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Lee weighs Pine Island taxing zone

Proposal will be discussed today

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Pine Island residents could be asked to dig into their own pockets to protect their rural community from development.

Lee County commissioners today will discuss whether to create a special taxing district that would buy up the development rights on farmland from willing landowners in exchange for preserving the land.

It's one of several solutions being proposed to keep intact the 17-mile-long island community plan — a blueprint for future development.

At issue for island landowners has been the plan's coastal rural land designation. That land use category makes developers cluster new housing projects on 30 percent of their land and maintain the balance in a natural state. Large landowners, mainly growers, claim the community plan devalues their land. Many islanders, however, say it is the only way to ensure that the rural flavor of their community will be maintained.

County commissioners are nervous that lawsuits with huge judgments could be won by some island landowners who claim the Pine Island plan cheats them out of development rights.

A recent report said the county could be liable for up to \$60 million in Bert Harris claims because of the Pine Island plan. 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. But commissioners also have been solidly behind the Pine Island community plan that some experts have called a model of smart growth. So they told county staffers in September to work toward a compromise between land owners and the plan's supporters.

Since then, there've been weekly meetings seeking solutions that preserve the plan and protect the farmers' interests.

"The sides are so divergent, I don't think there's going to be consensus," said Mary Gibbs, the county's community development director.

So county staff came up with a laundry list of suggestions, including the special taxing district, all of which require public hearings before they can be implemented.

Under a special taxing district, county officials said the program would allow landowners to voluntarily sell their rights to develop a piece of land to a public agency or other preservation organization while still be allowed to farm the land.

"It's not an idea that's ludicrous," said Bill Spikowski, a Fort Myers planner and chief architect of the Pine Island plan.

Other proposals include the creation of a new program that transfers development rights from property in the coastal rural area and applies them to a commercial or residential project in an area zoned for urban development on and off island as well as changes to the restoration and preservation standards.

County officials are also recommending that a 157-acre piece of property near the northern tip of the island be removed from the coastal rural category altogether. It would be returned to its original zoning, which allows for more intense development.

Rad Hazen, one of the property's owners, said it was a fairness issue.

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"There's the misconception that we're developers," he said. "We really are palm growers but every farmer has one eye on the value of their property for the long run.

"We're all interested in keeping Pine Island as rural as possible, we just don't want to have our options taken away," he said.

Resident Barbara Dubin wasn't ready to comment on the specifics of the proposals, only that she welcomed the upcoming public hearings.

"We want to see how the quality of life out here is preserved, that's the main thing," she said.

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