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#### IF YOU GO

## Future of Pine Island plan to be debated

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- What: Lee County commission meeting
- Where: Old courthouse, Main and Monroe streets, downtown Fort Myers
- When: 9:30 a.m. today

The Pine Island community plan — a blueprint for future development on the island — took years to create and years to get approved. But today, Lee County commissioners will debate whether to scrap the whole thing.

At issue is whether lawsuits with huge judgments could be won by some island landowners who claim the Pine Island plan cheats them out of development rights. A report that cost Lee County up to \$100,000 said the county could be liable for up to \$60 million in Bert Harris claims. The Bert Harris Act was passed in 1995 by the Florida Legislature to protect landowners from a government making rules, such as zoning changes, that would devalue a person's property.

The real sticking point for large island landowners, mainly farmers, and county lawyers, who are nervous about claims, is the plan's coastal rural land designation. That land use category makes developers cluster their housing projects on 30 percent of their land and return the balance to the way it used to look before it was farmed. The farmers say that will cost too much, and they're losing land that could be developed.

Many islanders, however, say it's a way of protecting the island from runaway development.

Commissioners could remove the coastal rural land designation, keep the plan the way it is or simply junk the plan at today's administrative hearing. There's no public hearing where evidence could be introduced or speakers could be cross-examined. The public will be allowed to speak for three minutes at the commission's normal public input time, however. That, plus the fact that most islanders are still rebuilding from Hurricane Charley makes the plan's proponents even more upset.

"I'm very disappointed that the county is even considering it," said Chris Trost, an 11-year Pine Island resident. "There's so much damage in Pine Island that people are still overwhelmed. But I'm expecting that a lot of them will be (at the commission meeting)."

County staff is proposing another solution. Instead of repealing the coastal rural designation, Mary Gibbs, Lee County's community development director, said she'd like to see commissioners wait and let the issue go through a comprehensive plan amendment process. That would include public hearings and possible compromises. "Repealing (the coastal rural designation) is a bit extreme especially without public hearings," Gibbs said.

Commissioner Bob Janes said he hopes commissioners will agree to that. "We need to have the public involved," he said.

Bill Spikowski, a local land planner who helped develop the Pine Island plan, called the staff's idea a good one. "It's worth exploring," he said.

Islanders, who spent almost five years having public meetings to fashion the plan, say there is no need for compromise and the county has no liability. Their plan, they claim, is smart growth and landowners can't win claims when a government does something to protect its citizens.

"Governments have the duty to put restrictions on development in the coastal high-hazard zones," said Thomas Reese, a St. Petersburg lawyer who blasted the county report as flawed. "Hurricane Charley taught us that."

Even though the plan has been OK'd by Florida officials and Lee County commissioners after a 15-month process of public hearings and debate, it's been on hold because a group of landowners have challenged the plan in a Florida administrative court. A hearing is set for late November or early December.

Paul O'Connor, the county's director of planning, said in a memo last week that the plan meets all state requirements and should only be changed after an exhaustive process of public hearings.