

## Pine Island rules could cost millions

Report estimates lawsuits if 'coastal rural' amendment stands

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Published by [news-press.com](http://news-press.com) on August 11, 2004

Changing the land use rules on Pine Island to keep its rural nature intact could cost the county up to \$60 million in lawsuits, a study says.

The \$60 million estimate comes from a report, released Tuesday, which was done by Fort Myers real estate adviser Woody Hanson. It might make Lee County commissioners take a closer look at proposed amendments to the 1989 plan that governs land use.

Commissioners paid \$100,000 for Hanson's study after several Pine Island property owners asserted that changing the land use rules would hurt the value of their land. A state law allows people to seek relief if government action affects property value.

"Yes, we thought there might be a few dollars involved in the Hanson report," said Commissioner Bob Janes, who represents the barrier islands. "That \$60 million is an eye-catching number. If this is in fact the case, we cannot expose the county to that."

Janes wants to discuss the 200-page report with other commissioners.

"This is not something we want to sit on either," Janes said. "We will be talking about it very soon."

Janes is worried that if commissioners allow an amendment called "coastal rural" in the plan the county could be opening itself up to massive lawsuits. That amendment and others were approved by commissioners in 2003 but never implemented because they were challenged by several property owners.

Farmers argue that the "coastal rural" designation would make it too expensive to develop their acreage. Simply put, the designation requires large-parcel owners to cluster homes on 30 percent of their property while restoring the rest to pristine uplands — removing all exotics and replacing them with 50 to 200 native trees per acre.

"This is only an estimate," said Breese Glennon, who grows palms on the island. "But I figured it's going to cost us for 1 acre about \$33,000 for three years. That is plants, labor and the maintenance. So we are looking at about \$2.8 million in restoration costs for our acreage."

Greater Pine Island Civic Association member Phil Buchanan wants the commissioners to take their time digesting the report.

"This report seems to be made up of input by developers and Realtors who are generally against land plans," Buchanan said.

Matlacha Civic Association president Sue LaBonte agreed.

"I don't think the Hanson report is fair — it sides with developers and so-called farmers. There is a land use plan which is already in place — no one should be able to refute that at all."

In 1989, Pine Island land planners were allowed to come up with their own version of the Lee County Comprehensive Land Plan. A few years ago, with the onslaught of development, the Greater Pine Island Land Use Implementation Committee decided to amend the plan.

Land plan committee member Bill Spikowski, who has worked on amending the plan since 2000, said he was disappointed in the report, but he's not giving up on the amendments.

"If the Hanson report is correct about the costs of reverse-engineering this type of farmland, some changes to the coastal rural rules would be required," Spikowski said. "We will be looking at different ways to accomplish that."

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