES

answer options

I support Objective XX.2 and Policies

I support Objective XX.2 and Policies with revisions

I do not support Objective XX.2 and Policies

Response Percent

59.80%

31.70%

8.50%

Response Count

49

26

7

answered question

82

skipped question

11

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

answer options

I support Objective XX.3 and Policies

I support Objective XX.3 and Policies with revisions

I do not support Objective XX.3 and Policies

Response Percent

76.30%

17.50%

6.30%

Response Count

61

14

5

answered question

80

skipped question

13

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

answer options

I support Objective XX.4 and Policies

I support Objective XX.4 and Policies with revisions

I do not support Objective XX.4 and Policies

Response Percent

86.10%

10.10%

3.80%

Response Count

68

8

3

answered question

79

skipped question

14

Q6. OBJECTIVE XX.5 AND XX.5 POLICIES

| answer options | Response Percent | Response Count |
|--|-------------------|----------------|
| I support Objective XX.5 and Policies | 66.30% | 53 |
| I support Objective XX.5 and Policies with revisions | 28.80% | 23 |
| I do not support Objective XX.5 and Policies | 5.00% | 4 |
| | answered question | 80 |
| | skipped question | 13 |

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

| answer options | Response Percent | Response Count |
|--|-------------------|----------------|
| I support Objective XX.6 and Policies | 58.80% | 47 |
| I support Objective XX.6 and Policies with revisions | 23.80% | 19 |
| I do not support Objective XX.6 and Policies | 17.50% | 14 |
| | answered question | 80 |
| | skipped question | 13 |

Q8. OBJECTIVE XX.7 and XX.7 POLICIES

| answer options | Response Percent | Response Count |
|--|-------------------|----------------|
| I support Objective XX.7 and Policies | 73.40% | 58 |
| I support Objective XX.7 and Policies with revisions | 16.50% | 13 |
| I do not support Objective XX.7 and Policies | 10.10% | 8 |
| | answered question | 79 |
| | skipped question | 14 |

Q9. Revision would state the following:

| answer options | Response Percent | Response Count |
|---|------------------------|----------------|
| I support the above revision to Policy 1.4.2 as above | 58.40% | 45 |
| I support the above revision to Policy 1.4.2 with changes | 26.00% | 20 |
| I do not support the above revision to Policy 1.4.2 | 15.60% | 12 |
| | Other (please specify) | 25 |
| | answered question | 77 |
| | skipped question | 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.

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

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. 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.

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

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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.

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. 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.

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. 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.

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. S. Ivan Velez, P.E.
Deputy Director
Lee County Utilities
1500 Monroe Street
Fort Myers, FL 33901

Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment

Dear Mr. Velez:

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

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.

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

Deputy Chief Kim Dickerson, EMS Ground Operations Manager
Lee County Emergency Medical Services
Lee County Division of Public Safety
14752 Six Mile Cypress Parkway
Fort Myers, FL 33912

Re: North / Upper Captiva Community Plan Comprehensive Plan Amendment

Dear Deputy Chief Dickerson:

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

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:

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

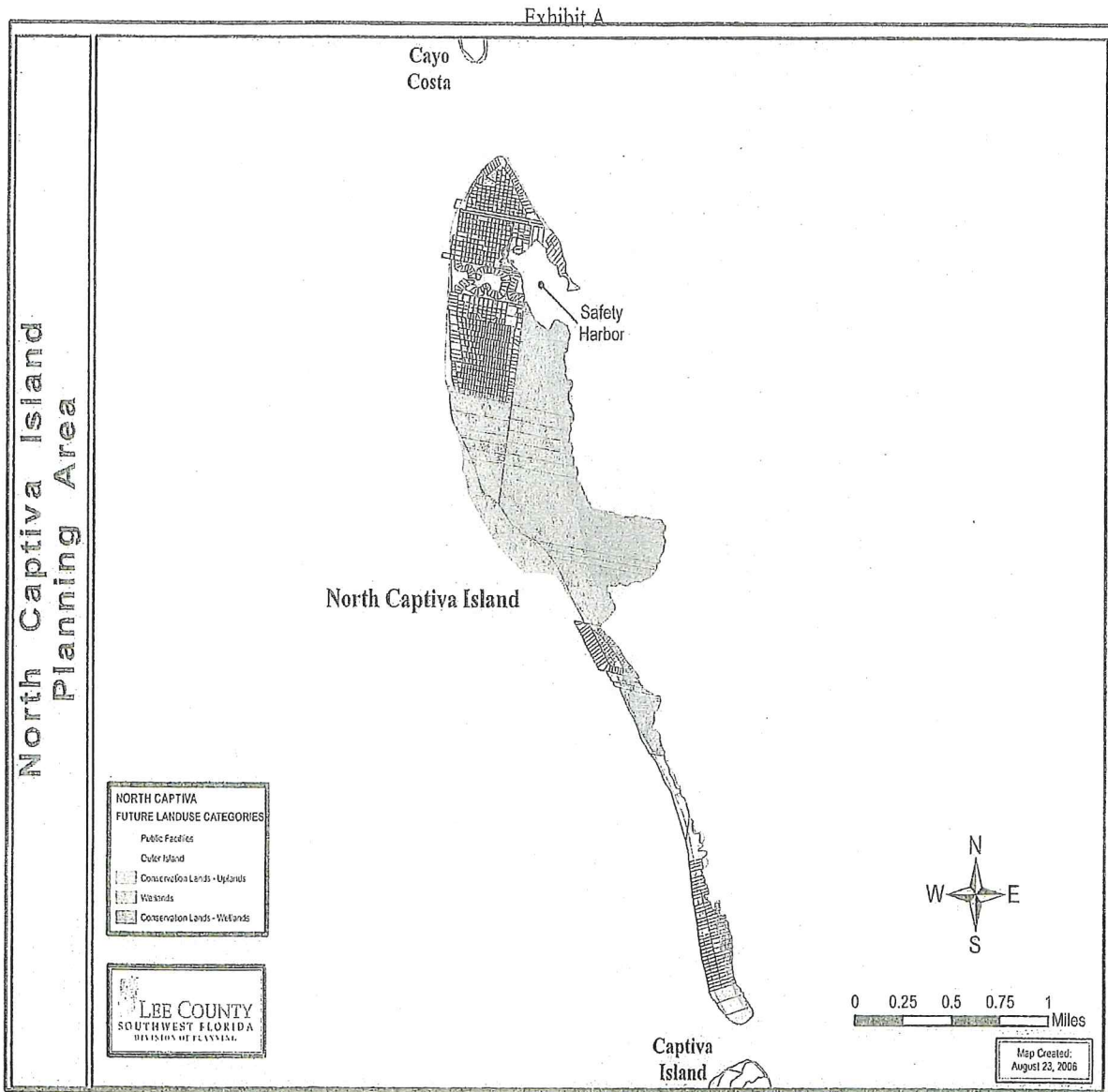
We appreciate your attention to this matter. If you have any questions, or require additional information, please contact Jim Mudd (239) 533-8180 or myself at: (239) 334-0046.

Very truly yours,

JOHNSON ENGINEERING, INC.

Margaret Banyan, Ph.D
Community Planner

Community Planning Boundary Map



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: _____
Deputy Clerk

BY: _____
Ray Judah, Chairman

DATE: _____

Approved as to form by:

Dawn E. Perry-Lehnert
County Attorney's Office

**CPA2007-00050
NORTH CAPTIVA
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
June 23, 2008 Public Hearing**

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

June 18, 2008

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

☒

Text Amendment

☐

Map Amendment

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | This Document Contains the Following Reviews: |
| <input checked="" type="checkbox"/> | Staff Review |
| <input type="checkbox"/> | Local Planning Agency Review and Recommendation |
| <input type="checkbox"/> | Board of County Commissioners Hearing for Transmittal |
| <input type="checkbox"/> | Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report |
| <input type="checkbox"/> | Board of County Commissioners Hearing for Adoption |

STAFF REPORT PREPARATION DATE: June 6, 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, including Objectives and Policies specific to North Captiva. Amend Policy 1.4.2.

The following Goal, Objectives, and Policies were submitted by the North Captiva Community Planning Panel. Staff's recommended language for transmittal is shown with strike-through/double-underline in Part II 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.

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

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

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

- (a) the hardship cannot be corrected by other means allowed in the ordinances;
- (b) strict compliance with the applicable regulations allows the property owner no reasonable use of the property;
- (c) the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property;
- (d) the applicant did not cause the need for the variance, and;
- (e) the variance is not contrary to the spirit of the Land Development Code.

POLICY 25.1.3: Lee County will support the 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 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. Lee County will work with 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 25.2 TRANSPORTATION AND PATHWAYS. Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights.

POLICY 25.2.1: Lee County will collaborate 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.

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 25.4.8: Lee County will work with the North Captiva community to develop and enforce a construction waste policy and procedures for North Captiva island.

OBJECTIVE 25.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE. Lee County will seek to promote, protect, and enhance existing and potential open space, minimal recreational facilities and the quality of life for residents and visitors to North Captiva. These 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 25.5.1: 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 25.5.2: Lee County will support the North Captiva community in its efforts to obtain an accessible community facility feasibility study and funding plan for an accessible community facility and library for the purposes of meeting, recreation, and community education.

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

OBJECTIVE 25.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION. 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, generally to barrier islands, generally to island ingress and egress, or any other changes that affect the island and its environment.

POLICY 25.6.3: 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 25.6.4: Upon request Lee County will collaborate with the North Captiva island community to develop an understanding of natural resources by providing educational programs on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, green building, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva.

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

POLICY 25.7.1: Lee County will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on North / Upper Captiva. The North / Upper Captiva community will work to identify housing and other resources as necessary in support of enforcement activities.

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

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).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

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

POLICY 25.1.3: Lee County will support the efforts of 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 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. ~~Lee County will work with t~~The North Captiva community ~~to develop or maintain regulations on~~ will work to adopt land development regulations applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife.

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

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

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

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

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.

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

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

- the marine habitat, including sea grass beds and fisheries

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

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

POLICY 25.4.1: Lee County will support the North Captiva community in conducting 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 25.4.3: To protect the water aquifer utilized throughout North Captiva island, Lee County will offer to survey water wells and provide advice for remediation for those found to be of substandard construction. The survey will be available to all current and future property owners.

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

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

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

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

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

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

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

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 by \$46,000 of community planning funds provided by the Board of County Commissioners.
- All meetings with the Planning Panel were held on North Captiva island.
- A follow up meeting attended by staff was held on North Captiva island after the plan was submitted to the County to work on refining several of the proposed policies.
- This amendment will add a new Goal, 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 funding to help finance the planning effort.

The North Captiva community plan was submitted to the County in September of 2007. Staff continued to work with the community and the consultant to refine the original submittal. All of the meetings with the North Captiva community were held on the North Captiva island.

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, as revised by staff in strike-through/double-underline reads as follows:

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

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

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

This policy is very similar to policies in the Lee Plan for Estero, Captiva, Caloosahatchee Shores, Palm Beach Boulevard and Boca Grande. Staff has no objection.

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 13.1.1 of the Lee Plan for Captiva. Staff has no objection.

POLICY 25.1.3: Lee County will support the efforts of 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.

It would be the responsibility of the North Captiva community to initiate and complete this work, and staff has no objections.

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

This policy will require additional staff time and resources, but staff has no objection. The County Attorney's Office recommended the above changes.

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

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

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 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 on privately owned lots and are the responsibility of the North Captiva community to maintain.

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.

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.

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.

Staff has no objection to this policy as revised.

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

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

Staff has no objection to this policy.

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

Enforcement of a ban on motorized vehicles would be the responsibility of the Lee County Sheriff's office. Staff does not object to this policy, but does not have the ability to enforce the ban.

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

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. Similar efforts are underway in other areas of the county, such as the eradication of iguanas on Boca Grande. Policy 22.4.12

of the Lee Plan 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".

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

POLICY 25.4.1: Lee County will support the North Captiva community in conducting 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.

This policy is similar to Policy 22.1.6 for Boca Grande relating to conducting a cistern feasibility study. This policy 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.

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

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

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

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

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 with the feasibility study and program development and no funding sources have been identified.

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

This policy requires the County to conduct a study to facilitate the removal of yard and vegetative waste. The policy will require the County to devote personnel and financial resources to accomplish this. The funding source has not been identified for this effort.

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

The intent of this policy is to have the County responsible for the transport of garbage and construction debris off of North Captiva. This policy would require the County to devote personnel and financial resources to accomplish. The funding source has not been identified for this effort.

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

Significant funding would be required to implement policies 25.4.4 through 25.4.7 and would require BoCC approval. Solid Waste does not support those policies. Their comments are attached to this report.

Staff recognizes that Policies 25.4.4 through 25.4.8 are extremely important to the community, but they would require policy decisions by the Board of County Commissioners to adopt and implement.

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

The Public Works Department expressed concerns over this policy as submitted. Staff recommends the above changes.

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 se intent of these~~

efforts will seek is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will be mindful to monitor consider the demands on a the island's limited infrastructure.

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

The Florida Community Trust Grants need to see that a government is willing to cooperate and perhaps match funds for acquisition.

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 other than the Florida Community Trust Grant. Maintenance of scattered open space and recreation areas is also a concern.

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

It would be the responsibility of the North Captiva community to initiate and complete this work, and staff has no objections.

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 does not object to this policy.

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 cooperate with the North Captiva community efforts 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.

This policy is similar to policies in the Lee Plan for Estero, Captiva, Caloosahatchee Shores, Palm Beach Boulevard, and Boca Grande.

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

The level of involvement is unclear, but if that involvement is satisfied by notification staff does not object.

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

County staff will provide notice to the North Captiva community of pending zoning cases or construction projects that the County is considering. Projects that are being considered by the State, or other agencies, are their responsibility.

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.

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

POLICY 25.7.1: Lee County will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on North / Upper Captiva. The North / Upper Captiva community will work to identify housing and other resources as necessary in support of enforcement activities.

The County does not control the operations of the Sheriff's office, but staff does not object to the policy as worded.

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 this policy.

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

Staff has no objection to this change to Policy 1.4.2 as modified.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 23, 2008

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

LES COCHRAN

RONALD INGE

JAQUE RIPPE

CARLETON RYFFEL

RAE ANN WESSEL

LELAND TAYLOR

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

DATE OF ORC REPORT: _____

- June 18, 2008
PAGE 22 OF 23

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

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

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

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

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

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

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take

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

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

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

From: 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
 Mission: To provide help to those needing it, and the means by which to communicate that need.

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

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FX: 239-485-8408
www.lee-county.com

From: Mudd, James P.
Sent: Friday, February 29, 2008 10:02 AM
To: Gibbs, Mary ; O Connor, Paul S.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Cronyn, Edward; Roberts, Rickey G.; Derheimer, Suzanne; Sweigert, Rebecca H.; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; 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
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
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

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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 ; Daltrey, 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.
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 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

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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 teh slash to be consistent with EPPCF terminology

Deleted: other

Deleted: /

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

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

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

Deleted: and cost effective.

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

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

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

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

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

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

OBJECTIVE XX.6: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.
Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities and the quality of life for residents, stakeholders and visitors to North Captiva. These efforts will seek to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time Lee County will be mindful to monitor demands on a limited infrastructure.

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

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

Comment [meb12]: Nothing prohibits cisterns in LDC. There are regulations on anchoring, etc. for this type of construction, but nothing that prohibits cisterns in and of themselves. Panel may want to consider incorporating cistern feasibility with Policy XX.5.1.

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

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

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

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

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

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

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

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

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

Comment [sjb15]: how?

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

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

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

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

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

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

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

Outstanding Issues for Panel Discussion

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

From: Pavese, Michael P.

Sent: Wednesday, March 12, 2008 4:25 PM

To: Mudd, James P.

Cc: Lavender, James H.; Noble, Matthew A.

Subject: Lee Plan Amendment - Upper Captiva

Public Works staff has reviewed the proposed plan amendment referenced above. Staff is unable to support Policies XX.5.1 and XX.5.2 as drafted. If approved, these policies result in financial commitments for which funding has neither been approved by the BoCC nor may be available. Should you have any questions you may contact me.

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

**CPA2007-00050
NORTH CAPTIVA
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
August 25, 2008 Public Hearing

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

August 14, 2008

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

☒

Text Amendment

☐

Map Amendment

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | This Document Contains the Following Reviews: |
| <input checked="" type="checkbox"/> | Staff Review |
| <input type="checkbox"/> | Local Planning Agency Review and Recommendation |
| <input type="checkbox"/> | Board of County Commissioners Hearing for Transmittal |
| <input type="checkbox"/> | Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report |
| <input type="checkbox"/> | 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, including Objectives and Policies specific to North Captiva. Amend Policy 1.4.2.

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.

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 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.

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.

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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

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

LES COCHRAN

RONALD INGE

JAQUE RIPPE

CARLETON RYFFEL

RAE ANN WESSEL

LELAND TAYLOR

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:**

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

C. **VOTE:** _____

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

**CPA2007-00050
NORTH CAPTIVA
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
October 22, 2008 Transmittal Hearing

*Lee County Planning Division
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P.O. Box 398
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October 8, 2008

**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

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| <input checked="" type="checkbox"/> | This Document Contains the Following Reviews: |
| <input checked="" type="checkbox"/> | Staff Review |
| <input checked="" type="checkbox"/> | Local Planning Agency Review and Recommendation |
| <input type="checkbox"/> | Board of County Commissioners Hearing for Transmittal |
| <input type="checkbox"/> | Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report |
| <input type="checkbox"/> | 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 Vision Statement and 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 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.

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 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.

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
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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.

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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.

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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 | <u>AYE</u> |
| LES COCHRAN | <u>AYE</u> |
| RONALD INGE | <u>AYE</u> |
| JAUQUE RIPPE | <u>AYE</u> |
| CARLETON RYFFEL | <u>ABSENT</u> |
| RAE ANN WESSEL | <u>AYE</u> |
| LELAND TAYLOR | <u>AYE</u> |

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

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

DATE OF ORC REPORT: _____

- October 8, 2008
PAGE 25 OF 26

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

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

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

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

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

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

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take

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

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

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

From: 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
 Mission: To provide help to those needing it, and the means by which to communicate that need.

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

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
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
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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deleted: other

Deleted: /

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

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

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

Deleted: and cost effective.

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

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

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

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

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

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

OBJECTIVE XX.6: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.
Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities and the quality of life for residents, stakeholders and visitors to North Captiva. These efforts will seek to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time Lee County will be mindful to monitor demands on a limited infrastructure.

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

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

Comment [meb12]: Nothing prohibits cisterns in LDC. There are regulations on anchoring, etc. for this type of construction, but nothing that prohibits cisterns in and of themselves. Panel may want to consider incorporating cistern feasibility with Policy XX.5.1.

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].

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

Phone: (239) 533-8360

Fax: (239) 485-8307

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

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

October 22, 2008

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

☒

Text Amendment

☐

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 Vision Statement and 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.

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

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 and other emergency 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).

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.

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 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.

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 | <u>AYE</u> |
| LES COCHRAN | <u>AYE</u> |
| RONALD INGE | <u>AYE</u> |
| JAQUE RIPPE | <u>AYE</u> |
| CARLETON RYFFEL | <u>ABSENT</u> |
| RAE ANN WESSEL | <u>AYE</u> |
| LELAND TAYLOR | <u>AYE</u> |

**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:

| | |
|-------------------------|------------|
| A. BRIAN BIGELOW | AYE |
| TAMMARA HALL | AYE |
| ROBERT P. JANES | AYE |
| RAY JUDAH | AYE |
| FRANKLIN B. MANN | AYE |

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

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

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

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

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

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

Good afternoon, I've attached proposed policies for Upper Captiva and Buckingham. Johnson Engineering, the consultant working on those community plans, sent these to me so staff can provide comments prior to final submittal of the community plans in September. This is an opportunity for staff to provide input so that any issues we have can be resolved before the Lee Plan amendment deadline at the end of September. Please take

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

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

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

From: 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
 Mission: To provide help to those needing it, and the means by which to communicate that need.

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

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

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

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deleted: other

Deleted: /

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

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

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

Deleted: and cost effective.

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

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

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

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

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

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

OBJECTIVE XX.6: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.
Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities and the quality of life for residents, stakeholders and visitors to North Captiva. These efforts will seek to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time Lee County will be mindful to monitor demands on a limited infrastructure.

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

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

Comment [meb12]: Nothing prohibits cisterns in LDC. There are regulations on anchoring, etc. for this type of construction, but nothing that prohibits cisterns in and of themselves. Panel may want to consider incorporating cistern feasibility with Policy XX.5.1.

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].

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

Phone: (239) 533-8360

Fax: (239) 485-8307

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
February 25th, 2009 Adoption Hearing**

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

January 16, 2009

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

☒

Text Amendment

☐

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.

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

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 and other emergency 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).

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.

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 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.

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 LIFELee 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, Fthe 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 | <u>AYE</u> |
| LES COCHRAN | <u>AYE</u> |
| RONALD INGE | <u>AYE</u> |
| JAQUE RIPPE | <u>AYE</u> |
| CARLETON RYFFEL | <u>ABSENT</u> |
| RAE ANN WESSEL | <u>AYE</u> |
| LELAND TAYLOR | <u>AYE</u> |

**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:

| | |
|-------------------------|------------|
| A. BRIAN BIGELOW | AYE |
| TAMMARA HALL | AYE |
| ROBERT P. JANES | AYE |
| RAY JUDAH | AYE |
| FRANKLIN B. MANN | AYE |

**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:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL




ROBERT P. JANES

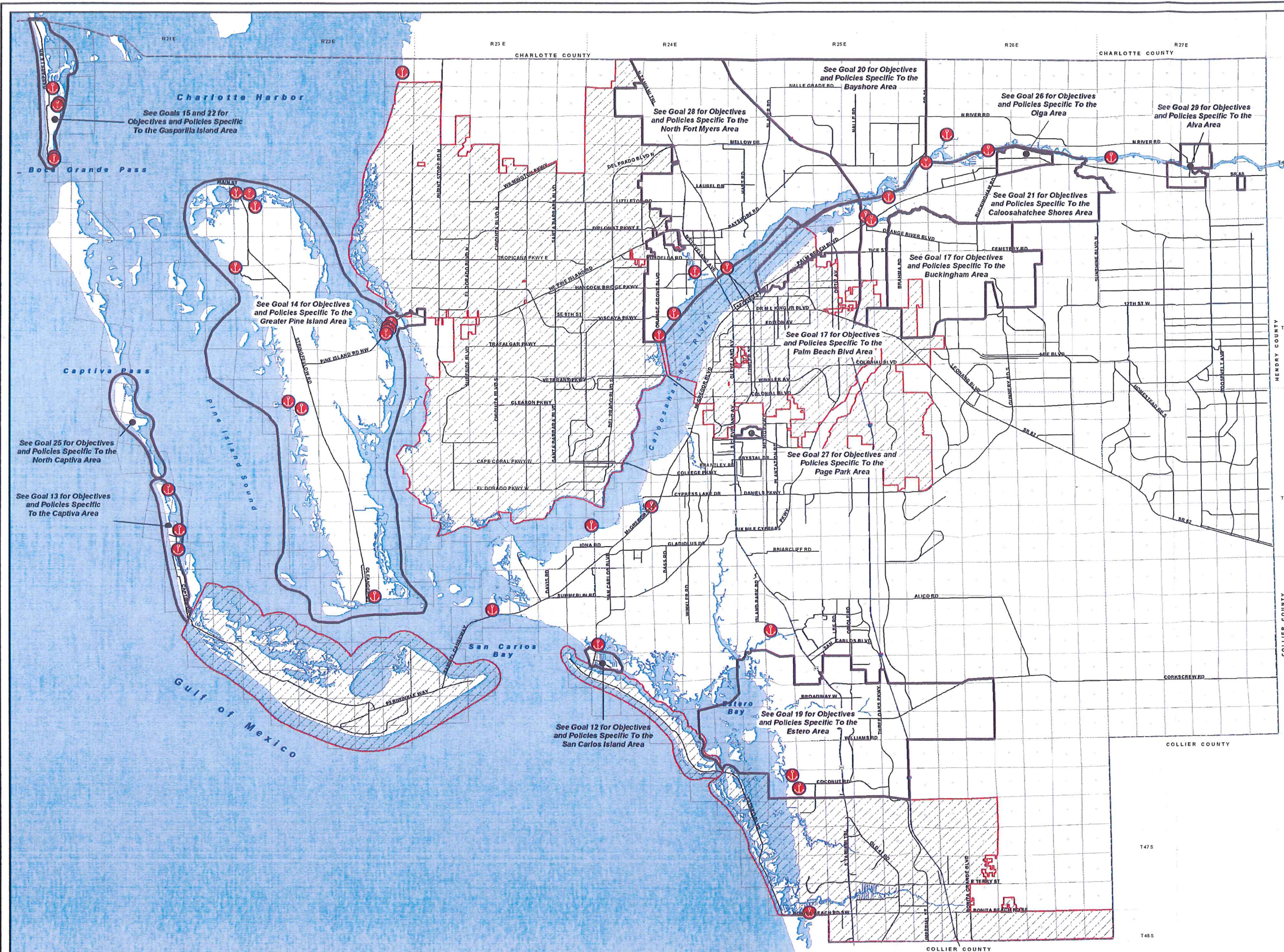
RAY JUDAH

FRANKLIN B. MANN

PROPOSED SPECIAL TREATMENT AREAS MAP

Legend

-  Water Dependent Overlay
-  Community Planning Areas
-  City Limits



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



1 0.5 0 1 2 3 4
Miles

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

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*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**

☒

Text Amendment

☐

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.

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 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, 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's 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 Florida Exotic Pest Plant Council. Incentives, disincentive, 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 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 LIFELee 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 will cooperate to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots.

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 and other emergency 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).

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.

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 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.

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 LIFELee 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 MANAGEMENTPreserve, 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 | <u>AYE</u> |
| LES COCHRAN | <u>AYE</u> |
| RONALD INGE | <u>AYE</u> |
| JAQUE RIPPE | <u>AYE</u> |
| CARLETON RYFFEL | <u>ABSENT</u> |
| RAE ANN WESSEL | <u>AYE</u> |
| LELAND TAYLOR | <u>AYE</u> |

**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:

| | |
|-------------------------|------------|
| A. BRIAN BIGELOW | AYE |
| TAMMARA HALL | AYE |
| ROBERT P. JANES | AYE |
| RAY JUDAH | AYE |
| FRANKLIN B. MANN | AYE |

**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.

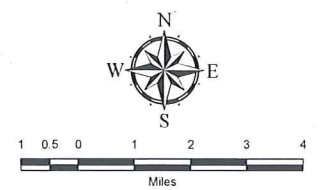
C. VOTE:

| | |
|-------------------------|------------|
| A. BRIAN BIGELOW | AYE |
| TAMMARA HALL | AYE |
| ROBERT P. JANES | AYE |
| RAY JUDAH | AYE |
| FRANKLIN B. MANN | AYE |

PROPOSED SPECIAL TREATMENT AREAS MAP

Legend

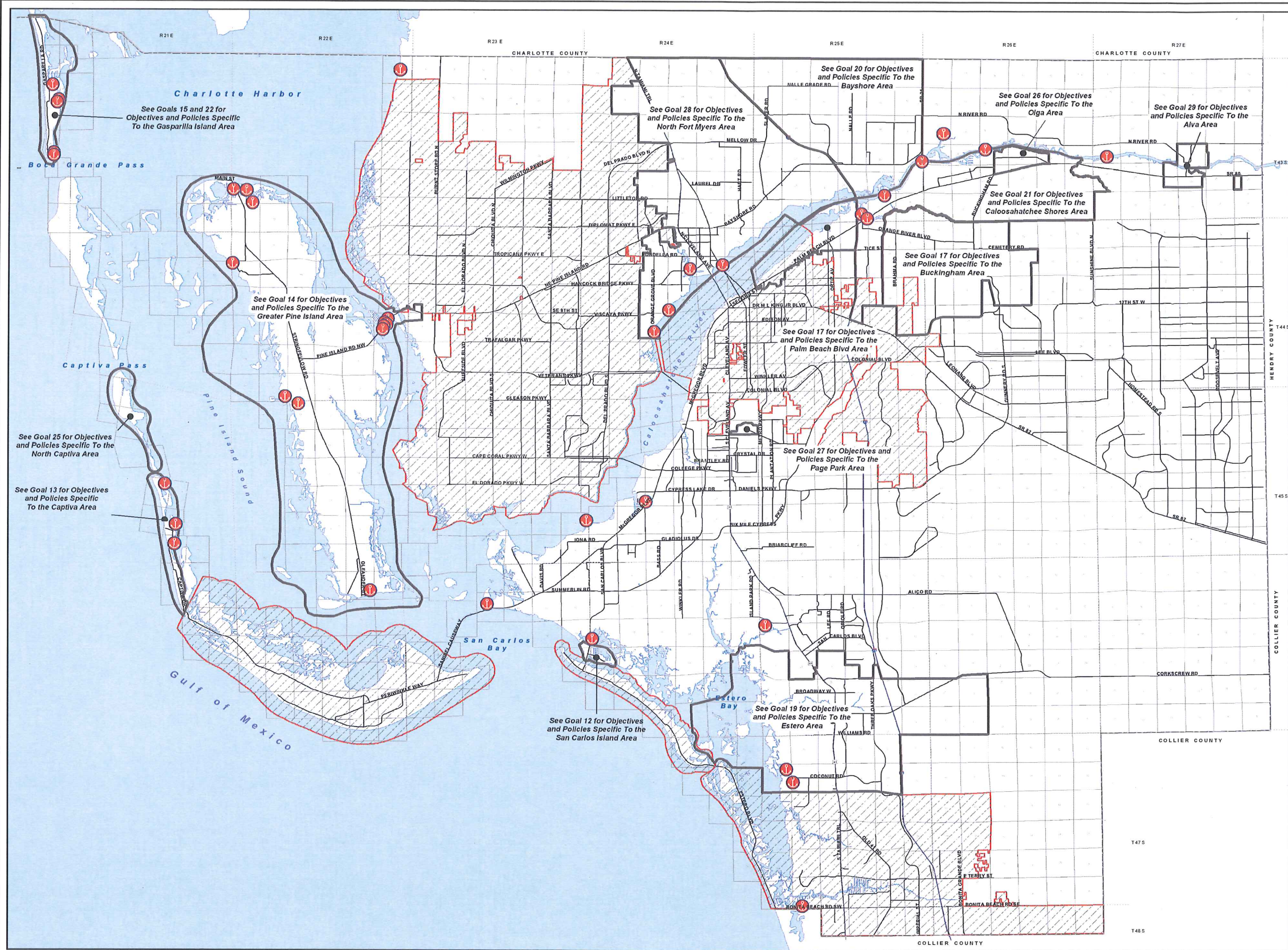
-  Water Dependent Overlay
-  Community Planning Areas
-  City Limits



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**



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