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Let Islanders have their say about plan

- Lee County commissioners should not leap into changing Pine Island's own community plan, designed to protect its rural character.

Any changes to Pine Island's community plan, hammered out after years of hard work by its citizens, should be the result of formal hearings and careful analysis, with abundant opportunity for public participation.

Changes should not be made hastily by commissioners, who are under political and legal pressure to cave in to development interests eager to change Pine Island into something very different.

Commissioners will be asked Tuesday once again to consider gutting or eliminating an amendment to Pine Island's growth plan that requires large new developments to have homes clustered on 30 percent of the land, with the remainder restored to something like natural conditions.

The amendment, which commissioners approved last year, does cost some landowners money and is under legal challenge. The issues are not simple. But it would be wrong for commissioners to simply emasculate or dump this amendment now based largely on a single controversial study.

A better approach, if a change has to be considered, is through the comprehensive plan amendment process, which will allow a fuller analysis of the county's planning alternatives as well as legal liabilities, and options for tweaking the amendment, if necessary.

Most important, it will allow fuller participation by the public, whose wishes are supposed to be paramount in cases where communities have been allowed to develop their own plans.

SCARE TACTICS

The commissioners' own planning staff has put this option forward as part of an effort to settle the legal disputes.

Bill Spikowski, a Fort Myers land planner and consultant to the Greater Pine Island Civic Association, is opposed to dumping the community plan but has also suggested the plan amendment process as an option.

The commissioners must stand by the integrity of the planning process and their commitment to the people to allow real public participation.

The study of potential legal liability, which critics say represents a development industry point of view, warned that the amendment exposes the county to as much as \$60 million in legal damages.

That's because the Bert Harris Act, a state law, allows landowners to be compensated under certain circumstances when a regulation "inordinately burdens" them.

The Bert Harris Act has become a little like the scary stories parents use to frighten children into behaving properly.

In reality, the impact of the Bert Harris Act won't be clear until it has been extensively litigated and judges decide what it means — and it's already been nine years since its passage.

In the meantime, developers and their sympathizers use its imagined consequences to intimidate officials into weakening growth control or providing them cover if they lack the stomach to fight for smart growth.

If you go

- WHAT: Lee County commission meeting
- WHERE: Old courthouse, Main and Monroe streets, downtown Fort Myers
- WHEN: 9:30 a.m. Tuesday

contact them

- Bob Janes, District 1, 335-2224
 - Doug St. Cerny, District 2, 335-2227
 - Ray Judah, District 3, 335-2223
 - Andrew Coy, District 4, 335-2226
 - John Albion, District 5, 335-2225
- Write them at P.O. Box 398, Ft. Myers, FL 33902-0398, or fax them at: 335-2143 or e-mail them via their Web site www.lee-county.com/meetcommissioner.htm

PEOPLE'S ROLE

The Pine Island plan amendment was a way to allow development to continue with less impact on the rural character of this big island between Cape Coral to the east and the barrier island chain to the west. In fact, the whole community plan was just that, and it grew out of the people's desires.

Many — we suspect most — residents prize the openness of an island where agriculture and fishing are still serious parts of the economy.

The partial moratorium that kicked in recently because of heavy traffic on the single road on and off the island shows how urgent good planning is.

This is not the time for commissioners to surrender without giving the people of Pine Island the full role they deserve in shaping their future.

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