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Pine Island dispute eyed research

Council OKs research on community plan

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Lee County commissioners on Tuesday gave county planners the go-ahead to research ways to resolve a dispute over the Pine Island Community Plan.

At issue for island land owners 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 remaining land in a natural state. Large land owners, mainly growers, claim the community plan devalues their land. Many islanders, however, say it is the only way to maintain the rural flavor of their community.

A handful of landowners had asked commissioners Tuesday to rescind the coastal rural zoning while a compromise was being worked out over the plan, the community's blueprint for future development that residents spent five years writing. Commissioners refused, keeping the plan intact.

Now the planners will formalize their recommendations, which include setting up a special taxing district to help buy development rights to protect large chunks of land from development and creating a program that allows landowners to transfer their development rights to another more urban property either on or off the island. Public meetings will also be scheduled.

"This is just to start the process," Commissioner Ray Judah said. A final hearing could be six months off.

County officials are hoping to protect themselves from lawsuits where huge judgments could be won by 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.

Landowners would support a special taxing district because it would "demonstrate to the rest of the community what the costs will be," said Steve Hartsell, attorney for PalmCo and other farm owners.

As it stands now, "The benefits of open space, increased natural areas are borne by the restrictions on land owners," he said.

Matt Uhle, an attorney representing palm tree farmer Soaring Eagle, urged county officials to move as quickly as possible because landowners will be forced to file Bert Harris claims to protect their interests until a compromise is reached.

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The commission voted to:

- Spend up to \$425,000 to collect construction and demolition debris on North Captiva Island that's been piling up since Hurricane Charley blew through Aug. 13. Islanders are normally responsible for carting their trash off the island.

Following Hurricane Charley, the county agreed to help North Captiva with its horticultural debris by collecting and burning it on the island. Tuesday, county officials extended that to include construction and demolition debris because of the health and safety risks it posed for the barrier island. Solid Waste Director Lindsey Sampson estimated the island has 2,000 to 3,000 cubic yards of debris that needs removed. Removal should start in the next week. The county will cover the costs upfront, then move forward with plans to set up a special taxing district among island homeowners.

- Give county employees another day off at Christmas and New Years. Because the holidays both fall on a Saturday, the county had been scheduled to shut down Friday, Dec. 24, and Friday, Dec. 30. Now, county employees will get Thursday, Dec. 23 and Thursday, Dec. 29 as well.

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