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GUEST OPINION

Lee residents not going to just roll over on land use

The majority on the Lee County Commission thought the residents of east Lee County would simply roll over and accept its ridiculous June 3, 2015, decision to ignore the Lee County Comprehensive Plan (the law as it relates to land use planning) and improperly remove the River Hall development from the Rural Land Use Category, thereby allowing a whopping 35 percent increase in housing units beyond what was originally approved. They were wrong. The residents’ attorney appealed that decision.

At an Oct. 12, 2015, hearing, an Administrative Law Judge heard testimony from the residents’ expert in growth management and land use planning, county staff and the majority landowner in River Hall, a Jacksonville-based real estate investment company.

Much to the dismay of the landowner and its Lee County allies, the judge agreed with the residents and determined that the county’s decision did not comply with Florida Statutes and the Comprehensive Plan. She then issued a “recommended” order to that effect, with a detailed analysis of her reasoning.

Unfortunately, the process from this point forward is heavily tilted in favor of the landowner and the county. If the judge had agreed with the landowner and county, the judge’s recommended order would have become final. Therefore, the only recourse for the residents would have been an appeal to the district court. However, because the judge agreed with the residents, her recommended order is just that, a recommendation. It will be reviewed by the governor and his cabinet for the issuance of a final order, either agreeing or disagreeing with the judge. This developer-friendly process came about when Gov. Rick Scott took office and decided that business interests should prevail over the interests of residents. Consequently, it is more difficult for those who appeal developer friendly land use decisions to succeed.

If the judge’s recommended order is overruled by the governor and his cabinet, the residents will have to appeal to the district court. If the governor and cabinet agree with the judge, the county can also appeal, thereby wasting more taxpayer money in order to benefit an out of town investor.

Because the landowner’s president and the governor are more than mere acquaintances, the governor should recuse himself from participating in this decision, in order to avoid the appearance of a conflict of interest. Unfortunately, that is unlikely to happen. We know how Scott will vote, but we don’t know how the rest of the cabinet will vote. Cabinet members have sometimes disagreed with Scott and voted against him. We can only hope they do the same thing here.

Regrettably, most of the news media have ignored this mockery of the system, and simply accept it as business as usual. What they should do is ask why the majority on the Lee County Commission ignored the law for this investor and this development. Only then will we get to the bottom of this farce.

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